ANNUAL SECURITY & FIRE SAFETY REPORT
October 2022

Crime Years: 2019, 2020, 2021

601 S. Martin Luther King Jr. Drive | Winston-Salem, NC 27110 | (336) 750-2900 (Campus Police)
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A Letter from Chancellor Elwood L. Robinson

Dear Campus Community:

Winston-Salem State University is a bold, vibrant, and diverse academic community that fosters the creative thinking, analytical problem solving, and depth of character graduates need to transform themselves and their world. Guided by the motto “Enter to Learn. Depart to Serve,” WSSU develops leaders who advance social justice by serving the world with compassion and commitment.

We realize that this vision cannot come to life unless our campus is safe and secure. As a university, we work diligently to reduce risk and the potential for crime. Safety and security are a shared responsibility, and we need the assistance of the entire university community. We each play a role in making WSSU a secure and supportive environment where students, faculty, staff, and guests feel safe to study, live, work and visit. My goal is to ensure that all members of our campus community feel safe and keep with our core values by behaving respectfully and responsibly.

This annual report contains information about campus safety including, statistics about crimes on or near campus and on-campus fires. Additionally, it addresses our efforts to combat sexual assault, substance abuse and violence.

We hope that you will find this report valuable. Personal safety is the responsibility of everyone, and we need your assistance in helping to foster a safe and secure WSSU. Please review this information carefully as your safety is of the utmost important to us.

Sincerely,

Elwood L. Robinson, Ph. D.
Dear Campus Community:

Winston-Salem State University Police and Public Safety Department is a CALEA Accredited agency within the UNC System. We were established to provide protection and service to the campus community. We are committed to the safety of life, property, and crime prevention. I want to thank you for taking the time to read our annual security report.

This report contains information regarding campus security and personal safety. It includes topics such as crime prevention, campus law enforcement authority, crime reporting policies, disciplinary procedures, and other matters of importance related to security. In addition, important law-enforcement contacts, key campus offices, and local resources are provided in this report. The ASR also includes crime statistics for the last three years that summarize crimes that occurred on campus, on non-campus property controlled by the university, and on public property.

Crime data are compiled from reports submitted by Campus Security Authorities, case files of the Office of Community Standards and Civility, the Office of Title IX, and local law enforcement. We want to ensure students, faculty, staff, and visitors enjoy themselves, can be productive, innovative and flourish.

WSSU Police and Public Safety works in collaboration with other campus partners, including Athletics, the Dean of Students, EEO/AA and Diversity, Emergency Management, Housing and Residence Life, Human Resources, Legal Affairs, Community Standards and Civility, and the Wellness Center. We thank them for their commitment to helping us keep this community safe.

If you live, learn, or work within this community, I would like for you to download the Rave Guardian app to your smartphone. This app gives students, faculty, and staff the power to
connect with our department through text or phone. Rave Guardian allows you to contact police discreetly, stay informed, never travel alone, find resources you need on campus, and, most importantly, empower you to say something when you see something and feel assured that help is on the way.

The Rave Guardian app also has a directory to other resources on campus. The app is free and can be downloaded from Google Play or the App Store.

Community members interested in sharing ideas, concerns, or safety-related scheduling training are encouraged to contact our department. Police and Public Safety joins Chancellor Elwood Robinson in his commitment to foster a secure and supportive environment at WSSU. Feel free to stop by the Patricia Norris Safety Building behind Carolina Hall if you have questions, comments, or concerns.

Sincerely,

Amir A. Henry, Chief of Police/Director of Public Safety.
PREPARATION OF THE ANNUAL SECURITY AND FIRE SAFETY REPORT AND DISCLOSURE OF CRIME STATISTICS

This report is prepared in accordance with the Jeanne Clery Disclosure of Campus Security and Crime Statistics Act (Clery Act) using the information maintained by the Campus Police and information provided by other university offices. Some of these offices include Student Affairs, Housing and Residence Life, and Title IX. This report provides statistics for the previous three years concerning reported crimes and fires that occurred on campus, in certain off-campus buildings or property owned, leased, or controlled by WSSU. The crime statistics reported in the publication are continually collected through the Campus Police Department records, crimes reported to other Campus Security Authorities (CSA’s), and information provided by local law enforcement agencies surrounding the campus. This report also includes institutional policies concerning campus security, such as sexual assault, alcohol and drugs, and fire safety.

In addition, the crime statistics disclosed in the Annual Security and Fire Safety Report, WSSU reports the same statistics to the Department of Education by October 1 of each year.

WSSU distributes a notice of the availability of this Annual and Fire Safety Report by October 1 of each year to every member of the WSSU community. Anyone, including prospective students and employees, may obtain a paper copy of this report by contacting Campus Police at 336-750-2900. Digital copies are available on the Campus Police Webpage.

PUBLICLY AVAILABLE RECORD-KEEPING

Winston-Salem State University ensures that all publicly available recordkeeping, including Clery Act reporting and disclosures, does not contain any personal information.

REPORTING CRIMES AND OTHER EMERGENCIES

If crimes are never reported, little can be done to help other community members from also becoming victims. We encourage the Winston-Salem State University community to promptly report crimes and participate in crime prevention efforts. The university community will be much safer when all community members participate in safety and security initiatives. The Winston-Salem State University Police and Public Safety urge all campus community members to engage in WSSU’s “See Something” campaign by reporting crimes, emergencies, and suspicious behaviors.

Reporting to Campus Police

Winston-Salem State University encourages accurate and prompt reporting of all crimes to the Campus Police Department and local law enforcement agencies. Campus Police have a dispatch center that is available by phone and the Rave Guardian App.

WSSU Campus Police:
Emergency: (336) 750-2911
Crimes and emergencies can be reported in person twenty-four hours a day, seven days a week, at the Campus Police Department, located at the Police and Public Safety building behind Carolina Hall. WSSU encourages accurate and prompt reporting of all crimes when the victim elects to do so or when the victim is unable to make such a report. If you witness a crime in which the victim is unable to report, we encourage you to report the incident immediately.

Though there are many resources available on campus, the Campus Police should be notified of any crime to ensure that WSSU can evaluate any security concerns and inform the community if there is a significant threat to the WSSU community. For more information regarding the efforts Campus Police conduct to educate the community in instances of significant threats, please read the sections titled Timely Warning and Emergency Notifications.

**Emergency Call Boxes**

The university has installed more than 60 emergency call boxes (blue light phones) throughout campus for use when Campus Police assistance is needed. These call boxes are strategically located in prominent places on campus, including parking, areas outside the residence halls and administrative buildings, and other areas commonly used by students, faculty, and staff. The emergency call boxes are monitored 24 hours and provide direct voice communications to the Campus Police Communication Center. By pressing the red button on the phone, users can communicate directly with one of our emergency communications personnel. In addition, the location of the emergency call box is digitally displayed on on-campus police computers so that the Campus Police can be made aware of where the call is coming from.

**Rave Guardian Mobile Application**

WSSU’s Rave Guardian mobile application puts safety right into the hands of students, faculty, staff, and visitors. The app can be downloaded free to an Apple or Android device for on the go and is an easy way to connect with WSSU Campus Police.

Rave Guardian is used on campuses around the country and enables increased safety through a two-way communication channel between the campus community and safety officials. Users can directly access police and 911 emergency services from their devices, share their location with friends, and anonymously submit tips about potential campus safety issues to campus police.

Rave Guardian empowers users to:

- Report tips to WSSU Police & Public Safety
- Rave Guardian uses a two-way texting system
- Sending tips is a discrete and fully anonymous process
- You can include photos, videos, and locations
Tips can include:
• Dangerous situations
• Suspicious activity
• Mental health concerns
• Sexual assault

Receive RamAlert Emergency Communications:

Emergency notifications will come through loud and clear, even if you do not have a cell signal.

Virtual Escort and Timer:

This feature will make sure that you never walk alone.

Emergency Call Button:

You can connect directly with WSSU Campus Police with the touch of a button.

Reporting to Campus Security Authorities (CSA’s)

While the university prefers that community members promptly report all crimes and other emergencies directly to the Campus Police at 336-750-2991 (emergency) or 336-750-2900 (non-emergency), we also recognize that some may prefer to report to other individuals or university offices. The Clery Act recognizes that certain officials and offices as Campus Security Authorities. The act defines these individuals as “officials of an institution who have significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline, athletics, and Title IX office. An official is defined as any person who has the authority and the duty to act or respond to specific issues on behalf of the institution.

While the university has identified several hundred CSA’s, we officially designate the following offices as places where campus community members may report crimes:

<table>
<thead>
<tr>
<th>Official</th>
<th>Campus Address</th>
<th>Phone Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Campus Police Public Safety</td>
<td>Patricia D. Norris Police &amp; Public Safety Building</td>
<td>336-750-2911</td>
</tr>
<tr>
<td>Vice-Chancellor for Student Affairs</td>
<td>Thompson Center, Room 307</td>
<td>336-750-3206</td>
</tr>
<tr>
<td>Office of the Dean of Students</td>
<td>Thompson Center, 303</td>
<td>336-750-3356</td>
</tr>
<tr>
<td>Office of Student Conduct</td>
<td>Thompson Center, 303</td>
<td>336-750-3356</td>
</tr>
<tr>
<td>The Office Housing and Residence Life, including all RA’s, HD’s &amp; AC’s</td>
<td>Thompson Center, 307 (Main Office)</td>
<td>336-750-3400</td>
</tr>
<tr>
<td>Title IX Office</td>
<td>Blair Hall, Suite 115</td>
<td>336-750-8760</td>
</tr>
</tbody>
</table>

*Crimes that are reported to these individuals will be evaluated for making timely warning reports, as well as for the inclusion of the incident in the annual statistic.*
Confidential Reporting

Students who wish to seek support services and wish that the information be kept confidential may do so at the Counseling Center located in A.H. Ray Student Health Building, 1st floor.

According to the Clery Act, pastoral and professional counselors who are appropriately credentialed and hired by WSSU to serve in a counseling role are not considered Campus Security Authorities (CSA). Therefore, all services afforded to students at the WSSU Counseling Center are confidential except in circumstances where mental health providers are allowed by North Carolina state law to disclose information to other entities both within and outside of the campus community. This level of confidentiality is vital to both those receiving counseling services as well as victims of abuse. Circumstances, where confidentiality may be waived include when the client gives permission to do so and when the client poses a threat to themselves or others. In addition, professional and pastoral counselors have the option to report crimes on a voluntary, confidential basis for the inclusion in the annual disclosure of crime statistics when they deem appropriate. This reporting in no way compromises the confidentiality of professional and pastoral counselors under North Carolina state law. WSSU does not have pastoral counselors.

As always, anyone may call the Campus Police at 336-750-2911 to report suspicious activity or share concerns regarding public safety matters. Callers may remain anonymous.

Daily Crime and Fire Log

WSSU Campus Police and Public Safety maintains a combined Daily Crime and Fire Log. This log contains all crime and fire incidents reported to Campus Police. This log can be viewed online at Daily Crime/Fire Log or is available upon request by visiting Campus Police at the Patricia D. Norris Police & Public Safety Building.

About WSSU Police and Public Safety

The Winston-Salem State University Police Department is accredited by CALEA and protects and serves the university community 24 hours a day, 365 days a year. Campus Police are committed to enhancing the quality of life of the campus community, integrating the best practices of public policing, and providing services with the highest standards of professionalism. The Campus Police Department includes a staff of approximately 30 personnel, including the chief's office, administrative services, accreditation, patrol, investigations, telecommunications, and security.

Winston-Salem State University Police Officers are sworn full-time police officers who are state certified by the North Carolina Criminal Justice Training and Standards Commission. They must receive Basic Law Enforcement Training before being declared as police officers. Upon successful completion of Basic Law Enforcement Training, officers are placed on a one-year probationary period. Enforcement powers are derived from the state of North Carolina as each officer receives their commission in accordance with provisions outlined in N.C.G.S. 116-40.5. Sworn officers employed by Campus Police have complete authority to enforce local, state, and federal laws on all property owned or leased by the university and on streets that run through, are adjacent to or border the campus. Winston-Salem State University Campus Police have the same authority as municipal police officers in North Carolina, being authorized to carry firearms and empowered to make arrests. When additional police officers from other agencies are hired
by the Campus Police Department, these officers may exercise arrest authority for special events on any part of the university. The university also employs non-sworn security officers who do not have arrest authority and whose jurisdiction is confined to the university property.

Police Officer training occurs regularly through the department’s training program. Training includes, but is not limited to, mandated in-service training, crime prevention strategies, firearms instruction and requalification, rapid deployment and active shooter, CPR, interview and interrogation, and interpersonal communications. Additionally, campus Police investigate criminal incidents, and at the direction of the Forsyth County District Attorney’s Office shall request the assistance of the Winston-Salem Police Department to investigate crimes such as: sexual assaults, homicides, or other felonious crimes, as deemed necessary. Thus, all crimes that occur on campus or university property shall be reported to Campus Police.

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

The Winston-Salem State University Campus Police maintain a cooperative relationship with the Winston-Salem Police Department (WSPD), the Forsyth County Sheriff’s Office (FCSO) and other surrounding police agencies. This includes intraoperative radio capability, training programs, special events coordination, and joint investigations.

The Winston-Salem State University Campus Police department participates in an Inter-municipal Mutual Aid Agreement that authorizes police officers and supervisors of the participating agencies to request mutual aid for incidents based upon a reasonable belief that such assistance will enhance the public’s and or officer safety and efficiency. The agencies participating in the agreement include the Winston-Salem Police Department and the Kernersville NC Police Department. The agreement also allows for joint training and cooperation on other matters, such as pre-planned large-scale special events amongst the participating agencies.

Monitoring and Recording of Criminal Activity of Non-Campus Locations

WSSU relies on its close working relationships with WSPD and other local law enforcement agencies to receive information about incidents involving WSSU’s students off-campus. Currently, there are no officially recognized student organizations off-campus. Nevertheless, in coordination with local law enforcement agencies, WSSUPD will actively investigate certain crimes occurring on or near campus. If WSSUPD learns of criminal activity involving students or student organizations, it will coordinate with the appropriate external agency and forward information about the situation to the Division of Student Affairs, as necessary. WSSUPD requires all recognized student organizations to abide by federal, state, local laws and university regulations. WSSUPD may become involved in off-campus conduct when a student engages in behavior on or off-campus, which jeopardizes the integrity of the university.

ACCESSIBILITY TO INFORMATION AND NON-DISCRIMINATION-POLICY

Winston-State University is committed to the policy that all persons shall have equal access to programs, facilities, admission, and employment without regard to personal characteristics not related to ability, performance, or qualifications as determined by university policy or state or federal authorities.
Equal Employment Opportunity & Nondiscrimination Policy
University Group Policy 900.16

I. Executive Summary

It is the policy of the State of North Carolina to provide equal opportunity in education and employment to all qualified persons and to prohibit discrimination based on race, color, national origin, creed, religion, sex, sexual orientation, age, veteran status, disability, genetic information or political affiliation, except where religion, sex or age are bona fide job-related employment requirements. Winston-Salem State University prohibits sexual harassment, including sexual violence. The Director of EEO/AA and Diversity Officer has been designated to handle inquiries regarding non-discrimination policies and to serve as the overall campus Title IX Coordinator, EEO/AA, and Diversity Officer. For further information on notice of nondiscrimination, contact the campus Title IX Coordinator, Office of Equal Employment Opportunity/Affirmative Action and Diversity 115 Blair Hall, Winston-Salem State University, Winston-Salem, North Carolina, 27110, 336-750-8759 or visit Office of Civil Rights - Department of Education.

II. Policy Statement

In furtherance of this policy, Winston-Salem State University prohibits retaliatory action of any kind taken by any employee of Winston-Salem State University against any other employee or applicant for employment because that person made a charge, testified, assisted or participated in any manner in a hearing, proceeding or investigation of employment discrimination.

To ensure that equal employment opportunity exists throughout the university, a results-oriented program will be implemented to overcome the effects of past discrimination and to eliminate any artificial barriers to employment opportunities for all qualified individuals that may exist in any of our programs. This program shall ensure greater utilization of all persons by identifying the underutilized groups in the workforce and making special efforts to increase their participation in recruitment, selection, training and development, upward mobility programs, and many other terms, conditions, or privileges of employment.

III. Roles and Responsibilities

Program objectives and timetables shall be established to reduce and eliminate underutilization through the equal employment opportunity plan and program. Responsibility for the development of this plan and program is assigned to the Equal Employment Officer. However, responsibility for the implementation of and compliance progress of this program will be presented to the Chancellor by the Equal Employment Officer.

Any individual with a concern, grievance, or complaint of discrimination, harassment, or retaliation should seek redress through the Office of Equal Employment Opportunity/Affirmative Action & Diversity.

IV. Applicability

This policy applies to all Winston-Salem State University faculty, students, and staff.
V. Compliance

This is in keeping with Title VII of the Civil Rights Act of 1964 as amended, Executive Order 11246, the Rehabilitation Act of 1973, the Civil Rights Restoration Act of 1988, the Americans with Disabilities Act of 1990, NC G.S. 126-16 and 126-17, and other applicable Federal and State laws. Consistent with the policy of the State of North Carolina, WSSU is an equal opportunity employer.

For further information on the notice of nondiscrimination, contact the Title IX Coordinator:

Office of Equal Employment Opportunity/Affirmative Action and Diversity
115 Blair Hall, Winston-Salem State University,
Winston-Salem, NC, 27110
336-750-8759

Or by visiting the website of: The Office of Civil Rights, United States Department of Education

Voluntary Reporting for the Inclusion in Crime Statistics

Victims or witnesses that wish to report crimes on a voluntary, confidential basis for the inclusion in the annual disclosure of crime statistics may contact the Clery Act Compliance Coordinator and request a copy of the Reporting Form. Once the form is completed, it may be submitted to the Clery Act Compliance Coordinator.

Unfounded Reports

Only sworn or commissioned law enforcement personnel can make a formal determination that an incident report was false or baseless when making the crime report “unfounded.” Crime reports can be appropriately determined to be false only if the evidence from a complete and thorough investigation establishes that the crime reported was not completed or attempted in any matter.

CLERY ACT QUALIFYING CRIME DEFINITIONS

These definitions are taken from the FBI Uniform Crime Reporting (UCR) handbook and are required to be used for the classification of crimes that fall within the Clery Act.

<table>
<thead>
<tr>
<th>Crime</th>
<th>Definitions</th>
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<tbody>
<tr>
<td>Aggravated Assault</td>
<td>An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault is accompanied using a weapon or by means likely to produce death or great bodily harm (included attempted Criminal Homicide and if an injury occurred or not).</td>
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<tr>
<td>Arson</td>
<td>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 anther, etc.</td>
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<tr>
<td>Crime Type</td>
<td>Definition</td>
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<tr>
<td>Burglary</td>
<td>The unlawful entry of a structure to commit a felony or theft. (Includes forced and non-forced entry).</td>
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<tr>
<td>Dating Violence</td>
<td>Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party’s statement and with consideration of:</td>
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<tr>
<td></td>
<td>a. The length of the relationship.</td>
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<td></td>
<td>b. The type of relationship.</td>
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<td></td>
<td>c. The frequency of interaction between the persons involved in the relationship.</td>
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<tr>
<td>Domestic Violence</td>
<td>A felony or misdemeanor crime of violence committed by:</td>
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<td></td>
<td>a. A current or former spouse or intimate partner of the victim.</td>
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<td></td>
<td>b. By a person with whom the victim shares a child in common.</td>
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<td>c. By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner.</td>
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<td></td>
<td>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</td>
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<tr>
<td></td>
<td>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.</td>
</tr>
<tr>
<td>Drug/Narcotic Violations</td>
<td>The unlawful possession, distribution, sale, purchase, use, transportation, importation, cultivation, and/or manufacturing of any controlled drug or narcotic substance and the equipment or devices utilized in their preparation and/or use. *Drawn from the State Statutes and County/Local Ordinances.</td>
</tr>
<tr>
<td>Illegal Weapon Violations</td>
<td>The unlawful possession or control of any firearm, deadly weapon, illegal knife, or explosive device while on the property of Winston-Salem State University except as required in the lawful course of business (i.e., sworn law enforcement personnel). *Drawn from the State Statutes and County/Local Ordinances.</td>
</tr>
<tr>
<td>Liquor Law Violations</td>
<td>The unlawful possession, sale, transportation, manufacturing, furnishing alcohol to a miner (under 21 years), or maintaining an unlawful drinking place. The Clery Act does not require reporting of public drunkenness or DUI/DWI offenses. *Drawn from State Statutes and County/Local Ordinances.</td>
</tr>
<tr>
<td>Motor Vehicle Theft</td>
<td>The theft or attempted theft of a motor vehicle. (e.g., cars, trucks, buses, motorcycles, motor scooters, mopeds, all-terrain vehicles, golf carts, etc.).</td>
</tr>
<tr>
<td>Murder</td>
<td>The willful (non-negligent) killing of a human being by another.</td>
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<tr>
<td>Manslaughter by Negligence</td>
<td>The killing of another person through gross negligence.</td>
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<tr>
<td>Robbery</td>
<td>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.</td>
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<tr>
<td>Sexual Assault</td>
<td>Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.</td>
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<tr>
<td>Fondling</td>
<td>The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim,</td>
</tr>
<tr>
<td>Crime</td>
<td>Description</td>
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<td>-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
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<tr>
<td>Incest</td>
<td>Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.</td>
</tr>
<tr>
<td>Rape</td>
<td>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.</td>
</tr>
<tr>
<td>Statutory Rape</td>
<td>Sexual intercourse with a person who is under the statutory age of consent.</td>
</tr>
<tr>
<td>Stalking</td>
<td>Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person’s safety or the safety of others; or suffer substantial emotional distress.</td>
</tr>
<tr>
<td></td>
<td>a. <em>Course of conduct</em> 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.</td>
</tr>
<tr>
<td></td>
<td>b. <em>Reasonable person</em> means a reasonable person under similar circumstances and with similar identities to the victim.</td>
</tr>
<tr>
<td></td>
<td>c. <em>Substantial emotional distress</em> means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.</td>
</tr>
<tr>
<td>Hate Crime</td>
<td>A criminal act involving one or more of the previous crimes and the crimes of:</td>
</tr>
<tr>
<td>Larceny/Theft</td>
<td>The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Included pocket-picking, purse snatching, shoplifting, theft from building, theft from a motor vehicle, theft of motor vehicle parts or accessories, and all other larcenies.</td>
</tr>
<tr>
<td>Simple Assault</td>
<td>Unlawful physical attack by one person upon another where neither the offender displays a weapon nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.</td>
</tr>
<tr>
<td>Destructions of Property/Vandalism</td>
<td>To destroy willfully or maliciously, damage, deface or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.</td>
</tr>
<tr>
<td>Intimidation</td>
<td>To unlawfully place another person in reasonable fear of bodily harm using threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.</td>
</tr>
<tr>
<td>Hate Crime</td>
<td>As well as any other crime involving bodily injury which is shown or suspected to have been motivated by bias against any person or group of persons, or the property of any person or group of people based upon the perception that the person or group has one or more of the following characteristics:</td>
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<tr>
<td></td>
<td>• <em>Ethnicity</em>: A preformed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a common</td>
</tr>
<tr>
<td>Category</td>
<td>Definition</td>
</tr>
<tr>
<td>-------------------</td>
<td>-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Language</td>
<td>Common culture (often including a shared religion) and/or ideology that stresses common ancestry.</td>
</tr>
<tr>
<td>National Origin</td>
<td>A preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth. This bias may be against people that have a name or accent associated with a national origin group, participate in certain customs associated with a national origin group, or because they are married to or associate with people of a specific national origin.</td>
</tr>
<tr>
<td>Race</td>
<td>A performed negative opinion or 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 or African Americans, whites).</td>
</tr>
<tr>
<td>Religion</td>
<td>A performed 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., Catholics, Jews, Protestants, atheists).</td>
</tr>
<tr>
<td>Disability</td>
<td>A performed negative opinion or attitude toward a group of persons based on their physical or mental impairments/challenges, whether such disability is temporary or permanent, congenital, or acquired by heredity, accident, injury, advances age, or illness.</td>
</tr>
<tr>
<td>Gender</td>
<td>A performed negative opinion or attitude toward a group of persons because those persons are male or female.</td>
</tr>
<tr>
<td>Sexual Orientation</td>
<td>A performed 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., gays, lesbians, heterosexuals).</td>
</tr>
<tr>
<td>Gender Identity</td>
<td>A performed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity (e.g., bias against transgender or gender non-conforming individuals).</td>
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</table>

**Clery Geography Definitions**

The Clery Act specifies geographic locations that must be included in annual crime statistics. For purposes of reporting statistics, the university must count criminal offenses according to where they occur. There are four geographic locations for which statistics must be reported. These include:

- **On-Campus**: (1) Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area (generally within one mile of the edge of the core of campus) and used by the institution in direct support of, or in a manner related to, the institution’s educational purposes, including residence halls; and (2) any building or property that is within or reasonably contiguous to the area identified in paragraph (1), that is owned by the institution but controlled by
another person, is frequently used by students and supports institutional purposes (such as a food or retail vendor).

**On-Campus Student Housing Facilities**: 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 is considered an on-campus student housing facility.

*Crime statistics for on-campus student housing/residential facilities must be reported as a subset of the on-campus totals (i.e. they are included in both on-campus and on-campus student residential facility categories).*

**Non-Campus Buildings or Property**: (1) Any building or property owned or controlled by a student organization that is officially recognized by the institution; or (2) any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution’s educational purposes, is frequently used by students and is not within the same reasonably contiguous geographic area of the institution.

**Public Property**: All public property, including thoroughfares, streets, sidewalks, parking facilities, and recreation facilities, that is within the campus, or immediately adjacent to and accessible from the campus. This generally includes, but is not limited to, public streets bordering the campus and the sidewalk on both sides of the street.
## ANNUAL SECURITY REPORT

### ANNUAL DISCLOSURE OF CRIME STATISTICS 2021

**WINSTON-SALEM STATE UNIVERSITY CRIME STATISTICS**

### Criminal Homicide

<table>
<thead>
<tr>
<th>Offense</th>
<th>Year</th>
<th>On Campus</th>
<th>Residence Halls</th>
<th>Non-Campus Building or Property</th>
<th>Public Property</th>
<th>Unfounded</th>
</tr>
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<tbody>
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<td>Murder and Non-negligent Manslaughter</td>
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<td>0</td>
</tr>
<tr>
<td>Murder and Non-negligent Manslaughter</td>
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<td>0</td>
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<td>Murder and Non-negligent Manslaughter</td>
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<td>0</td>
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<td>0</td>
<td>0</td>
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### Sex Offenses

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<tr>
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<th>Year</th>
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<th>Residence Halls</th>
<th>Non-Campus Building or Property</th>
<th>Public Property</th>
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<tbody>
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### Criminal Offenses

<table>
<thead>
<tr>
<th>Offense</th>
<th>Year</th>
<th>On Campus</th>
<th>Residence Halls</th>
<th>Non-Campus Building or Property</th>
<th>Public Property</th>
<th>Unfounded</th>
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<tbody>
<tr>
<td>Robbery</td>
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</tr>
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<td>Offense</td>
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<td>Motor Vehicle Theft</td>
<td>Motor Vehicle Theft</td>
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**Violence Against Women Act (VAWA) Offenses**

<table>
<thead>
<tr>
<th>Offense</th>
<th>Year</th>
<th>On Campus</th>
<th>Residence Halls</th>
<th>Non-Campus Building or Property</th>
<th>Public Property</th>
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<tbody>
<tr>
<td>Dating Violence</td>
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<td>Domestic Violence</td>
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<td>Stalking</td>
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**Hate Crimes**

<table>
<thead>
<tr>
<th>Offense</th>
<th>Year</th>
<th>On Campus</th>
<th>Residence Halls</th>
<th>Non-Campus Building or Property</th>
<th>Public Property</th>
<th>Unfounded</th>
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<td>No Hate Crimes Reported</td>
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**Arrests**

<table>
<thead>
<tr>
<th>Offense</th>
<th>Year</th>
<th>On Campus</th>
<th>Residence Halls</th>
<th>Non-Campus Building or Property</th>
<th>Public Property</th>
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<th>Residence Halls</th>
<th>Non-Campus Building or Property</th>
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<th>Residence Halls</th>
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<tr>
<td>Liquor Law Violations</td>
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Missing Student Notification Procedures
University Group Policy 200.6

Policy Statement

WSSU takes student safety very seriously. As such, this policy is established in compliance with Section 488 of the Higher Education Act of 2008 to assist in locating any WSSU student, who based on facts and circumstances known to WSSU, are determined to be missing for 24 hours. In addition, the following policy and procedures apply to any student living in on-campus housing or alternative housing managed by the university, located off-campus.

Guidelines

Residential Student Information:

At the beginning of each academic year, a residential student will have the option and will be asked to provide emergency contact information for an individual who would be contacted by the Vice Chancellor for Student Affairs no later than 24 hours after the time that the student has been reported to be missing. A student can register this confidential contact information through the Director of Housing and Residence Life Officer. In addition, each student must verify permanent and/or local addresses before registering for classes each semester; this process will occur through the university’s BANNER system. The contact information provided by the student will be recorded confidentially, will only be accessible to authorized campus officials, and will not be disclosed except to law enforcement personnel with the purpose of furthering a missing person investigation.

Notwithstanding, any residential student under 18 years of age must provide the Department of Housing and Residence Life with accurate emergency contact information. This is not optional and failure to do so will preclude the student from registering. The university will cancel the registration of any student under 18 years of age who fails to provide emergency contact information as required by this policy. If such a student is not an emancipated individual, the Vice Chancellor for Student Affairs will only notify the custodial parent or guardian within 24 hours after the student is determined to be missing.

The department of Campus Police and Public Safety will begin its investigation no later than 24 hours after the student is determined to be missing. Additionally, the Department of Campus Police and Public Safety will notify the National Crime Information Center’s (NCIC) Missing Person File and the Division of Criminal Information (DCI).
If the Department of Campus Police and Public Safety determines that a student is missing, the Vice Chancellor for Student Affairs will initiate the emergency contact procedure in accordance with the student’s designation.

Notification Procedures

Anyone that needs to report a missing student who has been missing for 24 hours should report to the Campus Police department (336)-750-2911. Reports may also be made to the following individuals on campus: Vice Chancellor for Student Affairs (336)-750-3206. Office of the Dean of Students (336)-750-3356, or the Office of Housing and Residence Life (336)-750-3400.

Any reports of a missing student by residence life staff are referred immediately to the Department of Campus Police and Public Safety. If a student is determined to be missing, the Vice Chancellor for Student Affairs will contact the individual identified by the student. In addition, if the missing student is under the age of 18 and not emancipated, the institution will notify the custodial parent or guardian and the student’s designated contact person within 24 hours of the determination that the student is missing.

Roles and Responsibilities

Department of Police and Public Safety:

Upon notification of a missing student, the Department of Campus Police and Public Safety will conduct a thorough investigation in the manner it deems fit, including but not limited to conducting a thorough investigation and obtaining all necessary information. Additionally, the Campus Police Department will:

- Secure a description of the person, clothing, whom they may be with or where they may be vehicle description and the physical and mental wellbeing of the individual.
- Conduct a quick and thorough search of the campus buildings and parking lots using the student’s class schedule.
- Check to assess card logs to determine the last time the ID card was used and any surveillance video.
- Request assistance from Resident Assistants or others to assist in a search on campus.
- Issue an ID card photograph to assist in the identification of the missing student.
- Contact the National Crime Information Center (NCIC) after a search has been conducted with negative results.
• The local law enforcement agency, Winston-Salem Police Department, will be notified of the missing student through the NCIC within 25 hours of determining that the student is missing.

Campus Communications

In all cases of a missing student, the university and Media Relations will provide information to the media designed to obtain public assistance in searching for any missing student. The local law enforcement agency will consult with the WSSU Media Relations Office and the Chief of Police or designee. Any media requests to the university will be directed to the WSSU Media Relations.

TIMELY WARNING NOTIFICATION

In an effort to provide timely notice to the campus community in the event of a serious incident that may pose a serious or ongoing threat to members of the campus community, a Timely Warning Notification that withholds the names of victims as confidential and will aid in the prevention of similar crimes will be sent primarily by e-mail to all students and employees. Alerts can also be sent and communicated via WSSU’s test/voice messaging system. Timely Warning Notices are generally written by the WSSU Police and Public Safety investigating officer on duty then approved and distributed by a WSSU Police and Public Safety Lieutenant.

The purpose of a Timely Warning Notification is to notify the WSSU campus community of incidents and provide information and tips that may enable community members to protect themselves from similar events. The university will issue Timely Warning Notifications when the following criteria are met: (1) a Clery Act crime or other serious crimes are committed on Clery Geography, (2) the threat has not been contained, and (3) there is a substantial risk to the safety of members of the campus community or their property. Additionally, Police and Public Safety may issue Timely Warning Notifications when there is a pattern of crimes against persons or property. For incidents involving off-campus crime, the university may release a Timely Warning Notification if the crime occurred in a location used and frequented by the university population.

WSSU strives to protect individual privacy and confidentiality. However, if necessary, WSSU will include personally identifiable information within a Timely Warning Notice to ensure the overall safety of the campus community. WSSU will not disseminate personal identifying information of victims or witnesses. The determination to disclose personal information will be made on a case-by-case basis by a WSSU Police and Public Safety Lieutenant or an individual of higher rank. Only essential information that will aid members of the campus community in protecting themselves from the ongoing threat will be disclosed.

EMERGENCY NOTIFICATIONS-RAMALERTS
WSSU is committed to ensuring the campus community receives immediate, accurate, and helpful information in the event of a significant emergency or dangerous situation on campus or in the local area, which poses an imminent threat to the health and safety of the campus community members. Therefore, WSSU takes four immediate steps to initiate the Emergency Notification:

1. **Confirm the Existence of a Significant Emergency or Dangerous Situation**

The Department of Police and Public Safety and/or other local first responders may become aware of a critical incident or different emergency that potentially affects the campus community's health and/or safety. Generally, Campus Police become aware of these situations when they are reported to the Police Communications Center or upon discovery during a patrol or other assignments. To confirm the existence of a significant emergency, Winston-Salem State University Police Officers will respond to the incident location. WSSU also considers notification of the presence of an actual emergency by another law enforcement agency or local first responders as confirmation.

2. **Determine the Appropriate Segment or Segments of the Campus Community to Receive an Emergency Notification**

University and/or local first responders on the scene of a critical incident or dangerous situation will assist those preparing the Emergency Notification by determining what segment or segments of the university community should receive the notification. Generally, all campus community members will be notified of all situations that require an Emergency Notification. However, if the emergency affects a significant portion of the entire campus, university officials will distribute the notification to the entire campus community.

3. **Determine the Contents of the Emergency Notifications**

The Police Communications Center, the division responsible for issuing the Emergency Notification, will converse with the university and local first responders to determine the contents of the notification. The university has developed a wide range of template messages addressing several different emergencies. The individual authorizing the alert will advise on the template message most appropriate to the ongoing situation and may modify it to discuss the specifics of the present incident. In those cases where there are no pre-determined template messages in the system, the individual authorizing the alert will develop the most concise message to convey the appropriate information to the community. The goal is to ensure individuals are aware of the situation and know the steps to take to safeguard their personal and community safety.

4. **Initiate the Notification**

The university’s authorized representatives will consider the campus community's safety and initiate all or some portions of the university’s Emergency Notification System.
Once Campus Police confirms there is, in fact, a significant emergency or dangerous situation that poses an immediate threat to the health or safety of some or all members of the campus community, WSSU will immediately notify the campus community. In addition, the Police Communications Center will notify the supervising officer on duty in the Department of Police and Public Safety or other appropriate university officials to authorize activations of RamAlert, WSSU’s Emergency Notification System.

Any of the following university officials can authorize activation of RamAlert:

- Senior Public Safety Field Supervisor on Duty
- Chief of Police
- Director of Emergency Management
- Assistant Director of Emergency Management
- Chancellor

Once the appropriate official gives authorization, WSSU will, without delay and taking into account the safety of the campus community, notify the campus community utilizing RamAlert. The RamAlert system includes but is not limited to outdoor sirens, e-mail, text, voice alters, TV monitor screen alerts, and network desktop alerts. RamAlert is an Emergency Notification service available to students, faculty, staff, and community partners. Additionally, RamAlert can be used to send an emergency message within minutes of an incident. WSSU performs a university-wide full system test bi-annually in the months of February and September. In addition to the Emergency Notification that may be issued via RamAlert, the university may also post relevant messages about the dangerous condition on the university homepage and or social media sites to ensure the rest of the campus is aware of the situation and the steps they should take to maintain personal and campus safety.

In the professional judgment of first responders, issuing a notification potentially compromises efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency; the university may elect to delay issuing an Emergency Notification. As soon as the condition that may compromise efforts is no longer present, the university will issue the Emergency Notification to the campus community.

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

WSSU uses a three-tiered notification process in an emergency or disaster:

- Students, Faculty, and Staff
- Family members of those directly affected
- Media and the public

*WSSU’s Public Information Officer Team is responsible for disseminating emergency information to Tiers 2 and 3.*
Enrolling in the University’s Emergency Notification System

We encourage all WSSU students, faculty, and staff to enroll in RamAlert by visiting Banner Rams Online and electing into the RamAlert Text and or Voice Message Service. In addition, we encourage those who are registered to update their information at the same site regularly.

For complete instructions on registering for RamAlert, please refer to Attachment 1 at the end of this publication. Questions regarding the RamAlert Emergency Notification System should be directed to the Office of Emergency Management.

EMERGENCY RESPONSE AND EVACUATION PROCEDURES

Emergency Management at WSSU

The Office of Emergency Management is responsible for the Emergency Operation Plan (EOP). This plan is designed to be a comprehensive all-hazards disaster response and emergency management plan that complies with FEMA guidelines for Higher Education that includes planning, mitigation, response, and recovery actions.

Our priorities are:

- Life, safety, infrastructure integrity and environmental protection during an emergency
- Coordination with university department to write, maintain, test, and exercise the EOP
- Cooperation, integration, and mutual aid with local, state, and federal planning, response, and public safety agencies and their EOP’s

During an emergency, Winston-Salem State University follows the Timely Warning Report and Emergency Notification Procedures detailed above. As always, the university encourages anyone to report crimes, emergencies, or suspicious activities to the WSSU Campus Police Department.

General Campus Emergency Procedures: Shelter in Place/Lockdown

Definition: A process for taking immediate shelter in a location readily accessible to the affected individual by sealing a single area from outside contaminants or dangers.

Introduction: Shelter in Place/Lockdown actions would generally be taken after a chemical accident, active shooter, or terrorist attack. Depending on the exact situation, everyone within a specific distance may be ordered to shelter in place, or people within a closer range may be requested to evacuate while everyone else harbors in place. Sheltering in place is generally only used for a short period of time.

In case of a hazardous material event:

- Select a small interior room with no or few windows
- Close and lock all windows and exterior doors
- Turn off all fans, heating, and air conditioning systems (if trained to do so).
- It is ideal to have a hard-wired telephone in the room you select (cellular telephone equipment may be overwhelmed or damaged during an emergency).
- Use duct tape and plastic sheeting (heavier than food wrap) to seal all cracks around the door and any vents into the room.
- Monitor RamAlerts for further instructions or updates.
- If you are in a car, close windows and turn off vents and air conditioning.

General Campus Emergency Procedures: Fire/Explosion

WSSU’s emergency procedures for fire and explosion are in the Fire Safety portion of this report.

Further information concerning the university’s Office of Emergency Management and emergency response procedures are located on the WSSU Emergency Management Webpage.

Drills, Exercises, and Training

Annually, the university conducts emergency management exercises to test emergency procedures. The scenarios for these exercises change year to year and include several departments from across the campus.

To ensure the university’s emergency management plans remain current and actionable, the university conducts an emergency management exercise yearly. These exercises may include tabletop drills, emergency operation center exercises, or full-scale emergency response exercises. It is important to note that all emergency tests are scheduled in advance though some may be announced or unannounced. In addition, the university conducts after-action reviews of all emergency management exercises. For each test, the after-action reports include a description of the training, the date and time, and summarized evaluated strengths, as well as areas of improvement.

The WSSU Campus Police Department participates in an Inter-Municipal Mutual Aid Agreement that authorizes police officers and supervisors of the participating agencies to request mutual aid for incidents based upon a reasonable belief that such assistance will enhance the public’s and or officer safety and efficiency. The agencies participating in the agreement include the Winston-Salem Police Department and the Kernersville Police Department. The agreement also allows for joint training and cooperation on other matters such as pre-planned large-scaled special events amongst the participating agencies.

In conjunction with at least one emergency management exercise each year, the university will notify the community of the exercise and remind the community of the information included in the university’s publicly available information regarding emergency response procedures.

SECURITY OF AND ACCESS TO UNIVERSITY FACILITIES
Administrative buildings are open from 8:00 a.m. until 5:00 p.m., Monday through Friday, and academic facilities generally are available from 8:00 a.m. until 10:00 p.m. Most buildings have one or more card readers for entry and are programmed to unlock/lock automatically. Other doors are manually locked/opened by security personnel and/or housekeeping staff. Access to individual classrooms and laboratories is limited to those enrolled in the courses meeting there. Likewise, access to most programs is restricted to those enrolled in the program or otherwise authorized access.

Many cultural and athletic events held in university facilities are open to the public. Other facilities such as the bookstore, library, and theater are likewise available to the public. However, only those who have demonstrated a need are issued keys to a building and/or have their ID card programmed to enter a given building through the card swipe and a key policy governs this. The policy strictly controls whom and under what circumstances master keys can be issued and requires executive approval.

Most areas of campus inside and outside buildings are monitored by security cameras that feed to the WSSU police dispatch center. Recordings are maintained for 30 days by default and in the event of incidents can be retrieved and archived for as long as necessary.

As of 2018, all residence halls, academic buildings, and the library operate under a computerized Access Control and Security Monitoring System. While the residence halls are locked at times and require identifications cards for access, the academic and library remain open to the public during operating hours. Should an emergency occur that requires a lockdown of the campus, the computerized Access Control and Security Monitoring System can lockdown the buildings on campus.

**Special Considerations for Residence Hall Access**

All residence halls operate under a computerized Access Control and Security Monitoring System on the Winston-Salem State University campus. Identification cards are coded so that only students in a particular building are authorized electronic access entry to that hall; the system denies entry to all unauthorized persons. Security officers are responsible for checking and securing doors when needed. When a door is malfunctioning, personnel are summoned for immediate repair. Remember to lock your doors and windows. All residence hall and apartment exterior doors are equipped with locks and crash bars to ensure a quick emergency exit. Only residents and their guests are permitted in the living areas of the residence halls. The resident’s responsibility is to ensure that their guest is aware of the university and residence hall policies. Guests are not to be provided with room keys or door access cards. A resident of the building must always escort guests. All exterior doors are locked 24 hours a day. It is the responsibility of residents and staff members to challenge or report individuals who cannot be identified as residents or the guests of residents.

When Campus Police receive a report of an unescorted person in a residence hall, a police officer is dispatched to identify that person. Campus police assign officers 24/7 to patrol the WSSU campus. Most of these officers spend much of their time patrolling in and around the residence
hall complexes. In addition, security officers are assigned to patrol the residence hall areas from 8:00 p.m. until 6:00 a.m. During low-occupancy periods such as holidays and scheduled breaks, students are consolidated into designated buildings and access the university’s electronic access control system. During the summer, when groups who are not regularly associated with WSSU are using the university’s residence halls, exterior doors are locked 24 hours a day. In addition, each guest is issued an identification card that allows them to gain access to their assigned building via the electronic access control system. Residence Halls are staffed 24 hours per day. Campus Police personnel also conduct regular checks of residence hall areas.

Security Considerations for the Maintenance of Campus Facilities

The locks, landscaping, and outdoor lighting are designed for safety and security. Sidewalks are designed to provide well-traveled lighted routes from parking areas to buildings and from building to building. Sidewalks and building entrances are illuminated to provide well-traveled lighted routes as well. Twice annually, Safety Walks are conducted to identify areas that may need additional lighting or vegetation maintenance. Nightly, police submit work orders to repair any lights that are not functioning, and the Maintenance Department considers these a priority to repair.

We encourage community members to promptly report any security concerns, including concerns about locking mechanism, lighting, or landscaping, to Campus Police.

CRIME PREVENTION & SAFETY AWARENESS PROGRAMS

Safety, Security, & Crime Prevention Programs

Essentially the mission of the Campus Police and Public Safety Department is to foster a safe, secure, and service-oriented environment for all members of the WSSU community. An aspect of fostering such an environment is to prepare and equip community members to look out for themselves and one another. To accomplish this, WSSU provides ongoing safety, security, and crime prevention programming for students and employees each year.

The charts below outline some of the programming WSSU Campus Police provides. The chart includes information concerning the type of programming, the frequency, and the targeted audience of the programming.

WSSU Campus Police Programming:

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<th>Description</th>
<th>Frequency</th>
<th>Audience</th>
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<tbody>
<tr>
<td>Ramdition:</td>
<td>Annual</td>
<td>Freshmen Students</td>
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<tr>
<td>The Campus Police Department meets with all incoming freshmen students and provides information concerning:</td>
<td></td>
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<tr>
<td>- Security of the Residence Halls and Residence Rooms</td>
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<td>- Crime Prevention</td>
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<td>- Drug, Alcohol, and Weapon Policies</td>
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- Consent Regarding Alcohol and Sexual Relations

**Police and Public Safety Luau:** This event introduces the Campus Police Department to incoming first-year students and encourages safe behaviors. This event includes:
- Beer Google Simulation Test
- What-If Scenarios concerning By Stander Intervention tips from Police and Public Safety as well as the Campus Counseling Center

<table>
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<tr>
<th>Annual</th>
<th>Freshmen Students</th>
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**Adopt a Hall:** This program coordinates a Campus Police Officer with a specific Residence Hall to promote relationships between the students and Campus Police Officers. In addition, officers organize activities such as Coffee with a Cop.

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<tr>
<th>Annual</th>
<th>Resident Students</th>
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**Trust Talks:** These events create a forum for open communication between students, Campus and Local Law Enforcement personnel. Talks are designed for students to ask officers about situations before they are actually in them to give open and honest feedback. There is an opportunity for officers to ask questions as well. It opens up dialog between students and police to build trust.

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<tr>
<th>Ongoing</th>
<th>Students</th>
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**CRIME PREVENTION TIPS**

Campus Police patrol the areas around residence halls and are readily available to assist on a 24-hour basis. The emergency contact phone number is 336-750-2911. The Campus Police Department provides services to the university in the following areas: parking and traffic control. Emergency transportation for health services, fire prevention, safety, criminal investigation, and all other activities that affect the welfare of individuals on campus and property contained therein. Security within the residential facilities involves the responsible actions of each resident. The residential facilities are equipped with door locks and uniformed public safety officers who patrol to ensure everyone’s safety. For additional information on safety and security, visit the [Police and Public Safety Webpage](#).

**On-Campus Residents**

You are responsible for:

- Keeping your room door locked;
- Never prop open an entry door;
• Inviting only guests that you know personally into the building;
• Escorting your guests at all times;
• Never lending or duplicating your room key or campus identification;
• Reporting missing key(s) immediately; and
• Reporting suspicious persons or unescorted individuals immediately to your Resident Advisor (RA)

For your safety, all buildings have:

• Smoke detectors in every room
• Sprinklers
• Fire extinguishers
• Automated external defibrillators
• Emergency lighting and exit lights

Safety Tips

• NEVER smoke in bed or within a residential facility.
• Locate fire exits and check for possible obstructions
• Locate fire alarms and fire extinguishers
• Keep your room or apartment key(s) in a safe place, such as on a table next to your bed.
• If you leave your room or apartment unit, lock the door, and take the key(s).
• Campus Police’s emergency phone number is 336-750-2911.

Physical Security

• From a security standpoint, remember that your residence hall room is not like your room at home. Instead, think of it as an apartment or a hotel room.
• Always keep your room door locked. When you leave your room, lock your door and take the key even for a few minutes.
• ALWAYS lock your room door if you are going to take a nap.
• NEVER leave your door unlocked when you go to bed at night.
• If your roommate is still asleep when you leave, lock the door behind you.
• Never go alone to the room of another student you do not know well.
• Never prop open an exterior residence hall door.
• When entering the residence hall, never hold the door open for a stranger.
• Keys should not be hidden outside or given to anyone you do not fully trust. For example, never duplicate your residence hall keys for a boyfriend or girlfriend.
• If you or your roommate lose your keys or are unsure who might have a key, the lock needs to be changed. Notify Housing immediately.
• If you notice burned-out hallway lights in a residence hall, report them to Housing immediately.
• If you notice an area of the campus is dark because of burned-out light or the lack of a light fixture, report it to the WSSU Police and Public Safety Department (336) 750-2900 immediately.

• If you notice overgrown landscaping on the campus, report it to the WSSU Police and Public Safety Department (336) 750-2900 immediately.

General Security Habits

• Always check through the peephole or speak through an unopened door rather than open it to an unknown person. Never open the door to anyone you do not know and fully trust. Verify the identity of any service or delivery personnel with their dispatcher before you open the door.

• If someone you do not trust asks to use your phone, do not open the door. Instead, make the call for them.

• Be careful about providing information about where you live, in-person by mail or by phone.

• Plan your fastest escape routes in case you must exit quickly.

• When returning home, make sure you are not being followed. Be alert for anyone waiting for you to unlock your door so they can force their way in.

• Have your keys ready when you get to your door so that you can enter quickly.

• If you have any reason to believe that unauthorized entry was made while you were away from home, go to a safe place immediately and get help. Do not enter your room if it appears that someone else has forced their way in.

• If you find yourself trapped in your house, apartment, or other building, you must yell for help.

• Be cautious of laundry rooms, parking lots, and other isolated areas. Use those areas in the company of other trusted individuals if possible.

• Remember that there is strength in numbers. Travel in groups. Call the WSSU Police & Public Safety Department if an escort if you are traveling across campus alone at night.

Safety While Driving

• Park in well-lit, well-traveled areas.

• Remember where you park. Have your keys ready so you can enter your car quickly.

• Ask for an escort if you do not feel safe. After dark for an escort on campus, use the Safe Ride from 8 p.m. until 3 a.m. or call the WSSU Campus Police and Public Safety Department at (336) 750-2900.

• Always keep your car doors locked and windows rolled up, especially when you are inside.

• Before entering your car, visually check inside, under, and around it to ensure no one is hiding.

• If you find anything wrong with your car, go back inside a building and get help.

• Be wary of anyone standing by or offering assistance; they may have sabotaged it in the first place.

• Always keep your car in good running order with at least a quarter tank of gas.
• If you have a flat tire in an unsafe place, drive on at a reduced speed until you get to a safe place to stop.
• If your car breaks down, remain in the vehicle with the windows up and the doors locked. If someone stops, ask them through the window to call the police.
• Please do not stop to help other motorists but instead call for help for them at your earliest convenience.
• While driving or stopped at intersections, try to leave enough room between yourself and the vehicle in front of you to provide an escape route.
• If someone tries to enter your car and you cannot move, honk the horn and yell. If someone gets in, throw out the keys and get out immediately.
• Carjackers may “bump” you in traffic or at an intersection. Then, when you exit your vehicle to view the damage, an accomplice will jump in your car and drive it away. If another car bumps you, memorize the car's description (and license number if you can), signal the other car to follow you, and drive to the nearest police station or a busy, well-lit area.
• If you get out of your car, take your keys and your wallet or purse with you.
• If you are being followed or harassed, drive to the nearest safe place where there are people.
• Know where you are going, the safest route to take, and what time you should arrive. Have someone monitor your arrival.
• In North Carolina, unmarked police cars must use blue lights and sirens if they stop you after dark.

Safety While Walking

• Do not text or become engrossed in your cell phone and walk at the same time. This can lead to accidents while walking and signal a potential criminal that you are not alert to your surroundings.
• Always be alert to your surroundings. Unfortunately, headphones or earplugs hamper your ability to hear potential attackers.
• Do not walk alone in isolated places any time, day, or night.
• When walking at night, plan your route in advance so you can stay in well-lit areas.
• Walk briskly. Do not give off signs of helplessness, preoccupation, or confusion.
• Keep your body unencumbered so you can flee quickly if necessary.
• Try not to carry big packages and if you must, then be prepared to throw them down immediately if necessary.
• Wear a backpack instead of carrying a large purse.
• If walking to your car, have your keys in your hand so that you can enter your vehicle quickly.
• If you carry a panic alarm or a whistle, keep it in your hand to be immediately available for your use.
• If you think someone is following you, use the nearest emergency callbox or go to a well-lit place where there are other people and call the police 911, (336) 750-2911, or (336) 750-2900.
• Be careful when someone asks you for directions or otherwise tries to get you to stop walking.
• If someone in a car stops to ask directions while you are on foot, keep a safe distance from the vehicle so you can be easily pulled inside.
• Cross with the light at high volume traffic intersections and anticipate what traffic will do. Do not put yourself in the middle of the intersection waiting on a break in traffic or dart out into traffic thinking it is safe to do so.
• If you see anything suspicious or unusual while walking on campus, call the WSSU Public Safety Department at (336) 750-2900.

STUDENT CONDUCT

The Office of Community Standards & Civility seeks and strives to promote ethical conduct through personal responsibility, encouraging civility and integrity, and a sense of community amongst WSSU students. In addition, the Office of Community Standards & Civility strives to promote campus safety and harmony by maintaining an environment consistent with WSSU's educational purposes and operations.

Office of Community Standards & Civility's mission is to educate students on the policies of the University pertaining to conduct and their student rights. By educating students on the integrity and ethical standards of their community, it creates an environment for students to consider, in advance, the consequences of behavioral infractions, to accept responsibility for one's actions in and out of the university, create social justice advocates. In addition, it creates an environment for students to understand that they are more than just a student at WSSU, but a representation of our community.

University Group Policy #301.8

I. Policy Statement

The university community respects certain principles that govern socially and academically acceptable standards of good conduct and behavior. All community members, including students, are expected to conduct themselves in accordance with the regulations of the university and to comply with municipal, state, and federal laws. Violations of campus or University policies, rules, or regulations, or federal, state, or local law may violate the Student Code of Conduct and imposition of student discipline. The Code of Conduct provides the framework for identifying the standards of behavior and minimum due process requirements for addressing or adjudicating violations. The Chancellor has the authority to create or modify disciplinary measures, processes, and penalties of the Code of Conduct in accordance with procedural and substantive due process safeguards applicable to disciplinary actions as required by Section 502D (3) of The Code of The UNC Board of Governors, Policy 700.4.1 of the UNC Policy Manual, and applicable campus policies, as they may be amended from time to time. Where there is a conflict
between The Code of The UNC Board of Governors and this *Code of Conduct*, then The Code of The UNC Board of Governors will control.

**II. Applicability**  
This policy applies to Winston-Salem State University students.

**Student Rights, Responsibilities, & Conduct at WWSU**

- **Academic Rights** – WSSU is a constituent institution of The University of North Carolina that supports the right to academic freedom for every student. In accordance with UNC Policies, the rights of students to engage in the responsible pursuit of knowledge or their right to the fair and impartial evaluation of academic performance shall not be abridged.

- **First Amendment** – WSSU embraces and strives to uphold the freedoms of expression and speech guaranteed by the First Amendment of the U.S. Constitution and the North Carolina Constitution, as they may be amended from time to time. WSSU has the right under appropriate circumstances to regulate the time, place, and manner of exercising these and other constitutionally protected rights. WSSU fully supports the right of a student to assemble peacefully and express him or herself in a manner in which order is maintained. The university has the right under appropriate circumstances to regulate the time, place, and manner of exercising these and other constitutionally protected rights in a manner consistent with applicable laws and policies, as they may be amended from time to time.

- **Freedom to Learn** – The UNC Board of Governors has prescribed that all students shall be responsible for conducting themselves in a manner that helps enhance an environment of learning in which the rights, dignity, worth, and freedom of each member of the academic community is respected.

- **Right of Confidentiality (FERPA)** – WSSU will comply with The Family Educational Rights and Privacy Act (FERPA) as it may be amended from time to time. No information or documentation referring to a student’s academic or personal life may be released to any party outside the university without the expressed written consent of the student. Any request from a current student, former student, or graduate to release information to a third party must be made in writing and include the student’s signature. Students also have the right to inspect and review their official records, except letters of recommendation.

- **Participation in Institutional Governance** – Students are encouraged to participate in activities associated with the university's governance by serving on various committees, councils and task forces charged with making decisions.

- **Student Grievances** Students who believe that their rights under the law or university policy have been violated, an employee, agent or member of the university community should refer to the [WSSU students Grievance and Appeals Procedure](#).
• **Student Conduct** – Students who attend the university are expected to behave in a manner consistent with life at an academic institution. The code is intended to reinforce this expectation and governs the behaviors and disciplinary process for violations.

• **Right to be Heard** – Students who have been charged with violations of the Code are entitled to due process. Students accused of violating standards of conduct will be subject to disciplinary action in accordance with this document.

• **Responsibilities** – All students are responsible for conducting themselves in a manner that helps enhance an environment of learning in which the rights, dignity, worth, and freedom of each member of the academic community are respected. WSSU expects all students and their guests to behave in a manner consistent with campus policies and applicable state and federal laws. Students are expected to observe and adhere to the university’s standards of conduct outlined within the Code in the classroom, on-campus, and off-campus.

The Office of Community Standards & Civility

The Office of Community Standards & Civility is responsible for administering the WSSU Students’ Code of Conduct, articulating the university's behavioral standards and equitable procedures to respond to allegations of student misconduct. The WSSU Students’ Code of Conduct is administered at all University properties, on and off-campus and still applies to off-campus student misconduct when a student’s behavior affects a substantial university interest. Any individual or entity may submit incident reports alleging student misconduct to the Maxient Student Conduct Incident Reporting Form.

Students who violate infractions will be subject to sanctions ranging from Disciplinary Warning up to Suspension or Expulsion from the university. In addition, in instances where there is reasonable cause to believe a student is an immediate threat to the safety of himself/herself or other persons or property or is an immediate threat to disrupt essential campus operations, the Office of Community Standards & Civility will impose an Interim Suspension and/or other actions designed to protect the health and safety of the community and members therein.

Students residing in university housing may also lose the privilege of living on campus, depending upon the type of infraction(s) to the university rules and regulations or conditions of the Housing and Residence Life contact.

In most cases, the Office of Community Standards & Civility will also assign educational and developmental sanctions designed to promote awareness, better behavior, deter future misconduct, and improved decision-making skills. Winston-Salem University is obligated to provide all students with the university regulations, policies, and procedures, governing student conduct. Winston-Salem State University policies and procedures, including the Students’ Code of Conduct, Incident Reporting Form, and Sanction Guide are all published on the Community Standards & Civility Webpage. FERPA FAQs, Parental Notifications under FERPA regulations, how to report an incident, and links to all policy and procedural guidelines related to the conduct process can also be found on the Community Standards & Civility Webpage. Students are
encouraged to familiarize themselves with the website and the WSSU Students’ Code of Conduct.

If you have additional questions, special needs, or wish to request a hard copy of this information, please contact:

Office of Community Standards & Civility
Winston-Salem State University
C.F. Thompson Center, Suite 300
(336) -750-3356

**Parental Notification Policy**

The university follows FERPA guidelines regarding student discipline outcomes information to the parents or legal guardians of students.

Federal legislation authorizes WSSU to disclose disciplinary records concerning violations of the university’s rules and regulations governing the use or possession of alcohol or controlled substances that involves students who are under the age of 21 regardless of whether a student is a dependent.

Other provisions under FERPA include disclosure of information from “law enforcement unit records” to anyone, including parents or federal, state, or local law enforcement authorities, without consent of the eligible student.

The university may also report non-alcohol or drug-related incidents to parents or legal guardians of dependent students. For additional information on the disclosure of information, visit the [FERPA FAQ website](#).

**Disclosure of Disciplinary Proceedings Results**

WSSU will upon written request, disclose to the alleged victim of a crime of violence, or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by WSSU against the student who is the alleged perpetrator of the crime or offense. If the victim is deceased because of the crime or offense, WSSU will treat the next of kin of the alleged victim and will disclose the same information upon written request.

For the purpose of this policy, the term “crime of violence” is defined in Section 16 Title 18, United States Code:

“An offense that has an element the use, attempted use, or threatened use of physical force against the person or property of another, or any other offense that is a felony and that, by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.”
WSSU POLICIES GOVERNING ALCOHOL AND OTHER DRUGS

Drug-Free Schools and Communities Act

In compliance with the Drug-Free Schools and Communities Act, WSSU publishes information regarding the university’s educational programs related to drug and alcohol abuse prevention, sanctions for violations of federal, state, and local laws, and WSSU’s policies. Also included in the description of health risks associated with alcohol and other drug use; a description of available treatment programs for WSSU students and employees; and the potential loss of financial aid. In WSSU’s Annual Security and Fire Safety Reports, all members of the university community are reminded that in addition to being subject to university regulations and sanctions regarding illegal drugs and the abuse of alcohol, they are also subject to state and federal law. Further questions may be directed to the Office of the University Attorney (Legal Affairs) or the Division of Student Affairs. There will be no consumption of alcoholic beverages in a motor vehicle while on university property or streets. There will be no public display of alcoholic beverages. WSSU is a dry campus even if you are of legal drinking age.

Winston-Salem State University Alcohol Policy
University Group Policy #900.14

Executive Summary

Winston-Salem State University is a dry campus. Effective September 1, 1996, the North Carolina Alcoholic Beverage Control laws made it unlawful for any person under 21 years of age to purchase, possess, or consume such beverages, or for anyone to aid or abet such a person in purchasing, to maintain, and to consume any alcoholic beverage.

Policy Statement

The university recognizes the health risks associated with the use of illicit drugs and the abuse of alcohol. As a depressant, alcohol gives a feeling of well-being, causes a loss of coordination, intoxicates, and leaves one with a hangover. Some of the hazards of abuse include:

1. Physical and psychological dependence can develop.
2. Long-term heavy drinking is a factor in liver and heart damage, malnutrition, cancer, and many other illnesses.
3. Driving under the influence can cause accidents because of slowed reflexes, disorientation, etc.

Guidelines

All requests to serve alcoholic beverages on campus or at university-sponsored events must be approved by the Chancellor.
The following rules and regulations are applicable to the Winston-Salem State University community:

1. Under no circumstances may any type of alcoholic beverage be sold by any persons or organizations or corporations on the campus of Winston-Salem State University, excluding previously cited exceptions.

2. It shall be unlawful for any person to consume any malt beverage or wine - fortified or unfortified – in any public place or upon any public street or upon the private business premises of WSSU, or liquor/whiskey in any public place, upon any public or university street or parking area, upon the private business premises of the university, or in or around any residence hall or institutional facility or building without the permission of the Chancellor.

3. It is unlawful for anyone to aid or abet a person under 21 years of age in purchasing, possessing, or consuming alcoholic beverages.

4. University-sponsored off-campus affairs at which alcoholic beverages are served shall be governed by all applicable local, state, and federal laws.

5. Drunkenness coupled with disorderly conduct will not be tolerated. The institution will impose disciplinary sanctions on students and employees (consistent with local, state, and federal laws), up to and including expulsion or termination of employment and referral for prosecution for violations of the standards of conduct. A disciplinary sanction may include the completion of an appropriate rehabilitation program.

**Enforcement of State Underage Drinking Laws**

Winston-Salem State University Police Officers enforce federal and state drinking laws as well as university policy. The following information is derived from the North Carolina General Statutes. Any violations of this law by members of the university community subject the individual to prosecution both by the university disciplinary proceedings and by civil authorities.

**Underage Drinking**

N. C. G. S. § 18B-302

It is illegal for anyone under 21 years of age to attempt to purchase, consume, possess, or knowingly and intentionally transport any spirituous liquor, malt beverages, unfortified wine, mixed beverages, or brewed beverages. It is also illegal to lie about age to obtain alcohol and to carry a false identification card. In addition to the possession and consumption laws, North Carolina also has a no Exceptions policy for the purchase of alcohol by minors and is one of the stricter states for the enforcement of underage drinking and driving laws.

**False Identifications**

N. C. G. S. § 18B-302

It is illegal for anyone to enter or attempt to enter a place where alcoholic beverages are sold or consumed or to obtain or attempt to obtain alcoholic beverages by using or attempting to use any of the following:
1. A fraudulent or altered driver’s license
2. A fraudulent or altered identification document other than a driver’s license
3. A driver’s license issued to another person
4. An identification document other than a driver’s license issued to another person
5. Any other form or means of identification that indicates or symbolizes that the person is not prohibited from purchasing or possessing alcoholic beverages.

A violation constitutes a Class 3 misdemeanor.

Public Intoxication
N. C. G. S. § 14-444

It is illegal to appear in any public place under the influence of alcohol to the degree that you:
1. Block or otherwise interfere with traffic
2. Block or otherwise prevent access to or passage across a sidewalk or entrance to a building
3. Grab, shove, push, or fight with others or challenge others to fight
4. Curse or shout at, or otherwise rudely insult others; or
5. Beg for money or other property

Being intoxicated and disruptive in public also leads to other behaviors and important health concerns. Often time’s public drunkenness contributes to disorderly conduct and criminal mischief on campus. Persons must be responsible for their own actions and know their limits and tolerance levels before consuming alcohol. A violation constitutes a Class 3 misdemeanor and subjects the offender to court costs and fines.

Driving While Impaired (DWI) and Refusing a Chemical Test
N. C. G. S. § 20-138.1

In North Carolina, a person commits the offense of driving while impaired if they drive a vehicle upon any highway, any street, or any public vehicular area within this state:

1. While under the influence of an impairing substance; or
2. After having consumed sufficient alcohol that, at any relevant time after the driving, the individual has an alcohol level of 0.08 or more; or
3. With any amount of a Schedule I controlled substance or its metabolites in their blood or urine.

The punishment for the offense is a misdemeanor to which the structured sentencing laws do not apply. It has five different levels of punishment; the level depends on the presence of, and weight assigned to certain specified aggravation and mitigating factors found by the court.

It is illegal for anyone under 21 years of age to drive a vehicle with a blood alcohol concentration of .01 or higher.
Any person who drives a motor vehicle automatically gives consent to one or more chemical analyses (e.g., breath, blood, or urine). This implied consent means that a person does not have a right to an attorney before testing, except to view the testing procedures. Under the implied consent law, you can refuse any test, but your driver’s license will be revoked for one year and could be revoked for a longer period of time under certain circumstances, and an officer can compel you to be tested under other laws.

Your driving privilege will be revoked immediately for at least 30 days if you refuse any test or the test result is 0.08, 0.04 or more if we're driving a commercial vehicle, or 0.01 or more if you are under the age of 21.

Transporting an Open Container
N. C. G. S. § 20-138.7

In North Carolina, it is illegal to drive a motor vehicle:

1. While there is an alcoholic beverage in the passenger area in other than the unopened manufacturer’s original container; and
2. While the driver is consuming alcohol or while alcohol remains in the driver’s body.

A violation constitutes a Class 3 misdemeanor for the first offence and shall be a Class 2 misdemeanor for a second or subsequent offense.

In North Carolina, it is illegal to possess an alcoholic beverage other than in the unopened manufacturer’s original container, or consume an alcoholic beverage, in the passenger area of a motor vehicle. A violation of this section shall be an infraction and shall not be considered a moving violation.

Winston-Salem State University Illegal Drugs Policy
University Group Policy #800.8

Policy Statement

Winston-Salem State University’s Board of Trustees is committed to the proposition that students, faculty, and staff should be able to engage in the scholarly pursuits of teaching, learning discourse, and research free from illegal drug use and/or abuse. Knowing the dangers of illicit drug use, the Board of Trustees has adopted a policy to safeguard the welfare and integrity of the University community. The University rules and regulations on illegal drugs are designed to promote academic integrity and an appropriate learning atmosphere for students, faculty members, administrators, and all other employees. To accomplish these goals, the possession, use, and/or trafficking of illegal drugs is strictly prohibited at Winston-Salem State University. Students, faculty members, administrators, and other employees of Winston-Salem State University are responsible, as citizens, for knowing about and complying with the provisions of North Carolina law that make it a crime to possess, sell, deliver or manufacture those drugs designated collectively as “controlled substance” (Article 5 of Chapter 90 of the North Carolina General Statute). Any member of the university community who violates this law is subject both
to prosecution and punishment under state criminal law and to disciplinary proceedings by Winston-Salem State University. The University will impose penalties in the event of a violation of state and federal drug laws consistent with due process.

**Guidelines**

**Education, Counseling, and Rehabilitation**

Winston-Salem State University shall maintain a program of education designed to help all members of the University community avoid involvement with illegal drugs. The educational program shall emphasize the incompatibility of the use or distribution of illegal drugs with the goals of the University, the legal consequences of involvement with illegal drugs, the medical and psychological implications of the use of illegal drugs, and the ways in which illegal drugs jeopardize an individual's present accomplishments and future opportunities. Specific elements of the education program are:

1. Publicizing the University's policy in the Student Code of Conduct, the undergraduate and graduate catalogs, the Faculty Handbook, and other publications distributed to students, faculty, administrators, and other employees;

2. Continuing and expanding the drug education program conducted by Student Health Services;

3. Continuing development of courses on drug education;

4. Increasing the awareness and utilization of the State’s Employee Assistance Program (EAP), and local Drug Abuse Prevention Programs;

5. Encouraging academic departments to address substance abuse inappropriate health and physical education courses;

6. Emphasizing the incompatibility of the use or sale of illegal drugs with the goals of the university;

7. Emphasizing the ways in which illegal drugs jeopardize an individual’s present accomplishments and future opportunities;

8. Highlighting the medical implications of the use of illegal drugs; and

9. Stressing the legal consequences of involvement with illegal drugs.

The University shall disseminate information about drug counseling and rehabilitation services that are available to members of the University community. All members of the University community are responsible for assisting in maintaining a drug-free campus. Members of the community are urged to utilize the drug hotline (336-750-2912) and any other means of reporting University Officials regarding drug abuse treatment needs and/or illegal drug use or possession. The identity of an individual who brings forth information regarding illegal drug use and/or possession shall remain confidential unless the law requires disclosure. Likewise, persons who voluntarily avail themselves of such services shall be assured that applicable professional standards of confidentiality will be observed and that such participation will not be the basis for disciplinary action. Specific counseling and rehabilitation efforts include:

**Campus-Based Resources**

1. Drug Prevention/Education Programs

2. Seminars
3. Films
4. Videocassette Presentations
5. Use of the Campus Radio Station
6. Student Newspaper (News-Argus)
7. Development of courses on drug education
8. Evaluation and referral services of the Counseling Center for outpatient and in-patient rehabilitation
9. Consultation and evaluation portions of the Student Health Service's drug education program

Community-Based Resources

1. Step One
2. Alcoholism Residential Care Authority (ARCA)
3. Salem Psychiatric Associates
4. Reynolds Health Center
5. Forsyth-Stokes Mental Health Center
6. Winston-Salem/Forsyth County Coalition on Alcohol and Drug Problems
7. State Employee Assistance Program

Notification of Law Enforcement Personnel

Any drug violation that constitutes a felony shall be reported to local, state, and/or federal law enforcement agencies as appropriate.

Roles and Responsibilities

Implementation and Reporting

1. The Chancellor shall file a copy of the campus policy with the President and notice of any change that may be made in the policy from time to time also shall be filed with the President.
2. The Chancellor shall designate a coordinator of drug education. This person, acting under the authority of the Chancellor, will be responsible for overseeing all actions and programs relating to the campus policy.
3. Annually the Chancellor shall submit to the Board of Trustees a report on-campus activities related to illegal drugs for the preceding year. The report shall include, as a minimum, the following: (1) a listing of the major education activities conducted during the year; (2) a report on any illegal drug-related incidents, including any sanctions imposed; (3) an assessment by the Chancellor of the effectiveness of the campus program; and (4) any proposed changes in the policy on illegal drugs. A copy of the report shall be provided to the President.

Applicability

This policy is applicable to the campus community of Winston-Salem State University.

Compliance
Enforcement and Penalties

1. WSSU shall take all actions necessary, consistent with state and federal law and applicable University policy, to eliminate illegal drugs from the university community. The institutional policy on illegal drugs shall be publicized in catalogs and other materials prepared for all enrolled and prospective students and in materials distributed to faculty members, administrators, and other employees.

2. Students, faculty members, administrators, and other employees are responsible, as citizens, for knowing about and complying with the provisions of North Carolina law that make it a crime to possess, sell, deliver, or manufacture those drugs designated collectively as "controlled substances" in Article 5 of Chapter 90 of the North Carolina General Statutes. Any member of the University community who violates that law is subject to both prosecution and punishment by the civil authorities and to disciplinary proceedings by the University. It is not "double jeopardy" for both the civil authorities and the University to proceed against and punish a person for the same specified conduct. The University will initiate its own disciplinary proceeding against a student, faculty member, administrator, or other employee when on-campus use, possession, or distribution of illegal drugs or improper use, possession, or distribution of prescription drugs is discovered and when the alleged conduct is deemed to affect the interests of the University. Conduct involving illegal drugs beyond campus boundaries may be considered harmful to the University. Disciplinary action may be instituted when such conduct occurs within Forsyth County and has resulted in felony-level charges of possession/trafficking.

3. Penalties will be imposed by the University in accordance with procedural safeguards applicable to disciplinary actions against students, faculty members, administrators, and other employees, as required by Section 502D (3) and Section 603 of The Code, by Board of Governor's policies applicable to other employees exempt from the State Personnel Act, by regulations of the State Personnel Commission, and by Faculty Tenure Regulations and the Student Handbook. The penalties to be imposed by the university may range from written warnings with probationary status to expulsions from enrollment and discharges from employment. However, the following minimum penalties will be imposed for the particular offenses described:

A. Trafficking in Illegal Drugs

i. For the illegal manufacture, sale or delivery, or possession with intent to manufacture, sell or deliver, of any controlled substance identified in Schedule I, N.C.G.S. § 90-89, or Schedule II, N.C.G.S. § 90-90 (including, but not limited to, heroin, mescaline, lysergic acid diethylamide, opium, cocaine, amphetamine, methaqualone), any student shall be expelled, and any faculty member, administrator or another employee shall be discharged.

ii. For a first offense involving the illegal manufacture, sale or delivery, or possession with intent to manufacture, sell or deliver, of any controlled substance identified in Schedules III through VI, N.C.G.S. §§ 90-91 through 90-94, (including, but not limited to, marijuana, pentobarbital, codeine) the minimum penalty shall be suspension from enrollment or from
employment for a period of at least one semester or its equivalent. For a second offense, any student shall be expelled, and any faculty member, administrator, or other employees shall be discharged.

B. Illegal Possession of Drugs

i. For a first offense involving the illegal possession of any controlled substance identified in Schedule I, N.C.G.S. § 90-89, or Schedule II, N.C.G.S. § 90-90, the minimum penalty shall be suspension from enrollment or from employment for a period of at least one semester or its equivalent.

ii. For a first offense involving the illegal possession of any controlled substance identified in Schedules III through VI, N.C.G.S. §§ 90-91 through 90-94, the minimum penalty shall be probation, for a period to be determined on a case-by-case basis. A person on probation must agree to participate in a drug education and counseling program, consent to regular drug testing, and accept such other conditions and restrictions, including a program of community service, as the chancellor or the chancellor's designee deems appropriate. Refusal or failure to abide by the terms of probation shall result in suspension from enrollment or from employment for any unexpired balance of the prescribed period of probation.

iii. For a second or other subsequent offenses involving the illegal possession of controlled substances, progressively more severe penalties shall be imposed, including expulsion of students and discharge of faculty members, administrators, or other employees.

Suspension Pending Final Disposition

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

Enforcement of Federal and State Drug Laws

Winston-State University Police Officers enforce federal and state drinking laws as well as university policies. Any violations of this law by members of the university community subject the individual to prosecution both by university disciplinary proceedings and by civil authorities. The university cannot attempt to shield students or employees from criminal prosecution by handling the matter through the university disciplinary process.

Controlled Substance Offenses
N. C. G. S. § 90-95

It is illegal for any person to:
1. Manufacture, sell or deliver, or possess with intent to manufacture, sell, or deliver, a controlled substance.
2. To create, sell or deliver, or possess with intent to sell or deliver, a counterfeit controlled substance.
3. To possess a controlled substance.

**Possession of Small Amount of Marijuana**

It is illegal for a person to unknowingly or intentionally possess a small amount of marijuana (Hashish), a Schedule I substance, and it is not authorized by law to possess such substance, and is outlined under the Controlled Substances, Drugs, Device and Cosmetic Act of 1972. Persons engaged in such activity will most likely face criminal charges and be charged with a violation of university policy and will be subject to university disciplinary proceedings.

**Synthetic Marijuana**

Effective March 1, 2011, the U.S. Drug Enforcement Agency classified synthetic marijuana as an illegal substance. This drug may also be known as Spice, K2, Demon, Wicked, Black Magic, Voodoo Spice, and Ninja Aroma. Individuals found responsible for manufacturing, possessing, importing/exporting, or distributing these substances will face criminal and civil penalties. University members engaging in these activities will also be held responsible under university policy and will be subject to university disciplinary proceedings.

**Possession of Drug Paraphernalia Offenses**

N. C. G. S. § 90-113.22

A person is unlawful when he/she possesses, with the intent to use, drug paraphernalia that is used for packaging, manufacturing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of the Controlled Substances, Drugs, Device, and Cosmetic Act of 1972.

It is unlawful for any person to knowingly use, or to possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, package, repackage, store, contain, or conceal a controlled substance which it would be unlawful to possess, or to inject, ingest, inhale, or otherwise introduce into the body a controlled substance which it would be unlawful to possess.

Violation of this section is a Class 1 misdemeanor.

**Risks Associated with Drug and Alcohol Abuse**

As an educational institution, WSSU aims to educate its community members about prevention and the risks of unlawful use of illicit drugs and alcohol, and to encourage appropriate, responsible behavior. The health risks associated with the abuse of alcohol and the use of illicit drugs are numerous. The table below outlines the risks associated with different substances.
<table>
<thead>
<tr>
<th>Substance</th>
<th>Associated Risks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alcohol</td>
<td>Slow heart, sluggish nervous system, depressed brain function. Large amounts can make you stop breathing. Prolonged use causes liver damage.</td>
</tr>
<tr>
<td>Marijuana</td>
<td>Decreased ability to concentrate and learn. Short-term memory loss. Throat and lung cancer.</td>
</tr>
<tr>
<td>Synthetic Marijuana</td>
<td>Rapid heartbeat, vomiting, agitation, profuse sweating, confusion, hallucinations, raised blood pressure, cause reduced blood supply to the heart, in some cases it has been associated with heart attacks.</td>
</tr>
<tr>
<td>Amphetamines</td>
<td>Malnutrition, acute psychosis, nervousness, hyperactivity, sleeplessness, high blood pressure.</td>
</tr>
<tr>
<td>Cocaine</td>
<td>Seizures, heart fibrillation, and even death with a single use. Weight loss, sexual impotence, insomnia, irritability, paranoia, and hallucinations.</td>
</tr>
<tr>
<td>Steroids</td>
<td>Insomnia, aggressive behavior, impotence, and sterility. Prolonged use dames the liver, kidneys, and heart and may cause cancer.</td>
</tr>
<tr>
<td>Additional Information:</td>
<td>Alcohol and other drug use during pregnancy increases risk of physical harms to fetus. Risks of harm may occur from the use of prescription drugs in ways other than prescribed. Drugs taken by injection can increase the risk of infection (e.g., HIV, hepatitis, etc.) through needle contamination.</td>
</tr>
</tbody>
</table>
Drug and Alcohol Abuse Education Programs

Winston-Salem State University is in the process of establishing and maintaining a comprehensive program designed to help all members of the university community understand and avoid drug and alcohol abuse.

This program communicates annually to campus community members, including all students and employees; WSSU’s standard of conduct prohibits the unlawful possession, use or distribution of illicit drugs and alcohol on campus or as a part of any of the university activities. In concert with the standards of conduct, the university disseminates to the campus community a description of the sanctions that the university may impose on an individual found in violations of university policy. In addition, students and employees are made aware of the description of the applicable legal sanctions under local, state, or federal law for the unlawful possession or distribution of illicit drugs and alcohol. Campus community members are informed of the health risks associated with the use of illegal drugs and the abuse of alcohol. In order to monitor and enhance the progress WSSU is making to educate the campus community about drug and alcohol abuse, WSSU will begin conducting a biennial review of the Drug and Alcohol Abuse Education Program. Based on each review, WSSU will make changes to the program necessary.

Resources for Students

In summer 2013, WSSU implemented AlcoholEdu for College for all new incoming first-time freshman students. Each year incoming freshmen are required to complete the AlcoholEdu online course. WSSU also utilizes AlcoholEdu as a resource for other student interest groups that have been through the disciplinary process or referred to the Wellness Center.

Other programs and resources are offered to the student community:

<table>
<thead>
<tr>
<th>Program/Resource</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Counseling Center</td>
<td>Pre-Spring Break Substance Misuse Event</td>
</tr>
<tr>
<td>Assessments</td>
<td>eChug and eToke address the use and abuse of alcohol or controlled substances for a student referred to the Wellness Center.</td>
</tr>
<tr>
<td>Responsible Rams</td>
<td>A campaign reflected through events on campus intended to encourage students to act responsibly. This campaign focuses on drug and alcohol prevention, general safety, and residential safety.</td>
</tr>
<tr>
<td>Ramdition and Residence Hall Trust Talks</td>
<td>Presentations are shown in the residence halls by WSSU Campus Police enforcing the university’s dry campus and</td>
</tr>
</tbody>
</table>

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The Counseling Center currently offers both online education (eChug and eToke) on substance abuse issues and limited group sessions for drug and alcohol users. Intervention programs for students who self-identify or otherwise are identified as substance users are available in the Counseling Center. Intervention can be in the form of psychoeducation or therapy.

These services are afforded to students during their current matriculation. In the case that a student has been removed from campus through WSSU’s disciplinary process, these services are available when the student returns to campus after the imposed sanction. For additional information about campus resources for alcohol and drug education programs, refer to the Health Rams for Life page located on the Wellness Center’s Webpage.

Resources for Employees

Employees are offered a variety of resources intended to educate and aid in the prevention of and recovery from alcohol and other drug abuse. Winston-Salem State University provides the Employee Assistance Program (EAP) available to employees. This program provides support, resources, and information for personal and work-life issues, including counseling, legal aid, and guidance resources online. Employees can access more information concerning the EAP on the Human Resources Webpage.

In addition, WSSU provides faculty and staff access to a Learning Management System branded LEAP: Leadership, Education, Advancement, and Performance. This resource offers a wide array of informative content, including a course on Drug and Alcohol Awareness. Some of the objectives of the course are to identify factors that can trigger substance abuse among adults, identify requirements for compliance under the 1988 Drug-Free Workplace Act, and to identify recommendations for employees to consider when they notice a coworker with a substance abuse problem. Employees can access more information concerning the EAP on the Human Resources Learning & Development Webpage.

Employees are welcome to attend awareness and prevention events that take place on campuses such as Safety Day or the Police and Public Safety Luau.

The Drug and Alcohol Prevention Program (DAAPP)

WSSU’S RESPONSE TO SEXUAL MISCONDUCT AND GENDER VIOLENCE

Winston-Salem State University believes that acts of sexual misconduct are reprehensible. WSSU prohibits dating violence, domestic violence, sexual assault, and stalking as defined by the Clery Act. Students and employees have the right to be free from abuse, personal force and
violence or threats of violence. All students and employees are expected to conduct themselves in a manner that does not fringe upon the rights of others.

WSSU has in place policies and procedures to handle claims of sexual harassment and sexual violence. In addition, WSSU is dedicated to providing programming to students and staff in an effort to prevent dating violence, domestic violence, sexual assault, and stalking.

The following section outline WSSU’s policies, procedures, and educational programming pertaining to sexual harassment and sexual violence. Readers will also find information concerning campus and community resources, risk reduction tips, and safe options for bystanders. The information addressed in this section applies to all students, faculty, staff, contractors, and visitors.

For more information, please visit the Title IX webpage or see the contact information below.

Office of Equal Employment Opportunity/Affirmative Action and Diversity
Blair Hall, Suite 115

Interim title IX Coordinator
(336) 750- 8760

Quentin D. Gunter

Equity & Inclusion Specialist
(336) 750-8759
Defining Clery Act Crimes under the Violence against Women Act Amendments

The following definitions are used to classify sexual assault, domestic violence, dating violence, and stalking for Clery Reporting purposes.

Definitions for Clery Reporting

<table>
<thead>
<tr>
<th>Crime</th>
<th>Definition</th>
</tr>
</thead>
</table>
| Dating Violence     | Violence is committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party’s statement and with the consideration of:
  a. The length of the relationship  
  b. The type of relationship  
  c. The frequency of interaction between the persons involved in the relationship. |
| Domestic Violence   | A felony or misdemeanor crime of violence committed by:
  a. 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 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. |
| Sexual Assault      | Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.                                                         |
| Rape                | 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 consent of the victim.                                  |
| Fondling            | The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.  |
| Incest              | Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.                                                                              |
| Statutory Rape      | Sexual intercourse with a person who is under the statutory age of consent.                                                                                                                                   |
| **Stalking** | Engaging in a course of conduct directed at a specific person that would cause a reasonable person to FEAR for the person’s safety or the safety of others or suffer substantial emotional distress.

a. ‘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.

b. ‘Reasonable person’ means a reasonable person under similar circumstances and with similar identities to the victim.

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

| **Sexual Harassment** | To conduct on the basis of sex that satisfies one or more of the following:

a. An employee of the institution conditioning the provisions of an aid, benefit, or service of the institution on an individual’s participation in unwelcome sexual conduct;

b. Unwelcome conduct determined by a reasonable person to be severe, pervasive, and objectively offensive that it effectively denies a person equal access to the institution’s education program or activity. |

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**Defining Rape, Sexual Assault, Dating Violence, Domestic Violence, Stalking, and Consent in North Carolina**

**First Degree Rape**

N. C. G. S. § 14-27

A person is guilty of rape in the first degree if the person engages in vaginal intercourse:

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

**Second Degree Rape**

N.C.G.S. § 14-27

A person is guilty of rape in the second degree if the person engages in vaginal intercourse with another person:

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

**First Degree Sexual Assault**

N.C.G.S. § 14-27

A person is guilty of a sexual offense in the first degree if the person engages in a sexual act:

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

**Second Degree Sexual Assault**

N.C.G.S. § 14-27

A person is guilty of a sexual offense in the second degree if the person engages in a sexual act:

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

**Statutory Rape**

N.C.G.S. § 14-27

A person is guilty of statutory rape if the person engages in vaginal intercourse or a sexual act with another person:

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

**Domestic Violence**

N.C.G.S. § 50B-1

A person guilty of domestic violence if the person engages in 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:

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 (stalking), that rises to such a level as to inflict substantial emotional distress; or
3. Committing any act defines in G.S. 14-27.2 (First-Degree Rape) through G.S. 14-27.7 (other sex-based offenses).

Stalking
N.C.G.S. § 14-277

A person is guilty of stalking if the person willfully, on more than one occasion, follows or is in the presence or otherwise harasses another person without legal purpose with the intent to:

1. Place the person in reasonable fear for that person’s safety or for the safety of that person’s immediate family or close personal associates or
2. Cause the person substantial emotional distress by placing the person in fear of death, bodily injury, or continued harassment, and that in fact causes the person substantial emotional distress.

Consent

North Carolina does not have a state statute defining consent to sexual activity. WSSU’s Sexual Misconduct & Gender-Based Harassment Policy and Complaints Involving Students Procedures provide the following definition and guidance concerning consent.

This means there must be clear and willing participation, through words or actions, for each sexual act. Submission to sexual activity that is the result of force, coercion, or threats is not valid consent.

Consent to one type of sexual activity does not imply consent to other types of sexual contact. There must be consent at every stage of the sexual encounter. Past consent to sexual activity does not imply consent to future sexual activity. Consent can be withdrawn at any time, including in the middle of a sexual encounter, if the withdrawal of consent is clearly indicated by words or actions.

Individuals who are incapacitated by voluntary or involuntary alcohol or drug use (legal, illegal, or prescription); asleep, unconscious, mentally impaired by disease or illness, or under 18 years old cannot give consent to sex (no matter what they say or do). If there is any question regarding whether a person may be incapacitated, do not engage in any type of sexual activity with that person.

Consent to sexual activity must be knowing, Intelligent, unambiguous, and voluntary.

Consent is active, not passive.
Dating Violence

North Carolina does not have a statute for dating violence. WSSU’s definition of dating violence is below.

Additionally, WSSU’s Complaints Involving Students Procedures state the following about dating and domestic violence.

There are many forms of dating and domestic violence:

1. **Physical Abuse** – Dating and domestic violence that includes, but is not limited to, hitting, shoving, slapping, pushing, punching, burning, and stabbing. It can also include withholding someone from receiving needed medical care or medication.

2. **Sexual Abuse** – Dating and domestic violence that includes, but is not limited to, forced sex or forcing someone to have sex without protection, with an object, or with another person.

3. **Psychological and Emotional Abuse** – Dating and domestic violence that includes, but is not limited to, controlling someone’s behavior or actions, isolating a person from friends and family, making threats against a person, their family, friends, colleagues, or pets using social media to make threats, and verbal abuse.

4. **Economic Abuse** – Dating and domestic violence that includes, but is not limited to, taking a partner’s money, or not allowing a person, or disrupting a person’s ability to work or go to school.

*Dating violence is a pattern of controlling behaviors

*Used by one partner to control the other partner.*

Procedures Victims Should Follow and Preservation of Evidence

Victims often have difficulty reporting a sexual assault for numerous reasons, such as knowing the perpetrator, fear of retaliation, fear of parents knowing about the incident, or fear of getting in trouble with law enforcement. Despite these concerns, it is vital to report such incidents to get help. The following information provides steps to follow should a sexual assault occur:

- Get to a safe place as soon as possible.

- Try to preserve all physical evidence. The victim should not bathe, shower, brush teeth, douche, use the toilet, or change clothing until s(he) has a medical exam.
• Contact a close friend or relative who can provide support and accompany the victim to the medical exam and/or the Winston-Salem State University Police Department. Family Service of the Piedmont provides a 24-hour crisis line (336) 273-7273 to victims for support and provides an advocate upon request. Our office has a MOU with Forsyth Family Services here in Winston-Salem. They may be reached at (336) 722-4457.

• Get medical attention as soon as possible; an exam may reveal the presence of physical injury of which the victim is unaware. Following a sexual assault, antibiotics are typically given at the time of the exam to help prevent the victim from acquiring certain sexually transmitted diseases. Emergency contraceptive pills are offered to all victims at the time of the exam (if the victim presents within 120 hours), to help prevent pregnancy from occurring as a result of the rape. If the victim reports memory loss, loss of consciousness, or other circumstances suspicious for a drug-facilitated assault, a urine test may be done if the victim presents within 96 hours. Please note some of the commonly used “date rape” drugs are only detectable in the urine for 6-8 hours after ingestion.

• It is important to remember that simply reporting a crime is not the same as prosecuting the crime. The decision to prosecute may be made at another time. The final decision to prosecute is determined by the district attorney.

• Consider talking to a counselor. Seeing a counselor may be important in helping the victim understand his/her feelings and begin the process of recovery. Winston-Salem State University counselors are trained to assist victims immediately and make referrals to community agencies.

If an incident of sexual assault, domestic violence, dating violence, or stalking occurs, it is important to preserve evidence to aid in the possibility of a successful criminal prosecution or obtaining a protection order. The victim of a sexual assault should not wash, douche, use the toilet, or change clothing prior to a medical exam. Any clothing removed should be placed in a paper bag. Evidence of violence, such as bruising or other visible injuries, following an incident of domestic or dating violence, should be documented, including through the preservation of photographic evidence. Evidence of stalking, including any communication, such as written notes, voice mail, or other electronic communications, should be saved and not altered in any way.

**Reporting Incidents**

Victims of sexual harassment or sexual violence have a variety of reporting options on the campus of Winston-Salem State University.

If a student, employee, or visitor has been the victim of an incident of sexual violence, they should immediately report it to the Campus Police at 336-750-2911 located in the Patricia Norris Police and Public Safety Building on Cromartie Street. Winston-Salem State University officials will assist any victim in notifying law enforcement, including local police if the victims elect to
do so. It is important to note that victims have the right to decline to notify law enforcement authorities. If a victim does not wish to notify law enforcement, WSSU has designated other areas to which students and employees can report incidents of sexual harassment and violence if they elect to do so.

Students can report an incident using the electronic student discipline system, Incident Reporting Form available from the Office of Student Conduct website. Students may also contact the Office of Equal Employment (EEO), Opportunity/ Affirmative Action (AA) & Diversity and Title IX at 336-750-8759, Blair Hall 115. In addition, students who reside on campus can report said incident to either their residence assistant (RA) or the hall director (HD), who in turn will file the report via Maxient. Student reports can also be received by The Division of Student Affairs as that division works collaboratively with the Office of EEO/AA & Diversity and Title IX.

Employees may report to the Office of EEO/AA & Diversity and Title IX at 336-750-8759, Blair Hall 115.

Any student or employee, who reports an incident of dating violence, domestic violence, sexual assault, or stalking, whether the offense occurred on or off-campus, shall receive a written explanation of their rights and options.

Accommodations

Whether or not a student or employee reports to law enforcement and/or pursues any formal action, Winston-Salem State University is committed to providing them as safe a learning or working environment as possible. Upon request, Winston-Salem State University will make any reasonably available change to a victim’s academic, living, transportation, and or working situation. Students and employees may contact the Office of EEO/AA & Diversity and Title IX at 336-750-8759, Blair Hall 115, for assistance. In the case of an alleged incident of dating violence, domestic violence, sexual assault or stalking, WSSU will provide written notification to victims about options for available assistance and how to request changes to academic, living, transportation and working situation or protective measures. Accommodations and protective measures at WSSU minimize the burden on the victim.

Winston-Salem State University is committed to protecting victims from any further harm. The Office of EEO/AA & Diversity and Title IX at 336-750-8759, Blair Hall 115 may issue a temporary no-contact order pending the outcome of any conduct proceeding. If a victim reports to Campus Police or another local law enforcement agency, the agency may assist them in obtaining a 50-B (no contact/restraining order) from a criminal court. Winston-Salem State University is committed to ensuring that any such order is fully upheld on all institutionally owned and controlled property.

Victim Confidentiality

Winston-Salem State University recognizes the sensitive nature of sexual harassment/ violence and is committed to protecting the privacy of any individual who reports an incident of sexual
harassment or sexual violence. Varying levels of privacy protection for victims are available with different offices on campus.

- Complete confidentiality can only be maintained by the university counselors in the Counselling Center. Reports made to university counselors will ensure that personally identifying information about the victim will not be made public.
- Unless confidentiality prevents the institution from providing accommodations or protective measures, WSSU will keep such measures confidential.
- Reports made to law enforcement, including if criminal prosecution is pursued, may be made public in accordance with N.C.G.S. 132-1.4 and shared with the accused.
- Winston-Salem State University ensures that all publicly available recordkeeping, including Clery Act reporting and disclosures, do not contain any personally identifying information.

**RESOURCES & REPORTING OPTIONS**

All university community members are urged to promptly report information regarding Prohibited Conduct to the University and/or law enforcement. A Complainant or witness will not be reprimanded, retaliated against, or be discriminated against in any way for initiating an inquiry or making a good faith report.

A Complainant or witness has many options, including seeking counseling or assistance from a Confidential Employee, making a report under this policy, and/or making a report to law enforcement. The University recognizes that deciding among these options can be difficult and is an intensely personal decision. Complainants and witnesses are encouraged to seek assistance from a Confidential Employee and to explore all potential reporting and support options.

**Emergency Resources and Law Enforcement**

- Emergency medical assistance and campus safety/law enforcement assistance are available both on and off-campus. Individuals are encouraged to contact law enforcement and seek medical treatment as soon as possible following an incident that may pose a threat to safety or physical well-being or following a potential criminal offense.

- Law Enforcement Assistance
  University community members are encouraged to immediately contact the WSSU Police Department and/or the Winston-Salem Police Department to report potential criminal conduct to law enforcement.

**WSSU Police Department** may be reached at:

Patricia Norris Police and Public Safety Building  
601 S. Martin L. King Jr. Dr.  
Winston-Salem, NC 27110  
(336)-750-2911 (emergency)  
(336)-750-2900 (non-emergency)
Winston-Salem Police Department may be reached at:

Call 911 (within city limits)
101 North Main Street
Winston-Salem, NC 27101
(336)-727-8000 or 311 within Winston-Salem city limits
citylink@cityofws.org

*Note: Any law enforcement investigation is separate from, and independent of, the University’s Title IX administrative investigation. The University’s Title IX administrative investigation will proceed simultaneously with any law enforcement investigation, whether by the University’s Department of Public Safety or the Winston-Salem Police Department.

1. Health Care Options (Off campus) to seek treatment for injuries and preventative treatment for STIs

<table>
<thead>
<tr>
<th>Forsyth County Health Department</th>
<th>Wake Forest Baptist Medical Center</th>
</tr>
</thead>
<tbody>
<tr>
<td>799 North Highland Avenue</td>
<td>1 Medical Center Blvd.</td>
</tr>
<tr>
<td>Winston-Salem, NC 27101</td>
<td>Winston-Salem, NC 27103</td>
</tr>
<tr>
<td>(336)-703-3100</td>
<td>(336) 716-2011</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Guilford County Public Health</th>
<th>High Point Regional Health Center</th>
</tr>
</thead>
<tbody>
<tr>
<td>110 Wendover Avenue E.</td>
<td>601 N. Elm Street</td>
</tr>
<tr>
<td>Greensboro, NC 27405</td>
<td>High Point, NC 27262</td>
</tr>
<tr>
<td>(336) 641-7777</td>
<td>(336) 878-6000</td>
</tr>
<tr>
<td></td>
<td>(SANE exams offered)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Davidson County Health Department</th>
<th>Novant Health Kernersville</th>
</tr>
</thead>
<tbody>
<tr>
<td>915 Greensboro Street</td>
<td>1750 Kernersville Medical Pkwy</td>
</tr>
<tr>
<td>Lexington, NC 27292</td>
<td>Kernersville, NC 27284</td>
</tr>
<tr>
<td>(336)-242-2300</td>
<td>(336) 564-4000</td>
</tr>
<tr>
<td></td>
<td>(SANE exams offered)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Novant Health Forsyth Medical Center</th>
<th>Davie Domestic Violence &amp; Rape Crisis Center</th>
</tr>
</thead>
<tbody>
<tr>
<td>3333 Silas Creek Pkwy</td>
<td></td>
</tr>
<tr>
<td>Winston-Salem, NC 27103</td>
<td></td>
</tr>
<tr>
<td>(336)718-5000</td>
<td></td>
</tr>
<tr>
<td>(336) 716-2011</td>
<td></td>
</tr>
<tr>
<td>(SANE exams offered)</td>
<td></td>
</tr>
</tbody>
</table>

2. Local Rape Crisis Center

<table>
<thead>
<tr>
<th>Family Services of Forsyth County</th>
<th>Davie Domestic Violence &amp; Rape Crisis Center</th>
</tr>
</thead>
<tbody>
<tr>
<td>200 S. Broad Street</td>
<td></td>
</tr>
</tbody>
</table>

2022 | Winston-Salem State University Annual Security and Fire Report
3. Campus Confidential Resources
   **Licensed University Counselors** (Confidential)
   **The Counseling Center**
   A.H Ray Student Health Services
   Winston-Salem State University
   601 Martin Luther King Jr. Dr. Suite 244
   Winston-Salem, NC 27110
   (336) 750-3270

4. Other Campus Resources
   **Office of Interpersonal Violence Prevention**
   Ms. LaKrista Page, Director
   Thompson Student Center Room G05
   (336)750-3313
   pagell@wssu.edu

**Interpersonal Violence Prevention**

The Office of Interpersonal Violence Prevention (IVP) is committed to creating a safe and non-threatening environment for all WSSU students. IVP provides service to students who are experiencing domestic and dating violence, sexual assault, social media threats and personal crisis. The office is committed to providing support and advocacy to educate our WSSU campus community.

Our goal is to foster a healthy, stable, and nurturing relationships through education, holistic student development, and community resources. The office ensures confidentially and support. IVP will assist students with referrals to our counseling center or community-based programs. Additionally, Interpersonal Violence Prevention (IVP) provides ongoing programs, events, and services, and trainings on how to identify abusive relationships and how to create and maintain healthy interpersonal contacts.

**We provide services for students experiencing:**

- Domestic violence
• Sexual Abuse
• Dating violence
• Stalking & Bullying
• Violence through social media
• Family Violence
• Harassment & other personal threats.

We offer you:

• Workshops and trainings about identifying abusive behaviors and creating healthy interpersonal relationships
• Referrals to the WSSU Wellness Center which provides medical care and counseling
• Literature about interpersonal violence

Programs, Events & Services:

Programs

• Peppermint Pillow Talk: The Tour
• Liberation Spaces
• Just for Men
• The Ubuntu Society for Women
• My Sister’s Safe Haven
• Barbershop Talks
• Courageous Conversations

Events

• The Clothesline Project
• Civility & Consent Week
• The Color of Violence
• Denim Day
• Walk a Mile in Her Shoes
• Take Back the Night
• Domestic Violence Resource Fair

Services

• Psycho-Cybernetic Life Couching
• One on One Sessions
• Alternative Class Option Presentations
  o Bystander Intervention Training
  o Self-Defense Class
  o Violence 101
Community and Campus referrals:

• Family Services Inc.
• Winston-Salem Police Dept.
• WS Human Relations Dept.
• District Attorney Office
• WS Health care
• Mental Health Association (336) 768-3880
• WS Office of Probations
• Eliza’s Helping Hands
• Safe on Seven
• Sexual Assault Response Team
• Cool Program (Male Anger Management)
• Bethesda Ministries (Homeless Shelter)
• Rescue Mission (Homeless Shelter)
• City of Hope Salvation Army (Homeless Shelter for families and women)
• WSSU Wellness/Counseling Center
• WSSU campus police

WSSU Campus Police recognized the important of providing medical assistance, emotional support, protection, and a thorough criminal investigation for all reported incidents of interpersonal incidents of interpersonal violence.

If you have experienced interpersonal violence at this institution, your priority should be to get to a safe place. You should then obtain necessary medical treatment. Campus Police strongly
advocates a victim of interpersonal violence report the incident in a timely manner. Time is a critical factor for evidence collection and preservation. Any violence should be reported directly to WSSU Campus Police. Filing a police report will not obligate the victim to prosecute the offender, nor will it subject the victim to scrutiny or judgmental opinions by the department.

Filing a police report will:

- Ensure the victim of interpersonal violence receives the necessary medical treatment and tests.
- Provide the opportunity for the collection of evidence helpful in prosecution, which cannot be obtained later (ideally a victim of sexual assault should not wash, douche, use the toilet or change clothing prior to a medical/legal exam).
- Assure the victim has access to all available help resources including confidential counseling.

Resources:

WSSU Campus Police
Emergency 336-750-2911
Non-Emergency 336-750-2900

Winston-Salem Police 911

WSSU Title IX Office (Sexual Misconduct & Harassment) 336-750-8758

WSSU Counseling Center (Confidential) 336-750-3270

National Domestic Violence Hotline 24/7 1-800-799-7233
1-800-799-SAFE

National Sexual Assault Hotline 24/7 1-800-656-4673
1-800-656-HOPE

Family Services Crisis Line 336-723-8125

National Suicide Hotline 988
Reporting Options

An individual may make a report to the university, to law enforcement, or to both. Campus Title IX processes and law enforcement investigations operate independently of one another, although the university will coordinate information with the WSSU Police Department and/or local law enforcement when both an administrative proceeding and criminal investigation are on-going.

Anyone may make a report as follows:

- Make a report to Title IX office in person, by phone, online reporting form, or by e-mail
- If on campus, contact the WSSU Police Department or Winston-Salem Police Department for assistance in filing a criminal complaint and preserving physical evidence; or
- If off campus, contact local law enforcement to file a criminal complaint.

An individual may pursue some or all these steps at the same time (e.g., one may simultaneously pursue a Title IX report and a criminal complaint). When initiating any of the above options, an individual does not need to know whether they wish to request any course of action nor how to label what happened. As part of a report to the Title IX Office, an individual can also request interim remedial measures and support. University community members are encouraged to consult with the Title IX Coordinator if they have any questions regarding this policy or reporting prohibited conduct.

1. Reports to Responsible Employees

As explained above, all University employees, except for those designated as Confidential Employees, are considered to be Responsible Employees. All reports that are brought to the attention of a Responsible Employee are not confidential and must be promptly submitted to the Title IX Coordinator by the Responsible Employees.

2. Timeframe for Reporting

There is no time limit for reporting prohibited conduct. University community members are urged to make a report soon as possible after the conduct has occurred to maximize the university’s ability to respond promptly and effectively. Reports under this policy may be made at any time without regard to how much time has elapsed since the incident(s) in question. If the Respondent is no longer a student or employee at the time of the report, the university will still seek to meet its Title IX obligations by providing support for the Complainant and taking steps to end the prohibited behavior, prevent its recurrence, and address its effects. The university may assist the complainant in identifying and contacting law enforcement and other external enforcement agencies.

Definitions

Sexual Harassment - Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct when:

(1) submission to such conduct is made either explicitly or implicitly as a term or condition of an individual’s employment or academic advisement;
Sexual Harassment and Prohibited Conduct – is conduct on the basis of sex that satisfies one or more of the following:

- An employee of the University conditioning the provision of an aid, benefit, or service of the University on an individual’s participation in unwelcome sexual conduct, or
- Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the institution’s education program or activity; or

Sexual Violence - Sexual harassment includes sexual violence, defined as “physical acts perpetrated against a person’s will or where a person is incapable of giving consent due to the victim’s use of drugs or alcohol. An individual may also be unable to give consent due to an intellectual or other disability. Several acts fall into the category of sexual violence including rape, sexual assault, sexual battery, and sexual coercion. All such acts of sexual violence are forms of sexual harassment covered under Title IX of the Education Amendments of 1972”, (20 U.S.C §§ 1681 et seq., 34 CFR Part 106.)

Consent – for the purposes of this Policy, consent means words or actions demonstrating a knowing and voluntary agreement to engage in mutually agreed upon sexual activity. Consent cannot be obtained by force, by ignoring or acting in spite of the objections, or by taking advantage of the incapacitation of an individual. Silence or a lack of resistance is not consent. Consent to one sexual act does not constitute consent to any other sexual act.

Guidelines

Employees are cautioned that where a power differential exists, i.e., faculty-student, supervisor-employee—if a charge of sexual harassment is brought, the defense of mutual consent may be difficult to prove. The university reserves the right to determine whether to pursue violations of policy by students or employees, including a complainant or witness, which come to light during an investigation of an incident of sexual harassment.

Reporting Options Employees Any applicant, current or former employee wishing to report an incident that violates this Policy should refer to the Resolution Procedures for Sexual Harassment and Sexual Violence or contact the Office of EEO/AA & Diversity and Title IX at 336-750-8759, Blair Hall 115. Any employee that is made aware of an allegation of sexual
harassment or sexual violence is required to report it to the Title IX Coordinator, with the exception of licensed counselors and psychologists at the university Counseling Center. Failure to report an allegation of sexual harassment or sexual violence may result in disciplinary action, up to, and including dismissal.

Compliance

False Reporting Statement

The sexual harassment policy is designed to encourage students, faculty, and staff to express freely, responsibly, and in an orderly way their opinions and feelings about any problem or complaint of sexual harassment. The university takes allegations of sexual harassment and sexual violence very seriously and recognizes the consequences such allegations may have on a respondent as well as the complainant. Any individual who knowingly provides false information regarding the filing of a complaint or report of sexual harassment/violence during an investigation of such a complaint or report may be subject to discipline or under certain circumstances, legal action. Complaints of conduct that are found not to violate policy are not assumed to be false. Any act by a university employee or agent of retaliation, reprisal, interference, restraint, penalty, discrimination, coercion or harassment—overtly or covertly—against a student or an employee for using the policy, will necessitate appropriate and prompt disciplinary action.

DISCIPLINARY RESOLUTION

Interim Measures

The initial response by the Title IX Office will include an initial assessment of the context and circumstances of the report, and identification of reasonably available and appropriate interim measure for a complainant and a respondent.

Interim remedial (to remedy the effect) measures may include:
- Access to counseling and medical services
- Assistance in obtaining a sexual assault forensic examination
- Assistance in arranging rescheduling of exams and assignments and extensions of deadlines academic support
- Assistance in requesting long-term academic accommodations through the Office of Student Services, if the complainant qualifies as an individual with a disability
- Services, if the complainant qualifies as an individual with a disability
- Change in the complainant’s campus housing
- Assistance navigating off campus housing concerns
- Imposition of a “no contact order”, an administrative remedy designed to curtail contact and communications between two or more individuals
- Referral to resources which can assist in obtaining a protective order, or other legal remedy
- Referral to resources which can assist with financial aid other administrative concerns
- Any other remedial measure that can be used to achieve the goals of this policy
Interim remedial measure is available to the complainant regardless of whether the complainant pursues an investigation or seeks formal disciplinary action.

The university will consider a number of factors in determining which measure to take, including the needs of the student or employee seeking remedial and/or protective measures; the severity or pervasiveness of the alleged conduct; any continuing effects on the complainant; whether the complainant and the respondent share the same residence hall, academic course(s), or job location(s); and whether judicial measures have been taken to protect the complainant (e.g., protective orders).

Requests for interim measures may be made by the complainant to the Title IX Office. The Title IX Office is responsible for ensuring the implementation of interim measures and coordinating the university’s response with the appropriate offices on campus. The Title IX Office has the discretion to impose and/or modify any interim measure based on all available information and is available to meet with a complainant or respondent to address any concerns about the provision of interim measures. The university will maintain the privacy of any remedial and protective measures provided under this policy to the extent practicable and will promptly address any violation of interim remedial or protective measures.

All individuals are encouraged to report to the Title IX Office any concerns about the failure of another to abide by any restrictions imposed through an interim protective measure.

At the conclusion of the initial assessment the university will proceed with one of the following options:

- Proceed with an investigation under the Disciplinary Resolution process. This will occur when a complainant requests an investigation; where the Title IX Coordinator determines that an investigation must be pursued even when a complainant requests that no investigation be pursued; or where alternative resolution is not appropriate or available.
- Proceed with alternative resolution. This will always require the consent of the complainant. The consent of the respondent is also required when the form of resolution involves the respondent.
- If outside the scope of this policy, refer the matter to another appropriate office or department for resolution under the relevant policy.

When the Title IX coordinator decides to initiate an investigation, impose interim protective measures i.e., interim suspension, or take any other action that impacts a respondent, the Title IX Coordinator will also ensure that respondent is notified and receives written information on available resources and options, consistent with the list outlined above.

**Request for Anonymity**

In order to protect the safety of the campus community, the Title IX Coordinator may determine that it is necessary to proceed with an investigation even if a complainant specifically requests that the matter no be investigated. The Title IX Office may also initiate an investigation of potential violations of this policy even absent of a formal report or identified complainant or
respondent, and even if a report has been withdrawn. In such a circumstance, the Title IX Coordinator will consider the complainant’s articulated concerns, the safety of the campus community, fairness to all individuals involved, and the university’s obligations under Title IX.

A complainant may request that their name or other personally identifiable information not be shared with a respondent, that no investigation be pursued, or that no disciplinary action be taken. In these instances, before taking any further investigative steps, a member of the Title IX Office will discuss any concerns with the complainant and seek to address and remedy barriers to reporting based upon concerns about retaliation or other lack of clarity in understanding procedural options and potential outcomes.

The Title IX Coordinator will balance the complainant’s request against the following factors in reaching a determination as to whether the university’s need to proceed with an investigation outweighs the considerations expressed by the complainant:

- The totality of the known circumstances;
- The nature and scope of the alleged conduct, including whether the reported behavior involves the use of a weapon or drugs;
- The respective ages and roles of the complainant and respondent;
- The risk posed to any individual or to the campus community by not proceeding, including the risk of additional violence;
- Whether there have been other reports of prohibited conduct or other misconduct by the respondent;
- Whether the report reveals a pattern of misconduct related to prohibited conduct (e.g., via illicit use of drugs or alcohol) at a given location by a particular group.
- The complainant’s interest in the university’s not pursuing an investigation or disciplinary action and the impact of such actions on the complainant
- Whether the university possesses other means to obtain relevant evidence;
- Fairness considerations for both the complainant and the respondent;
- The university’s obligation to provide a safe and non-discriminatory environment; and
- Any other available and relevant information.

The Title IX Coordinator will consider what steps may be possible or appropriate when a respondent is unknown or the complainant requests anonymity, and what other measures or remedies might be considered to address any effects of the reported behavior on the campus community. The Title IX Coordinator will make a determination regarding the appropriate method of resolution under the policy. The University will seek resolution consistent with the Complainant’s request, if it is possible to do so, based upon the facts and circumstances, while also protecting the health and safety of the complainant and the university community.

Where the Title IX Coordinator determines that a complainant’s request(s) can be honored, the university may still take other appropriate steps to eliminate the reported conduct, prevent its recurrence, and remedy its effects on the complainant and the university community. Those steps may include offering appropriate remedial measures to the complainant, providing targeted training and prevention programs, providing increased monitoring, supervision, or security at locations or activities where the misconduct occurred, and/or providing or imposing other
remedies. The Title IX Coordinator may also request that a report be re-opened and pursued under this policy if any new or additional information becomes available, and/or if the complainant later decides that they would like for the University to pursue an investigation.

In those instances when the Title IX Coordinator determines that the university must proceed with an investigation despite the complainant’s request that it not occur, the Title IX Coordinator will provide written notification to the complainant that the University intends to initiate an investigation. The complainant is not required to participate in the investigation or in any of the actions taken by the university.

The university’s ability to investigate and respond fully to a report may be limited if the complainant requests anonymity or declines to participate in an investigation. The university will, however, pursue other steps to limit the effects of the potential Prohibited Conduct and prevent its recurrence. In all cases, the final decision on whether, how, and to what extent the university will conduct an investigation and whether other interim remedial or protective measures will be taken in connection with a report of Prohibited Conduct will be made in a manner consistent with this policy.

**University Amnesty Statement:** The university recognizes that an individual who has been drinking or using drugs at the time of the incident may be hesitant to make a report because drinking and drug use may be a violation of the Student of Code of Conduct and/or local law. In order to encourage reporting and remove barriers to doing so, any individual who reports Prohibited Conduct under this policy, either as a Complainant or as a third party witness, will not be subject to disciplinary action by the University for their own personal consumption of alcohol or drugs at or near the time of the incident, provided that any such violations did not and do not place the health, safety or well-being of any other person at risk. The university, however, may advise a student to engage in an educational discussion regarding the dangers of alcohol consumption or drug use or to pursue other educational and counseling activities regarding such use.

**General Information Regarding Disciplinary Resolution**

**Timeframe for Investigation and Resolution**

The Title IX Office endeavors to complete the investigation and resolution process within a reasonable timeframe - approximately 60 calendar days following the notice of the investigation. This policy outlines reasonable timeframes for the major stages of the investigation and resolution process. The university may extend or modify these timeframes within the 60-day period provided that the investigation is completed within a reasonable time. The Title IX Coordinator, in consultation with the investigator, has the authority to determine whether an extension is required or warranted by the circumstances. If an investigation or resolution will not be completed within 60 days from the notice of investigation, the University will provide written notice to the parties that will include a statement of the reason(s) necessitating the extension.

An extension may be required to ensure the integrity and thoroughness of the investigation; to comply with a request by law enforcement; in response to the unavailability of the parties or
witnesses; or for other legitimate reasons, such as intervening breaks in the university calendar, university finals periods, the complexity of the investigation, the volume of information or length of the written record, and/or the severity and extent of the alleged misconduct. While requests for delays for good cause by the parties may be considered, the university cannot unduly or unreasonably delay the prompt resolution of a report under this policy. Reasonable requests for delays by the parties, if granted, will serve to extend the 60-calendar daytime period for resolution of the report.

Although cooperation with law enforcement may require the university to suspend the fact-finding portion of a Title IX investigation temporarily, the university will promptly resume its Title IX investigation upon notification from the law enforcement agency that proceeding with the Title IX investigation will not jeopardize the law enforcement investigation. The university will not, however, wait for the conclusion of a criminal proceeding to begin its own investigation, and will promptly initiate the process of assessing and providing appropriate interim remedial measures for the complainant.

Investigations will proceed according to the timeframes in this policy to the extent possible during the summer and at other times when classes at the University are not in session, or during holidays, or other scheduled days when the University is closed. The Title IX Office will work with the parties to balance the need for promptness and the preference for in-person meetings regarding the investigation. Timeframes for all phases of the disciplinary process including the investigation, any related disciplinary proceedings, and any related review of the finding, apply equally to both complainant and respondent.

**Expectations of the Parties**

The University affords both the Complainant and the Respondent an equal opportunity to participate fully in the investigation and adjudication process. This includes the opportunity to receive a written notice of investigation, to participate in the investigation, to review and present information and evidence, to be accompanied by an advisor of their choice to any meeting, to timely and equal access to information that will be used in disciplinary proceedings, to timely notice of meetings at which their presence will be requested or required, to simultaneous written notice of the outcome, sanction, and rationale, and to seek review of the finding as stated in this policy.

All University community members are expected to provide truthful information in any report or proceeding under this policy. Submitting or providing false or misleading information in bad faith or with a view to personal gain or intentional harm to another in connection with an incident of Prohibited Conduct is prohibited and subject to disciplinary sanctions. This provision does not apply to reports made, or information provided in good faith, even if the facts alleged in the report are not later substantiated or no policy violation is found to have occurred.

Winston-Salem State University expects all members of the University community to cooperate fully with the investigation and disciplinary procedures. It is understood that there may be circumstances in which a Complainant or Respondent wish to limit their participation, and the University will respect the choice of the Complainant or Respondent as to how to engage in proceedings under this policy. The University may, however, move forward with an
investigation and disciplinary action without the participation of one or more parties. Should the Respondent opt not to participate, that refusal will not preclude the continuation of the investigation process and a resolution of the investigation, including possible sanctions against the Respondent if a violation of this policy is found by a preponderance of the evidence.

If a complainant or respondent chooses not to answer any or all questions in an investigation for any reason, the University will continue its process; and the university will issue any discipline or sanctions, as appropriate. The university will not draw any adverse inference from a complainant’s or respondent’s decision not to participate in the investigation or any form of resolution under this policy. However, the complainant and respondent should be aware that declining to participate in the investigation might affect the timing and outcome of the investigation.

At any time, the university may place an administrative hold on the respondent's university transcript or defer or withhold the award of the respondent's degree. Although a respondent may withdraw from the university while the investigation is pending, the Title IX Coordinator may decide to proceed with the investigation and resolution process, and may impose appropriate sanctions, up to and including expulsion from the university. The university may note on the respondent’s transcript that the withdrawal is pending investigation.

Advisor of Choice

Throughout the investigation and resolution, all parties have the right to consult with an advisor of their choosing. The advisor may be any person, including an attorney, who is not otherwise a party or witness involved in the investigation. The parties may be accompanied by their chosen advisor at any meeting or proceeding related to the investigation and resolution of a report under this policy.

See Requirements and Guidelines to Follow for the Participation of a Licensed Attorney or Non-Attorney Advocate during Disciplinary Proceedings.

Safeguarding Privacy

Individuals involved in investigations or disciplinary proceedings under this policy are encouraged to exercise discretion in sharing information in order to safeguard the integrity of the process and to avoid the appearance of retaliation. While discretion regarding the process is important, complainants and respondents are not restricted from discussing and sharing information with others who may support or assist them during the process. However, doing so with the intent to harass another individual, retaliate against another individual who is involved in the investigation, or to influence the outcome of the investigation, will subject an individual to sanctions under this policy.

All participants in any investigation or other proceeding under this policy, including all parties, are encouraged to maintain the privacy of information gathered or learned through their participation in the process.

Investigation (Investigator)
When the university receives a report alleging a violation of this policy, the Title IX Coordinator will appoint one or more investigators to conduct a prompt, thorough, fair, and impartial investigation. The investigator may be a university employee and/or an experienced external investigator. Any investigator used by the university will receive annual training on this policy and on the issues related to sexual and gender-based harassment, sexual assault, dating violence, domestic violence, stalking, and on how to conduct an investigation that is fair and impartial, provides parties with notice and a meaningful opportunity to be heard, and protects the safety of complainants while promoting accountability. The investigator will be impartial and free from conflict of interest or bias.

Investigation Procedures

Upon submission of a report to the Title IX Office, a prompt, thorough, and impartial review will be conducted.

1. In the event that a report of alleged sex discrimination or sexual misconduct are made to the Title IX Office, the Title IX Coordinator or designee will review the report and determine if the allegations are related to sex discrimination or sexual misconduct. If they are, and if the Complainant wishes, a private interview will be conducted by the Title IX Coordinator or designee with the Complainant to capture the conduct and the nature of the remedy desired.

2. Once the initial information is gathered, a threshold determination will be made whether, presuming the facts underlying the allegation(s) to be true and accurate, the substance of the allegation(s) constitutes a violation of this Policy. This preliminary determination will typically be made within ten class days from the date of the initial intake and may include a determination of whether a formal investigation is required and/or whether appropriate interim measures are necessary in order to comply with the requirements of federal and state law.

3. The investigation may include, but is not limited to, interviewing witnesses, collecting documentation, and seeking any additional information, as necessary. The Title IX Coordinator or designee and Title IX Investigator shall have unrestricted access to all pertinent materials, records, reports, and documents within the possession or control of the university and shall be afforded the opportunity to interview all persons possessing relevant information.

4. The Title IX Coordinator or the Title IX Investigator, in conjunction with the Title IX Coordinator, may refer the Complainant to any other appropriate investigating authority or resources for assistance if the allegations are not sufficient to warrant an investigation. Reported incidents that do not rise to the level of adjudication through a Student Conduct hearing involve those (including but not limited to) where the Responding Party’s name is not identified, or the complainant does not wish to proceed with a formal process.

5. At the conclusion of the investigation, the investigator will prepare a written summation of their findings and submit it to University’s Office of Student Conduct.
6. The respondent may choose to plead responsible to all charges and waive his/her right to a hearing before a judicial panel. In that event, the Title IX Coordinator, or his/her designee, will consult with appropriate officials, inclusive of the Dean of Students, and other parties involved and determine the appropriate sanction. A written document stating that the Respondent waives his/her right to a hearing and will accept the sanctions levied by the Title IX Coordinator, or his/her designee, must be signed by the respondent and made a part of the record.

7. If a student chooses to move forward with a judicial hearing, a three-five-person panel consisting of faculty and staff members will hear the case and determine responsibility. Both the Complainant and the Respondent shall have the right to attend the hearing. All witnesses, including the parties, may be cross-examined. However, the parties will not be allowed to personally question or cross-examine each other during the hearing; all cross examination of parties must be done through the Committee Chair.

Presumption of Non-Responsibility

It shall be presumed that there has been no violation of any university policy by a respondent unless and until a thorough and comprehensive investigation has been conducted and there is a final administrative finding, by a preponderance of the evidence, or an admission of responsibility for a policy violation.

Prior Sexual History

The sexual history of the complainant or respondent will never be used to prove character or reputation. Evidence related to the prior sexual history of the parties is generally not used in determining whether a violation of this policy has occurred and will only be considered under limited circumstances when relevant and appropriate. For example, if consent is at issue, the sexual history between the parties may be relevant to determine the nature and manner of communications between the parties, which may inform the determination whether consent was sought and reasonably appeared to have been given during the incident in question. As set forth in the consent definition, even in the context of a relationship, consent to one sexual act does not constitute consent to another sexual act, and consent on one occasion does not constitute consent on a subsequent occasion. In addition, prior sexual history may be relevant to explain injury, to provide proof of a pattern, or to address another specific issue raised in the investigation. The investigator will determine the relevance of this information and both parties will be informed if evidence of prior or subsequent conduct is deemed relevant.

Cooperation with Law Enforcement

If there is a criminal investigation or other legal proceeding, the university may be obligated to provide investigative records to law enforcement or a court in response to a subpoena, search warrant, or court order.
Standard of Proof

A finding of responsibility based on a preponderance of evidence means that based on all relevant evidence and reasonable inferences from the evidence, the greater weight of information indicates that it was more likely than not the policy violation occurred.

Procedures for Sanctioning

The university will take reasonable steps to end Sex Discrimination, Sexual Misconduct, Retaliation, and Complicity; to prevent recurrence; and to remedy the effects. Any person who is found to have violated this Policy shall be subject to disciplinary action, up to and including expulsion from educational programs. The specific penalties imposed on violators will be commensurate with the level of offense and in accordance with applicable laws and University regulations, policies, and procedures. The university recognizes that some offenses are so serious that suspension or expulsion may be warranted on the first occurrence. Factors that will be considered in determining the appropriate level of discipline include:

- Seriousness of offense (e.g., effect of the misconduct on the University’s mission, isolated or repeated offense, deliberate or inadvertent misconduct, etc.);
- Prior misconduct (e.g., disciplinary record, similarity of past offenses to current misconduct);
- Consistency of Penalty (e.g., is the disciplinary action consistent with treatment of similar misconduct in other cases);
- Potential for rehabilitation (e.g., self-disclosure prior to investigation, seeking assistance with problem);
- Effectiveness of a lesser sanction; and
- Other aggravating and mitigating circumstances.

Requirements and Guidelines to Follow for the Participation of a Licensed Attorney or Non-Attorney Advocate during Disciplinary Proceedings

In order for a licensed attorney or non-attorney advocate to represent a student(s) or student organization(s) in disciplinary proceedings, the student(s) or student organization(s) must provide The Office with the three (3) documents described below. These three (3) documents must be submitted to The Office no later than two (2) days before the scheduled Winston-Salem State University Student Conduct Council Hearing. Consistent with this interpretive guidance and the rules, policies, or guidelines governing Winston-Salem State University’s disciplinary procedure, licensed attorneys or non-attorney advocates may fully participate in disciplinary procedures only to the extent afforded to the student or student organization they represent. Additionally, licensed attorneys and non-attorney advocates may not delay, disrupt, or otherwise interfere with a disciplinary procedure.

An attorney or other individual representing Winston-Salem State University may participate in disciplinary procedures in which a licensed attorney or non-attorney advocate represents a student or a student organization.
The following are requirements that must be completed before information may be disseminated to the student’s advocate/advisor/attorney: 1) Notice of Representation and 2) FERPA Authorization.

1. **Notice of Representation**

   Students or student organizations that plan to have a licensed attorney or non-attorney advocate represent them during a disciplinary procedure must notify the administration that administers the disciplinary procedure (ex. the Office of Student Conduct, Office of Dean of Students, etc.) in writing of the attorney’s or advocate’s planned participation in a disciplinary procedure. This notice must specify:

   - The identity of the licensed attorney or non-attorney advocate
   - Whether the individual is a licensed attorney or a non-attorney advocate; and
   - An address, telephone number, and email address where the licensed attorney or non-attorney advocate can be reached

   To notify our office of who will be your attorney or non-attorney/advocate during the disciplinary proceedings, you must submit a certification using the “Notice of Attorney or Non-Attorney/Advocate Representation” form signed by the licensed attorney or non-attorney advocate stating that the licensed attorney or non-attorney advocate has read in their entirety and understood the following documents:

   - The applicable Disciplinary or Conduct Rules
   - Any additional rules, policies, or guidelines that Winston-Salem State University has enacted for its Disciplinary Procedure consistent with this Interpretive guidance
   - Section 700.4.1. of the UNC Policy Manual

2. **FERPA Authorization for Student(s) Involved in Disciplinary Process**

   In order for a licensed attorney or a non-attorney advocate to represent a student or student organization during a disciplinary procedure or to speak with an official of Winston-Salem State University regarding the student or the members of a student organization, the student(s) involved in the disciplinary process must complete and submit a written authorization that meets the requirements of a valid consent as specified by the Family Educational Rights and Privacy Act (FERPA). Even if a student executes a valid FERPA consent authorizing the licensed attorney or non-attorney advocate to receive information or documents regarding the student, Winston-Salem State University may at all times correspond directly with the student or student organization. It is the student’s or student organization’s responsibility to communicate and share information with a licensed attorney or non-attorney advocate. The Winston-Salem State University office that administers the disciplinary procedure can supply students with an approved authorization form that meets the elements of a valid consent in accordance with FERPA.

   If you have any comments, questions, or concerns, feel free to contact the Office of the Dean of Students or Office of Student Conduct at 336-750-3356.
CONDUCT PROCEEDINGS FOR TITLE IX

From the Student Code of Conduct

WSSU’s Office of EEO/AA & Diversity, which houses the Title IX Department, does not conduct judicial hearings. Per the resolution procedures above, at the conclusion of the investigation, the investigator’s written report is submitted to the Office of Student Conduct. Below are the hearing procedures, standard of proof and possible sanctions should a hearing take place. These procedures can be found on the Student Code of Conduct Webpage.

STUDENT CODE of CONDUCT

I. Authority Over Student Conduct

The university community respects certain principles that govern socially and academically acceptable standards of good conduct and behavior. All community members, including students, are expected to conduct themselves in accordance with the regulations of the university and to comply with municipal, state, and federal laws. Violations of campus or University policies, rules, or regulations, or federal, state, or local law may result in a violation of the student code of conduct and imposition of student discipline. The Code of Conduct provides the framework for identifying the standards of behavior and minimum due process requirements for addressing or adjudicating violations. Disciplinary measures and/or penalties shall be in accordance with procedural and substantive due process safeguards applicable to disciplinary actions as required by Section 502D (3) of The Code of The UNC Board of Governors, Policy 700.4.1, and applicable campus policies, as they may be amended from time to time. Where there is a conflict between The Code of The UNC Board of Governors and this Code of Conduct, then The Code of The UNC Board of Governors will control.

II. Jurisdiction Over Student Conduct

The Code of Conduct and the processes for its administration and enforcement exist for the protection and advancement of the University community's particular institutional interests. The Code of Conduct applies to individual students, University affiliated student organizations, and is used to enforce University policies and regulations. The authority to enforce policies, regulations, and sanctioning decisions rests with the Chancellor and has been delegated to the Vice-Chancellor for Student Affairs. A violation of federal, state, and local law may also be a violation of university regulations.

III. Offenses Under the Code of Conduct

The following offenses listed are only examples of various offenses, which fall under the Code of Conduct. Neither WSSU, nor is not intended to be exhaustive. Students are expected to exercise judgment and discretion in their actions, and are not to:
1. Furnish false or misleading information on university records or forms by commission or omission; knowingly misrepresent the facts pertaining to university procedures; furnish false information to any member of the University community; or misuse documents and keys.

2. Steal, deface or destroy property of the University; possess stolen property; or infringe on the rights or property of members of the University community.

3. Misuse access privileges to university premises including, but not limited to violate positions of trust or authority; misuse university or organizational names and images; steal or misuse university computing equipment, facilities, passwords, accounts, or information.

4. Possess or carry, whether openly or concealed, any gun, rifle, pistol, or other firearm on campus, or to a curricular or extracurricular activity sponsored by the university.

5. Possess or use weapons, included but not limited to: BB guns, air rifle, air pistol, bowie knife, dirk, dagger, slingshot, switchblade knives, blackjack, metallic knuckles, swords, bow and arrows, razors or razorblades (except solely for personal shaving), fireworks or other explosive materials in any University-owned buildings, grounds, housing units, or student activities. Students with any of these items on campus must register and store them with Campus Police.

6. Start fires, explode fireworks, improperly use chemicals, and/or tamper with fire-fighting equipment (including, but not limited to, hoses, sprinklers, and fire extinguishers).

7. Gamble on University-owned property including, but not limited to, buildings, streets, and parking lots.

8. Communicating threats either verbally or written to any members of the University community.

9. Engage or subject another individual, whether intentional or unintentional, in activity likely to cause physical injury, mental distress, personal indignities of a highly offensive nature; engage in fighting.

10. Engage in physical abuse, sexual harassment, harassment, non-consensual sexual acts, coerced or forced physical contact via means of intimidation, physical restrain, or violence (For more information, please refer to the Policy on Sexual Harassment and Sexual Violence, as it may be amended from time to time).

11. Engage in dating violence. Dating is violence committed by a person (1) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (2) where the existence of such a relationship shall be determined based on a consideration of the following factors (a) the length of the relationship, (b) the type of relationship, and (c) the frequency of interaction between the persons involved in the relationship. (For more information, please refer to the Policy on Sexual Harassment and Sexual Violence, as it may be amended from time to time).
12. Engage in domestic violence. Domestic violence includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction.

13. Violate the Policy on Sexual Harassment and Sexual Violence, as it may be amended from time to time. (For more information, please refer to the Policy on Sexual Harassment and Sexual Violence, as it may be amended from time to time).

14. Stalk or engage in stalking or engage in a course of conduct directed at specific person that would cause a reasonable person to (1) fear for his or her safety or the safety of other or (2) suffer substantial emotional distress (For more information, please refer to the Policy on Sexual Harassment and Sexual Violence, as it may be amended from time to time).

15. Engage or subject another individual, whether intentional or unintentional, in activity likely to cause physical injury, mental distress, or personal indignities of a highly offensive nature, which is in connection with recruitment, initiation, or continued membership in a society, fraternity, or sorority, club, athletic team, or other similar group. Hazing for the purpose of this policy is not limited to the statutory definition. (For more information, please refer to the Hazing Policy, as it may be amended from time to time).

16. Engage in any activity that deliberately threatens, harasses, intimidates another individual, or places an individual in reasonable fear of harm to the individual or damage to the individual’s property; or has the effect of substantially disrupting the orderly operation of the individual’s daily life via the use of electronic information and communication devices, to include but not be limited to: e-mail messages, instant messaging, text messaging, cellular telephone communications, internet blogs, social media sites, internet chat rooms, internet postings, and defamatory websites (For more information, please refer to Cyberbullying Policy, as it may be amended from time to time).

17. Exhibit conduct of a lewd, indecent, obscene, conduct that disturbs the peace, or disorderly manner as defined by state statutes on the campus or at any University-sponsored event or public event while identified as a member of the University community.

18. Enter or use University facilities without authorization, trespass, and/or misuse of restricted areas; or violate rules governing University residence facilities, including but not limited to the key policy and co-ed visitation policy (For more information, please refer to Housing and Residence Life Policy, the Guide to On-Campus Living in Housing and Residence Life, and/or the Housing and Residence Life Living Agreement).

19. Possess, consume, and/or use alcoholic beverages on university owned property or at a student activity on campus.
20. Possess alcohol paraphernalia included but not limited to empty alcoholic bottles, alcoholic carton, beer bongs, funnels, kegs.

21. Consume alcohol while under the statutory legal age, as it may be amended from time to time.

22. Provide alcohol to a minor or any person not of the statutory legal age to consume alcoholic beverages.

23. Be publicly intoxicated.

24. Possess and/or use of controlled and/or illegal substance. If you are a student who has been prescribed any narcotic by a licensed health care professional, you may possess or use such drugs in the manner as directed by the health care professional and must possess, and provide upon request, written documentation for verification purposes. If the narcotic cannot be lawfully possessed in the State of North Carolina, then you may not possess it on campus.

25. Share prescription medication with another individual. Such violations will be deemed and cited as “sale or distribution of the illegal substance.”

26. Possession of drug paraphernalia and/or drug residue, including but not limited to stems, seeds, powder, crystals, and scales. If you are a student who has been prescribed any narcotic by a licensed health care professional, you may possess or use such drugs in the manner as directed by the health care professional and must possess, and provide upon request, written documentation for verification purposes.

27. Share drug or prescription medicine paraphernalia with another individual. Such violations will be deemed and cited as “sale or distribution of the illegal substance/drug paraphernalia.”

28. Possession with the intent to manufacture, sell and/or deliver any controlled substance or use narcotic drugs, whether controlled or prescribed, on or in university-owned property.

29. Intend to purchase any controlled and/or illegal substance on, around, or in university-controlled property.

30. Disrupt university operations; obstruct freedom of movement by community members or visitors; abuse, interfere with or fail to comply in university processes including student conduct hearings/ administrative hearings; fail to comply with directions of university officials.

31. Aid or abet the violation of The Code of Conduct or assist another person in the commission of a crime or act that violates this policy.

32. Violate local, state, and/or federal law, as they may be amended from time to time.

33. No student shall threaten, coerce, harass or intimidate another person or identifiable group of persons, in a manner that is unlawful or in violation of a constitutionally valid University
policy, while on university premises or at university-sponsored activities based in whole or in part upon any of the protected statuses included in Section 103 of The Code of The UNC Board of Governors.

34. No student shall engage in unlawful harassment leading to a hostile environment. Unlawful harassment includes conduct that creates a hostile environment by meeting the following criteria:

a. Directed toward a particular person or persons;
b. Based in whole or in part upon any of the protected statuses included in Section 103 of The Code of The UNC Board of Governors
c. Unwelcome;
d. Severe or pervasive;
e. Objectively offensive; and
f. So unreasonably interferes with the target person’s employment, academic pursuits, or participation in university-sponsored activities as to effectively deny equal access to the University’s resources and opportunities.

35. In determining whether student conduct violates these provisions, all relevant facts and circumstances shall be considered. Care must be exercised in order to preserve freedoms of speech and expression, as articulated in current legal standards. Advice should be sought from campus attorneys, as appropriate.

IV. Student Conduct Proceedings

A. Student Conduct proceedings may be instituted against a student charged with violation of a law that is also a violation of The Code of Conduct, without regard to criminal arrest, criminal charges, prosecution, or civil litigation. Proceedings under the Code of Conduct are generally carried out without awaiting the conclusion of civil or criminal proceedings off-campus as such proceedings have no bearing on student conduct proceedings.

B. When a student is charged with an off-campus violation of federal, state or local laws, or the laws of another country, conduct action may be taken and sanctions may be imposed, up to and including expulsion, if the off-campus violation is misconduct that demonstrates disregard for the university community or poses a potential threat to that community.

V. Notification and Hearing of Conduct Allegations

A. Allegations of Code of Conduct violations will be presented to the Office of Student Conduct, via Maxient Student Conduct System, from WSSU Campus Police or an Incident Report by residence life staff, students, faculty, and/or staff. To report an incident, use the following link to the Maxient Student Conduct Incident Report. You can also find the link listed on the Office of Student Conduct Homepage, which is located on WSSU’s website. Incidents that violate the Code of Conduct shall be submitted as soon as possible after it takes place and factual information should be provided to support the charge.
B. A student may be accused of a violation only with a formal charge/complaint from Director of Student Conduct or Housing Director, or their respective designees, who will send notice of complaint to the student by electronic notification. A student’s university assigned email shall be the method of official communication (For more information, please refer to Official Method of Communication Policy).

C. **Minor Violations:** A minor violation is one for which the possible sanctions are less than suspension and/or expulsion.

1. **Due Process Requirements for Minor Violations.** Students charged with minor violations of the Student Code of Conduct will receive a notice of the complaint. This notice will:
   
   a. Contain the substance of the allegations.
   
   b. Advise the student of his/her right to a staff advisor/advocate or licensed attorney. An advisor/advocate from the University is available to assist in all aspects of the student’s case. It is the student’s responsibility to contact the advisor/advocate upon receipt of the notice of referral of a complaint. If a student hires or engages a licensed attorney at his/her own expense, then the student must then notify the Office of Student Conduct and provide the attorney's name and contact information. The student and attorney are required to complete several forms, which will be attached to their conduct notification letter and must then be returned to the Office of Student Conduct prior to the date of the scheduled Pre-hearing Conference or Administrative Hearing. Students must execute a FERPA waiver to allow the attorney access to the student’s conduct information and allow the attorney to share a student’s right to speak during the hearing process. The advisor/advocate/attorney will not be allowed to participate in the hearing if the required forms are not executed prior to the Prehearing Conference. All participating advisors/advocates/licensed attorneys will also have to conduct themselves in the same manner to which students are held. If an advisor/advocate/or attorney becomes unruly or conducts himself or herself in a manner that is disruptive to the proceedings, he or she may be asked to leave.
   
   c. Advise the student to contact the Director of Student Conduct or a designee regarding the allegations that the student has violated the Code of Conduct. d. Advise the student that failure to contact the Director of Student Conduct or a designee constitutes a violation of Code of Conduct. e. Advise the student whether the victim has requested alternative dispute resolution of the allegations and the process for alternative dispute resolution.

2. Prior to formally charging the student, the Director of Student Conduct or a designee will:
   
   a. Consult with the Vice-Chancellor of Student Affairs or University Counsel when an action is pending in state court, federal court, or court in a foreign country against a student or has been adjudicated in court to determine whether the student has concurrently violated the Code of Conduct. If it is determined that the university has
been impacted, then the student will be subject to a notification of violation in accordance with the Code of Conduct.

b. Receive and review allegations. Determine whether (1) the allegation, if proven, would constitute an offense under the Code of Conduct and (2) based upon the stated allegation, is there reasonable belief that such a violation may have occurred. This screening may involve reading of the case allegations, description of the alleged conduct, or discussion with the individual(s) making the allegation, as appropriate to the situation.

c. If a complaint is to be pursued, then it is then referred to a hearing official or body. The student must be notified in writing of the alleged violation(s), the referral, and the hearing date. The hearing should not be scheduled for at least five (5) calendar days after the student receives the notice unless the student agrees to an earlier hearing date in writing. A committee member or the hearing official who has a conflict with bias about or interest in the case should recuse himself. If the committee member or the hearing official refuses to recuse himself, a designated university official shall make the recusal decision.

d. For minor violations, the student may waive the hearing and accept a sanction proposed by a designated university official. The waiver and acceptance must be in writing and signed by the student.

e. Determine if the alleged victim desires alternative dispute resolution of the charges.

f. Review other University policies affecting students and, if applicable, maintain a copy in the case file and provide a copy to any appeal body that later hears the case.

3. At the PHC, the Director of Student Conduct or a university official assigned to this matter shall provide the student with:

   a. Opportunity to review allegations
   b. Opportunity to review student conduct code procedures.
   c. Notice of formal charges resulting from allegations.
   d. Notice of restrictions to be imposed, if any, to protect the alleged victim.
   e. Notice of means of resolving formal charges through written acceptance or denial of responsibility.
   f. Notice of alternative dispute resolution of the charges if the accuser consents.
   g. Opportunity for advisor/advocate/licensed attorney to ask questions for clarification to give the accused student ample time to formally prepare for the hearing.

A. A student who accepts responsibility shall be advised that:

   1. He/she has the right to provide additional information regarding the allegations but is not required to do so.
   2. The Director of Student Conduct or university official assigned to this matter shall make the determination of sanctions.
   3. The student waives his/her right to have the matter heard by a student conduct hearing body.
   4. Any sanctions imposed may be appealed to the Vice-Chancellor of Student Affairs. If the allegations are a violation to the Sexual Harassment and
Sexual Violence policy, then the appeal will follow the process defined by that policy.

5. The student’s acceptance of responsibility must be in writing on a form provided by the Director of Student Conduct, which must contain the provisions of 1-4 above and must be signed and dated by the student, Director of Student Conduct, or official assigned to this matter.

B. A student who denies responsibility or prefers to have the charges heard by the WSSU Student Conduct Council shall be advised that:

1. He/she has the right to provide additional information regarding the allegations but is not required to do so during the PHC.
2. The hearing should not be scheduled for at least five (5) calendar days after the student receives the notice unless the student agrees to an earlier hearing date in writing. The notice will include the date, time, and location of the Student Council Hearing.
3. The student must provide an address (permanent and local) and his/her WSSU e-mail address for notice of proceedings. A student’s university assigned e-mail shall be the method of official communication.
4. The student has a right to an advisor/advocate/licensed attorney. Licensed attorneys shall be hired at the student’s expense.
5. Student’s denial of responsibility shall be in writing and/or electronic notification of the resolution or adjudication of the charges from the Director of Student Conduct or university official assigned to this matter. The notification will be sent to the contact address provided by the student and in accordance with the Official Method of Communication Policy. A student who has accepted responsibility the charges will be advised of the sanctions imposed and the student’s right of appeal unless an administrative hearing is necessary to determine sanctions. If a hearing is required to impose sanctions, then student will be given notice of the date, time, and location of the hearing. The hearing should not be scheduled for at least five (5) calendar days after the student receives the notice unless the student agrees to an earlier hearing date in writing. If a hearing is held, it may occur as a meeting between the hearing committee/official and the student. It will be a closed meeting.

D. Serious Violations: A serious violation is one for which the possible sanctions are suspension and/or expulsion.

1. Due Process Requirement: Students charged with serious violations of the Student Code of Conduct will receive a notice of the complaint. This notice must be issued within a reasonable time and will:

   a. Contain the substance of the allegations offense(s) charged, the possible sanctions, and a brief recitation of the factual allegations supporting the charge. For all charged offenses which could result in expulsion, the notice must include this possibility and must specify
that expulsion precludes matriculation at any UNC constituent institution.

b. Advise the student that he he/she shall be entitled to an advisor/advocate/licensed attorney. An advisor/advocate from the University is available to assist in all aspects of the student’s case. It is the student’s responsibility to contact the advisor/advocate upon receipt of the notice of referral of a complaint. If a student hires or engages a licensed attorney at his/her own expense, then the student must then notify the Office of Student Conduct and provide the attorney's name and contact information. The student and attorney are required to complete several forms, which will be attached to their conduct notification letter and must then be returned to the Office of Student Conduct prior to the date of the scheduled Prehearing Conference for Student Conduct Council hearing. Students must execute a FERPA waiver to allow the attorney access to the student’s conduct information and allow the attorney to share a student’s right to speak during the hearing process. The advisor/advocate/attorney will not be allowed to participate in the hearing if the required forms are not executed prior to the Pre-Hearing Conference. All participating advisors/advocates/licensed attorneys will also have to conduct themselves in the same manner to which students are held. If an advisor/advocate/or attorney becomes unruly or conducts himself or herself in a manner that is disruptive to the proceedings, he or she may be asked to leave.

c. Advise the student to contact the Director of Student Conduct or a designee regarding the allegations that the student has violated the Code of Conduct.

d. Advise the student that failure to contact the Director of Student Conduct or a designee constitutes a violation of Code of Conduct.

e. Advise the student whether the victim has requested alternative dispute resolution of the allegations and the process for alternative dispute resolution.

2. At the PHC, the Director of Student Conduct or a university official assigned to this matter shall provide the student with:

a. Opportunity to review allegations and written evidence that will be used at the hearing and obtain a list of witnesses.

b. Opportunity to review student conduct code procedures.

c. Notice of formal charges resulting from allegations.

d. Notice of restrictions to be imposed, if any, to protect the alleged victim.
e. Opportunity for advisor/advocate/licensed attorney to ask questions for clarification to give the accused student ample time to formally prepare for the hearing.

3. The student must provide an address (permanent and local) and his/her WSSU e-mail address for notice of proceedings. A student’s university assigned e-mail shall be the method of official communication (for more information, please refer to Official Method of Communication Policy).

4. Following the PHC, the student will receive written and/or electronic notifications of the hearing, unless the notice of hearing has already been issued. If a hearing date is not set forth in the formal notice of the charge, written notice of the hearing date must be sent to be received by the student not less than five (5) calendar days before the proceeding is scheduled for hearing. The notice will include the date, time, and location of the Student Conduct council hearing. It will be a closed meeting. The notification will be sent to the contact address provided by the student and in accordance with the Official Method of Communication Policy.

5. Substantive Requirements: In each case there must be sufficient evidence supporting the decision and the sanction.

VI. ALTERNATE DISPUTE RESOLUTION

Upon mutual request by the accused student and the accuser, and with the consent of the Director of Student Conduct or university official assigned to this matter, alternative dispute resolution, which includes, but is not limited to negotiated settlements or mediation, may be considered in lieu of formal charges for minor violations or for offenses where the sanction is no greater than a Disciplinary Warning. In those instances, the Director of Student Conduct or university official assigned to this matter is authorized to select the method of alternative dispute resolution.

VII. COMPOSITION AND JURISDICTION OF STUDENT CONDUCT BODIES

A. WSSU Student Conduct Council

The WSSU Student Conduct Council shall hear all cases where a student denies responsibility for an alleged violation of the Code of Conduct or request that the case be heard by the WSSU Student Conduct Council. The WSSU Student Conduct council shall be composed of the SGA Attorney General who shall serve as chairperson from year to year for so long as he/she serves as SGA Attorney General; three (3) students, who meet the specific grade point average for that academic year and have completed at least one
semester at the collegiate level; and two (2) members of the faculty and/or staff, who meet all requirements prescribed by the university.

VIII. HEARING PROCEDURE

An accused and enrolled student who fails to respond to a charge letter, does not attend the Pre-Hearing Conference of at any time fails to respond to notification regarding the hearing process or refuses to abide by the hearing procedures, will forfeit the option of a student conduct council hearing. For minor violations, the Director of Student Conduct, or a designee, without further notice, will proceed with the hearing whether or not the accused student is present. For serious violations, the Student Conduct Council will proceed without further notice to the student. If the student is found responsible, each hearing body will determine the appropriate sanction based on information available at that time. The student will be notified by mail and e-mail within ten (10) calendar days of the outcome of this review and of the student’s right to appeal, if any.

Students who are not enrolled at the time of the conduct proceeding or who choose not to proceed will not be allowed to register at WSSU until resolution of the complaint of violation of the Code of Conduct. The Director of Student Conduct shall notify the Office of Registrar of the pending conduct complaints. If a student attempts to transfer with an unresolved conduct matter, WSSU may notify the other institution and disclose any records associated with the complaint.

A. Hearing Officers and Bodies

Student Conduct that contradicts basic interests and policies of the university community will be addressed under hearing procedures designed to facilitate fair and impartial resolution. Hearings, whether held before a hearing officer or gull hearing panel, are unlike courts. Student conduct hearings engage in a full discussion of charges and circumstances and are not subject to the formal rules or proceedings of court. The Office of Student shall designate the University Official to present testimonial and documentary evidence on behalf of the university at all hearings.

1. Student Affairs Administrative Hearings

All cases that may result in separation or interim suspension from the university shall be referred to the Vice-Chancellor for the Student Affairs. The Director of Student Conduct or a designee may hear minor violations or complaints that do not have a sanction of suspension or expulsion from the university and that have not been referred to Student Conduct Council.

2. Title IX Hearing

All sexual harassment and/or sexual complaints against a WSSU student should be filed directly with the Division of Student Affairs, Suite 307, Thompson Center, (336) 750-8663 or with the university Title IX Coordinator, Office of EEO and Diversity, Suite 203, Blair Hall, (336) 750-8760.
The complainant should complete the Harassment/Discrimination Complaint Form (which can be found on the Title IX webpage) detailing when the incident occurred, the nature of the grievance, against whom the grievance is directed to, and any witnesses to the incident. The Title IX hearing shall be handled in accordance with the applicable Title IX policies, as they may be amended from time to time. Unless otherwise provided, Title IX complaints shall not be heard by students.

3. Conflicts of Interest

A committee member or hearing official who has a conflict with bias about or an interest in a case must recuse himself. If the committee member refuses to recuse himself, a designated university official will make the recusal decision. The student must also be given the opportunity to challenge a committee member or hearing official on these grounds. The decision on the challenge must be made by the committee or official within five (5) calendar days. If necessary, a substituted committee member or hearing official will be appointed. If the committee member or the hearing official refuses to recuse him/herself, the Vice-Chancellor for Student Affairs shall make the recusal decision.

B. Scheduling of Hearings

1. Student Conduct Council

Hearings before the WSSU Student Conduct Councils will be scheduled in accordance with the applicable due process requirements for notice. A hearing may be postponed once for a good cause, including but not limited to illness, unavailability of witnesses or evidence, upon request of either the accused or the accusing party. This postponement will not exceed then (10) calendar days unless there exist an extraordinary circumstance. The Chair of the hearing body shall determine whether good cause exists to postpone a case.

Licensed attorneys are statutorily authorized to participate in student conduct hearings. The attorney must comply with and remain compliant with the university’s rules and regulations that govern the process. For more information, please refer to UNC Policy Manual 700.4[R], as it may be amended from time to time.

2. Title IX Hearing

Once the Investigator/Assistant Title IX Coordinator receives the written complaint, a Preliminary Administrative Review shall be used to determine if the allegations within the complaint are in violation of WSSU’s Policy on Sexual Harassment and Sexual Violence. If the preliminary review indicates a potential violation of the Policy, an impartial investigation into the allegations will begin. If the preliminary administrative review indicates that the allegations within the complaint are not in violation of the aforementioned Policy, the investigator shall terminate the resolution complaint process. Termination of the complaint resolution process following a preliminary administrative review bars the issue from other university complaint/grievance resolution processes.
If the Investigator/Assistant Title IX Coordinator reviews the complaint and it indicates potential violation of the Policy, the Investigator/Assistant Title IX Coordinator will contact all members associated with the possible infraction within a forty-eight-hour (48 hour) time frame to begin a formal investigation. When an allegation of sexual harassment or sexual assault is brought forth to a university official, the Investigator/Assistant Title IX Coordinator must investigate all allegations and collect information. He/she has the authority to contact and forward said complaint to the respondent, witnesses, or other parties involves.

Upon initial contact by the Investigator/Assistant Title IX Coordinator, all individuals involved, including the complainant, respondent, and witnesses must respond within ten (10) calendar days. If any party is given a supplemental information request for additional information, he/she must comply within the allotted time frame. If the respondent and/or witnesses do not respond, they will be cited for Failure to Comply with University process in violation of the Student Code of Conduct and referred to the Director of Student for disposition in accordance with the applicable policies. The Investigator/Assistant Title IX Coordinator has five (5) calendar days, after completion of all parties’ interviews to refer all information to the Dean of Students, who will then adjudicate the case. The Dean of Students has five (5) calendar days to review and if necessary, will contact students for clarification.

C. Attendance

Hearings shall be closed except for the accused, an advisor/advocate/licensed attorney for the accused, the accuser, the University Official presenting the case, the WSSU Student Conduct Council and witnesses or persons who have been asked to testify by either the accused or accuser. Such witnesses or persons asked to testify should be present only for the portion of the hearing that involves their testimony and questions arising from the testimony. The SGA Secretary of Student Conduct will preside over the hearing. The Office of Legal Affairs is available for consultation regarding procedural matters. The Vice-Chancellor for Student Affairs or designee shall be available for consultation if required by the hearing panel.

D. Evidence

Evidence will be allowed if, in the judgment of the hearing panel chairperson, it bears on the facts of the case. No written statements by witnesses or others having knowledge of the allegations may be allowed in the absence of the witness unless the witness has conversed with or been interviewed by the Director of Student Conduct prior to the hearing.
E. Swearing of Witnesses

In all cases, witnesses will be sworn before the WSSU Student Conduct Council Hearing begins or before a witness testifies.

F. Witnesses

The testimony of witnesses will be heard if the Chair of the hearing panel determines that the testimony is relevant to the matter being heard and the witness has first-hand knowledge of the facts of the case. Character witnesses may be allowed to testify at the end of the hearing prior to rendering a determination of the alleged violations of the Code of Conduct.

At least five (5) days prior to the scheduled hearing, the accused and the accuser shall provide in writing to the Director of Student Conduct or a designee the names of the witnesses they expect to call and the expected testimony of the witnesses. The Director of Student Conduct or a designee shall provide the information to the Chair of the hearing body, the accused, and the accuser for review prior to the scheduled hearing.

If either party calls a witness who has not previously been identified, then the other party may challenge the witness and/or the witness’s testimony at the hearing. These challenges will be reviewed by the chair and either affirmed or denied. The hearing maybe continued to a later time or day to allow either the accused or the accuser the opportunity to prepare rebuttal.

In some cases, the Chair of the Student Conduct Council may, upon the request of either party, issue an internal subpoena whenever it is determined that the presence of a witness is required to determine the facts of a case and the witness refuses to appear voluntarily at a hearing. Subpoenas must be personally delivered or sent by certified mail, return receipt requested, to the addresses most recently made available to the university by those parties. WSSU students are expected to comply with subpoenas issued pursuant to this process and students who fail to comply are subject to charges and sanctions for violating the Code of Conduct.

G. Multiple Students

Charges against multiple students involved in the same incident may be heard in a single case only if each student defendant consents in writing to such a proceeding.

H. Confidentiality of Proceedings

Student Conduct Council is a public body and subject to the open meeting laws of the State of North Carolina. However, in accordance with Family Educational Rights and Privacy Act (FERPA) of 1974, conduct hearings and reviews will be closed in order to protect information made confidential under this act. All testimony and information received in a closed hearing and deliberations are considered confidential and shall not to
be divulged outside the hearing. Any person violating the confidentiality of the proceeding shall be subject to charges and sanctions for violating the Code of Conduct. Members of the hearing body are also subject to removal.

I. **Conduct Proceedings**

1. In all cases involving serious violations (suspensions/expulsions), a transcript or other verbatim record of the hearing (but not of the deliberations) will be prepared. WSSU will be responsible for the costs of this record.

2. The Chair of the hearing panel will introduce those present and will explain the hearing procedures to the parties.

3. The Chair will state the charge and state that the hearing will be recorded.

4. A designated University Official must present sufficient witnesses and/or documentary evidence to establish and in support the alleged violation.

5. The accused and/or the advisor for the accused will be provided access to copies of all documentary evidence submitted by the accuser and will have the right to question the accuser and accuser’s witnesses. The hearing body may ask questions directly to the accuser and the accuser’s witnesses.

6. The accused and/or the advisor/advocate/licensed attorney for the accused may respond to the charge and may present evidence in the form of documents and witnesses. The accused may testify or may elect to remain silent. No inference may be drawn from the failure of the accused to offer testimony.

7. If the accused presents evidence, the accuser and/or the designated university Official will be provided access to copies of all documents submitted and may question the witnesses, including the accused if the accused has elected to testify. The hearing body may ask questions directly to the accused, if the accused elects to testify, and the accused’s witnesses.

8. The accuser and/or the designated University Official may submit evidence, including testimony, to rebut evidence presented by the accused. The accused and the hearing body may ask questions directly to any rebuttal witnesses.

9. The accuser and/or the designated University Official will be provided the opportunity to make a final statement.

10. The Chair of the hearing panel will conclude the evidentiary portion of the hearing and set a time for deliberations to begin. Upon the conclusion of the hearing, the Chair will advise all hearing participants of the obligation of confidentiality and to refrain from discussing confidential information outside of the convened meetings.
Breach of this directive by any university student will constitute a separate violation of Code of Conduct.

11. Deliberations will normally continue until a decision as to whether the accused student committed the offense charged has been reached. At the conclusion of the evidence, the committee/official will determine whether the charging official has shown by a preponderance of the evidence that the student committed the offense charged. This determination must be based solely on the evidence presented at the hearing. The committee or official will also determine the appropriate sanction. Recesses or continuation of the deliberations to a later time or a later day will be granted at the discretion of the Office of Student Conduct. Deliberations by the hearing panel shall not be recorded or heard before the court reporter.

12. If the hearing body finds by a preponderance of the evidence that the accused committed the offense, testimony may be heard from interested parties, including character witnesses, prior to the imposition of sanctions. The court reporter shall be present and record verbatim testimony from all parties and witnesses presenting information. The Chair will conclude this portion of the hearing and hearing body will then deliberate applicable sanctions.

13. The hearing panel will determine appropriate sanctions within the ranges specified in the definitions herein.

J. Standard of Proof

Decisions by the hearing panel shall be based on a preponderance of the evidence, which is more likely than not that the alleged violations have occurred and that the accused student was responsible for the violation.

K. Decision

1. Student Conduct Council

Conduct hearing panels shall decide whether the student committed the offense charged by simple majority vote of the panelists present. The Student Conduct Council is not authorized to hear matters involving violations of Title IX.

2. Title IX Hearing

For the Title IX Hearing matters, the Dean of Students will reach a decision and sanction according to the student code of Conduct. Notifications will be sent to respondent(s) and complainant(s). The Title IX process is completely separate from the WSSU Students Conduct Council. The entire resolution process will be completed within sixty 9600 calendar days from the university’s receipt of written complaint, barring extenuating circumstances. If these circumstances occur, the respondent will be notified. The respondent and/or complainant may appeal the sanction based on the appeal ground in
accordance with the Appeals Process for Sexual Harassment/Sexual Violence, as it may be amended from time to time.

L. Sanction Assignment

After determining that the accused student committed the offense charged, those hearing the allegations will assign a sanction. In assigning an appropriate sanction, the prior conduct history of the accused, as found in the records of the Office of Student Conduct, if any exist, shall be considered. The testimony of character witnesses may be considered. Consideration may also be given to aggravating or mitigating circumstances including, but not limited to:

- Intent to act in the manner described
- Intent to violate the policy or regulation described
- Prior violations or related behavior
- Other personal circumstances that might have affected the student at the time of the infraction

The decision of the hearing panel will be in writing and include a brief statement of the evidence that supports the finding of violation of each provision of Code of Conduct and a brief statement of the evidence that supports the sanctions it determines should be imposed. The decision of the hearing panel will be in the form of a recommendation to the Vice-Chancellor of Student Affairs in all suspension and expulsion cases. The Vice-chancellor of Student Affairs or his/her delegate must make the conduct determination in all suspension and expulsion cases.

The Chancellor must make the final agency decision in all suspension and expulsion cases. If an appeal follows a review or hearing, all sanctions resulting from the review or hearing are held in abeyance pending the outcome of the appeal unless the student poses a serious threat to the campus or campus community.

M. Notice of Decision

The final hearing decision must be transmitted to the student in writing within ten (10) calendar days of the date of the decision is made, and it must contain a brief summary of the evidence upon which the decision is based. Appeal rights must be specified in the decision letter as provided herein. Appeal rights include the name and address of the body or person to whom an appeal shall be directed and the time period in which the appeal shall be made.

IX. SANCTIONS

The primary purpose of sanctions in Code of Conduct is to protect the university community from behavior that is disruptive, threatening or dangerous to others, lewd, indecent and obscene, or which impairs the primary function of the university to educate students. Sanctions under Code of Conduct may be tailored to suit the circumstances of each offense. Though maximum
penalties may be selected, depending on the circumstances, and based upon the Policy Violations List and Sanctions Levels attached to Code of Conduct.

In cases where alcohol and/or drugs usage are known or where the accused student exhibits extreme violent or abusive behavior, sanctions imposed may be suspended pending drug and alcohol abuse assessment and counseling. Drug or alcohol assessment or counseling may be provided via campus based or community-based resources as determined by the Director of Student Conduct and/or University Counseling.

Sanctions of expulsion and suspension affect the student’s academic enrollment at the university. In order that students under expulsion, suspension or limited participation in daily campus life do not contravene the terms of the sanctions, the Vice-Chancellor for Student Affairs shall, in writing, notify the Vice chancellor for Academic Affairs, Financial Aid office, Registrar, Director(s) of Residence Life, University Police, and such other offices as are necessary to ensure that the sanction is enforced. The Vice-Chancellor for Student Affairs may also impose a “No Trespassing” sanction on a student, verbally and in writing, informing the student of specific guidelines to adhere to related to visiting the campus. Other offices may be notified based upon a determined “need to know” as defined in applicable law and policy. Upon termination of such sanctions, the offices will again be notified. Information about suspension or expulsion is maintained permanently in the student’s student conduct record.

If an appeal is filed, it is to the discretion of the Vice-Chancellor of Student Affairs to allow the sanction to be temporarily inactive until the appeal is resolved. In circumstances where the Vice-Chancellor for Student Affairs and the Chancellor determine that the continued presence of a student on campus is a danger or a threat to university property, or the student is a danger to him/herself or others, an interim suspension may be imposed immediately and shall remain in effect pending the outcome of a hearing and any appeal.

Sanctions that may be imposed are:

1. **Interim Suspension** – Temporary separation of a student from the campus when the Vice-Chancellor for Student Affairs believes such separation is necessary or from a classroom when requested by a faculty member under the University’s Classroom Disruption Policy:

   a. To ensure the safety and well-being of members of the university community or preservation of university property.
   b. To ensure the student’s own physical or emotional safety and well-being.
   c. If the students pose a definite threat to, disruption of, or interference with the normal operations of the university or its members, or one or more classes as determined by the Classroom Disruption Policy.
   d. When a student possesses a gun on campus in violation of N.C.G.S. Sec. 14-269.2(b)

Any student subject to interim suspension shall have an expedited right of appeal as provided in the appeal section of the Code of Conduct.
2. **Expulsion** – Permanent separation from the university that can only be removed by written petition to the Chancellor and accompanied by supporting documentation for reinstatement. No petition for reinstatement made earlier than two (2) years from the date of the expulsion shall be considered. Expulsion is warranted in cases of falsified admission applications, possession of a firearm or any weapon of mass destruction and the illegal manufacture, sale, delivery, or possession with the intent to manufacture, sell or deliver any controlled and/or illegal substance, or in cases where the severity of the violation to the Code of Conduct is deemed offensive to the community standards and the safety of the campus community.

3. **Suspension** – Separation from the university for a definite period of time, which coincides with the official ending of an academic semester or summer session. Suspension is required for possession or use of any weapon not referenced in expulsion above and for which permission to possess has not been granted by the Chancellor, registered with the WSSU Campus Police Department and stored according to specific directions from the Vice-Chancellor for Student Affairs. A second weapons offense shall result in expulsion. A first offense for simple possession of a controlled and/or illegal substance will result in suspension. Suspension is also required in cases where the severity of the violation to the Code of Conduct is offensive to the community standards and safety of the campus community.

4. **Deferred Suspension** – is used for offenses found serious enough to warrant suspension, but where the specific circumstances of the case mitigate the offense or for repeated offenses of a less serious nature. Deferred Suspension is a designated period of time during which a student is given the opportunity to demonstrate the ability to abide by the community’s expectations of behavior articulated in the Code of Conduct. During a Deferred Suspension, the student will be officially suspended from the university, but the suspension will be deferred, meaning that the student may continue to attend classes at the time, however, the suspension will be automatically enforced for failure to complete any assigned sanctions by the deadline and/or for any subsequent violations while on the open sanction, unless the Director of Student Conduct, Dean of Students, and/or Vice-Chancellor for Student Affairs determines otherwise in exceptional circumstances. Students on Deferred Suspension may be limited in their abilities to represent the university on any athletic team other than intramurals, hold an office in any registered student organization, represent the university in any extracurricular activity or official function, or participate in any study abroad program. Deferred Suspension may also include the denial of specific university privileges, including but limited to, attendance at athletic functions and residence hall visitation for a designated period of time. The duration of any Deferred Suspension period and the specific restrictions imposed will be determined by the resolution body on a case-by-case basis.

5. **Disciplinary Probation** – The loss, for a specified period of time, of designated social privileges, which include, but are not limited to:
a. Varsity sports  
b. Intramural sports  
c. Band(s) and choir(s)  
d. Cheerleading squad  
e. Fraternities and Sororities  
f. Participation in student organizations  
g. Serving in a leadership capacity in any student organization  
h. The right to represent the university in any specific activity  
i. Residency in university housing

6. Housing Probation – An official notice provided in writing informing student(s) of the need to modify behavior to the Guide for Living on Campus and the terms set forth in the Housing Contract. Further violation of any policies can and will result in the revocation of student(s) housing privileges and the cancellation of student(s) housing contract. At which time student(s) will be removed from housing and responsible for securing housing off campus.

7. Disciplinary Warning – An official reprimand provided in writing that advises of a student’s need to conform the student’s behavior to the Code of Conduct and further advises that any subsequent violation of the same nature by the student within a two (2) year period will automatically result in disciplinary probation.

8. Deferred Housing Revocation – Deferred Housing Revocation means that the student’s housing contract will be officially revoked, but the revocation will be deferred, meaning that the student may continue to live in the selected residential hall, however, the revocation from the residential hall will be automatically enforced for failure to complete any assigned sanctions by the deadline and/or for any subsequent violations while on the open sanction, unless the Director of Student Conduct, Dean of Students, and/or Vice Chancellor for Student Affairs determines otherwise in exceptional circumstances. Further violation of the policies can and will result in the permanent revocation of the student(s) housing privileges and the permanent cancellation of student(s) housing contract indefinitely. At which time student(s) will be removed from housing immediately, responsibly for all remaining charges/fines, and responsible for securing housing off-campus. The duration of any Deferred Housing Revocation period and the specific restrictions imposed will be determined by the resolution body on a case-by-case basis.

9. Administrative Mediation – This method of resolving a dispute utilizes a third party to consult with those involved and recommends a solution which is binding on the parties. The parties involved will be held to the agreement. Should parties violate the agreement, they will be charged with Item 27: Failure to comply with the university process, in the Code of Conduct, plus any additional violations.

   a. Restitution – Reimbursement of any cost incurred as direct or indirect consequences of the student(s) violation of the Code of Conduct.
b. **Community Service** – Volunteer service to an on campus or off campus department, division, faculty, or staff member for a specific number of hours within a specified period of time. Community service could be sanctioned through the Office of Career Services or the Office of Interpersonal Violence Prevention.

c. **Educational** – Includes referrals to the University Counseling Center, reflective essays, or participation in educational programming that addresses the violation. The referral to the University Counseling Center can be for an assessment and/or counseling for substance abuse, alcohol or illegal substance usage, they will be sanctioned with having to complete an educational session via different electronic programs (ex. AlcoholEDU program, e-Toke Marijuana Screening, e-Chug Alcohol Screening).

X. **FILING AN APPEAL**

A. **Authority for Appeal**

The state of North Carolina and the Board of Governors of the University of North Carolina System vest the authority for governance of student conduct in the Chancellor. All decisions rendered under Code of Conduct are subject to review and alteration by the Chancellor of the University of the Chancellor’s designee. This policy provides appeal to the Board of Trustees from a decision by the Chancellor in case of a suspension or expulsion. In accordance with The UNC Code of The Board of Governors Section 502D(3), “In the discharge of the Chancellor’s duty with respect to matters of student discipline, it shall be the duty of the Chancellor to secure for every student the right of due process and fair hearing, the presumption of innocence until found guilty, the right to know the evidence and to face witnesses testifying against the student, and the right to such advice and assistance in the individual’s defense as may be allowable under the regulations of the institution as approved by the Chancellor.”

Any individual in need of a reasonable accommodation on the basis of a disability to obtain an extension to the appeal timeframe due to that disability should submit a request to the Associate Director of Disability Services at dds@wssu.edu or (336) 750-8658.

The request must be submitted with at least 72-hour notice to allow time to secure resources appropriately and have all parties notified of the needed extension before appeal deadline. In those instances where the denial of any of these rights is alleged, it shall be the duty of the President to review the proceedings.

B. **Appeal Procedure**

**Interim Suspension**

Any student subject to interim suspension will be notified by the Vice-Chancellor for Student Affairs, in writing via hard copy and electronically, to the
permanent/local address and the WSSU e-mail address most recently made available to the university by the student.

- The notice shall state the charge, the intent to suspend effective immediately, and the opportunity to respond in writing or by personal interview within twenty-four (24) hours of delivery of the notice to the student. Notice shall be made by hand delivery or certified mail.
- An accused student wishing to contest an interim suspension must provide a written response or request a personal interview within twenty-four (24) hours of receipt of notice of intended suspension or actual suspension from a classroom.
- After such appeal has been reviewed and/or the twenty-four (24) hour period has passed, the Vice-Chancellor for Student Affairs will notify the student within twenty-four (24) hours of action on the suspension by certified or hand delivered letter.
- If the suspension is not reversed, a student may request a hearing before the WSSU Student Conduct Council to resolve all matters related to the interim suspension. Said hearing will be in compliance with the standard hearing processes but will be held within 48 hours of the decision to continue the suspension, or as soon as possible. The time frame of the incident within the academic year has to be taken into consideration. (For example: exam week, right before Christmas break, etc.).

During the interim suspension, the student shall be denied access to residence halls and the campus (including classes), and all other activities or privileges for which the student might otherwise be eligible. In the case of a classroom disruption charge, the student shall be denied access to the class that is the subject of the charge. Following the expedited hearing, the student may appeal a final decision on the merits of the case as set out below.

C. Appeal from Student Conduct Council Hearing Body

A student found responsible for an offense under the Code of Conduct may appeal the recommendation of a student conduct body and/or the imposition of sanctions recommended by the student conduct body by submitting a written request for a review within then (10) calendar days of the finding. The student conduct council hearing bodies include:

- The Director of Student Conduct or a designee
- The WSSU Student Conduct Council
- The Vice-Chancellor for Student Affairs
D. Grounds for Appeal

1. The decision of a student conduct council body may be appealed upon the following grounds:

   - Procedural error sufficient to have altered the outcome of the hearing
   - Discrimination based on the student’s membership in a protected class (race, creed, color, sex, identifies with the LGBTQ community, national origin, physical disability, or age over 40) as defined by Executive Order 11246
   - New or newly discovered evidence previously unavailable
   - Excessive or inappropriate sanctions
   - Decision or judgment not supported or justified by the evidence
   - Denial of due process and fair hearing, the presumption of innocence until found guilty, the right to know the evidence and to face witnesses testifying against the student, and the right to advice and assistance in the individual’s defense has allowed under the regulations of the institution as approved by the Chancellor

   The student must write the notice of appeal which must state at least one or the above grounds or it shall be dismissed without further action. The notice of appeal shall state the facts that support the request and the outcome desired. The student will receive, along with his/her decision letter, an appeal form that must be completed, and submitted to the Office of Student Conduct in a sealed envelope within the designated timeframe.

2. An appeal to the Board of Trustees (in the case of a suspension or expulsion) or an appeal to the Board of Governors (in the case of an expulsion) is allowable only on the following grounds:

   - A violation of due process, or
   - A material deviation from Substantive and Procedural Standards adopted by the Board of Governors or
   - Notice of appeal to the Board of Trustees or the Board of Governors must be given within ten (10) calendar days of receipt of the decision leading to the appeal.

Title IX appeals shall be handled in accordance with the Resolution Procedures for Student Complaints of Sexual Harassment/Sexual Violence. The Title IX Appeals process is the following grounds:

   - Discrimination based on the student’s membership in a protected class (race, creed, color, sex, identifies with LGBTQ community, national origin, physical disability, or age over 40) as defined by Executive Order 11246
   - New or newly discovered evidence previously unavailable
   - Decision or judgment not supported or justified by the evidence
• Denial of due process and fair hearing, the presumption of innocence until found guilty, the right to know the evidence and to face witnesses testifying against the student, and the right to be advised and assistance in the individuals defense has allowed under the regulations of the institution as approved by the chancellor.

E. Lines of Appeal

To appeal sanctions imposed from the Director of Student Conduct or a designee, the appeal shall be directed to the Associate Vice-Chancellor for Student Affairs/Dean of Students or a designee.

The next and final line of appeal is to the Vice-Chancellor for Student Affairs. This is the line of appeal only for sanctions up to Disciplinary Probation and Housing Revocation.

For serious violations (suspensions and expulsions), appeals from the Vice Chancellor, should be directed to the Chancellor. Appeals from the Chancellor should be directed to the Board of Trustees through the Office of the Chancellor. For suspensions, the Board of Trustees decision is final.

For expulsions, the appeal from the Board of Trustees should be directed to the Board of Governors through the Office of the President of the UNC System. The Board of Governors decision is final.

Respondent and/or complainant have ten (10) business days to submit an appeal. All appeals (appeal #1 or #2) must be submitted to the Office of Students Conduct, which is located in the Thompson Center, suite 303.

There are two appeal processes for sexual harassment and/or sexual violence (Title IX) sanctions. They are the following:

**Appeal Process #1:** Appeals of sanctions of Suspension or Expulsion:

1. Respondent and/or complainant appeals are submitted to the Sexual Offenses Appeal Board (SOAB) which is comprised of a three-committee member board (faculty and staff).
2. The SOAB will review the case file and give a recommendation to the Vice Chancellor for Student Affairs (VCSA).
3. The VCSA can then accept the recommendation or decline. The VCSA has ten (10) calendar days to respond to the appeal.
4. Respondent and/or complainant may appeal the VCSA’s decision based on the appeal grounds stated above, respondent and/complainant appeal to Chancellor.
for suspension or expulsion cases only. The Chancellor has thirty (30) calendar
days to respond to the appeal.

5. Respondent and/or complainant may appeal the Chancellor’s decision based on
the appeal grounds stated above, respondent and/or complainant appeals to the
Board of Trustees (BOT) for suspension or expulsion cases only. Line of appeal
for suspension cases stops here. BOT has not published a period by which it will
respond to appeals.

6. Respondent and/or complainant may appeal the BOT decision based on the
appeal grounds stated above, respondent and/or complainant appeals to the BOG
for expulsion cases only. BOG has not published a time frame by which it will
respond to appeals.

**Appeal Process #2:** Appeals of sanction of less than Suspension:

1. Respondent and/or complainant appeals are submitted to the Vice Chancellor or
Student Affairs. The VCSA has ten (10) calendar days to review and make a
recommendation to the Chancellor.

2. The Chancellor will then render a decision on the appeal. The Chancellor’s
decision is final.

**F. Authority of Appeal Body**

The body hearing an appeal may:

- Render a decision on the record, upholding the previous decision,
  referring the matter back to the lower body for further proceedings, or
decision the outcome of the case.
- Hear the case de novo.
- Go outside the existing record and secure additional evidence.

**G. Response Time**

Appeals to the Vice-Chancellor for Student Affairs or the Chancellor shall be responded
to within thirty (30) calendar days. The thirty (30) calendar days begins once the Vice
Chancellor for Student Affairs or the Chancellor has received the appeal.

In Title IX cases where suspension and expulsion are warranted, the VCSA has ten (10)
calendar days to respond to the appeal. The Chancellor has thirty (30) calendar days to
respond to the suspension and/or expulsion appeals. For appeals of minor violations, the
VCSA has ten (10) calendar days to review and make a recommendation to the
Chancellor.
XI. MAINTENANCE OF VERBATIM RECORD

A Transcript or other verbatim record shall be made of each hearing before a panel and shall be preserved so long as the possibility of appeal remains open. Following this period, the verbatim record and any written record remains the property of the university and may be reviewed by the accused, by appointment, for the purposes of appeal or by the appeal body reviewing the decision and imposition of sanctions. A request for review of the verbatim record shall be made to the Director of Student Conduct who shall be responsible for the maintenance of the verbatim record and all other hearing records.

XII. STUDENT CONDUCT PROCEEDING RECORDS

All records concerning Code of Conduct violation hearings under this procedure shall be held in the Office of Student Conduct. Medical, psychological, or other assessment related records and materials shall remain in the files of the agency professional responsible for assessment or counseling procedures and shall not be considered a part of the student’s educational record. All student records shall be protected according to the provisions of the FERPRA of 1974.

XIII. REQUEST TO REVIEW EDUCATIONAL RECORDS

Students who wish to contest information contained in the student conduct proceeding records, including a request for removal of information from the record, must address such requests in writing to the Vice Chancellor of Student Affairs, who shall review the request and notify the student of any actions related to the contention or request.

XIV. SPECIAL CASES

Charges against multiple students involved in the same incident may be heard in a single case only if each student defendant consents to such a proceeding.

Pursuant to the Campus Security Act and Title IX, in cases of alleged sexual assault, the complainant and the respondent are entitled to have the same opportunities to have others present during a disciplinary proceeding.

Pursuant to the FERPA of 1974, victims of crimes of violence must be notified of the results of the disciplinary proceeding of the alleged assailant. Results mean the name of the student assailant, the violation charged or committed, the essential findings supporting the conclusion that the violation was committed, the sanction, if any, imposed, the duration of the sanction, and the date the sanction was imposed.

When a student with a disability is charged with an offense, the university shall assure that all requirements of Section 504 of the Rehabilitation Act and the American with Disabilities Act are met.
XV. INTERPRETATIONS AND REVISION

Any question of interpretation regarding Code of Conduct shall be referred to the Vice-Chancellor for Student Affairs or university counsel for final determination. Code of Conduct shall be reviewed annually under the direction of the Vice Chancellor for Student Affairs and university counsel.

Effective Date: This Code of Conduct becomes effective upon approval by the chancellor.
Approved: This 26th day of August 2019.

Elwood Robinson, PhD.
Chancellor
Sex Offender Registration

Campus Sex Crimes Prevention Act 35 CFR 68.46(b)(12)

In accordance with the “Campus Sex crimes Prevention Act” (CSCPA) of 2000, which amends the Jacob Wetterling Crimes against Children and Sexually Violent Offender Registration Act and the Jeanne Clery Act, the Winston-Salem State University Campus Police Department provides links to the Forsyth County Sheriff’s Department Sex Offender website and the North Carolina Sex Offender and Public Protection Registry.

This act requires institutions of higher education to issue a statement advising the campus community where to obtain law enforcement information provided by the State concerning registered sex offenders. The Campus Sex Crimes Prevention Act also requires sex offenders to register and to provide notice to each institution if they are employed, have a vocation or are a student at a place of higher education. North Carolina law requires sex offenders that have been convicted of certain offenses to register with their county sheriff. Information about offenders is then entered into the Registry database by the sheriff’s office and transmitted to the NC SBI.

Note:
The NC SBI collects information submitted by the sheriffs in all 100 counties in the state and makes it available to the public via the Sex Offender and Public Protection Registry website.

The Forsyth County Sheriff’s Department is responsible for maintaining the database in Winston-Salem.

Sex offenders must go to the Sheriff’s Department every 3 to 6 months depending on the degree in which they were charged to verify their address. The Sheriff’s Department by statute can also perform random address checks of sex offender with the county to ensure compliance with the laws. Sex offenders must notify the Sheriff’s Department when they start the school semester, end the school semester, are contracted to work on campus or at one of the institutions satellite locations, work fulltime, part time, or volunteer for Winston-Salem State University. Sex Offenders planning to work fulltime, part time, or do contract work at an educational facility are required by law to notify the Forsyth County Sheriff’s Department within 3 days of their arrival to Forsyth County. Failure to do so is a Class F Felony, G.S.14208.11

Citizens wishing to see a list of sex offenders up to a 5-mile radius of campus can go to the Forsyth County Sex Offenders webpage to receive notifications when a sex offender moves into the area. The number to the Forsyth County Sheriff’s Department sex offender registry unit is (336) 917-7003.

The website for other state registries is listed below:
FBI Sex Offender Registry website
National Sex Offender Registry
NC Sex Offender and Public Protection Registry
ANNUAL FIRE SAFETY REPORT

Winston-Salem State University takes Fire Safety very seriously and continues to enhance its programs to the university community through education, engineering, and enforcement. The Higher Education Opportunity Act enacted on August 14, 2008, requires institutions that maintain on-campus student housing facilities to publish an Annual Fire Safety Report that contains information about campus fire safety practices and standards of the institution. The following report details all information required by this act for Winston-Salem State University.

Definitions

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>On-Campus Student Housing</td>
<td>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.</td>
</tr>
<tr>
<td>Fire</td>
<td>Any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner.</td>
</tr>
<tr>
<td>Fire Safety System</td>
<td>Any mechanism or system related to the detection of fire, the warning is resulting from a fire or the control of a fire. This may include:</td>
</tr>
<tr>
<td></td>
<td>• Sprinkler systems or other fire extinguishing systems</td>
</tr>
<tr>
<td></td>
<td>• Fire detection devices</td>
</tr>
<tr>
<td></td>
<td>• Standalone smoke alarms</td>
</tr>
<tr>
<td></td>
<td>• Devices that alert one to the presence of a fire</td>
</tr>
<tr>
<td></td>
<td>• Smoke controlled and reduction mechanisms</td>
</tr>
<tr>
<td></td>
<td>• Fire doors and walls that reduce the spread of a fire</td>
</tr>
</tbody>
</table>

Fire Incident Reporting

Students, faculty, and staff are instructed to call 911 to report a fire emergency.

Non-emergency reports (i.e., evidence that something has burned) should be made to Police and Public Safety at (336) 750-2911.

On-Campus Residence Halls Fire Safety Systems

Winston-Salem State University has been a leader in ensuring the safety of students, faculty, staff, and visitors who live and work in university operated residences. Automatic sprinkler
systems and fire alarm systems are recognized engineered building features that help to provide for a living environment that supports and enhances the life safety of building occupants. All University operated residence halls and apartments are equipped with automatic sprinkler systems, smoke detectors, and building fire alarm systems to provide early detection and warning of a possible fire emergency. WSSU maintains and tests all fire alarms and automatic fire suppression systems in accordance with the appropriate National Fire Protection Association Standard to ensure system readiness and proper operation in the event of a fire emergency.

<table>
<thead>
<tr>
<th>Residence Hall</th>
<th>Fire Alarm Monitoring</th>
<th>Residential Sprinkler Equipped</th>
<th>Smoke Detectors</th>
<th>Evacuation Plans</th>
<th>Number of Fire Drills in 2021</th>
</tr>
</thead>
<tbody>
<tr>
<td>Atkins Residence Hall</td>
<td>Communication Center</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>2</td>
</tr>
<tr>
<td>Brown Residence Hall</td>
<td>Communication Center</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>2</td>
</tr>
<tr>
<td>Foundation Heights Residence Hall</td>
<td>Security Innovations</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>2</td>
</tr>
<tr>
<td>Gleason-Hairston Terrace Residence Halls (GHT)</td>
<td>Security Innovations</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>2</td>
</tr>
<tr>
<td>H. Douglas Covington Residence Hall</td>
<td>Security Innovations</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>2</td>
</tr>
<tr>
<td>Martin-Schexnider Residence Hall (MSX)</td>
<td>Security Innovations</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>2</td>
</tr>
<tr>
<td>Moore Residence Hall</td>
<td>Communications Center</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>2</td>
</tr>
<tr>
<td>Rams Commons 1 Residence Hall</td>
<td>Security Innovations</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>1</td>
</tr>
<tr>
<td>Rams Commons 2 Residence Hall</td>
<td>Security Innovations</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>1</td>
</tr>
<tr>
<td>Rams Commons 3 Residence Hall</td>
<td>Security Innovations</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>1</td>
</tr>
<tr>
<td>Rams Commons 4 Residence Hall</td>
<td>Security Innovations</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>1</td>
</tr>
<tr>
<td>Wilson Residence Hall</td>
<td>Communications Center</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>0</td>
</tr>
<tr>
<td>WSSU Flats</td>
<td>Security Central</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>2</td>
</tr>
</tbody>
</table>

*Rams Commons Buildings 1 and 3 were off-line from October 22, 2020 - July 28, 2021, for construction.
*Rams Commons Buildings 3 and 4 were off-line from May 26, 2021 – November 16, 2022. Students did occupy these buildings Fall 2021.
Rules and Policies Governing Residence Halls
(From Department of Housing and Residence Life Guide to Living on Campus)

Portable Electrical Appliances

Electrical Appliances/Equipment

The residential facilities have limits on the capabilities of their electrical systems. Overloading these systems presents fire and safety hazards. Furthermore, electrical heating elements are dangerous when used in residence hall rooms or apartment units. The following guidelines govern the use of electrical appliances, outlets, and power strips in residence hall rooms or apartment units:

- Any electrical appliance with an exposed heating element is prohibited.
- Power strips may be used under the following conditions:
  - Only one power strip is permitted to connect an appliance with an electrical outlet (strips may not be used in a series). Only grounded power strips may be used with appliances.
  - Power strips with built-in breakers are required when the number of outlets needed is greater than the outlets in the student’s rooms.
  - Privately owned air conditioners are not permitted.
  - Resident-owned refrigerators are allowed in the residence hall if they do not exceed 4.0 cubic feet.
  - Other appliances such as radios, lamps, computers, TVs, electric razors, hairdryers, hair curlers, fans, and clocks are permitted. Students must recognize that the use of several of these items at the same time from the same outlet may cause a breaker to fail.
  - All electrical equipment and cords must be kept in safe operating condition.
  - Irons may be used only with ironing boards. Never should a student use an iron on the floor of a room, top of a bed, ad desk, or a dresser top.
  - Electrical cords cannot be run under carpets.

Cooking/Food Preparation

Electrical or gas cooking appliances such as grills, popcorn poppers, hot plates, toasters, toaster ovens, electric frying pans, deep fryers, drip coffee makers that have a hot plate element are not permitted in rooms. The University will confiscate any hazardous appliances, and violators will be assessed a fine. Fire safety and sanitation requirements prohibit cooking in any area within residence halls except kitchenettes and kitchens, which are specifically designed for such use. Never leave a kitchen unattended while cooking. Standalone microwaves or other cooking devices are not allowed in apartment unit bedrooms. In addition, outdoor or indoor grills are not allowed within the facility. A microwave is available in the designated kitchen areas or rooms in each building. If a student wants to have a microwave in their personal room, the only option for them is to rent or purchase a Micro Fridge unit from Standards for Living. All other microwaves are not permitted and will be confiscated. Also, see “Refrigerator Policy” below.
Refrigerator Policy

Students living in Atkins, Brown, Martin-Schexnider, Moore, and Wilson Hall are not provided refrigerators in their student rooms. If roommates want to have a refrigerator in their room, they have two options:

- **Option #1:** Students in the above halls bringing their own refrigerators (4.0 cubic feet or less) will be required to pay a usage fee of $30 for the academic year. This $30 fee will be applied once students register their refrigerators. Upon registration, students will be issued a sticker for the current academic year that must be placed on the refrigerator. We encourage you to purchase Energy Star refrigerators.

- **Option #2:** Students may rent a Micro Fridge from our partners at Standards for Living. While microwaves are available in common areas for use, students are not allowed to have standalone microwaves in their rooms. In 2011, Housing and Residence Life initiated the rental program through Standards for Living that allowed energy star microwave refrigerator combo for students (Micro Fridge, TM). This is also the only way students in Atkins, Brown, Martin-Schexnider, and Wilson can possess a microwave in their room if they so choose. If students rent a Micro Fridge from standards for Living, they will not be assessed the refrigerator usage fee as these units are highly efficient.

*Covington Hall will provide one fridge for each room. Additional fridges will not be allowed.

Note: Failure to register an appliance of this sort will result in a penalty of $100.

Students staying in Foundations Heights, Rams Commons, and Gleason-Hairston Terrace Hall will have kitchenettes and kitchens with large refrigerators installed by housing, large enough to serve the needs of all students in the suite. Refrigerators take a lot of energy to run, and energy costs have been increasing.

Students who choose to bring their own personal refrigerator will be required to register their refrigerator for a $50 academic year fee. Students who rent a Micro Fridge from Standards for Living will not be required to pay a registration fee as these meet the energy standards established by the University.

Note: Failure to register an appliance of this sort will result in a penalty of $100.

Smoking

Smoking of any kind is prohibited in all residence halls and within 100 feet of any campus building. In June of 2014, the University Board of Trustee policy also banned e-cigarettes. Students are not allowed to have hookahs or other smoking apparatus in residence halls.
Open Flames

Open Flames Candles, wax sculptures, incense, fireworks (all types, including sparklers) are considered to be open flame items and, therefore, a fire hazard. These items are prohibited on the grounds and residential facilities. Possession of items violating this policy will result in immediate confiscation and a fine.

Fire and Life Safety Policy
University Group Policy #800.10

Executive Summary

Winston-Salem State University (WSSU) voluntarily engages in a compliance program with the Occupational Safety and Health Act of North Carolina. This program is designed to provide a safe and healthy working, teaching, and learning environment, as well as an atmosphere of safety and health awareness. This policy identifies responsibilities for compliance, implementation, prevention through planning and activities related to assuring all campus buildings maintain a high degree of life safety for building occupants. The Environmental Health & Safety (EHS) Director shall develop and implement procedures pertinent to assuring a high degree of life safety in the prevention of fire-related incidents.

Policy Statement

WSSU holds the safety of its community in the highest regard with respect to its function as an employer and an institution of higher learning. This policy includes elements consistent with established laws, regulations, and activities consistent with best practices in relation to fire prevention and safety of life.

Guidelines

Any questions relating to fire and life safety matters should be brought to the attention of the EHS Director or his/her designee.

University buildings are equipped with fire detection and/or fire suppression systems. Residence halls shall be equipped with both fire identification and fire suppression systems in accordance with the NC Fire Code and the NFPA Life Safety Code applicable to the time in which the building was completed.

Incendiary devices that are likely to cause fires are prohibited in university buildings. Devices that have a history of or have been proven to spontaneously combust are prohibited in all University buildings. In certain cases, electric-powered devices (e.g., space heaters) may be permitted, provided such devices are evaluated and approved by the EHS Director or his/her designee. Open flames of any type are prohibited in any University building.

Roles and Responsibilities
The EHS Director shall develop and implement procedures pertinent to assuring an environment that is free from conditions likely to lead to fires and both the identification and elimination of university conditions that can or are likely to adversely impact life safety in any University occupied building. Such procedures shall be in accordance with the most current edition of the National Fire Protection Association’s Life Safety Code.

Applicability

This policy is applicable to the campus of Winston-Salem State University.

Compliance

WSSU shall comply with all applicable federal and state safety regulations, including but not limited to Occupational Safety and Health Act, NC State Building Code, the National Fire Protection Association, and the NC Fire Code, as these may be amended from time to time.

Tampering with, disengaging, impeding, or otherwise disabling any fire detection device is strictly prohibited in any University building.

Violators will be subject to discipline by the body responsible for student discipline or disciplinary action deemed appropriate within the guidelines administered by any authority regulating discipline pertinent to employees of the State of North Carolina. Violators may also be subject to penalties or criminal prosecution.

Tampering with, disengaging, impeding, or otherwise disabling any fire detection device is strictly prohibited in any university building.

Violators will be subject to discipline by the body responsible for student discipline or disciplinary action deemed appropriate within the guidelines administered by any authority regulating discipline pertinent to employees of the State of North Carolina. Violators may also be subject to penalties or criminal prosecution.

Policy Regarding Fire Safety Education and Training Programs

Educational programs are presented throughout the year to staff and students, so they are aware of university rules and safe practices. These programs include identification and prevention of fire hazards, actual building evacuation procedures and drills, specific occupant response to fire emergencies, and hands-on use of fire extinguishers.

On an annual basis (prior to the start of the Fall semester), EHS provides training to Housing & Residence Life staff on fire and life safety procedures. Staff is instructed on procedures in the event of a fire, how to assist during fire drills, and fire extinguisher usage. Fire drills are performed in each residence hall, no less than once per semester, the Fall and Spring of each year. Periodically, supplemental training is provided on fire and life safety from the City of Winston-Salem Fire Department. Special emphasis is given to fire detection devices, maintaining
access to means of egress, and cooking safety. A focal point for EHS is to stay abreast of advances in the field of fire safety (with a special focus on fire safety in the residence life sector) as well as trends pertaining to occupant safety. When available, as a way to observe National Fire Safety month, the City of Winston-Salem Fire Department will hold a Q & A session with Housing & Residence Life staff or provide hands-on sessions relative to an emerging topic associated with residential fire safety. Additionally, Resident Assistants and other Housing & Residence Life staff provide fire safety training to residence hall students during the first-floor meeting of the academic year, which occurs shortly after move-in.

Campus Police Officers are also trained in procedures for initial response to fire incidents occurring at university facilities. Officers provide assistance in building evacuation and extinguishment/confinement of small fires.

General safety and fire safety information is available to students, faculty, and staff on the EHS webpage.

Fire Evacuation Procedures

General Campus Emergency Procedures: Fire/Explosion

Definition: A fire or explosion involving the structural components of various campus buildings.

Introduction: Fires and explosions, whether accidental or intentional, are a common threat on university campuses. Should you be in an area of campus where a fire or explosion has occurred, the following procedures should be followed to protect yourself and others.

Procedures:

If your smoke detector goes off, if you see a fire, smell smoke, or witness an explosion:

- Remain calm and get out. Do not use an elevator!
- If you see smoke under the door, find another way out.
- Feel the door with the back of your hand before you open it. If it is hot, find another way out.
- Drop to the floor to avoid smoke and fumes. Crawl to safety.
- If your clothes catch fire, STOP where you are, DROP to the ground, and ROLL over and over to smother the flames.
- Call 9-1-1 or campus police (336) 750-2911
- Notify firefighters on the scene if you suspect someone may be trapped inside the building.

If you are trapped during a fire:

- Wet and place cloth material around and under the door to prevent smoke from entering.
- Close as many doors as possible between you and the fire.
- Be prepared to signal someone outside, but do not break glass until absolutely necessary as smoke may be drawn into the room.
If caught in smoke:

- Drop to the floor and crawl toward an exit.
- Stay as low as possible.
- Take shallow breaths through your nose and use a shirt or towel as a filter.

Housing & Residence Life Fire Safety Evacuation Residence Hall Protocol

Housing and Residence Life’s Fire Safety Evacuation Protocol will divide buildings into zones, so no matter how many staff are available to help can organize the evacuation effectively and efficiently.

Zone 1: Area by the main front desk with high traffic in the area
Zone 2: (Safety Area) Outside of the building for a safe area at least 100 feet away from the building
Zone 3: Stairwell on 1st floor
Zone 4: Basement stairwell if applicable
Zone 5: Additional crowd control from additional exits

Need to check rooms with any students with disabilities requiring assistance getting out of the building with elevators disengaged by fire alarms.

After the all-clear, the residence will use the stairs to return to their rooms to allow anyone needing the elevators to have priority access to them and not to overload the elevators, causing a malfunction.

Residence Hall Evacuation Sites

<table>
<thead>
<tr>
<th>Residence Hall</th>
<th>Area Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Atkins Hall</td>
<td>Area past stop sign on the side of Martin-Schexnider Hall</td>
</tr>
<tr>
<td>Brown Hall</td>
<td>Convene in the grass area at the top of Whitaker Gym</td>
</tr>
<tr>
<td>Foundation Heights Hall</td>
<td>Gaines Gymnasium</td>
</tr>
<tr>
<td>Gleason-Hairson Terrace Hall</td>
<td>Wellness Center back of the building</td>
</tr>
<tr>
<td>H. Douglas Covington Hall</td>
<td>Parking Lot N and the Courtyard</td>
</tr>
<tr>
<td>Martin-Schexnider Hall</td>
<td>Clock tower in the middle of campus</td>
</tr>
<tr>
<td>Moore Hall</td>
<td>Clock tower in the middle of campus</td>
</tr>
<tr>
<td>Rams Commons Hall</td>
<td>Rams 1: Grass area behind Rams 1 near Vargrave Street</td>
</tr>
<tr>
<td></td>
<td>Rams 2: Courtyard area towards Rams 4 and handicap parking lot if needed</td>
</tr>
<tr>
<td></td>
<td>Rams 3: Courtyard area heading closer to Rams 1 and Wilson parking lot</td>
</tr>
<tr>
<td></td>
<td>Rams 4: Courtyard near Rams 2 or handicap parking lot</td>
</tr>
<tr>
<td>Wilson Hall</td>
<td>Parking lot in front of Wilson Hall behind the gate towards RAMS Commons</td>
</tr>
<tr>
<td>WSSU Flats</td>
<td>Convene in the overflow parking lot across the street</td>
</tr>
</tbody>
</table>
Fire Drills

Fire drills are conducted in all on-campus residence halls once per semester during the school year to allow occupants to become familiar with and practice their evacuation skills. The drills are conducted by the Environmental Health & Safety (EHS) department with assistance from the following Housing & Residence Life staff: Area Coordinators, Graduate Hall Directors, and Resident Advisors, and Campus Police.

Plans for Future Improvements in Fire Safety at WSSU

Winston-Salem State University continues to monitor trends related to Residence Hall fire incidents and alarms to provide a fire-safe living environment for all students. New programs and policies are developed as needed to help ensure the safety of all students and staff.


Annual Disclosure of Fire Statistics

<table>
<thead>
<tr>
<th>Location</th>
<th>Year</th>
<th>Total Fires in Each Building</th>
<th>Fire Number</th>
<th>Cause of Fire</th>
<th>Number of Injuries that Required Medical Treatment at a Medical Facility</th>
<th>Number of Deaths Related to a Fire</th>
<th>Estimated Value of Property Damage Caused by Fire</th>
</tr>
</thead>
<tbody>
<tr>
<td>Atkins Residence Hall</td>
<td>2019</td>
<td>0</td>
<td>0</td>
<td>N/A</td>
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<td>0</td>
<td>0</td>
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<td>N/A</td>
<td>N/A</td>
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<td>N/A</td>
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<tr>
<td>Brown Residence Hall</td>
<td>2019</td>
<td>0</td>
<td>0</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
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<tr>
<td>Brown Residence Hall</td>
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<td>0</td>
<td>0</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Brown Residence Hall</td>
<td>2021</td>
<td>0</td>
<td>0</td>
<td>N/A</td>
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<td>N/A</td>
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<tr>
<td>Foundation Heights Residence Hall</td>
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<td>0</td>
<td>0</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Foundation Heights Residence Hall</td>
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<td>0</td>
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<td>N/A</td>
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<tr>
<td>Residence Hall</td>
<td>Year</td>
<td>Incidents</td>
<td>Deaths</td>
<td>Fireی</td>
<td>Burglary</td>
<td>Robbery</td>
<td>Vehicle Theft</td>
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<td>-------</td>
<td>---------</td>
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<tr>
<td>Foundation Heights Residence Hall</td>
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<td>0</td>
<td>N/A</td>
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<tr>
<td>Gleason-Hairston Terrace Residence Hall</td>
<td>2019</td>
<td>0</td>
<td>0</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Gleason-Hairston Terrace Residence Hall</td>
<td>2020</td>
<td>0</td>
<td>0</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
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<tr>
<td>Gleason-Hairston Terrace Residence Hall</td>
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<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
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<td>Harold Douglas Covington Residence Hall</td>
<td>2019</td>
<td>0</td>
<td>0</td>
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<td>N/A</td>
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<tr>
<td>Harold Douglas Covington Hall</td>
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<td>0</td>
<td>0</td>
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<td>N/A</td>
<td>N/A</td>
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<tr>
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<td>0</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
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<tr>
<td>Martin-Schexnider Residence Hall</td>
<td>2019</td>
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<td>0</td>
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<td>N/A</td>
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<tr>
<td>Moore Residence Hall</td>
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<td>0</td>
<td>0</td>
<td>N/A</td>
<td>N/A</td>
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<tr>
<td>Building</td>
<td>Year 1</td>
<td>Year 2</td>
<td>Year 3</td>
<td>Year 4</td>
<td>Year 5</td>
<td>Year 6</td>
<td>Year 7</td>
</tr>
<tr>
<td>---------------------------</td>
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<td>0</td>
<td>N/A</td>
<td>N/A</td>
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<td>Rams Commons Residence Hall Building 4</td>
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<td></td>
<td>2020</td>
<td>0</td>
<td>0</td>
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<td>N/A</td>
<td>N/A</td>
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<td>N/A</td>
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<td>Wilson Residence Hall</td>
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</tr>
<tr>
<td></td>
<td>2020</td>
<td>0</td>
<td>0</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td></td>
<td>2021</td>
<td>0</td>
<td>0</td>
<td>N/A</td>
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<tr>
<td>WSSU Flats Residence Hall</td>
<td>2020</td>
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<td></td>
<td>2021</td>
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<td>0</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
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</tr>
</tbody>
</table>

*Rams Commons Buildings 1 and 3 were off-line from October 22, 2020-July 28, 2021, for construction.
*Rams Commons Buildings 2 and 4 were off-line from

All residence halls have the following address except for WSSU Flats:
601 South Martin Luther King Jr. Drive
Winston-Salem, NC 27110

WSSU Flats address is:
222 South Church Street
Winston-Salem, NC 27110
ATTACHMENT 1

**Step One:** Go to the Banner Rams Online and choose Enter Secure Area

**Step Two:** Key in your Banner Id and PIN. Choose Login
Step Three: Choose the ‘Personal Information’ option.

Step Four: Choose the “Update Emergency Contacts” option.
Step Five: Select ‘New Contact’
Step Six:

To receive RAMALERT SMS/Text Messages – Select “Emergency Cell-Text” from the drop-down box of the Relationship field. Enter your First and Last name in the appropriate fields, and your cell phone number in the Telephone field. Choose “Submit Changes”.

To receive RAMALERT VOICE MESSAGES – First repeat step 5, then select “Emergency Cell – Voice” from the drop-down box of the relationship field. Enter your First and Last name in the appropriate fields, and your mobile telephone number in the telephone field. Choose “Submit Changes”.

*To receive both text AND voice notifications, you must complete both phases of Step 6
Regulation Applicable to Policy on Title IX Sexual Harassment

I. Purpose. This regulation provides guidance regarding how the constituent institutions of the University of North Carolina (hereinafter, “UNC constituent institutions”) shall comply with the requirements of the U.S. Department of Education’s rule titled Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 85 Fed. Reg. 30,026 (May 19, 2020) (the “Title IX Rule”), in conjunction with the University of North Carolina’s student, faculty, and employee disciplinary policies, including Section 700.4.1 of the UNC Policy Manual (“Section 700.4.1”); Chapter VI of The Code of the Board of Governors of the University of North Carolina (“The Code”), including Section 603 (“Section 603”); the SHRA Disciplinary Action Policy (“SHRA DAP”); and the SHRA Grievance Policy.

II. Title IX Complaint Resolution Process. Each institution shall adopt a Title IX complaint resolution process. The intersection of the Title IX Rule’s required Title IX complaint resolution process with the protections afforded to SHRA employees, faculty members, and students under the SHRA Grievance Policy, the SHRA DAP, The Code, and the UNC Policy Manual is discussed below. Disciplinary sanction decisions and review of personnel actions affecting EHRA employees that may arise following a Title IX complaint resolution process shall be governed by applicable constituent institution or UNC System Office procedures that apply to the affected EHRA employees.

A. SHRA DAP. If the Title IX complaint resolution process results in a determination of responsibility against a respondent who is an SHRA employee, the decision-maker’s sanction shall be a referral, which may recommend proposed discipline, to designated institutional authorities for consideration through the processes provided for in the SHRA DAP. The written determination of responsibility and referral from the Title complaint resolution process may become the official recommendation of the supervisor for any required Pre-Disciplinary Conference (i.e., for sanctions of disciplinary suspension without pay; demotion; or dismissal).

Following the issuance of the disciplinary sanction, an SHRA employee may file a grievance in accordance with the SHRA Grievance Policy. In grievances
involving disciplinary sanctions imposed based upon the Title IX complaint resolution process, the Title IX record may be included as evidence of the grounds for the disciplinary sanction; however, the determination(s) of responsibility is not subject to review. The SHRA grievance review shall be limited to whether the conduct for which the grievant was found responsible constitutes “just cause” for the relevant disciplinary sanction.

B. SHRA Grievance Policy. Any appeal from a Title IX determination regarding responsibility or from dismissal of a formal Title IX complaint shall be resolved within the Title IX complaint resolution process and shall not constitute a grievable issue under the SHRA Grievance Policy. In grievances involving disciplinary sanctions imposed based upon the Title IX complaint resolution process, the hearing officer or hearing panel may receive as evidence the Title IX record. Any Title IX determination(s) of responsibility is not subject to review. The grievance review shall be limited to the question of whether the disciplinary sanction is supported by just cause.

C. Section 603 of The Code

1. If the Title IX complaint resolution process results in a determination of responsibility against a respondent who is a faculty member and the beneficiary of institutional guarantees of tenure, then the decision-maker’s sanction shall be a referral, which may recommend proposed discipline, to designated institutional authorities for consideration of appropriate disciplinary sanction, if any.

2. In proceedings under Section 603 of The Code involving imposition of serious sanctions based upon the Title IX complaint resolution process, the Title IX record may be included as evidence of the grounds for the sanction; however, the Title IX determination(s) of responsibility is not subject to review. The review shall be limited to the question of whether the recommended sanction is supported by clear and convincing evidence.

D. Section 611 of The Code. Any appealable issue within the Title IX complaint resolution process shall be resolved through the Title IX complaint resolution process. Such appealable issues, and Title IX determinations of responsibility, are not grievable under Section 611 of The Code.

E. Section 700.4.1 of the UNC Policy Manual Section. In a Title IX complaint resolution process that involves a student as a respondent, if an institution promulgates rules governing the use and appointment of attorney and non-attorney advocates under Section 700.4.1[R] of the UNC Policy Manual, these rules shall apply equally to all parties, students and nonstudents alike.
If parties within the Title IX complaint resolution process are subject to appeal rights under Section 502(D)(3) of The Code, grounds for appeal required by 34 C.F.R. 106.45(b)(8)(i), constitute appeals under Section 502(D)(3)(a).

III. The UNC System Office will provide compliance assistance and support to constituent institutions upon request or as needed.

IV. Other Matters

A. Effective Date. The requirements of this regulation shall be effective upon the date of adoption of this regulation by the president.

B. Relation to Federal and State Laws and Policies. The foregoing regulation as adopted by the president is meant to supplement, and does not purport to supplant or modify, those statutory enactments, regulations, and policies which may govern or relate to the subject matter of this regulation.
ATTACHMENT III

The University of North Carolina System

SHRA Employee Grievance Policy

Effective: 08-14-2020

I. Policy

II. Objectives

III. Definitions

IV. Grievable Issues and Who May Grieve
A. Issues grieved at the University level only
B. Issues which must first be grieved through the internal University process

V. Grievance Process for all Grievable Issues

VI. Unlawful Discrimination, Harassment, or Retaliation Grievance Provisions
A. Option 1 – EEO Informal Inquiry Process for Unlawful Discrimination, Harassment or Retaliation
B. Option 2 – External Filing of a Discrimination Charge
C. Option 3 – Simultaneous Internal and External Filing of a Discrimination Charge

VII. Informal Discussion

VIII. Informal Grievance – Step 1 Mediation
A. purpose of Mediation
B. Mediation Process
C. Location and Time Allocation
D. Office of State Human Resources-Approved Mediators
E. Mediation Attendees
F. Post Mediation
G. Confidentiality of Documents Production Mediation
H. Limitations on a Mediation Agreement
I. Mediation Agreement Approval
J. Mediation Responsibilities

IX. Formal Grievance – Step 2- Hearing Panel/Hearing Officer
A. Hearing Process
B. Right to Challenge Appointed Hearing Officer or Panel Members
C. Hearing Attendees
D. Hearing Participant Responsibilities
E. Grievance Presentation
F. Proposed Recommendation
G. Final University Decision
H. Settlement Agreement

X. Appeal to the Office of Administrative Hearings
A. University Requirements to Notify Grievant of Appeal Rights
B. Grievant Access to the Office of Administrative Hearings

XI. Responsibilities for the SHRA Employee Grievance Policy
A. University Human Resources, AA/EEO Office Responsibilities
B. Office of State Human Resources Responsibilities
I. POLICY

It is the policy of The University of North Carolina that the grievance process exists to allow for prompt, fair, and orderly resolution of disputes arising out of employment. The University of North Carolina has therefore adopted this Grievance Policy to further these goals as approved by the State Human Resources Commission.

II. OBJECTIVES

In establishing this Grievance Policy, the University seeks to achieve the following objectives:

- Provide procedural consistency across The University of North Carolina;
- Ensure SHRA employees have access to an internal process to address grievable issues timely, fairly, cost effectively, and without fear of reprisal; and
- Resolve workplace issues efficiently and effectively.

III. DEFINITIONS

The following are definitions of terms used in this policy:

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant</td>
<td>A person (including a current State employee) who submits an application for an initial hire, promotion, or reemployment for a SHRA position within the university.</td>
</tr>
<tr>
<td>Career State Employee</td>
<td>A State employee who is in a permanent position with a permanent appointment and has been continuously employees by the State of North Carolina or a local entity as provided in G.S. 126-5(a)(2) in a position subject to the North Carolina Human Resources Act for the immediate 12 preceding months. Employees who are hired by a State agency, department or university in a sworn law enforcement position and who are required to complete a formal training program prior to assuming law enforcement duties with the hiring agency, department or university shall become career State employees only after being employed by the agency, department or university 24 continuous months.</td>
</tr>
<tr>
<td><strong>Complainant (EEO only)</strong></td>
<td>An applicant, probationary State employee, former probationary State employee, career State employee or former State employee who initiates an informal complaint through the Equal Employment Opportunity (EEO) Informal Inquiry process.</td>
</tr>
<tr>
<td>----------------------------</td>
<td>--------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td><strong>Contested Case Issue</strong></td>
<td>A grievable issue that may be appealed to the Office of Administrative Hearings (OAH).</td>
</tr>
<tr>
<td><strong>EEO/AA Officer</strong></td>
<td>The University Officer responsible for Equal Employment Opportunity/Affirmative Action.</td>
</tr>
<tr>
<td><strong>Equal Employment Opportunity Informal Inquiry</strong></td>
<td>An informal process for addressing unlawful discrimination, harassment, or retaliation allegations that may facilitate a resolution prior to the filing of a grievance.</td>
</tr>
<tr>
<td><strong>Final University Decision</strong></td>
<td>The final decision authorized by the chancellor (or President for SHRA employees at General Administration) that concluded the internal grievance process.</td>
</tr>
<tr>
<td><strong>Grievable Issue</strong></td>
<td>A statutorily defines workplace event or action as defined by NC State statute that allows the alleged workplace event or action to be grieved through established grievance procedures for resolution.</td>
</tr>
<tr>
<td><strong>Grievant</strong></td>
<td>An applicant, probationary State employee, former probationary State employee, career state employee or former career State employee who initiates a grievance.</td>
</tr>
<tr>
<td><strong>Hearing Officer</strong></td>
<td>An officer appointed by the Chancellor or designee to oversee the proceedings of a hearing and submit a proposed recommendation for a Final University Decision.</td>
</tr>
<tr>
<td><strong>Hearing Panel</strong></td>
<td>A university appointed panel of no less than 3 members selected to conduct a hearing. The designated panel chair has the responsibility to oversee the proceedings of the hearing and submit a proposed recommendation for a Final University Decision.</td>
</tr>
<tr>
<td><strong>Impasse</strong></td>
<td>An Impasse occurs when Mediation does not result in an agreement.</td>
</tr>
<tr>
<td><strong>Informal Discussion</strong></td>
<td>An informal process for addressing grievable issues that may facilitate a resolution prior to the filing of a grievance.</td>
</tr>
<tr>
<td><strong>Internal Grievance Process</strong></td>
<td>The process available to an applicant, probationary State employee, former probationary State employee, career State employee or former career State employee to file a formal grievance based on issues that are defined as grievable by NC State statute.</td>
</tr>
<tr>
<td><strong>Internal Grievance Process Timeframe</strong></td>
<td>The internal grievance process must be completed within 90 calendar days. Time spent in the Informal Discussion with supervisor and the EEO Informal Inquiry process is not included in the 90-calendar day timeframe.</td>
</tr>
<tr>
<td><strong>Mediation</strong></td>
<td>The process in which the Grievant and Respondent use an approved OSHR mediator to attempt to resolve a grievance in a mutually acceptable manner. Responsibility for resolving the grievance rests with the parties.</td>
</tr>
<tr>
<td><strong>Mediation Agreement</strong></td>
<td>The written agreement resulting from the successful resolution of a grievance reached in Mediation. The Mediation Agreement is legally binding on both parties.</td>
</tr>
<tr>
<td><strong>Mediator</strong></td>
<td>A neutral third party(s), approved by the Office of State Human Resources (OSHR), whose role is to guide the mediation process, facilitate communication, and assist the parties to generate and evaluate possible outcomes for a successful resolution. A Mediator does not act as a judge and does not render decisions.</td>
</tr>
<tr>
<td><strong>Probationary State Employee</strong></td>
<td>A State employee who is exempt from the provisions of the North Carolina Human Resources Act only because the employee has not been continuously employed by the State for the time period required to become a career State employee.</td>
</tr>
<tr>
<td><strong>Respondent</strong></td>
<td>A designated university representative who will have the authority to negotiate an agreement on behalf of the university to resolve a grievance.</td>
</tr>
<tr>
<td><strong>Title IX Sexual Harassment</strong></td>
<td>A type of unlawful discrimination which is described under Title IX of the Education Amendments of 1972 at 34 C.F.R 106.30(a) (2020)</td>
</tr>
<tr>
<td></td>
<td>Title IX Sexual Harassment means conduct on the basis of sex that satisfies on or more of the following:</td>
</tr>
<tr>
<td></td>
<td>a. An employee of the institution conditioning the provisions of an aid, benefit, or service of the institution on an individual’s participation in unwelcome sexual conduct;</td>
</tr>
<tr>
<td></td>
<td>b. Unwelcome conduct determined by a reasonable person to be severe, pervasive, and objectively offensive that it effectively denies a person equal access to the institution’s education program or activity; or</td>
</tr>
<tr>
<td></td>
<td>This is distinct from sexual harassment as defined by Title VII of the Civil Rights Act of 1964. 42 U.S. C. 2000e</td>
</tr>
<tr>
<td><strong>University</strong></td>
<td>A constituent institution or employer unit within the 17 campus University of North Carolina System.</td>
</tr>
</tbody>
</table>
### IV. GRIEVABLE ISSUES AND WHO MAY GRIEVE

A. The following issues may be grieved at the University level only.

<table>
<thead>
<tr>
<th>Who May File</th>
<th>Grievable Issue</th>
</tr>
</thead>
</table>
| **Career State employee or former career State employee** | a) Overall performance rating of less than “meets expectations” or equivalent as defined in the Performance Management Policy  
b) Denial of request to remove inaccurate and misleading information from personnel or applicant file (excludes the contents of a performance appraisal and written disciplinary action)  
c) Items covered in the University’s AA/EEO statement which promote inclusion and diversity, but not within the definition of unlawful discrimination, harassment, or retaliation as contained in NCGS 126-34.02 (b)(1) and (2) |
| **Probationary or former probationary state employee** | a) Denial of request to remove inaccurate and misleading information from personnel or applicant file (excludes the contents of a performance appraisal and written disciplinary action)  
b) Items covered in the University’s AA/EEO statement which promote inclusion and diversity, but not within the definition of unlawful discrimination, harassment, or retaliation as contained in NCGS 126-34.02 (b)(1) and (2) |
| **Applicant for University employment (initial hire, promotion, or reemployment)** | a) denial of request to remove inaccurate and misleading information from applicant file (excludes the contents of a performance appraisal and written disciplinary action)  
b) Items covered in the University’s AA/EEO statement which promote inclusion and diversity, but not within the definition of unlawful discrimination, harassment, or retaliation as contained in NCGS 126-34.02 (b)(1) and (2) |

B. The following issues must first be grieved through the internal University process. If the Grievant is not satisfied with the Final University decision, the Grievant may appeal to the Office of Administrative Hearings.
<table>
<thead>
<tr>
<th>Who May File</th>
<th>Grievable Issue</th>
</tr>
</thead>
</table>
| **Career State employee or former career State employee** | a) Dismissal, demotion, or suspension without pay for disciplinary reasons without just cause  
b) Involuntary non-disciplinary separation due to unavailability  
c) All issues listed below that are grievable by a probationary or former probationary employee  
d) All issues listed below which are grievable by an applicant for university employment  
e) Denial of reemployment or hiring due to denial of reduction in force priority as required by law (NCGS 126-7.1)  
f) Denial of promotional opportunity due to failure to give priority consideration for promotion to a Career State employee as required by law (NCGS 126-7.1) |
| **Probationary State Employee or former probationary State employee** | a) Denial of hiring or promotional opportunity due to failure to post position (unless hiring opportunity is not required to be posted by law)  
b) Denial of veteran’s preference as provided for by law  
c) Any retaliatory personnel action for reporting improper government activities ("whistle blower") as contained in Article 14 of NCGS 126  
d) Unlawful discrimination or harassment based on race, religion, color, national origin, sex, age, disability, genetic information, or political affiliation if the employee believes that he/she has been discriminated against in the terms and conditions of employment  
e) Retaliation against an employee for protesting (objecting to or supporting another person’s objection to) unlawful discrimination based on race, religion, color, national origin, sex (including sexual orientation, gender identity and expression, and pregnancy), age, disability, genetic information, or political affiliation if the employee believes that he or she has been retaliated against in the terms and condition of employment |
V. GRIEVANCE PROCESS FOR ALL GRIEVABLE ISSUES

A) A grievance or complaint must be filed within 15 calendar days of the alleged event or action that is the basis of the grievance. Any grievance or complaint that alleges unlawful discrimination, harassment or retaliation shall be addressed and completed through the University Equal Employment Opportunity (EEO) Informal Inquiry process before being considered in the formal internal grievance process. Except as provided herein, all other grievable issues must first be discussed with the immediate or other appropriate supervisor in the employee’s chain of command or other appropriate personnel or agency or university that has jurisdiction regarding the alleged event or action that is the basis of the grievance prior to filing a formal grievance. Disciplinary action grievances as well as non-disciplinary separation due to unavailability shall proceed directly to the formal internal grievance process.

B) Disciplinary action grievances (i.e., dismissal, suspension without pay, demotion) that include both an allegation of unlawful discrimination, harassment, or retaliation and an allegation that the disciplinary action lacks just cause shall first be addressed through the University’s EEO Informal Inquiry process before proceeding to the formal internal grievance process. Likewise, a grievance that involves both a separation due to unavailability and an allegation of unlawful discrimination, harassment or retaliation shall first be addressed through the University EEO Informal Inquiry process before proceeding to the formal internal grievance process. After the EEO Informal Inquiry Process is completed, all grievable issues remaining (Including that an unresolved separation due to unavailability was improper, and any unresolved allegations of
unlawful discrimination, harassment, or retaliation) may be considered in the formal grievance process if pursued by the employee as per the procedures below.

C.) Institutions have the discretion to administer grievances alleging:

1) denial of request to remove inaccurate and misleading information from personnel or applicant file, and/or

2) an overall performance rating of less than “meets expectations” or equivalent as defined in the University SHRA Performance Appraisal Policy, through this university SHRA Employee Grievance Policy or to establish a separate dispute resolution process. These issues are not appealable to the Office of Administrative Hearings.

VI. UNLAWFUL DISCRIMINATION, HARASSMENT OR RETALIATION GREIVANCE PROVISIONS

A. Option 1 – EEO Informal Inquiry Process for Unlawful Discrimination, Harassment or Retaliation

An applicant for State employment, probationary state employee, former probationary State employee, career State employee or former career State employee (hereafter referred to as Complainant) alleging unlawful discrimination, harassment or retaliation shall first file a complaint with the University Equal Employment Opportunity (EEO)/Affirmative Action (AA) Officer within 15 calendar days of the alleged discriminatory, harassment, or retaliatory act that is the basis of the complaint.

If the Complainant alleges facts that would constitute unlawful discrimination, harassment, or retaliation as prohibited by law or university policy, the complaint will be investigated under the institution’s existing non-discrimination/equal opportunity investigatory process (hereafter referred to as the EEO Informal Inquiry). The EEO/AA Officer will investigate the complaint and determine if the facts related to the allegations support a finding of reasonable cause or no reasonable cause to believe that unlawful discrimination, harassment, or retaliation occurred.

The EEO Informal Inquiry should be completed in the timeframe defined by the institution’s non-discrimination/equal opportunity policy not to exceed 60 calendar days.

The University has 45 calendar days from receipt of the complaint to investigate and respond to the Complainant, unless the Complainant and the employer mutually agree in writing to extend the time due to occurrences that are unavoidable or beyond the control of either party. Any extension shall not extend 15 calendar days.

If there is reasonable cause to believe that unlawful discrimination, harassment, or retaliation as prohibited by law or university policy occurred, management shall take appropriate action to resolve the matter.
The EEO/AA Officer shall inform the Complainant in writing regarding the conclusions of the investigation. If the complaint is not successfully resolved, the Complainant has 15 calendar days from receipt of the conclusions of the investigation to file a formal grievance, which will commence with Step 1 mediation.

At any point in the grievance process, the complainant/Grievant has the right to bypass discussions with or review by the alleged offender. Time spent in the EEO Informal Inquiry process is not a part of the formal internal grievance process.

**B. Option 2 – External Filing of a Discrimination Charge**

The complainant alleging discrimination, harassment, or retaliation as prohibited by law or university policy has the right, at any time, to bypass or discontinue the EEO Informal Inquiry process or the formal internal grievance process and file a charge directly with the Equal Employment Opportunity Commission (EEOC). The Complainant may not, however, file a contested case with the Office of Administrative Hearings-Hearings Division if the internal process has not been completed. Filing deadlines may vary.

Information about filing an EEOC charge and deadlines for filing the charge can be found at the U.S. Equal Employment Opportunity Commission website or by calling the EEOC regional offices located in Raleigh, Greensboro, and Charlotte at 1-800-669-4000.

Information about filing through the Civil Rights Division of the Office of Administrative Hearing can be found on the North Carolina Office of Administrative Hearings website or by calling (919) 431-3036.

**C. Option 3 – Simultaneous Internal and External Filing of a Discrimination Charge**

An applicant for State employment, probationary State employee, former probationary State employee, career state employee or former career State employee may file simultaneously with the EEOC at any point in either the EEO Informal Inquiry process or the formal internal grievance process.

**VII. INFORMAL DISCUSSION**

A request for an Informal Discussion must occur within 15 calendar days of the alleged event or action that is the basis of the grievance. Prior to filing a grievance about any issue which does not involve an allegation of unlawful discrimination, harassment or retaliation, or a disciplinary action, or a non-disciplinary separation due to unavailability, the employee shall first discuss the grievable issue with the immediate supervisor, other appropriate supervisor in the employee’s chain of command, or other appropriate personnel or agency or university that has jurisdiction regarding the alleged event or action that is the basis of the grievance. The university institution’s Human Resources Office (“the institution HR Office”) may develop internal procedures to administer and coordinate any Informal Discussion process.
The employee must clearly declare to the supervisor or other appropriate personnel that the Informal Discussion request is regarding an alleged event or action that is the basis of a potential grievance. The supervisor or other appropriate personnel shall confirm the intention of the requested Informal Discussion with the employee before beginning the process.

The informal process should be completed within a **15-calendar day** timeframe. However, if progress is being made toward a successful resolution to the dispute or if unavoidable circumstances (e.g., illness, academic calendar) require an extension in the timeframe, both parties may agree to an extension. This extension must be agreed to in writing and approved by HR Office.

The supervisor or other appropriate personnel shall notify Human Resources when an employee requests an informal discussion. The supervisor is responsible for attempting to resolve the grievable issue with the employee.

The institution HR Office will serve as a content and procedural resource advisor during these discussions, and work with both parties to strive for a timely resolution to the workplace dispute. The outcome of the informal discussions must be clearly communicated to the employee by the supervisor or other appropriate personnel in writing.

If the Informal Discussion is unsuccessful in resolving the grievable issue, the employee may choose to file a formal grievance. If no written response is provided by the supervisor with the **15-calendar day** timeframe, the employee may proceed by filing a formal grievance. Time spent in the Informal Discussion with the supervisor is not a part of the formal internal grievance process.

**VIII. FORMAL GRIEVANCE – STEP 1 MEDIATION**

The formal internal grievance process begins when a Grievant file a formal grievance request in accordance with the SHRA Grievance Policy. The Grievant must begin the formal internal grievance process by filing a written grievance to the Human Resources Director or designee within the university in accordance with the SHRA Grievance Policy. The Grievant must complete the required informal processes before filing a formal grievance.

The university, upon approval by OSHR, has the discretion to bypass Step 1 and proceed directly to Step 2 in situations involving discipline for jeopardizing campus safety, personal misconduct, or other similar egregious workplace issues. A decision to request bypassing mediation must be approved by the University Human Resource Office and authorized by the Chancellor. The decision to bypass Step 1 only occurs after careful consultation with parties involved in the workplace dispute.
A. Purpose of Mediation

Mediation provides the Grievant and the University Respondent an opportunity to openly discuss the grievance in a neutral environment with the goal of reaching a mutually acceptable resolution.

B. Mediation Process

University Human Resources shall submit the request for mediation within 3 business days of receipt of the grievance. The mediation process shall be concluded within 35 calendar days from the filing of the grievance unless the Grievant and the university mutually agree in writing to extend the time due to extenuating circumstances. Any extension of Step 1 will not extend the 90-calendar day timeline.

C. Location and Time Allocation

Mediation shall be conducted in a location identified by the university and approved by the OSHR Mediation Director or designee. The mediation shall be scheduled for an amount of time determined by the Mediator(s) to be sufficient. Mediation may be recessed by the Mediator(s) and reconvened at a later time.

D. Office of State Human Resources-Approved Mediators

Only OSHR approved Mediators will mediate SHRA (employee subject to the State Human Resources Act) grievances for universities. OSHR will maintain a pool of qualified Mediators to facilitate mediations. Mediators will not be selected from the university requesting the mediation.

E. Mediation Attendees

1) Grievant
2) Respondent
3) The OSHR – appointed Mediator(s)
4) The OSHR Mediation Director and designees may attend Mediations as observers.
5) Emergency substitution of a Mediator must be approved by the OSHR Mediation Director or designee.

Attorneys and other advisors may not attend the mediation. Either the Grievant or Respondent may ask for a recess at any time in order to consult with an attorney or other advisor.

Audiotape, videotape, recording devices, and transmission devices are not permitted during mediation.
F. Post Mediation

1) If an agreement is reached, the following shall occur:

   a) The Grievant and the Respondent will sign a Mediation Agreement that states the terms of agreement and is a legally binding document.

   b) The original signed Mediation Agreement is provided to the University Human Resources. A copy of the signed Mediation Agreement is provided to the Grievant, Respondent, and the OSHR Statewide Mediation Coordinator.

   c) Human Resources will review the provisions of the Mediation Agreement to assure that the terms comply with the State Human Resources commission policies or rules, university policies or rules, and applicable State or federal law.

   d) Human Resources will ensure that terms of the Mediation Agreement that are under the control of the university are implemented.

   e) The Mediation Agreement shall be maintained on file for three years.

2) If an agreement is not reached (Impasse), the following shall occur:

   a) The Grievant and the Respondent will sign a Notice of Impasse stating that the mediation did not result in an agreement.

   b) The original signed Notice of Impasse is provided to the University Human Resources Office. A copy of the signed Notice of Impasse is provided to the grievant, the respondent, and the OSHR Mediation Coordinator.

   c) At the end of the mediation session, the university must provide the Grievant information regarding Step 2 of the internal grievance process and inform the Grievant that the Step 2 filing must be received by the University within 5 calendar days of the date of mediation.

   d) The Notice of Impasse shall be maintained on file for three years or until any known litigation is completed.

G. Confidentiality of Document Produced in Mediation

All documents generated during the course of mediation and any communications shared in connection with mediation are confidential to the extent provided by law.
H. Limitations on a Mediation Agreement

The Mediation Agreement shall serve as a written record and shall:

1) Not contain any provision(s) contrary to State Human Resources Commission policies, administrative rules, and applicable state and federal law;

2) Not contain any provision(s) that exceeds the scope of the parties’ authority; and

3) Not be transferable to another state agency or university

4) When Mediation resolves a grievance, but it is determined upon review by University Human Resources or OSHR that one or more provisions of the Mediation Agreement do not comply with the State Human Resources commission policies or rules, university policies or rules, or applicable state and federal laws, Mediation shall be reconvened to resolve the specific issue(s). This will not extend the 90-calendar day formal grievance period. If the parties are unable to resolve the noncompliance issue(s), the mediation will reach impasse and the Grievant may proceed to Step 2 of the internal grievance process.

5) Should additional information or clarification be needed to implement the terms of the Mediation Agreement, communication with all parties may occur remotely. In the event the Mediator that facilitated the mediation is not available, the OSHR Mediation Director or designee will have the authority to stand in place of the Mediator in these communications.

I. Mediation Agreement Approval

The approval of the Director of Office of State Human Resources or designee is required for mediation agreement that need a personal transaction to be processed, except where the only personnel action is the substitution of resignation for dismissal. If a mediation agreement involves an exception to State Human Resources Commission policy, the approval of the Director of the Office State Human Resources or designee is required.

J. Mediation Responsibilities

1) Grievant Responsibilities

   a) Attending the mediation as scheduled by the university;
b) Preparing for the mediation by becoming knowledgeable regarding the issues surrounding the grievance and remedies sought;

c) Notifying and receiving approval from University Human Resources, in advance of the scheduled mediation, if occurrences that are unavoidable or beyond the control of the Grievant prevent attendance at the mediation; and

d) Making a good faith effort to resolve the grievance.

**A Grievant who has an unexcused failure to attend mediation as scheduled forfeits the right to proceed with the internal grievance process.**

2) Respondent Responsibilities

a) Attending the mediation as scheduled by the university;

b) Preparing for the mediation by becoming knowledgeable regarding the issues surrounding the grievance and remedies sought;

c) Notifying and receiving approval from University Human Resources, in advance of scheduled mediation, if occurrences that are unavoidable or beyond the control of the respondent prevent attendance at the mediation;

d) Consulting with management, Human Resources and/or legal counsel regarding possible areas of negotiation for grievance resolution; and

e) Making a good faith effort to resolve the grievance.

3) University Human Resources Responsibilities

a) Administering the mediation program within the university;

b) Appointing a University Mediation Coordinator, and other personnel as needed, to manage and schedule mediations;

b) Appointing a University Mediation Coordinator, and other personnel as needed, to manage and schedule mediations;

c) Ensuring that the Grievant receives appropriate information about the mediation process;

d) Designating a qualifies and informed university representative to serve as the Respondent for each mediation and who will have the authority to negotiate an agreement on behalf of the university that resolves the grievance;

e) Ensuring that the Respondent is adequately prepared for the mediation to understand possible areas of negotiation for grievance resolution;
f) Ensuring appropriate personnel (management, Human Resources, or legal counsel) are available to respond to any issues that may arise during the course of the mediation;

g) Designating appropriate personnel to be available to review the terms of the draft agreement to ensure it is complete and contains the necessary information for implementation;

h) Reinforce the expectations for confidentiality of the Mediation;

i) Identifying suitable locations for Mediations;

j) Using only OSHR-approved Mediator(s) for each mediation session;

k) Reimbursing Mediators for travel at state approved rates;

l) Providing nominees for consideration that meet the qualifications set forth by OSHR to be trained as OSHR mediators; and

m) Assuming financial responsibility for the initial and ongoing training of university nominated mediators.

4) Office of State Human Resources Responsibilities

a) Developing and maintaining mediation procedures and forms;
b) Establishing mediator eligibility and training requirements;
c) Maintaining a pool of qualified mediators;
d) Providing employment mediation training;
e) Maintaining a process for assigning mediators upon university request;
f) Ensuring that mediators adhere to the OSHR Mediator Code of Conduct; and

g) Conducting ongoing studies/analyses to evaluate program effectiveness.

IX. FORMAL GRIEVANCE - STEP 2 – HEARING PANEL/HEARINGOFFICER

A. Hearing Process

If Mediation does not result in a resolution at Step 1, the Grievant has the ability to proceed to Step 2 of the internal grievance process. Human Resources will notify the Grievant of the opportunity to present the grievance orally to a Hearing Panel/Hearing Officer outside of the employee’s chain of command. The Step 2 filing must be received by the University HR Office within 5 calendar days of the date of the completion of mediation. The hearing process shall be concluded within 35 calendar days of filing Step 2 of the grievance.
B. Right to Challenge Appointed Hearing Officer or Hearing Panel Members

The Grievant has one opportunity to challenge the appointed Hearing Officer or up to 2 members of the Hearing Panel if the Grievant believes they cannot render an unbiased recommendation due to a real or perceived conflict of interest. The grievant must submit the basis for the challenge in writing. Human Resources will review the challenge and replace the member(s) as appropriate. If the Grievant wishes to make a challenge, it must be done within 5 calendar days of receiving the notification of Hearing Officer/Hearing Panel.

C. Hearing Attendees

1) The Grievant who initiated the grievance;

2) Hearing Officer or Hearing Panel Members;

3) Witnesses, as approved by the Hearing Officer or Hearing Panel Chair in accordance with the university process; and

4) Appropriate university and HR representatives. Attorneys and other advisors may not attend the hearing.

Audiotape, videotape, recording devices, and transmission devices are not permitted during the hearing unless approved by the Chancellor, or designee, of a constituent institution, or approved by the President, or designee, for UNC System Office.

D. Hearing Participant Responsibilities

1) Grievant Responsibilities

   a) Attending the hearing as scheduled by the university;

   b) Notifying and receiving approval from Human Resources, in advance of the scheduled hearing if occurrences that are unavoidable or beyond the control of the Grievant prevent attendance at the hearing;

   c) Preparing for the hearing by being able to present clear and concise information regarding the issues surrounding the grievance and remedies sought; and

   d) A Grievant who has an unexcused failure to attend a hearing as scheduled forfeits the right to proceed with the internal grievance process.

2) Hearing Officer/Hearing Panel Chair Responsibilities

   a) Calling the hearing to order and establishing the process for the proceedings;

   b) Maintaining order and decorum;
c) Ensuring that all parties are allotted adequate time to present evidence and question witnesses; and

d) Submitting a proposed recommendation with documentation for a Final University Decision

3) University human Resources Responsibilities

a) Establishing the use of either a Hearing Panel/Hearing Officer;

b) Administering the hearing process within the university;

c) Providing that all parties receive appropriate information about the hearing process;

d) Establishing a process for the Grievant to challenge the appointed Hearing Officer or Hearing Panel members; and

e) Consulting with OSHR on the proposed Final University Decision Recommendation

E. Grievance Presentation

1) The Hearing Officer or Hearing Panel Chair will preside over the hearing to allow the parties to present information relevant to the nature of the grievance, facts upon which the grievance is based, and the remedies sought.

2) Each party shall be given a fair opportunity to present evidence on the issues to be heard and to question witnesses.

F. Hearing Report, Proposed Recommendation, and Final University Decision

1) The Hearing Panel Chair or Hearing Officer will draft a hearing report that includes a proposed recommendation for a Final University D (FUD) decision including justification to support the recommendation and submit to the Chancellor or designee.

2) The Chancellor or appropriate designee will forward the hearing report and the proposed FUD to UNC System Office’s Senior Vice President for Human Resources or designee for review.

3) The Senior Vice President for Human Resources or designee, in consultation with the Director of the Office of State Human Resources or designee, will review the report and proposed FUD and will respond to the Chancellor or designee within 10 calendar days.
4) The proposed FUD shall not be issued or become final until reviewed and approved by the Office of State Human Resources. Once approved, the Chancellor or designee must issue the FU|D to the Grievant within 5 calendar days of the approval and no later than 90 calendar days from the date the grievance is filed.

5) For allegations of Title IX Sexual Harassment, the outcome of the Title IX complaint resolution process rather than this Formal Grievance Procedure, shall constitute the Final University Decision for an SHRA employee who is a Title IX complainant.

G. Settlement Approval

The approval of the Director of the Office of State Human Resources or designee is required for settlements that need a personnel transaction to be processed, except where the only personnel action is the substitution of a resignation for a dismissal. If a settlement involves an exception to the State Human Resources Commission policy, the approval of the Director of the Office of State Human Resources or designee is required.

X. APPEAL TO THE OFFICE OF ADMINISTRATIVE HEARINGS

A. University Requirements to Notify Grievant of Appeal Rights

The Final University Decision shall inform the Grievant in writing of any appeal rights through the Office of Administrative Hearings for contested case issues. The Grievant must be specifically informed of the following:

1) The appeal is made by filing a “Petition for a Contested Case” hearing with the Office of Administrative Hearings;

2) The appeal to the Office of Administrative Hearings must be filed within 30 calendar days after the Grievant receives the Final University Decision; and

3) A fee is charged for filing a Petition for a Contested Case Hearing.

B. Grievant Access to the Office of Administrative Hearings

1) If the Grievant is not satisfied with the Final University Decision, the Grievant may file a Petition for Contested Case Hearing in the Office of Administrative Hearings in cases where the grievable issue may be appealed. An Administrative law Judge will conduct a hearing and render a Final Decision.

2) A Petition for Contested Case Hearing must be filed within 30 calendar days after the grievant receives the Final University Decision. The Grievant may file the appeal at:

Office of Administrative Hearings
1711 New Hope Church Road (Physical Address) Raleigh, NC 27609
6714 Mail Service Center (Mailing Address) Raleigh, NC 27699-6700
XI. RESPONSIBILITIES FOR THE SHRA EMPLOYEE GRIEVANCE POLICY

A. University Human Resources, AA/EEO Office Responsibilities

1) Adhere to the SHRA Grievance Policy;

2) Develop and communicate internal procedures as needed;

3) Provide current SHRA employees and SHRA new hires with access to the University SHRA Employee Grievance Policy;

4) Notify SHRA employees of any change to the internal university grievance process no later than **30 calendar days** prior to the effective date of the change;

5) Provide employee grievance reports to OSHR as requested.

B. Office of State Human Resources Responsibilities

The Office of State Human Resources shall:

1) Seek appropriate approval of the University SHRA Employee Grievance Policy any time modification are made;

2) Provide consultation and technical assistance to UNC System as needed; and

3) Conduct ongoing studies/analyses to evaluate policy effectiveness and communicate results to improve the program effectiveness.
ATTACHMENT IV

Policy for EHRA Non-Faculty Employees
University Group Policy #102.1
EHRA Non-Faculty Grievance Procedure

Discontinuance of Employment in Covered Position

A. Discontinuance of Appointment, with Notice or Severance Pay

Employment within a covered position that is established by the letter of appointment to be an employment-at-will is subject to discontinuance at any time, at the discretion of the Chancellor or the Provost (as the Chancellor’s designee); provided that such a discontinuance (as distinguished from discharge for cause, Discontinuance of Employment in Covered Position, section D.) shall be subject to advance timely notice of discontinuance, as follows: During the first year of service, not less than thirty (30) days’ notice prior to discontinuance of employment or the payment of severance pay for thirty (30) days; (2) during the second and third years of service, not less than sixty (60) days’ notice prior to discontinuance of employment or payment of severance pay for sixty (60) days; and (3) during the fourth and all subsequent years of continuous service, not less than ninety (90) days’ notice prior to discontinuance for employment or payment of severance pay for ninety (90) days. The determination of whether the employee shall receive notice of discontinuance of appointment or severance pay shall be in the sole discretion of the Chancellor or the Provost as the Chancellor’s designee.

B. Expiration of Term Appointment

Employment within a covered position that is established by the letter of appointment to be for a stated definite term expires automatically at the conclusion of the stated term. Such an appointment may be renewed or extended at the option of the employer, by written notice satisfying the requirements of Section Appointments to Covered Positions. If the employer intends not to renew or extend the term contract with respect to a term of: (1) one year or less, no notice of intent not to renew shall be required; (2) more than one year but less than four years, notice of intent not to renew shall be transmitted in writing at least sixty (60) days prior to the expiration date of the term; (3) four years or more, notice of intent not to renew shall be transmitted in writing at least ninety (90) days prior to the expiration date of the term. Failure to provide written notice as required in subsections (2) and (3) shall result in the automatic extension of employment for a period, respectively, of either sixty (60) or ninety (90) days beyond the scheduled expiration date of the term.

C. Termination of Employment because of Financial Exigency or Program Curtailment or Elimination
Employment within a covered position that is established by the letter of appointment to be for a stated definite term may be terminated prior to expiration of the stated term because of (1) demonstrable, bona fide institutional financial exigency or (2) major curtailment or elimination of a program. "Financial exigency" is defined to mean a significant decline in financial resources of the university that compels a reduction in its budget. The determination of whether a condition of financial exigency exists or whether there shall be a major curtailment, or an elimination of a program shall be made by the Chancellor, with advance notice and approval by [the president and the Board of Governors.] If the financial exigency, curtailment, or elimination of a program is such that the contractual obligation to an employee within a covered position cannot be met, the employment of the individual may be terminated subject to the following notice requirements: (1) during the first year of service, not less than thirty (30) days’ notice prior to termination; (2) during the second and third years of employment, not less than sixty (60) days’ notice prior to termination; and (3) during the fourth and all subsequent years of service, not less than ninety (90) days’ notice prior to termination.

D. Discharge for Cause

Any employee occupying a covered position may be discharged for stated cause. Discharge for cause is to be distinguished from discontinuance with notice (Discontinuance of Employment in Covered Position, A.), automatic expiration of term (Discontinuance of Employment in Covered Position, B.), and termination (Discontinuance of Employment in Covered Position, C.). Stated causes for discharge shall include but are not limited to incompetence, unsatisfactory performance, neglect of duty, or misconduct that interferes with the capacity of the employee to effectively perform the requirements of his or her employment. Discharge for cause is to be preceded by written notice of intent to discharge and is subject to invocation by the affected employee of the review procedures of Review of Employment Decision and Grievances of these Policies. When an employee occupying a covered position has been notified of the intention to discharge him or her for cause, the Chancellor may suspend his or her employment with full pay at any time and continue the suspension until a final decision concerning discharge has been reached by the procedures prescribed herein. If the final decision is to discharge the employee, then the employee may be discharged without further pay without regard to whether there is an appeal to the Board of Trustees or the Board of Governors in accordance with Section 611 of The Code. No provision of this policy or Policy 300.1.1 or 300.2.1 of The Code shall be interpreted to extend an employee’s right to pay beyond the expiration of the employee’s term of appointment while an appeal is pending under this Policy.

Review of Employment Decision and Grievances

Employees in covered positions may secure review of decisions concerning discharge for cause or other disciplinary action, and review concerning the interpretation and
application of any provision of these Policies; provided, however, that reviews concerning discontinuances, expiration of term appointments or terminations of employment with notice or severance pay, pursuant to Discontinuance of Employment in Covered Position sections A, B, or C, may be brought only upon allegations of violations of applicable notice or severance pay requirements or violations of any provision of the Equal Employment Opportunity section or Protected Activity section of these Policies. Decisions reached pursuant to such review procedures concerning discontinuation, expiration of term appointment, termination or discharge for cause may be appealed in accordance with the provisions of 611 of The Code of the Board of Governors as revised.

Allowable Grievances

Employees in covered positions may seek review, after receiving notice of personnel actions covered by this section in the event that the employee is discontinued, terminated, or discharged from employment, suffers other adverse personnel action, or is not appointed following the end of a term appointment. If the covered person does not timely file a written request for review as prescribed herein, then the personnel action is final without recourse to any institutional review, appeal, or grievance procedure. Review of matters arising out of the discontinuation, expiration of term appointments or terminations of employment with notice may be brought only upon allegations of violations of applicable notice or severance pay requirements. Violations of the provisions of the Equal Employment Opportunity section or Protected Activity section of this Policy shall also be subject to review under these procedures. Grievances pursuant to Discontinuance of Employment in Covered Position sections A, B, or C shall be directed to the EHRA Non-Faculty Grievance Committee in accordance with Step 3 of Appointment of EHRA Non-Faculty Grievance Committee.

Appointment of EHRA Non-Faculty Grievance Committee

The Chancellor shall annually appoint members to the EHRA Non-Faculty Grievance Committee according to the provisions of the University Committee Handbook. All committee members shall be appointed from the ranks of employees in covered positions. The committee shall consist of five persons including a chairman that is selected by the committee.

Step 1. Departmental and Divisional Review

An employee in a covered position shall, orally or in writing, present any allowable concern regarding terms and conditions of employment sequentially as follows:

1. To the employee’s immediate supervisor
2. To the department head
3. To the appropriate Vice Chancellor
The employee shall request a meeting with each individual in the chain of authority as needed. If the response of any person in the chain of authority fails to resolve the matter or if any person fails to respond within the time allowed, the employee may schedule a conference with the next person in the chain of authority.

Each individual in the chain of authority shall investigate the matter(s) presented and shall respond to the employee, in writing, within twenty (20) business days of a meeting with the employee, or if a response cannot be provided within the time allowed, shall advise the employee of the circumstances preventing a response and when a response can be expected.

Step 2. Mediation of Grievance

At any step in the chain of authority, the person in authority may offer the employee the opportunity to mediate the grievance. The employee may accept or reject mediation without affecting the right to proceed with the grievance. If the employee agrees to mediate and the matter is resolved at mediation, no further action will be taken. If the matter is not resolved at mediation, the employee may continue the grievance process.

Step 3. Appeal to the EHRA Non-Faculty Grievance Committee

If the decision reached in Step 1 or Step 2 does not resolve the matters presented, the employee may request a hearing before the EHRA Non-Faculty Grievance Committee. The request must be in writing and submitted on a form available from the Division Vice Chancellor, the Associate Provost for Administration, Human Resources, or Office of Legal Affairs. Any request for review under Section B, step 1 above shall be submitted within twenty (20) business days after receipt of the decision of the Division Vice Chancellor. Copies of the request for hearing shall be provided by the employee to all other parties in the chain of authority. The Grievance Committee shall schedule a hearing within twenty (20) business days of receipt of a request for hearing. The Grievance Committee shall be governed by guidelines adopted by the committee and approved by the Office of Legal Affairs.

Right to Use Grievance Procedure

Employees in covered positions have the right to use these grievance procedures free from threats or acts of retaliation, interference, coercion, restraint, discrimination, or reprisal. Employees may not be retaliated against for participating in a grievance as a grievant, a witness, a support person, if any, or as a Grievance Committee member. A support person is someone who accompanies the grievant to hearings or interviews and/or assists the grievant in preparing for meetings, keeping track of documents, and similar matters.

Applicability
These policies apply to all permanent covered positions.