



# CHOWAN UNIVERSITY

## **Chowan University Campus Police 2015 Annual Security Report and Fire Statistics**

Chowan University places a high priority on the safety and security of all members of the university community and is committed to providing a safe environment in which all members can achieve their goals. Chowan University is not immune from crime, but due to our rural physical location within the town of Murfreesboro, and because of the attitude of community shared between the University and the town, we do not experience a significant amount of crime. Chowan University has developed a series of safety and security policies that have been implemented to ensure that every possible precaution is being taken in protection of our University community.

In an effort to prevent incidents, a staff of residential living personnel is located in each residence hall to oversee the behavior of the residents, to inspect the condition of the fire safety equipment, exit lighting and to report any safety hazard. Residential living staff personnel also conduct mandatory floor meetings with the residents that cover crime prevention practices and define what type of behavior is expected. They also monitor access to the building through the enforcement of the visitation policy and residence hall card access system.

## Campus Police

The Campus Police Department is located at 401 Union Street behind Belk Hall. The department provides law enforcement services to our university community. Chowan University has its own campus police department under the direction of the Chief of Campus Police. Our officers are trained and certified to enforce the laws of the State of North Carolina just as any other law enforcement officer in the state. The department works in conjunction with local municipal and county agencies to provide police protection 24 hours per day, 7 days per week, 365 days per year. The department's primary goal is to provide a safe and secure environment for the University community to accomplish its mission. Public Safety officers have the authority to detain individuals on campus.



Director of Public Safety and  
Chief of Police  
[publicsafety@chowan.edu](mailto:publicsafety@chowan.edu)  
(252) 398-1234

*“Public safety is everyone’s responsibility and must be viewed as a joint effort for our programs to be successful.” Chief Burke*

The Campus Police Department, along with the Department of Public Safety is responsible for enforcement, security and emergency response at Chowan University. It is also responsible for providing services tailored to meet the unique needs of the Chowan University community. These services include:

- Coordinate emergency notification and response.
- Investigate all reported criminal incidents and motor vehicle collisions on campus.
- Maintain a vigorous university-wide fire safety and crime prevention program.
- Provide proactive sexual assault education and victim assistance and referral services
- Escort individuals, upon request, to their cars or from building to building
- Give personal safety and law enforcement lectures

- Offer classes in:
  - Self-defense
  - Protection against sexual assault
  - Motor vehicle laws
  - Alcohol related problems
  - Computer/Internet safety
  - Homecoming Safety Forum
- Engrave valuables
- Enforce campus parking policy
- Provide transportation to airports and to the bus stations, for a fee
- Provide service for lockouts in the Residence Hall
- Provide service for lockouts of motor vehicles on campus.
- Provide battery jump starts.

***Public Safety (252) 398-1234***

## **How to Report crimes and Emergencies**

### **On Campus:**

- Since the Public Safety Department is staffed 24 hours per day, individuals should always report a crime, even if you are not sure about pressing charges (i.e. assault, sexual assault), or other emergencies by calling 398-1234 as soon as possible.
- Each incident is investigated by a professional officer
- Our follow-up investigations strive to identify and adjudicate cases, recover stolen property and encourage restitution, when possible

*\*\*For students that wish to report crimes or suspicious activity anonymously, there is a system in place. Students that would like to make the Chief of Campus Police aware of that activity can submit a form via the Internet. This form is transmitted to the Chief of Campus Police as a filtered email message. No one is able to determine who sent the message. If you wish to submit information in this manner, simply go to: [www.chowan.edu/silentwitness](http://www.chowan.edu/silentwitness)*

### **Off Campus:**

- A crime which occurs off-campus should be reported to the police department having jurisdiction for that area
- If you are unsure which department that is, call the Department of Public Safety at (252) 398-1234 and we will assist you in locating the appropriate department

# *Report Crimes anonymously to [www.chowan.edu/silentwitness](http://www.chowan.edu/silentwitness)*

## **Crime Prevention**

### **Campus Facilities Maintenance**

Campus police officers and safety officers constantly patrol the campus to assure a high level of physical security. As a regular part of their patrol duties, they look for any safety problems such as defective lighting, inoperative doors or locks, broken sidewalks, steps or hand rails and any other conditions which might detract from one's personal well-being. All such conditions can be reported, in writing or by phone, to the Maintenance Department at (252) 398-1226 for correction or please call the Department of Public Safety at (252) 398-1234. Your efforts will greatly add to or detract from our efforts to keep criminal activity at the lowest possible level around campus.

- **DO** report all crimes and/or suspicious activities to the Department of Public Safety as soon as possible at 398-1234.
- **DO** register your car with the department
- **DO** protect your personal property just as you would your money
- **DO** call if you are being stalked or harassed; if you are a victim of a crime, do not touch anything, call (252) 398-1234 immediately
- **DO** preserve all evidence of a crime; this includes your person if you a victim of sexual assault. Do not bathe, brush your teeth, go to the rest room or change your clothes
- **DO** register all your valuables with the department on the form provided at registration or call (252) 398-1234 for assistance
- **DO** call us for a personal escort
- **DO** attend the Chief of Campus Police's annual Public Safety presentations
- **DO** mark your property such as tape recorders, calculators, radios, etc., with some form of identification number, such as your (North Carolina) driver's license number
- **DO NOT** leave books, jewelry, purses, wallets, backpacks or other valuables unattended for any length of time
- **DO NOT** leave personal property in a locker unattended and unlocked; do not leave your residence hall room unlocked
- **DO NOT** leave purses in desks or file cabinets unattended unless locked
- **DO NOT** leave valuables on a chair behind you while at a study session
- **DO NOT** walk alone after dark .....THINK!!!

***Remember....by always protecting your property you can reduce the opportunity for a thief to commit a crime.***

### **Crime Reporting**

Numerous efforts are made to advise members of the campus community on a timely basis, about campus crime and crime related problems. These efforts include:

- ***Annual Report*** - A comprehensive Annual Report of crime related information is compiled, published and widely distributed. This Annual Report is available to any member of the campus community.
- ***Special Alerts*** - If circumstances warrant, special printed Crime Alerts can be prepared and distributed, either selectively or throughout the campus.

### **Crime Statistics**

Below we have listed our crime statistics for the 2014 calendar year (January 1, 2014-December 31, 2014).



**CHOWAN UNIVERSITY  
CAMPUS POLICE - CRIME STATISTICS**

**Criminal Offenses - On Campus**

Criminal Offense:	Total Occurrences On-Campus		
	2012	2013	2014
A. Murder/Non-negligent manslaughter	0	0	0
B. Negligent manslaughter	0	0	0
C. Sex offenses – Forcible	1	2	N/A
D. Rape (now separated under Sex Offenses – Forcible)			0
E. Fondling (now separated under Sex Offenses – Forcible)			0
F. Sex offenses - Non-forcible (Includes only incest and statutory rape)	0	0	
G. Incest (now separated under sex offenses – non forcible)	0	0	0
H. Statutory Rape (now separated under sex offenses – non forcible)	0	0	0
I. Robbery	1	0	0
J. Aggravated assault	2	2	5
K. Burglary	17	7	9
L. Motor vehicle theft	0	0	0
M. Arson	0	3	0

**Criminal Offenses - On Campus Residence Halls**  
*(Subset of Criminal Offenses on campus)*

Criminal Offense:	Total Occurrences Residence Halls		
	2012	2013	2014
A. Murder/Non-negligent manslaughter	0	0	0
B. Negligent manslaughter	0	0	0
C. Sex offenses – Forcible	0	2	
D. Rape (2014 separated under Sex Offenses – Forcible)			0
E. Fondling (2014 separated under Sex Offenses – Forcible)			0
D. Sex offenses - Non-forcible (Include only incest and statutory rape)	0	0	
G. Incest (2014 separated under Sex Offenses – Non-Forcible)	0	0	0
H. Statutory Rape (2014 separated under Sex Offenses – Non-Forcible)	0	0	0
I. Robbery	0	0	0
J. Aggravated assault	2	1	4
K. Burglary	15	6	8
L. Motor vehicle theft	0	0	0
M. Arson	0	3	0

## Criminal Offenses – Public Property

Criminal Offense:	Total Occurrences Public Property		
	2012	2013	2014
A. Murder/Non-negligent manslaughter	0	0	0
B. Negligent manslaughter	0	0	0
C. Sex offenses - Forcible	0	0	
D. Rape (2014 separated under Sex Offenses – Forcible)			0
E. Fondling (2014 separated under Sex Offenses – Forcible)			0
F. Sex offenses - Non-forcible (Include only incest and statutory rape)	0	0	
G. Incest (2014 separated under Sex Offenses – Non-Forcible)			0
H. Statutory Rape (2014 separated under Sex Offenses –Non-Forcible)			0
I. Robbery	0	0	0
J. Aggravated assault	0	0	0
K. Burglary	0	0	0
L. Motor vehicle theft	0	0	0
M. Arson	0	0	0



**Occurrence of Hate Crimes – On Campus  
Category of Bias for crimes reported in 2014**

Criminal Offense:	2014 Total	Race	Religion	Sexual Orientation	Gender	Gender Identity	Disability	Ethnicity	National Origin
A. Murder/Non-negligent manslaughter	0	0	0	0	0	0	0	0	0
B. Rape	0	0	0	0	0	0	0	0	0
C. Fondling	0	0	0	0	0	0	0	0	0
D. Incest	0	0	0	0	0	0	0	0	0
E. Robbery	0	0	0	0	0	0	0	0	0
F. Aggravated assault	0	0	0	0	0	0	0	0	0
G. Burglary	0	0	0	0	0	0	0	0	0
H. Motor vehicle theft	0	0	0	0	0	0	0	0	0
I. Arson	0	0	0	0	0	0	0	0	0
J. Simple Assault	0	0	0	0	0	0	0	0	0
K. Intimidation	1	0	0	0	0	0	0	0	1
L. Simple Assault	0	0	0	0	0	0	0	0	0

**Occurrence of Hate Crimes – On Campus  
Category of Bias for crimes reported in 2013**

Criminal Offense:	2013 Total	Race	Religion	Sexual Orientation	Gender	Disability	Ethnicity/ National Origin
A. Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0
B. Sex offenses- Forcible	0	0	0	0	0	0	0
C. Sex Offenses – Non- Forcible	0	0	0	0	0	0	0
D. Incest	0	0	0	0	0	0	0
E. Statutory Rape	0	0	0	0	0	0	0
F. Robbery	0	0	0	0	0	0	0
G. Aggravated assault	0	0	0	0	0	0	0
H. Burglary	0	0	0	0	0	0	0
I. Motor vehicle theft (Does not include theft from a vehicle)	0	0	0	0	0	0	0
J. Arson	0	0	0	0	0	0	0
K. Simple Assault	0	0	0	0	0	0	0
L. Intimidation	0	0	0	0	0	0	0
M. Destruction/damage/vandalism of property	0	0	0	0	0	0	0

**Occurrence of Hate Crimes – On Campus**  
**Category of Bias for crimes reported in 2012**

Criminal Offense:	2012 Total	Race	Religion	Sexual Orientation	Gender	Disability	Ethnicity/ National Origin
A. Murder/Non-negligent Manslaughter	0	0	0	0	0	0	0
B. Sex offenses- Forcible	0	0	0	0	0	0	0
C. Sex Offenses – Non- forcible	0	0	0	0	0	0	0
D. Incest	0	0	0	0	0	0	0
E. Robbery	0	0	0	0	0	0	0
F. Aggravated assault	0	0	0	0	0	0	0
G. Burglary	0	0	0	0	0	0	0
H. Motor vehicle theft (Does not include theft from a vehicle)	0	0	0	0	0	0	0
I. Arson	0	0	0	0	0	0	0
J. Simple Assault	0	0	0	0	0	0	0
K. Larceny-theft	0	0	0	0	0	0	0
L. Intimidation	0	0	0	0	0	0	0
M. Destruction/damage/vandalism of property	0	0	0	0	0	0	0

**Occurrence of Hate Crimes – On Campus Student Housing Facilities**  
**(This is a subset of hate crimes on-campus)**  
**Category of Bias for crimes reported in 2014**

Criminal Offense:	2014 Total	Race	Religion	Sexual Orientation	Gender	Gender Identity	Disability	Ethnicity	National Origin
A. Murder/Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0
B. Rape	0	0	0	0	0	0	0	0	0
C. Fondling	0	0	0	0	0	0	0	0	0
D. Incest	0	0	0	0	0	0	0	0	0
E. Robbery	0	0	0	0	0	0	0	0	0
F. Aggravated assault	0	0	0	0	0	0	0	0	0
G. Burglary	0	0	0	0	0	0	0	0	0
H. Motor vehicle theft	0	0	0	0	0	0	0	0	0
I. Arson	0	0	0	0	0	0	0	0	0
J. Simple Assault	0	0	0	0	0	0	0	0	0
K. Intimidation	1	0	0	0	0	0	0	0	1
L. Simple Assault	0	0	0	0	0	0	0	0	0

**Occurrence of Hate Crimes – On Campus Student Housing Facilities**  
**(This is a subset of hate crimes on-campus)**  
**Category of Bias for crimes reported in 2013**

Criminal Offense:	2013 Total	Race	Religion	Sexual Orientation	Gender	Disability	Ethnicity/ National Origin
A. Murder/Non-negligent Manslaughter	0	0	0	0	0	0	0
B. Sex offenses- Forcible	0	0	0	0	0	0	0
C. Sex Offenses – Non- forcible	0	0	0	0	0	0	0
D. Incest	0	0	0	0	0	0	0
E. Statutory Rape	0	0	0	0	0	0	0
F. Robbery	0	0	0	0	0	0	0
G. Aggravated assault	0	0	0	0	0	0	0
H. Burglary	0	0	0	0	0	0	0
I. Motor vehicle theft (Does not include theft from a vehicle)	0	0	0	0	0	0	0
J. Arson	0	0	0	0	0	0	0
K. Simple Assault	0	0	0	0	0	0	0
L. Intimidation	0	0	0	0	0	0	0
M. Destruction/damage/vandalism of property	0	0	0	0	0	0	0

**Occurrence of Hate Crimes – On Campus Student Housing Facilities**  
**(This is a subset of hate crimes on-campus)**  
**Category of Bias for crimes reported in 2012**

Criminal Offense:	2012 Total	Race	Religion	Sexual Orientation	Gender	Disability	Ethnicity/ National Origin
A. Murder/Non-negligent Manslaughter	0	0	0	0	0	0	0
B. Sex offenses- Forcible	0	0	0	0	0	0	0
C. Sex Offenses – Non- forcible	0	0	0	0	0	0	0
D. Incest	0	0	0	0	0	0	0
E. Robbery	0	0	0	0	0	0	0
F. Aggravated assault	0	0	0	0	0	0	0
G. Burglary	0	0	0	0	0	0	0
H. Motor vehicle theft (Does not include theft from a vehicle)	0	0	0	0	0	0	0
I. Arson	0	0	0	0	0	0	0
J. Simple Assault	0	0	0	0	0	0	0
K. Larceny-theft	0	0	0	0	0	0	0
L. Intimidation	0	0	0	0	0	0	0
M. Destruction/damage/vandalism of property	0	0	0	0	0	0	0

**Occurrence of Hate Crimes – Public Property  
Category of Bias for crimes reported in 2014**

Criminal Offense:	2014 Total	Race	Religion	Sexual Orientation	Gender	Gender Identity	Disability	Ethnicity	National Origin
C. Murder/Non-negligent manslaughter	0	0	0	0	0	0	0	0	0
D. Rape	0	0	0	0	0	0	0	0	0
C. Fondling	0	0	0	0	0	0	0	0	0
D. Incest	0	0	0	0	0	0	0	0	0
E. Robbery	0	0	0	0	0	0	0	0	0
F. Aggravated assault	0	0	0	0	0	0	0	0	0
G. Burglary	0	0	0	0	0	0	0	0	0
H. Motor vehicle theft	0	0	0	0	0	0	0	0	0
I. Arson	0	0	0	0	0	0	0	0	0
J. Simple Assault	0	0	0	0	0	0	0	0	0
K. Intimidation	0	0	0	0	0	0	0	0	0
L. Simple Assault	0	0	0	0	0	0	0	0	0

**Occurrence of Hate Crimes – Public Property**  
**Category of Bias for crimes reported in 2013**

Criminal Offense:	2013 Total	Race	Religion	Sexual Orientation	Gender	Disability	Ethnicity/ National Origin
C. Murder/Non-negligent manslaughter	0	0	0	0	0	0	0
D. Sex offenses- Forcible	0	0	0	0	0	0	0
C. Sex Offenses – Non- forcible	0	0	0	0	0	0	0
D. Incest	0	0	0	0	0	0	0
E. Statutory Rape	0	0	0	0	0	0	0
F. Robbery	0	0	0	0	0	0	0
G. Aggravated assault	0	0	0	0	0	0	0
H. Burglary	0	0	0	0	0	0	0
I. Motor vehicle theft (Does not include theft from a vehicle)	0	0	0	0	0	0	0
J. Arson	0	0	0	0	0	0	0
K. Simple Assault	0	0	0	0	0	0	0
L. Intimidation	0	0	0	0	0	0	0
M. Destruction/damage/vandalism of property	0	0	0	0	0	0	0



**Occurrence of Hate Crimes – Public Property**  
**Category of Bias for crimes reported in 2012**

Criminal Offense:	2012 Total	Race	Religion	Sexual Orientation	Gender	Disability	Ethnicity/ National Origin
C. Murder/Non-negligent Manslaughter	0	0	0	0	0	0	0
D. Sex offenses- Forcible	0	0	0	0	0	0	0
C. Sex Offenses – Non- forcible	0	0	0	0	0	0	0
D. Incest	0	0	0	0	0	0	0
E. Robbery	0	0	0	0	0	0	0
F. Aggravated assault	0	0	0	0	0	0	0
G. Burglary	0	0	0	0	0	0	0
H. Motor vehicle theft (Does not include theft from a vehicle)	0	0	0	0	0	0	0
I. Arson	0	0	0	0	0	0	0
J. Simple Assault	0	0	0	0	0	0	0
K. Larceny-theft	0	0	0	0	0	0	0
L. Intimidation	0	0	0	0	0	0	0
M. Destruction/damage/vandalism of property	0	0	0	0	0	0	0

**V.A.W.A. Offenses – On Campus**  
*Violence Against Women Act*

Crime:	Total Occurrences On-Campus		
	2012	2013	2014
A. Domestic Violence	*N/R	*N/R	1
B. Dating Violence	*N/R	*N/R	10
C. Stalking	*N/R	*N/R	0

*\*N/R not a reportable offense during this period*

**V.A.W.A. Offenses – On Campus Student Housing Facilities**  
**(This is a subset of VAWA Offenses On-campus)**  
*Violence Against Women Act*

Crime:	Total Occurrences On-Campus		
	2012	2013	2014
A. Domestic Violence	*N/R	*N/R	0
B. Dating Violence	*N/R	*N/R	6
C. Stalking	*N/R	*N/R	0

*\*N/R not a reportable offense during this period*

**V.A.W.A. Offenses – Public Property**  
*Violence Against Women Act*

Crime:	Total Occurrences On-Campus		
	2012	2013	2014
A. Domestic Violence	*N/R	*N/R	0
B. Dating Violence	*N/R	*N/R	0
C. Stalking	*N/R	*N/R	0

*\*N/R not a reportable offense during this period*

### Arrests – On Campus

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Crime:	Number of Arrests-On Campus		
	2012	2013	2014
A. Illegal Weapon Possession	3	0	4
B. Drug Law Violations	23	13	24
C. Liquor Law Violations	3	7	0

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### Arrests – On Campus Student Housing Facilities (Subset of Arrests-On Campus)

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Crime:	Number of Arrests-Residence Halls		
	2012	2013	2014
A. Illegal Weapon Possession	3	0	0
B. Drug Law Violations	7	12	7
C. Liquor Law Violations	3	5	0

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### Arrests – Public Property

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Crime:	Number of Arrests- Public Property		
	2012	2013	2014
A. Illegal Weapon Possession	0	0	0
B. Drug Law Violations	0	0	0
C. Liquor Law Violations	1	0	0

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### Disciplinary Actions – On Campus

Crime:	Num. of Persons Referred for Disciplinary Actions		
	2012	2013	2014
A. Illegal Weapon Possession	3	1	4
B. Drug Law Violations	15	10	25
C. Liquor Law Violations	38	51	70

### Disciplinary Actions – On Campus Student Housing Facilities (Subset of Arrests-On Campus)

Crime:	Num. of Persons Referred for Disciplinary Actions		
	2012	2013	2014
A. Illegal Weapon Possession	3	1	1
B. Drug Law Violations	15	10	23
C. Liquor Law Violations	36	50	66

### Disciplinary Actions – Public Property

Crime:	Num. of Persons Referred for Disciplinary Actions		
	2012	2013	2014
A. Illegal Weapon Possession	0	0	0
B. Drug Law Violations	0	0	0
C. Liquor Law Violations	0	0	0

## Unfounded Crimes

If a reported crime is investigated by law enforcement authorities and found to be false or baseless, the crime is “unfounded” and should not be included in the institutions crime statistics. Only sworn or commissioned law enforcement personnel may “unfound” a crime.

Unfounded Crimes:	Years		
	2012	2013	2014
	N/R*	N/R*	1

*\*N/R not a reportable offense during this period*

### **Missing Student Policy**

A missing student is defined as any currently registered student of Chowan University who has not been seen by friends, family members or associates for a reasonable length of time, and whose whereabouts have been questioned and brought to the attention of a member of the University community. The Director of Public Safety will initiate an investigation when they are notified that a student, who resides in a University residence hall, is missing, with no reasonable explanation for his/her absence. In the event of a missing student residing on campus, the Assistant Vice President of Student Affairs will notify the parents/family members regarding the situation. In the event the student does not reside in a University residence hall, the appropriate municipal local police authorities will be notified by University Police and an investigation will be initiated.

### **Weapons Policy**

Chowan University prohibits the possession of any weapons on university property or at university related events. This includes any firearm, even with the possession of a valid concealed carry permit. This prohibition extends to weapons secured or unsecured in a vehicle while on university property. Examples of weapons include, but are not limited to: guns, rifles, pistols, bullets, explosives, BB guns, air soft guns, paint pellet guns, bow and arrow, sling shots, bowie knives, daggers, switch-blade knives, metallic knuckles, throwing stars, knives of more than six inches when opened and/or the use of any object used as a weapon or in a threatening manner.

Punishment: Punishable by expulsion and/or imprisonment.

## **Alcohol and Drug Policies**

Alcohol and illegal drugs are not allowed on campus. The complete policies on these and all offenses, which include sexual assault, are covered in the Student Handbook. Information in this document is provided to satisfy requirements of the Crime Awareness and Campus Security Act of 1990. Additionally, other informative documents on crime prevention and crisis centers are located on 401 Union Street behind Belk Hall. The department has procedural manuals located in the office of the **Chief of Campus Police**.

In conjunction, with Residence Life drug and alcohol abuse education and Sexual Assault and harassment education programming is completed by **Residence Life staff**.

## **Sexual Harassment & Sexual Assault Policies**

Chowan University WILL NOT TOLERATE sexual harassment or assault, IN ANY FORM, including acquaintance rape or group (gang) rape. When there is probable cause to believe that the Chowan University regulations prohibiting sexual harassment or assault have been violated, the University will pursue strong disciplinary actions through its own channels. This discipline includes the possibility of suspension or expulsion from the University. A student charged with sexual assault can be prosecuted under North Carolina criminal statutes AND disciplined under the University code of student conduct. Even if the criminal justice authorities choose not to prosecute, the University can pursue disciplinary action.

### **Definition of Consent**

Consent is explicit approval to engage in sexual activity demonstrated by clear actions or words. Consent must be present throughout the sexual activity by all parties involved. At any time, a participant can communicate that she or he no longer consents to continuing the activity. Consent may never be obtained through the use of force, coercion, or intimidation or if the victim is mentally and/or physically disabled or incapacitated, including through the use of drugs or alcohol.

Refusal to consent does not have to be verbal; it can be expressed with gestures, body language or attitude. A prior dating and/or sexual history between the complainant(s) and the alleged perpetrator(s) do not constitute consent. Consent to some sexual acts does not imply consent to others.

***Consent is explicit approval to engage in sexual activity demonstrated by clear actions or words.***

***Rape- as defined by the Uniform Crime Report by the FBI as “penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.***

## **I. Definition of Rape**

Rape as defined by the Uniform Crime Report by the FBI as “penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. Rape is an act of violence, aggression, and power and the most prevalent, serious, violent crime committed on university campuses.

➤ *Acquaintance Rape*

The most prevalent form of rape on university campuses is acquaintance rape, which is forced, manipulated or coerced sexual intercourse by a friend or acquaintance.

➤ *Group or Gang Rape*

This type of rape often occurs in residence halls where students frequently have been drinking heavily or using drugs. Multiple assailants attack the victim often after passing out.

➤ *Sexual Assault*

Sexual assault is defined as any forced sexual activity that is against a person’s will. The force may come in the form of actual physical force or it may be mental and emotional pressures, coercion or manipulation. Other felonious crimes besides rape include sodomy (forced anal intercourse); and rape by foreign object (forced penetration of the genital or anal openings by a foreign object including a finger).

➤ *Sexual Battery*

Sexual battery is defined as the unwanted touching of an intimate part of another person, such as a sexual organ, buttocks, or breast, for the purpose of sexual arousal.

➤ *Sexual Harassment*

Sexual harassment is another form of sexual assault. It is defined as unwelcome sexual advances or requests for sexual favors by a member of the campus community. The assailant may use, threaten to use, or imply that submission to or rejection of such conduct will have an impact upon academic decisions affecting the victim. This may involve students and professors or staff members.

## II. For the Victim of Sexual Assault

*If you are the victim of sexual assault or rape, you should do the following:*

- Go to a safe place and tell someone that you trust
- Contact the Department of Public Safety (252) 398-1234 or 911
- Get medical attention, even if there are no injuries. (The state of North Carolina can pay the bill anonymously.) Go to a hospital emergency room. Do not bathe, shower, douche, or change clothes before going.
- Treatment for rape may include testing for sexually transmitted diseases, medication to prevent pregnancy and documenting evidence of the rape so you can decide later whether to prosecute.
- Report the sexual assault. It is your decision whether to report the sexual assault to police, but you are strongly encouraged to press charges.
- Campus authorities can charge a student with a violation of the student code of conduct if you do not press charges.
- Seek counseling. Whether or not you report the sexual assault or prosecute, a trained counselor will be available for help in dealing with the emotional aftermath of the assault. Contact any of the following:

### On Campus Counseling Contacts

Name	Title	Office	Phone #
Yolanda Majette	University Counselor	Hawks Nest	(252)398-6249
Mari Wiles	Associate Dean of Students and Minister to the University	Hawks Nest	(252)398-6268
Drew Phillips	Associate Campus Minister	Hawks Nest	(252)398-6383
Libby Whitaker	Title IX Coordinator	Columns 3 <sup>rd</sup> Floor	(252)398-6382

- Off-campus: have Department of Public Safety call the Crisis Lines: Ahoskie, NC (252) 332-4442 or (252) 209-8161, RC SAFE (252) 332-1933



### III. The University's Response to Reports of Sexual Assault

The campus' first responsibility in responding to reports of sexual assault is caring for the individuals involved (the victim, roommate, parents, close friends, and alleged assailant).

➤ *Step one:*

If an incident is reported to you, recognize that the individual might be struggling with painful feelings - denial, fear, embarrassment, or rage – when seeking assistance. To build trust and to assist the individual in getting further help, validate the courage she/he has shown in talking to you and assure him/her that one need not be alone in his/her struggle with this issue. Keep in mind that while no one's invites sexual assault, many people feel that it was the victim's fault (by asking, for example, "What were you doing out so late?"). This might contribute to feelings of guilt and impede the healing process.

➤ *Step two:*

Urge the individual to seek assistance from campus support services such as the University Counselor, Director of Residence Life, Director of Wellness Center, Campus Ministers to the University, or the Vice President for Student Affairs. Offer to accompany the individual to the appropriate service.

➤ *Step three:*

Urge the individual to seek medical care as soon as possible because of physical and emotional trauma that may accompany sexual assault. The risk of sexually transmitted diseases and pregnancy are also concerns to which physicians can respond. One should go to the emergency room of the nearest hospitals: Vidant Roanoke Chowan Hospital in Ahoskie or Southampton Memorial Hospital in Franklin, Virginia.

➤ *Step four:*

If the assault took place on or near campus, call Department of Public Safety: (252) 398-1234. The Department of Public Safety will respond promptly.

If the individual is considering reporting the assault to the police, let her (or him) know that it is crucial that medical evidence be collected as soon as possible as physical evidence is important.

Have the Department of Public Safety call the police if the victim wants to report the crime. Strongly encourage the victim to allow someone to report the assault to the police.

- Murfreesboro Police Department  
9-911 or (252) 398-4151
- Hertford County Sheriff's Department  
(252) 358-7800 (if assault occurs out of city limits)

➤ *Step five:*

To protect the individual's privacy, discuss the incident only with those campus employees who have a NEED TO KNOW so that they can provide services to parties involved. Refer all inquiries about an alleged sexual assault to Ms. Elizabeth Whitaker Title IX Coordinator; she may be reached at whitae@chowan.edu (252) 398-6382.

**IV. Disciplinary Action taken Against those Charged with Sexual Harassment or Sexual Assault:**

- A. Report sexual harassment or sexual assault to any faculty or staff member. They will assist you in the reporting process.
- B. The Title IX Coordinator will coordinate an investigation the reported incident.
- C. If sufficient evidence exists to support a claim against the accused, investigation will ensue.
- D. The accused may admit his/her guilt and waive the right of a hearing. If this is done, the accused agrees to accept the punishment imposed by the Vice President for Student Affairs.
- E. If the accused requests a hearing, the Vice President for Student Affairs is responsible for determining the penalty. The penalty for sexual harassment can range from an official reprimand to suspension. The penalty for sexual assault is suspension or expulsion.
- F. A student can request an appeal by following the appeal procedure, which is explained elsewhere.

**V. Rights of Victims of Sexual Harassment or Sexual Assault**

- To encourage reporting of assaults and to ensure fairness to victims throughout the disciplinary process, Chowan University has the following statement of rights of victims:
- The right of a victim to have a person or persons of her or his choice to accompany her or him throughout the disciplinary hearing
- The right to remain present during the entire proceeding
- The right, as established in state criminal codes, not to have his/her irrelevant past sexual history discussed during the hearing: (The Rape Shield Law)
- The right to make a "victim impact statement" and to suggest an appropriate penalty if the accused is found in violation of the code
- The right to be informed immediately of the outcome of the hearing.
- The right to appeal the outcome of the hearing.

## To Avoid High Risk Situations

### For Men:

- Know your sexual desires and limits. Communicate them clearly.
- Be aware of social pressures. It is OK not to “score.”
- Being turned down when you ask for sex is not a rejection of you personally. Women who say “No” to sex are not rejecting the other person; they are expressing their desire to not participate in a single act. Your desires may be beyond your control but your actions are within your control.
- Do not assume that just because a woman dresses in a “sexy” manner and flirts that she wants to have sexual intercourse.
- Do not assume that previous permission for sexual contact applies to the current situation.
- Avoid excessive use of alcohol and drugs. Alcohol and drugs interfere with clear thinking and effective communication.

### For Women:

- Know your sexual desires and limits. Believe in your right to set those limits. If you are not sure STOP and talk about your feelings.
- Be assertive. Often men interpret passivity as permission. Be direct and firm with someone who is sexually pressuring you.
- Be aware that your nonverbal actions send a message. If you do dress in a “sexy” manner and flirt, some men may assume you want to have sex. This does not make your dress or behavior wrong, but it is important to be aware of misunderstanding.
- Pay attention to what is happening around you. Watch the nonverbal clues. Do not put yourself in vulnerable situations.
- Trust your intuitions. If you feel you are being pressured into unwanted sex, you probably are.
- Avoid excessive use of alcohol and drugs. Alcohol and drugs interfere with clear thinking and effective communication.

<http://sexoffender.ncsbi.gov/search.aspx>

**is the North Carolina Sex Offender and Public Protection Registry. This is where law enforcement information for sex offenders is provided.**

## **VAWA (Violence Against Women Act of 2013)**

This act was signed into law on March 7<sup>th</sup> 2013 by President Barack Obama. This act has required many changes to our current polices and documentation as it relates to; Dating Violence, Domestic Violence, Sexual Assault and Stalking.

If you are a victim of dating violence, domestic violence, sexual assault or stalking please contact Public Safety, RA, Campus Ministries and/or Residence Life.

### **Victims of Domestic Violence**

- University Police  
(252) 398-1234
- Herford County Sherriff  
911
- ROANOKE-CHOWAN SAFE  
(252) 332-1933
- Mobile Crisis  
(866) 437-1821
- North Carolina Coalition of Domestic Violence  
[www.nccadv.org](http://www.nccadv.org)
- Enough NC  
[www.enoughnc.org](http://www.enoughnc.org)

### **Victim of Sexual Assault**

- Campus Police  
(252) 398-1234
- Herford County Sherriff  
911
- ROANOKE-CHOWAN SAFE  
(252) 332-1933
- Mobile Crisis  
(866) 437-1821
- Enough NC  
[www.enoughnc.org](http://www.enoughnc.org)

### **Victims of Stalking**

- Campus Police  
(252) 398-1234
- Herford County Sherriff  
911
- Mobile Crisis  
(866) 437-1821
- The National Center for Victims of Crime  
[www.victimsofcrime.org/src](http://www.victimsofcrime.org/src)

### **Primary Prevention Programs**

- New Employee Training for Title IX
- Orientation New Student Training for Title IX
- Orientation with Vice President for Student Affairs with New Students
- Orientation with Associate VP for Student Affairs and Chief of Police

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

- *Annual Security Report* annual publication
- Student Life programs
  - Campus Ministries
  - Counseling Services
  - Student Government Association
  - Greek Organizations
- Residence Life Programs
  - RA Programming
- Title IX Office Awareness and Prevention Educational emails.

### **Bystander Intervention**

A bystander is someone other than the victim who is present when an act of dating violence, domestic violence, stalk-ing or sexual assault is occurring or when a situation is occurring in which a reasonable person feels as though some protective action is required to prevent sexual assault, dating violence, domestic violence or stalking. Bystanders, if active, can prevent harm or intervene with safe and positive options before a situation gets worse. Examples of active bystander intervention include: not leaving an overly intoxicated person in a bar/party alone, walking a classmate to his/her car after class, calling police when a potentially violent situation is unfolding, not leaving an unconscious person alone (alerting an RA, EMS, campus police, etc.), or intervening when someone is being belittled, degraded or emotion-ally abused (walking victim away from abuser, contacting others for help, Counseling, Residence Assistant, Student Affairs Professional).

## CHOWAN UNIVERSITY SEXUAL MISCONDUCT POLICY

### **Introduction**

Chowan University strives to provide an environment that is fully conducive to learning and intellectual pursuit within a Christian context. The University therefore condemns all forms of sexual misconduct as being inconsistent with its mission. Chowan University, as

a Christian institution of higher education affirms its moral commitment to the dignity and worth of all individuals.

Title IX of the Education Amendment of 1972 states that “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.” Sexual violence and sexual harassment are forms of sex discrimination prohibited by Title IX.

Chowan’s policies prohibiting sexual violence and sexual harassment (Sexual Misconduct) are not only legal responsibilities with practical applicability, they stem from the University’s historical and continuing commitment to Christian and moral values.

Chowan University takes seriously every allegation or report of sexual misconduct it receives. The University’s response is intended to assure that all parties involved are treated fairly, that victims receive appropriate support, and that allegations of sexual misconduct are handled in a prompt, thorough and equitable manner.

### **Scope**

All members of the Chowan University community (students, faculty, and staff) are protected by and are responsible to adhere to the Sexual Misconduct Policy. This policy applies to any instance in which a member of the Chowan University community becomes a victim of or is alleged to have engaged in sexual misconduct. The Sexual Misconduct Policy applies to all conduct that impacts the educational environment, regardless of whether it takes place on or off campus and regardless of the gender or sexual orientation of the individuals involved. Sexual Misconduct committed electronically or via social media is included in this policy and is strictly prohibited by Chowan University.

### **Chowan University defines Sexual Misconduct to include:**

- Sexual harassment - unwelcome conduct of a sexual nature, including but not limited to unwelcome sexual advances; requests for sexual favors; or other verbal or nonverbal conduct of a sexual nature.
- Gender-based harassment - unwelcome conduct of a nonsexual nature based on a student’s actual or perceived sex, including conduct based on gender identity, gender expression, and nonconformity with gender stereotypes.
- Sexual violence (assault) - actual or attempted sexual contact with another person without that person’s consent. Sexual assault includes, but is not limited to:
  1. Intentional touching of another person’s intimate parts without that person’s consent;
  2. Other intentional sexual contact with another person without that person’s consent;
  3. Coercing, forcing, or attempting to coerce or force a person to touch another person’s intimate parts without that person’s consent;
  4. Rape, which is penetration, no matter how slight, of (1) the vagina or anus of a person by any body part of another person or by an object, or (2) the mouth of a person by a sex organ of another person, without that person’s consent.

- Sexual exploitation - a person takes sexual advantage of another person (victim) for the benefit of anyone other than the victim without the victim's consent. Examples of behavior that could rise to the level of sexual exploitation include:
  1. Prostituting another person;
  2. Recording images (e.g., video, photograph) or audio of another person's sexual activity, intimate body parts, or nakedness without that person's consent;
  3. Distributing images (e.g., video, photograph) or audio of another person's sexual activity, intimate body parts, or nakedness, if the individual distributing the images or audio knows or should have known that the person depicted in the images or audio did not consent to such disclosure and objects to such disclosure; and,
  4. Viewing another person's sexual activity, intimate body parts, or nakedness in a place where that person would have a reasonable expectation of privacy, without that person's consent, and for the purpose of arousing or gratifying sexual desire.
- Relationship violence – committing an act of violence (including but not limited to, pushing, hitting, striking, using a weapon) against another person in the context of a dating, cohabitation or marriage relationship.
- Sex/gender-based stalking - engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the his/her safety or the safety of others; or suffer substantial emotional distress.

### **Report for Support**

Chowan University strongly encourages any victim of sexual misconduct to report all instances. Whether or not the victim intends to file a formal University complaint, Chowan University places the highest importance on providing victims with support in responding to the incident. The University exercises all reasonable efforts to end all forms of discrimination, prevent their reoccurrence, and remedy their effects both on individual victims and the larger University community. Retaliation, intimidation and/or third party involvement in any instance of sexual misconduct are prohibited and are considered violations of this policy.

Chowan University has designated a Title IX Coordinator to oversee the University's compliance with and response to instances of sexual misconduct. Ms. Elizabeth Whitaker serves as the Title IX Coordinator; she may be reached at whitae@chowan.edu (252) 398-6382. The Office of the Title IX Coordinator investigates incidents, provides support to victims, and makes the initial disciplinary determinations when a student is formally accused of violating the Sexual Misconduct Policy.

In addition to contacting the Title IX Coordinator, a victim of sexual assault (or someone who knows of an individual of sexual assault) should immediately call Chowan University Public Safety at (252) 398-1234 (if the assault took place on campus) or the Local Police at 911 immediately. Victims are also strongly encouraged to seek immediate medical attention as well. Please seek medical attention prior to bathing or changing clothes as this may destroy evidence.

Approved: Executive Committee  
Board of Trustees  
August 17, 2015

## **CHOWAN UNIVERSITY TITLE IX**

Chowan University strives to provide an environment that is fully conducive to learning and intellectual pursuit within a Christian context. The University therefore condemns all forms of sexual misconduct as being inconsistent with its mission.

Chowan University complies with laws prohibiting discrimination, including applicable provisions of and amendments to Titles VI and VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act Executive Order 11246, Title IX of the Education Amendments of 1972, Sections 503 and 504 of the Rehabilitation Act of 1973, the Vietnam Era Veterans Readjustment Assistance Act, the Age Discrimination Act of 1975, and the Americans with Disabilities Act of 1990.

Title IX of the Education Amendment of 1972 states that “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance”. Sexual violence is a form of sexual harassment prohibited by Title IX.

Chowan University, as a Christian institution of higher education affirms its moral commitment to the dignity and worth of all individuals. Chowan’s policies prohibiting sexual assault and sexual harassment are not only legal responsibilities with practical applicability, they stem from the University’s historical and continuing commitment to Christian and moral values Chowan University will take seriously every allegation or report of sexual misconduct.

The University’s response is intended to assure that all parties involved receive appropriate support and fair treatment, and that allegations of sexual misconduct are handled in a prompt, thorough and equitable manner.

The Sexual Misconduct Policy applies to any instance in which a member of the Chowan University community is alleged to have engaged in sexual misconduct (on or off-campus), regardless of the complainant’s or respondent’s gender or sexual orientation. Chowan University defines Sexual Misconduct to include; sex/gender based harassment, sexual violence, sexual exploitation, relationship violence, sex/ gender-based stalking, retaliation, intimidation and/or third party involvement in such instances. Sexual Misconduct committed via social media or electronically is included in this policy and is strictly prohibited by Chowan University.

The University recognizes that confidentiality is important in matters relating to Sexual Misconduct. Consistent with this principle, a victim of Sexual Misconduct may request that his/her identity remain confidential. Such request should be made to the Title IX Coordinator. The University will attempt to maintain confidentiality except where, in the



University's judgment, maintaining confidentiality would jeopardize the safety of the members of the University community or where disclosure is required by law.

Chowan University has designated a Title IX Coordinator to coordinate the University's compliance with and response to inquiries concerning Title IX. Ms. Elizabeth Whitaker serves as the Title IX Coordinator; she may be reached at [whitae@chowan.edu](mailto:whitae@chowan.edu) or 252-398-6382. A person may also file a complaint with the Department of Education's Office for Civil Rights regarding an alleged violation of Title IX by visiting: the U.S. Department of Education's website or calling 1-800- 421-3481.

### ***TITLE IX Coordinator***

***Libby Whitaker, Columns Building 3<sup>rd</sup> Floor***

***(252) 398-6382 . [whitae@chowan.edu](mailto:whitae@chowan.edu)***

The Office of the Title IX Coordinator is designated to formally investigate student grievances of the Sexual Misconduct (Title IX) Policy, address inquiries and coordinate the university's compliance efforts regarding student complaints and grievances.

#### **Reporting**

Reporting of a formal complaint of the Sexual Misconduct Policy can be made in person or orally to an appropriate official, but the university strongly encourages submission of grievances in writing, by email attachment as a MS Word or pdf document, in other written form to [TitleIX@chowan.edu](mailto:TitleIX@chowan.edu).

The report (grievance) should clearly and concisely describe the alleged incident(s), when and where it occurred, and the desired remedy sought. The grievance should be signed by the initiator or, in the case of an email submission, sent as an email attachment, in letter format and should contain the name and all contact information for the grievant. Any supporting documentation and evidence should be referenced within the body of the formal grievance. Additionally, the initiator of a grievance should submit any supporting materials in writing as quickly as is practicable.

#### **Time Frames**

The university's overall goal is to resolve complaints under this policy within 60 calendar days from receipt of a report. An investigation typically takes 10 to 30 days to complete. Generally within 14 days after completion of an investigation (during which time the Office of the Title IX Coordinator may be seeking clarifying information and/or meeting with a complainant, respondent, case officer, or others), a hearing, if applicable, is scheduled.

Circumstances may require extensions of this overall 60-day time frame or any individual time frame discussed in this policy. The university reserves the right to extend these time frames in its sole discretion. Examples of reasons why time frames may need to be extended include the complexity of the case, delays due to fall/spring/summer/holiday breaks, inclement weather, and other extenuating circumstances. Exceptions to these time frames will be communicated to the complainant and respondent.

### **Investigation and Initial Action**

Upon receipt of a grievance the Office of the Title IX Coordinator will open a formal case file and assign a case officer(s) who will direct the investigation and confer with the Title IX Coordinator on interim action, accommodations for the alleged victim, or other necessary remedial short-term actions. The case officer will then take the following steps:

- In coordination with the campus Title IX Coordinator, initiate any necessary remedial actions;
- Assure that the alleged victim is made aware of support services (Counseling, Public Safety, Academic Assistance, Residence Life, etc.);
- Determine the identity and contact information of the complainant (whether that be the initiator, the alleged victim, or a University proxy or representative);
- Identify the correct policies allegedly violated;
- Conduct an immediate initial investigation to determine if there is reasonable cause to charge the accused individual, and what policy violations should be alleged as part of the complaint; (If there is insufficient evidence to support reasonable cause, the grievance should be closed with no further action)
- Meet with the complainant to finalize the complaint;
- Prepare the notice of charges on the basis of the initial investigation;
- Commence a thorough, reliable and impartial investigation by developing a strategic investigation plan, including a witness list, evidence list, intended timeframe, and order of interviews for all witnesses and the accused individual, who may be given notice prior to or at the time of the interview;
- Complete the investigation promptly, and without unreasonable deviation from the intended timeline;
- Make a finding, based on the **preponderance of the evidence (more likely than not)**.
- Present the findings to the accused individual, who may accept the findings, accept the findings in part and reject them in part, or may reject all findings;
- Share the findings and update the complainant on the status of the investigation and the outcome; (Where the accused individual is found not responsible for the alleged violation(s), the investigation should be closed)
- Where the accused individual accepts the finding that s/he violated university policy, the Office of Student Affairs will impose appropriate sanctions for the violation, after consultation with the Title IX Coordinator. The University will act to end the discrimination, prevent its recurrence, and remedy its effects on the victim and the university community.

***Preponderance of the Evidence: This generally means greater than 50% change, based on the evidence, that the accused caused the damage.***

## Hearing Procedures

In the event that the accused individual rejects the findings in part or entirely, the Title IX Coordinator, will convene a hearing under its conduct procedures to determine whether the accused individual is in violation of the contested aspects of the complaint. At the hearing, the findings of the investigation will be admitted, but are not binding on the decider(s) of fact. The case officer(s) may give evidence. The hearing will determine whether it is **more likely than not (preponderance)** that the accused individual violated the policies forming the basis of the charge. The goal of the hearing is to provide a fair resolution via an equitable process, respecting the rights of all participants. The Office of the Title IX Coordinator has final decision-making authority with regard to formal complaints, subject to appeal. Where an accused individual is found in violation, the Office of Student Affairs will impose appropriate sanctions for the violation, after consultation with the Title IX Coordinator. The university will act to end the discrimination, prevent its recurrence, and remedy its effects on the victim and the university community.

The following procedures apply to a complaint that proceeds to a hearing panel:

- **Notice:** Both the complainant and the respondent will be notified at least 72 hours in advance of the date and time of the hearing and the name(s) of the hearing officer(s).
- **Hearing Packet:** In advance of the hearing, the Office of the Title IX Coordinator prepares a packet with information relevant to the case to be shared with the hearing officer(s). The Office of the Title IX Coordinator will share a copy of that packet with both the complainant and the respondent at least 72 hours in advance of the hearing. If a complainant or respondent wishes to share additional relevant written information to a hearing officer(s) in advance of the hearing, it must be submitted to the Office of the Title IX Coordinator within 36 hours of the hearing, which will then share that material with the complainant or respondent no later than 8 hours before the hearing. The Title IX Coordinator will determine the relevancy of the additionally submitted material.
- **Conflict of Interest:** A complainant or respondent may challenge the participation of an officer he/she perceives to have a conflict of interest. Such challenges, including rationale, must be made to the Title IX Coordinator at least 48 hours prior to the commencement of the hearing. At its discretion, the Title IX Coordinator will determine whether such a conflict of interest exists and whether an officer should be replaced.  
**Advisor:** An advisor of the student's choice may accompany the complainant and/or the respondent to any meeting with Title IX Coordinator, the case officer, or to a hearing. The advisor's role in any meeting or hearing is limited to quietly conferring with the complainant through written correspondence or whisper, and the advisor may not address any other participant or the hearing panel.
- **Witnesses:** A complainant and respondent may offer relevant material witnesses to provide testimony. Absent exceptional circumstances, the complainant and respondent should inform the Office of the Title IX Coordinator in writing at least 48 hours in advance of the hearing the names of any witnesses he/she wishes to testify and to what they will attest. Names of witnesses submitted to the Office of the Title IX Coordinator by the complainant or respondent will be shared with the other party in advance of the hearing. Note that a hearing officer(s) may, in its sole discretion, exclude witnesses or witness testimony deemed irrelevant or

duplicative. Participants are reminded that any information shared during a hearing is confidential.

- Character References: A complainant and respondent may submit two written character references to a hearing officer(s) before the hearing begins. Character references pertain to the character of the complainant/respondent and may not address the specific issue at hand.
- Hearing Procedure: The general course of procedure for a hearing is as follows: introductions; respondent's statement regarding whether he/she accepts or denies responsibility; opening comments from the complainant; opening comments from the respondent; questions; testimony/questions of other material witnesses (if applicable); closing comments from the complainant; and, closing comments from the respondent. A complainant or respondent may not question each other or other witnesses directly, but may raise questions to be asked of that party through the hearing panel, which will determine whether to ask them. As noted, the hearing officer(s) may exclude witnesses or witness testimony that it deems irrelevant or duplicative. A hearing officer(s) has general authority over the conduct of the hearing (e.g., it may set time frames for witness testimony and it may limit opening/closing statements or their length, etc.).
- Notice of Findings: The complainant and respondent will receive verbal notification of the decision of a hearing officer(s) no sooner than two business days and no later than five business days after the hearing. Notification will be individually given to the respondent and complainant at approximately the same time. A written hearing report outlining the decision and rationale of the hearing officer(s) will be later delivered to the respondent and the complainant.

### **Sanctions**

Sanctions for a finding of responsibility include, but are not limited to, expulsion, suspension, disciplinary probation, mandatory counseling, and/or other educational sanctions. The hearing officer(s) has complete discretion regarding sanctioning. In determining the appropriate sanction(s) for a violation of this policy, the hearing officer(s) will first consider whether expulsion (permanent removal) from the university is appropriate. Factors pertinent to the determination of what sanction applies to the finding include, but are not limited to, the nature of the conduct at issue, prior disciplinary history of the respondent, respondent's willingness to accept responsibility for his/her actions, previous university response to similar conduct, and university interests.

### **Appeals**

Either a respondent who is found responsible for a violation of this policy, or a complainant who believes the finding is not sufficient may appeal such finding based on the following grounds:

- 1) New information (available after a hearing) of a nature such that the finding or sanction may have been different;
- 2) Procedural errors within the hearing process which may have substantially affected the fairness of the hearing;
- 3) And/or the finding was inconsistent with the weight of the information. A complainant may also appeal the outcome on one or more of the above stated grounds.

Appeals must be filed in writing within 72 hours of notification of the finding (unless greater time is given within the finding). Appeals are to be filed to the Title IX Coordinator.

The composition of the Title IX Appellate Board for cases arising under this policy includes members of the university community appointed by the Vice President for Student Affairs in consultation with the Title IX Coordinator. A three-person panel of the Title IX Appellate Board, typically including, when possible, at least one faculty and one staff member, will review the appeal, the hearing report, any information included in the hearing, and any additional information it deems relevant. A complainant or respondent may request to meet with the panel of the Title IX Appellate Board to amplify his/her ground(s) of appeal.

The Title IX Appellate Board may consult in confidence with other members of the university community (or persons brought forth by the complainant or respondent as part of the appeal) in order to substantiate the grounds for appeal or to seek clarification of issues raised in the appeal. If the grounds for appeal are found to be substantiated, the appellate panel may determine a final resolution to the case, or refer the case back to the Title IX Coordinator for further review and/or a new hearing. Written notification of the final decision will be sent to the complainant and respondent.

### **Information for Complainants**

Complainants will be treated with respect before, during, and after the disciplinary process. Complainants will be informed of the university's disciplinary process and possible outcomes. The university will communicate substantive and, when warranted, procedural developments regarding an investigation. The alleged conduct may also be criminal in nature, and complainants have the right to report such conduct to the Chowan University Police, Murfreesboro Police, or other appropriate law enforcement agency. A criminal report does not preclude university disciplinary action. Regardless of whether a complainant pursues a criminal complaint and/or the university's grievance process through this policy, the university may investigate the incident(s) in question and will take appropriate responsive action to ensure that the educational environment is free of discrimination and to prevent the recurrence of a hostile environment—and, if appropriate, remedy the effects of the alleged harassment on the complainant. Remedies available to a complainant may include, but are not limited to: reasonable academic accommodations, on-campus housing reassignment, a "no contact" order between the accused and the complainant, and disciplinary action against the accused as determined through the disciplinary process outlined in this policy. Note that mediation is not an appropriate remedy for any allegation of sexual misconduct.

Complainants are strongly encouraged to seek counseling and support available through resources such as the University Counselor and/or Campus Ministry Staff as well as local, off-campus resources.

Complainants may request changes to academic and living situations and will be notified as to what changes are reasonably available.

An advisor of the complainant's choice may accompany the complainant to any meeting with Title IX Coordinator, the case officer, or to a hearing. The advisor's role in any meeting or hearing is limited to quietly conferring with the complainant through written correspondence or whisper, and the advisor may not address any other participant or the hearing panel.

### **Information for Respondents**

Respondents will be treated with respect before, during, and after the disciplinary process. Respondents will be informed of the university's disciplinary process and possible outcomes. The university will communicate substantive and, when warranted, procedural developments regarding an investigation. Note that alleged behavior may also be criminal in nature, and a respondent may be subject to a criminal investigation by the appropriate law enforcement agency at the same time as an investigation by the university under this policy. Respondents can expect a presumption of innocence throughout the disciplinary process unless and until they are found responsible for a violation of this policy.

Respondents have the right to (and are strongly encouraged to seek) counseling and support available through resources such as the University Counselor, campus Ministry Staff and local resources.

Respondents may request changes to academic and living situations and will be notified as to what changes are reasonably available.

An advisor of the respondent's choice may accompany the respondent to any meeting with the Title IX Coordinator, the case officer, or to a hearing. The advisor's role in any meeting or hearing is limited to quietly conferring with the respondent through written correspondence or whisper, and the advisor may not address any other participant or the hearing panel.

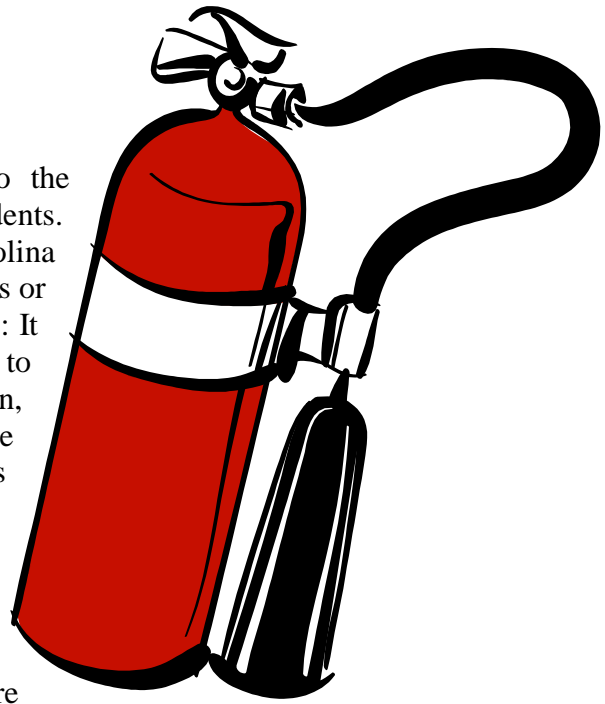
### **Retaliation**

Chowan University strictly prohibits retaliation against any individual for reporting, providing information, exercising one's rights or responsibilities, or otherwise being involved in the process of responding to, investigating, or addressing allegations of sex discrimination, sexual harassment, and sexual violence. Therefore, any retaliation, intimidation, threats, coercion, or discrimination against any such individual, undertaken or attempted either directly or by someone acting on behalf of another, will be addressed in the most serious way by Chowan University, and individuals who engage in such actions are subject to discipline up to and including suspension, expulsion, or dismissal from the University, consistent with University procedure. Anyone who is aware of possible retaliation or has other concerns regarding the response to a complaint of sexual misconduct should report such concerns to the Title IX Coordinator, who shall take appropriate actions to address such conduct in a prompt and equitable manner.

***Compliance with these provisions does not constitute a violation of section 444 of the General Education Provisions Act (20 U.S.C.1232g), commonly known as the Family Educational Rights and Privacy Act of 1974 (FERPA).***

## Fire Alarm System

The campus fire alarm system is critical to the protection of the lives and property of students. General Statutes 14-286 of the North Carolina Criminal Law pertains to giving false fire alarms or tampering with fire alarm equipment as follows: It shall be unlawful for any person or persons to wantonly and willfully give or cause to be given, or to advise, counsel, or to aid and abet anyone in giving a false alarm of fire, or to break glass key protector, or to pull the slide arm, or lever of any systems, except in case of fire, or willfully misuse or damage a portable fire extinguisher, or in any ways to willfully interfere with, damage, deface, molest, or injure any part or portion of any fire alarm, fire detection, smoke detection or fire extinguishing system.



- *Civil Penalty:* Any person violating any of the provisions of this section shall be guilty of a misdemeanor punishable by a fine not to exceed five hundred dollars (\$500, imprisonment for not more than six months, or both.
- *University Penalty:* preliminary suspension and not less than removal from campus housing nor more than expulsion.

## Fire Prevention

### **What causes a Fire?**

Lifestyles of university students are in some ways particularly susceptible to fire hazards. Overloading electrical circuits with cooking and other appliances, using improperly gauged extension cords and multiple plugs are common contributors. As with most residential fires, the leading cause is CIGARETTES. Smoking material often lights upholstery or bedding when the smoker falls asleep.

### **Before a Fire:**

- Take fire drills seriously
- Know primary and secondary evacuation routes. Each building has at least two exit routes
- Know locations of fire alarm pull stations and fire extinguishers and how to activate
- Have phone numbers for Fire Department (398-4151) and the Department of Public Safety (398-1234) near your phone
- Count and remember the number of doors between your door and exits

- Be aware of fire hazards
- Be careful with cigarettes, electrical appliances, and combustibles

**On Hearing the Fire Alarm Sound:**

- Prepare to exit building in an orderly manner
- Be familiar with safety precautions in exiting the building in case of fire (provided by residence hall staff).
- DO **NOT** USE ELEVATORS
- Follow directions of the person in charge
- Be sure the fire department is called

**In Case of Fire:**

- Sound the fire alarm immediately to alert residents
- If possible, shut all doors and windows in immediate vicinity
- Use fire extinguisher on only the smallest, most containable fire
- Notify residence hall staff of location and type of fire
- Leave building by nearest exit and stay calm
- Crawl to prevent smoke and gas inhalation
- Take quilt or large towel to cover your face
- Take room key, but do not lock your room

**After Exiting the Buildings:**

- Stand clear of the building after evacuating
- Report to your RA to be accounted for
- Follow directions of the staff members, Public Safety officers, Police, and Fire personnel

**Keep in Mind:**

- The charge for replacing an EXIT LIGHT is \$50.00.
- The charge for replacing damaged SMOKE DETECTORS is \$100.00 for Parker Hall.
- The charge for replacing damaged COMPUTER CARDS in the control panel is \$400.00.
- When an individual is found guilty of damaging the above items, the individual will be charged. If the guilty person or persons cannot be identified, those living in the area or on the floor will be prorated to cover the cost.
- These charges are in addition to fines that may be the result of the judicial process.



# Annual Fire Safety Report

## Housing Facility

Number of Fires

<b>Residence Hall</b>	<b>Street Address</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>
Parker Hall	One University Place	1	1	0
Dunn Hall	One University Place		3	0
Simons Hall	One University Place			0
Mixon Hall	One University Place			0
Jenkins Hall	One University Place	1	1	0
Belk Hall	One University Place			0
University House	212 E. High Street			0
310 S. 4 <sup>th</sup> Street	310 S. 4 <sup>th</sup> Street			0
313 Union Street	313 Union Street			0
401 Union Street	401 Union Street			X
411 Union Street	411 Union Street			X
Whites Crossing A	900 Union Street A			0
Whites Crossing B	900 Union Street B			0
Whites Crossing C	900 Union Street C	N/B	N/B	0
Whites Crossing D	900 Union Street D	N/B	N/B	0
Whites Crossing E	900 Union Street E	N/B	N/B	0

X=Off-Line for student housing

N/B= Not Built

### **2014 Detail**

<b>Facility</b>	<b>Category of Fire</b>	<b>Cause of Fire</b>	<b>Fire Related Injuries</b>	<b>Fire Related Deaths</b>	<b>Property Damage</b>
N/A	N/A	N/A	N/A	N/A	N/A

### **2013 Detail**

<b>Facility</b>	<b>Category of Fire</b>	<b>Cause of Fire</b>	<b>Fire Related Injuries</b>	<b>Fire Related Deaths</b>	<b>Property Damage</b>
Parker Hall	Unintentional	Electrical-bad electrical cord	0	0	\$0-\$99
Jenkins Hall	Unintentional	Cooking	0	0	\$0-\$99
Dunn Hall	Intentional	Poster lit on fire.	0	0	\$0-\$99
Dunn Hall	Intentional	Poster lit on fire.	0	0	\$0-\$99
Dunn Hall	Intentional	Poster lit on fire.	0	0	\$0-\$99

## 2012 Detail

Facility	Category of Fire	Cause of Fire	Fire Related Injuries	Fire Related Deaths	Property Damage
Jenkins Hall	Unintentional	Smoking Materials	0	0	\$0-\$99

### Fire Safety Systems in Student Housing Facilities

Facility	Fire Alarm Monitoring done off site	Sprinkler System	Smoke Detection	Fire Extinguisher Devices	Evacuation Plans and Placards	Number of Fire Drills each calendar year
Parker Hall	X		X	X	X	4
Dunn Hall	X		X	X	X	4
Simons Hall	X		X	X	X	4
Mixon Hall	X		X	X	X	4
Jenkins Hall	X		X	X	X	4
Belk Hall	X		X	X	X	4
Whites Crossing A	X	X	X	X		4
Whites Crossing B	X	X	X	X		4
Whites Crossing C	X	X	X	X		4
Whites Crossing D	X	X	X	X		4
Whites Crossing E	X	X	X	X		4

### Appliances/Equipment

Campus housing has varying design and construction. The University reserves the right to impose reasonable requirements with respect to the use of appliances or equipment in campus housing. Some examples of items not permitted in campus housing are listed below. However, this list is not all-inclusive. If students have questions about specific items not listed, they are directed to the Residence Life Office for clarification. Those items not allowed are: halogen lamps, toaster ovens, hot plates, deep fat fryers, gas or charcoal grills, power tools, air conditioners, mopeds, motorbikes, or motorcycles. All electrical appliances must be UL (Underwriters Laboratory) approved.

### Smoking/Open Flames

Smoking is not permitted in the residence halls or within a twenty-five foot "Smoke Free Zone" around all university building entrances. Open flames, including but not limited to candles or incense, are not allowed.

## **Student Housing Evacuation**

### **Before a Fire:**

- Take fire drills seriously
- Know primary and secondary evacuation routes. Each building has at least two exit routes
- Know locations of fire alarm pull stations and fire extinguishers and how to activate them
- Have phone numbers for Fire Department (911) and Public Safety (252.862.5676) near your phone
- Count and remember the number of doors between your door and exits
- Be aware of fire hazards
- Be careful with cigarettes, electrical appliances, and combustibles

### **On Hearing the Fire Alarm Sound:**

- Prepare to exit building in an orderly manner
- Be familiar with safety precautions in exiting the building in case of fire. (Provided by residence hall staff.)
- DO NOT USE ELEVATORS
- Follow directions of the person in charge
- Be sure the fire department is called

### **In Case of Fire:**

- Sound the fire alarm immediately to alert residents
- If possible, shut all doors and windows in immediate vicinity
- Use fire extinguisher on only the smallest, most containable fire
- Notify residence hall staff of location and type of fire
- Leave building by nearest exit and stay calm
- Crawl to prevent smoke and gas inhalation
- Take quilt or large towel to cover your face
- Take room key, but do not lock your room

### **After Exiting the Buildings:**

- Stand clear of the building after evacuating
- Report to your RA to be accounted for
- Follow directions of the staff members, Public Safety officers, Police, and Fire personnel

### **Keep in Mind:**

- The charge for replacing an EXIT LIGHT is up to \$200.00
- The charge for replacing damaged SMOKE DETECTORS is up to \$200.00

- When an individual is found guilty of damaging the above items, the individual will be charged.
- If the guilty person or persons cannot be identified, those living in the area or on the floor will be prorated to cover the cost
- These charges are in addition to fines that may be the result of the judicial process
- Creating false alarms due to unattended cooking or creating unnecessary smoke could result in fines of up to \$1000 if the fire department is dispatched to campus.

**Report all fires by calling 911 or Public Safety  
at (252) 398-1234**

### Hurricane Safety

A hurricane is an intense area of low atmospheric pressure with counter-clockwise winds of at least 75 miles per hour. Always consider hurricane wind velocities of this magnitude a serious threat. Of all the natural disasters, a hurricane offers the greatest chance of advance preparations.

The National Weather Service offers these suggestions:

#### **Level One: *Hurricane Watch*** (Hurricane may threaten within 36 hours)

- Check transistor radio and flashlight for fresh batteries.
- Fill vehicle with gasoline and relocate to safe area away from trees, poles, etc.
- Store at least a two-day supply of food and water in your room (food that requires no refrigeration or cooking).

#### **Level Two: *Hurricane Warning*** (Hurricane expected to strike within 24 hours)

- Recheck supplies
- Stay indoors and out from under trees, power lines, etc.
- Murfreesboro is located on a coastal evacuation route; therefore, stay off the streets
- Stay out of long span buildings (Helms Center, Hawks Nest), elevators, etc.
- Stay away from windows (the larger, the more dangerous)
- Collect and store valuable and personal papers (money, jewelry, medicine, etc.)
- Stay calm!

## **Tornado Safety**

A tornado is a very intense low-pressure area with counterclockwise winds sometimes exceeding 200 mph. Tornadoes generally move in a direction from the southwest to the northeast. A rapid reduction in atmospheric pressure causes structures to explode from the inside. Flying objects such as boards, limbs or other building materials cause most injuries. Adequate preparation for a tornado is the most difficult of all considerations; it offers the least amount of advance warning.

The National Weather Service offers these suggestions:

**Level One: *Tornado Watch*** (Conditions are right for tornado development.)

- Stay calm. Continue normal activities, but be alert.
- Monitor weather reports - take shelter.

**Level Two: *Tornado Warning*** (A tornado has actually been sighted).

- 1) Seek shelter - to lowest floor, preferably an interior hallway - stay away from windows.
- 2) Avoid long span buildings (Helms Center, Hawks Nest, etc.). If unavoidable, go to the rest rooms, closets, or hallways of these structures
  - Sit with back to wall and hands folded over head and neck.
- 3) If caught outside:
  - Move away at right angles from the storm's path.
  - Get out of vehicles.
  - Lie flat in the lowest spot available (ditch, ravine, or other low spot).

## **Critical Issues Management Plan**

The Critical Issues Management Plan for Chowan University is designed to allow the university and its constituents to have a full understanding of both the planning and response processes involved in critical issues. The plan recognizes that by its nature Chowan University is distinct from many other organizations due to its size, organization, mission and relationships to diverse constituencies.

The plan is intended to be a dynamic document that can address a wide range of issues and meet the greatest number of its constituent's needs.

## **Critical Issues Management Team**

When a Critical Issue is identified, the President of Chowan University will convene an initial meeting of the Critical Issues Management Team (Team). This group is comprised of the President, the Provost and Vice President of Academic Affairs, Vice President for Student Affairs and Enrollment Management, Vice President for Business Affairs, Vice President for Human Resources, Vice President for Development, Director of Athletics and Director of Public Safety.

In the event that the President is unable to convene a meeting of the Team the Vice President for Student Affairs will serve as the chair of the team.

The Team will review the incident and may call a secondary team that could include but would not be limited to; the University Registrar, Director of Information Technology, Associate Vice President for Student Affairs, Minister to the University, Director of Food Services, Director of Sports Information, Dean of Enrollment, and Director of University Relations.

Chowan University enjoys formal mutual response agreements with Murfreesboro Police and Hertford County Sheriffs' Departments. These agreements assume that the Chief and Sherriff serve as ex-officio members of the Team as well as University Counsel.

The President will serve as the official spokesman for the University in all matters pertaining to a critical issue. The only time an individual may speak publicly about a critical issue is if the President has given specific instructions about such a statement.

## **Critical Issues Response Plan**

Chowan University is committed to health, safety and security of the university community. The University also recognizes the central role it plays in the greater Chowan region. In the event of a critical issue the university asks that all members of its community stay calm and follow its established procedures.

### **About Critical Issue Preparedness**

Chowan University has plans in place to respond to a wide range of critical issues. The following are highlights:

- Should a natural disaster, wide spread medical emergency, terrorist attack or other critical issues occur the Critical Issue Management Team will be convened. At that time, leaders of critical operation departments will meet to execute operational decisions. Members of this group will be on-call around the clock.
- Residential students will receive instruction on evacuation and other safety measures at the beginning of each new academic year. Evacuation drills will be held each semester.
- The Helms and Jenkins Centers may provide emergency alternative housing space for residential students.

- The university's athletic fields and other facilities may serve as emergency staging areas for the greater Chowan community.

### **Preparation**

Chowan University's Critical Issue Management Plan depends on the cooperation of the entire university community for its effectiveness. Being prepared and remaining calm during any critical issue are essential. Panic can be one of the greatest hazards faced throughout the life of a critical issue. Adequate planning can save lives, reduce suffering and preserve property by enabling calm response during critical issues.

During a critical issue it is imperative that all members of the university follow established procedure and the instructions of emergency personnel. Each building has emergency procedures posted. If such an occurrence takes place, follow the appropriate instructions.

Communication during an event may utilize one or more of the following; the university web site, e-mail, voice mail and Public Safety's or Murfreesboro Police public address system.

### **Critical Issues Information Gathering**

The single most important factor in managing a critical issue is understanding the threat that may exist. Therefore the gathering of information is of paramount importance. It is imperative that information such as weather threats, police bulletins, employee background checks, prospective student's background statements, safety net and/or faculty/staff concerns be shared with the appropriate members of the Chowan community.

## **Glossary of Terms and Definitions**

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

NOTE: Deaths caused by negligence, attempts to kill, assaults to kill, suicides, accidental deaths, and justifiable homicides are excluded.

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

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

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

**Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.

**Date Rape Drug:** Under Clery, the administration of a date rape drug in an unsuccessful attempt to incapacitate and sexually assault the victim, and investigation determines that the perpetrator's attempt was to commit a sex offense, is a sexual assault. Administration of a date rape drug in which intent cannot be proven is an Aggravated Assault.

**Sex Offenses, Nonforcible:** Unlawful, nonforcible sexual intercourse.

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

**Statutory Rape:** Nonforcible sexual intercourse with a person who is under the statutory age of consent. North Carolina age is under the age of 16.

### **Domestic Violence**

**North Carolina State Definition:** Domestic violence means the commission of one or more of the following acts upon an aggrieved party or upon a minor child residing with or in the custody of the aggrieved party by a person with whom the aggrieved party has or has had a personal relationship, but does not include acts of self-defense:

- (1) Attempting to cause bodily injury, or intentionally causing bodily injury; or
- (2) Placing the aggrieved party or a member of the aggrieved party's family or household in fear of imminent serious bodily injury or continued harassment, as defined in G.S. 14-277.3A, that rises to such a level as to inflict substantial emotional distress; or
- (3) Committing any act defined in G.S. 14-27.2 through G.S. 14-27.7.

### **Federal Definition:**

- (1) A felony or misdemeanor crime of violence committed-
  - (i) By a current or former spouse or intimate partner of the victim
  - (ii) By a person with whom the victim shares a child in common
  - (iii) By a person who is cohabitating with or has cohabitated with the victim as a spouse or a partner
  - (iv) By a person similarly situated to a spouse of the victim under the domestic violence laws of the jurisdiction in which the crime of violence occurred, or
  - (v) 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.



## Dating Violence

### North Carolina State Definition: There is no NC definition for Dating Violence

**Federal Definition:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

(1) The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

(2) For purposes of this definition-

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

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

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

## Stalking

### NC State Definition

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

B. (1) Course of conduct. - Two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, is in the presence of, or follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.

C. (2) Harasses or harassment. - Knowing conduct, including written or printed communication or transmission, telephone, cellular, or other wireless telephonic communication, facsimile transmission, pager messages or transmissions, answering machine or voice mail messages or transmissions, and electronic mail messages or other computerized or electronic transmissions directed at a specific person that torments, terrorizes, or terrifies that person and that serves no legitimate purpose.

D. (3) Reasonable person. - A reasonable person in the victim's circumstances.

E. (4) Substantial emotional distress. - Significant mental suffering or distress that may, but does not necessarily, require medical or other professional treatment or counseling.

F. (c) Offense. - A defendant is guilty of stalking if the defendant willfully on more than one occasion harasses another person without legal purpose or willfully engages in a course of conduct directed at a specific person without legal purpose and the defendant knows or should know that the harassment or the course of conduct would cause a reasonable person to do any of the following:

G. (1) Fear for the person's safety or the safety of the person's immediate family or close personal associates.

H. (2) Suffer substantial emotional distress by placing that person in fear of death, bodily injury, or continued harassment.

I. (d) Classification. - A violation of this section is a Class A1 misdemeanor. A defendant convicted of a Class A1 misdemeanor under this section, who is sentenced to a community punishment, shall be placed on supervised probation in addition to any other punishment imposed by the court. A defendant who commits the offense of stalking after having been previously convicted of a stalking offense is guilty of a Class F felony. A defendant who commits the offense of stalking when there is a court order in effect prohibiting the conduct described under this section by the defendant against the victim is guilty of a Class H felony.

J. (e) Jurisdiction. - Pursuant to G.S. 15A-134, if any part of the offense occurred within North Carolina, including the defendant's course of conduct or the effect on the victim, then the defendant may be prosecuted in this State. (2008-167, s. 2.)

### Federal Definition:

(1) Engaging in a course of conduct directed at a specific person that would cause a reasonable person to-

(i) Fear for the person's safety or the safety of others; or

(ii) Suffer substantial emotional distress

(2) For the purposes of this definition-

(i) 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.

(ii) Substantial emotional distress means significant mental suffering or anguish that may, but does not

necessarily, require medical or other professional treatment or counseling.

(iii) Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.

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

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

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

**Motor Vehicle Theft:** The theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access, even though the vehicles are later abandoned – including joy riding).

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

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

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

**Weapon Law Violations:** The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; all attempts to commit any of the aforementioned. (Crime definitions are from the [Uniform Crime Reporting Handbook](#). Sex offense definitions are from the [National Incident-Based Reporting System](#) edition of the Uniform Crime Reporting Program).

## Clery Act Hate/Bias Crimes

A hate crime is defined as any crime that manifests evidence that a victim was selected because of his/her actual or perceived race; gender; gender identity; religion; sexual orientation; ethnicity; national origin or disability. A hate crime is not a separate, distinct crime, but is the commission of a criminal offense which was motivated by the offender's bias. If the facts of the case indicate that the offender was motivated to commit the offense because of his/her bias against the victim's perceived race; gender; gender identity; religion; sexual orientation; ethnicity; national origin or disability, the crime is classified as a hate crime. For more information on the definition and classification of hate/bias crimes, see: <http://www.fbi.gov/about-us/cjis/ucr/data-collection-manual>

**Bias:** Bias is a preformed negative opinion or attitude toward a group of persons based on their race, gender, gender identity, religion, disability, sexual orientation, ethnicity or national origin.

Although there are many possible categories of bias, under Clery, only the following eight categories are reported:

**Race:** A preformed negative attitude toward a group of persons who possess common physical characteristics (e.g., color of skin, eyes, and/or hair; facial features, etc.) genetically transmitted by descent and heredity, which distinguishes them as a distinct division of humankind (e.g., Asians, blacks, whites).

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

**Gender Identity:** A preformed negative opinion or attitude 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.

**Religion:** A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being, e.g., Catholics, Jews, Protestants, atheists.

**Sexual Orientation:** A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived sexual orientation.

**Ethnicity:** 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 language, common culture (often including a shared religion) and/or ideology that stresses common ancestry. The concept of ethnicity differs from the closely related term race in that "race" refers to grouping based mostly upon biological criteria, while "ethnicity" also encompasses additional cultural factors.

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

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

Chowan University is required to report statistics for hate/bias crimes by the type of bias for the prior listed offenses (see definitions above) as well as the crimes of larceny, simple assault, intimidation and vandalism (see definitions below). The below listed crimes are not Clery reportable crimes unless the crime was motivated by bias.

**Larceny-Theft:** The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. (Note: Constructive possession is defined by Black's Law Dictionary, 6th ed. as "where one does not have physical custody or possession, but is in a position to exercise dominion or control over a thing.")

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

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

**Destruction/Damage/Vandalism of Property (Except "Arson"):** To willfully or maliciously destroy, injure, disfigure, or deface any public or private property, real or personal, without the consent of the owner or person having custody or control by cutting, tearing, breaking, marking, painting, drawing, covering with filth, or any other such means as may be specified by local law.

If a hate crime occurs during an incident involving larceny, simple assault, intimidation or vandalism, Clery law requires that the statistic be reported as a hate crime even though these four crime classifications by themselves are not Clery-reportable crimes.

A hate crime is not a separate, distinct crime, but is the commission of a criminal offense which was motivated by the offender's bias. If the facts of the case indicate that the offender was motivated to commit the offense because of his/her bias against the victim's race, religion, ethnicity, national origin, gender, gender identity, sexual orientation, or disability, the crime is classified as a hate crime.