



Annual Security Report

November 5, 2020

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## Section 1: Overview of the Clery Act



Jeanne Clery. (Photo: Clery Center)

In 1986, Jeanne Ann Clery was a freshman student at Lehigh University who was brutally raped and murdered in her dorm room. During this time, colleges and universities were not required to disclose campus crime statistics and safety information to the public. In 1990, Congress passed The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, in memory of Jeanne Ann Clery. This federal statute requiring colleges and universities participating in federal financial aid programs to maintain and disclose campus crime statistics and security information by preparing, publishing, and distributing this information to current and perspective students, employees, and the public. Today, this federal statute is known as The Clery Act.

## Section 2: Access to Campus Facilities

All RCC Campus locations are open to faculty, staff, students and visitors during normal operating hours. All persons, while on the premises, are expected and required to obey all federal, state, and local laws and ordinances, as well as college procedures governing appropriate conduct. Persons in violation of the above will be subject to any action deemed appropriate by competent authority.

### Accessibility During Closed Hours

Access to RCC's buildings during the hours of 11:00 p.m. and 7:00 a.m. are prohibited.

Access during other closed hours will be governed by the following procedures:

1. Off-campus locations: Prior arrangements must be made and approved by the person responsible for these locations.
2. Main Campus: Prior arrangements must be made with and approved by the Assistant Vice President, Director or other supervisor in charge of the building or facility. The Security Director's Office must be notified of the arrangements with times noted. The Security Guard or other such personnel on campus should be immediately located and notified upon arrival.
3. Students desiring access to any academic facility must be accompanied by a staff or faculty member. Two persons must be present at all times when using a facility such as a shop or laboratory where potential for injury exists. (1.4)

### Maintenance of Campus Facilities

In an effort to provide a safe and secure learning environment, Campus Police along with Facility Management regularly conduct hazard/security assessments to improve issues such as unsafe lighting conditions, walking surfaces, physical access to buildings, etc. To report an issue email [maintenance@roberson.edu](mailto:maintenance@roberson.edu). (1.5)

## **Section 3: Campus Security Authority and Jurisdiction**

### **Prompt Reporting**

Robeson Community College encourages accurate and prompt reporting of all crimes to the campus police and the appropriate law enforcement agencies. (1.9)

### **Authority**

The Campus Security department employs duly sworn off duty police officers from the Lumberton Police Department. While on duty at RCC these officers possess all powers of sworn police officers to make arrests for both felonies and misdemeanors and charge for infractions. Officers are on campus during most periods when students and visitors are present. (1.6)

### **Jurisdiction**

Robeson Community College has a Memorandum of Understanding with the Lumberton Police Department for the investigation of alleged criminal offenses. (1.8) The LPD has primary law enforcement jurisdiction on all property owned, leased, or under the control of the Robeson Community College located in the corporate city limits of Lumberton NC and will provide police services on said property. (1.7)

The one Pembroke facility at COMtech is under the jurisdiction of the Robeson County Sheriff's Department.

The EMT facility is not within city limits; and is under the jurisdiction of the Robeson County Sheriff's Department.

### **Law Enforcement Support Agencies**

NC State Bureau of Investigation  
NC State Highway Patrol  
Lumberton Police Department  
Robeson County Sheriff's Department  
Pembroke Police Department

### **Contact:**

RCC Switchboard Operator (910) 272-3453  
Campus Security Office (910) 272-3505  
Campus Security Mobile (910) 674-6428  
Email: [CampusSecurity@robeson.edu](mailto:CampusSecurity@robeson.edu)

## Section 4: Campus Security Authorities

Campus Security Authorities are individuals designated to whom students and employees should report criminals' offenses described in the law for the purpose of making timely warning reports and inclusion in the annual security report. (1.3) Victims and witnesses may make these reports on a voluntary, confidential basis for inclusion in the annual security report and be assisted by Campus Authorities in notifying law enforcement authorities if the victim chooses. (1.3a)

When a student or employee reports to the institution that the student or employee has been the victim of dating violence, domestic violence, sexual assault, or stalking, whether the offense occurred on or off campus, the institution will provide the student or employee a written explanation of the student or employee's rights and options.

Robeson Community College has identified the following individuals to serve as Campus Security Authorities:

### **Sally Carr**

Director of Human Resources | Building – 2

Title IX Coordinator

Email: scarr@robeson.edu

Phone: (910) 272-3537

### **Patricia Clark**

Director of Security/Title IX | Building – 5

Title IX Investigator

Email: pclark@robeson.edu

Phone: (910) 272-3505

### **Tami George**

Vice President | Building – 2

Email: tgeorge@robeson.edu

Phone: (910) 272-3541

### **Ronnie Locklear**

AVP Student Services | Building – 13

Deputy Title IX Coordinator

Email: rlocklear@robeson.edu

Phone: (910) 272-3347

### **Ronnie Sampson**

Counselor | Building – 13

Email: rsampson@robeson.edu

Phone: (910) 272-3345

### **Campus Police | Building – 5**

Email: campussecurity@robeson.edu

Phone: (910) 674-6428

## Section 5: Annual Disclosure of Crime Statistics

The United States Department of Education, Office of Post-Secondary Education requires institutions to report criminal activity statistics for the three most recent years. On October 1st of each year, the statistics are made available to the public, all enrolled students, and employees for Robeson Community College by the Director of Security via email and posted on the RCC website. This report is also available to all perspective students/employees that disclose the following crimes:

Any occurrence of murder, manslaughter, sexual misconduct, including, (forcible and non-forcible) sexual assault, domestic violence, dating violence and stalking, robbery, arson, aggravated assault, burglary, and motor vehicle theft; statistics on arrests for violations of liquor or drug abuse as well as weapons possession violations; disciplinary referrals for liquor, drug and weapons violations; and statistics on Hate Crimes that are reported to local police agencies or to campus security authorities. (1.1 a,b,c)





## Section 6: RCC Clery Geography Map

Each year Robeson Community College is required to gather and publish statistics on Clery crimes that occur in the following area:

**Occurring on campus:** Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and Any building or property that is within or reasonably contiguous to the area identified in paragraph (1) of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

**On public property within or immediately adjacent to the campus:** All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.

**On non-campus buildings or property that the college owns or controls:** Any building or property owned or controlled by a student organization that is officially recognized by the institution; or any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

		
<p><b>Main Campus Property</b> 5160 Fayetteville Rd Lumberton, N.C. 28360</p>	<p><b>Public Property</b></p>	<p><b>Comtech (Non-Campus)</b> 124 Livermore Dr. Pembroke, N.C. 28372</p>
		
<p><b>Fire/Rescue (Non-Campus)</b> 5825 Hwy 211E Lumberton, NC 28360</p>		

### College and Career Readiness Non-Campus Sites

Lumberton Correctional Institution	75 Legend Road Lumberton, NC 28358	Lease Agreement
South Lumberton Resource Center	1408 Martin Luther King Drive Lumberton, NC 28358	Lease Agreement
Wesley Sanderson Building	119 West 4th Street Lumberton, NC 28358	Lease Agreement
NC Works	289 Corporate Drive Lumberton, NC 28358	Lease Agreement
RHA Center	2003 Godwin Avenue Lumberton, NC 28358	Lease Agreement
Weaver Court Community Building	407 North Sycamore Lane Lumberton, NC 28358	Lease Agreement
Southeastern Health	300 West 27th Street Lumberton, NC 28358	Lease Agreement
American Legion Building	112 East 3rd Avenue Red Springs, NC 28377	Lease Agreement
Shining Star Masonic Lodge	106 West Brown Street Red Springs, NC 28377	Lease Agreement
St. Pauls High School	648 Old Stage Road St. Pauls, NC 28384	Lease Agreement

**This information is compiled from various sources:**

**Daily Crime Logs:** Summary of all criminal activity reported to the Campus Police Department on a daily basis. This information is accessible on the RCC Website, updated on quarterly basis and/or available upon request.

**Campus Security Authorities:** Individuals designated to report incidents of crime that pose a significant threat to the health and safety wellbeing of the campus community. Examples include Campus Police, Administration, Title IX Coordinator, Counselors, and Human Resources.

**Local Law Enforcement Agencies:** Crime statistics requested from local law enforcement in the jurisdictions where the institution is located.

**Section 7: Annual Fire Safety Report and Missing Student Policy**

Robeson Community College is a non-residential institution of higher education. Therefore, the college is not required by the Clery Act to maintain a fire report or to have a missing student policy. (1.19)

**Section 8: 2017-2019 Criminal Offenses**

**2017-2019 Criminal Offenses**

Criminal Offenses	On Campus			Non-Campus			Public Property		
	2017	2018	2019	2017	2018	2019	2017	2018	2019
Murder/Non-Negligent Homicide	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	2	0	0	1	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	1	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0



## Section 9: 2017-2019 Hate Crimes

A hate crime is a criminal offense committed against a person or property which is motivated, in whole or in part, by the offender's bias. Bias is a preformed negative opinion or attitude toward a group of persons based on their race, gender, religion, disability, sexual orientation or ethnicity/national origin. Although there are many possible categories of bias, under Clery, only the following six categories are reported: Race, Gender, Religion, Sexual Orientation, Ethnicity/national origin, and Disability.

*For the calendar years 2017-2019 no hate crimes were reported: On Campus, Non-Campus or Public Property.*

## Section 10: 2017-2019 Violence Against Women Act (VAWA)

Criminal Offenses	On Campus			Non-Campus			Public Property		
	2017	2018	2019	2017	2018	2019	2017	2018	2019
Domestic Violence	1	1	0	0	1	0	0	0	0
Dating Violence	0	0	1	0	0	0	0	0	0
Stalking	4	3	0	0	0	0	0	0	0

## Section 11: 2017-2019 Arrests, Disciplinary Referrals, Unfounded Crimes

	On Campus			Non-Campus			Public Property		
	2017	2018	2019	2017	2018	2019	2017	2018	2019
<b>Arrests</b>									
Weapons, Carrying, possessing, etc	0	0	0	0	0	0	0	0	0
Drug Abuse Violations	0	0	0	0	0	0	0	0	0
Liquor Law Violations	0	0	0	0	0	0	0	0	0
	On Campus			Non-Campus			Public Property		
	2017	2018	2019	2017	2018	2019	2017	2018	2019
<b>Disciplinary Actions</b>									
Weapons, Carrying, possessing, etc	0	0	0	0	0	0	0	0	0
Drug Abuse Violations	0	4	0	1	0	1	0	0	0
Liquor Law Violations	0	0	0	0	0	0	0	0	0
	On Campus			Non-Campus			Public Property		
	2017	2018	2019	2017	2018	2019	2017	2018	2019
<b>Unfounded</b>									
Total Unfounded Crimes	0	0	0	0	0	0	0	0	0

## Section 12: Definitions (Clery Act, Violence Against Women Act)

The Clery Act requires Robeson Community College to classify crimes based on the Federal Bureau of Investigation's (FBI's) Uniform Crime Reporting Handbook (UCR). Classification will be composed based on statistics collected from Local and /or State Law Enforcement Agencies and Campus Security Daily Log Activity Reports.

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### Clery Act

1. **Criminal Homicide:** These offenses are separated into two categories: Murder and Non-negligent manslaughter, and Negligent Manslaughter. \*\* Murder and Non-negligent Manslaughter is defined as the willful (non-negligent) killing of one human being by another. \*\*Classify as Murder and Non-negligent Manslaughter: Any death caused by injuries received in a fight, argument, quarrel, assault or commission of a crime. \*\*Negligent Manslaughter is defined as the killing of another person through gross negligence. Count one offense per victim. \*\*Classify as Negligent Manslaughter: Any death caused by the gross negligence of another.
2. **Sex Offenses:** are separated into two categories: forcible and non-forcible. \*\*Forcible sex offenses are defined as any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent. There are four types of forcible sex offenses. \*\*Forcible rape. \*\*Forcible Sodomy. \*\*Sexual assault with an object. \*\*Forcible fondling. \*\*Non-forcible sex offenses are defined as unlawful, non-forcible sexual intercourse. There are two types of Non-forcible sex offenses. \*\*Incest. \*\*Statutory Rape.
3. **Robbery:** is 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.
4. **Aggravated Assault:** is 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.
5. **Burglary:** is the unlawful entry of a structure to commit a felony or a theft.
6. **Motor Vehicle:** Theft is the theft or attempted theft of a motor vehicle.
7. **Arson:** is any 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.

### Violence Against Women Act (VAWA)

The Violence Against Women Act (VAWA) is a landmark federal legislation's comprehensive approach to violence against women combined with new provisions to hold offenders accountable with programs to provide services for the victims of such violence as dating violence, domestic violence, stalking, and sexual assault as defined in our applicable jurisdiction. (1.20d)

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8. **Dating Violence** – means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. Dating violence includes the use or threat of physical force or restraint carried out with the intent of controlling the victim's behavior or causing pain or injury.

#### Examples of Dating Violence:

Hitting, punching, pinching, slapping, or choking  
Threats of physical harm

Taking away a person's cell phone during an argument so the person cannot call a friend or the police for help.

9. **Domestic Violence** -includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person cohabitating with or who has cohabitated with the victim as a spouse, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

**Examples of Domestic Violence:**

Hitting, punching, pinching, slapping, or choking

Violating a protective order.

Harming the victim's animals or children

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

**Examples of Stalking:**

Repeatedly communicating or attempting to communicate with a person who doesn't wish to be communicated with.

Persistently following a person or lying in wait for them.

Sending unwanted gifts

11. **Sexual Assault** -is any intentional sexual touching, directly, or over clothing, however slight, with any body part or object, without explicit consent. It is also considered sexual assault if the individual is forced to touch the intimate parts of another individual.

**Sexual touching includes:**

Intentional contact with the breasts, buttocks, groin, or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; any intentional bodily contact in a sexual manner, though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth or other orifice.

12. **Non-Consensual Sexual Intercourse (Rape)** is any sexual penetration, however slight, with any body part or object, by one person upon another, without consent and/or by force. Non-consensual sexual intercourse is defined as sexual penetration (anal, oral, or vaginal) of the individual by any part of another individual's body or other object, without explicit consent. It is also considered non-consensual sexual intercourse if the victim has a reasonable fear that the individual or another will be injured if the individual does not give consent, is incapable of giving consent or is prevented from resisting due to physical or mental incapacity, which may include but is not limited to the influence of drugs or alcohol, or if the individual has a mental or physical disability that would prohibit their ability to provide consent.
13. **Consent**-Communication of mutually understandable words or actions, freely, actively, and affirmatively given that indicate a willingness to participate in mutually agreed upon sexual activities or actions. Consent is mutually understandable when a reasonable person would consider the words or actions of the parties involved to do the same thing, in the same way, at the same time. Consent cannot be given if the individual has a reasonable fear he or she will be injured if the individual does not give consent, is underage, is incapable of giving consent or is prevented from resisting due to physical or mental incapacity, which may include but is not limited to the influence of drugs or alcohol, or if the individual has a mental or physical disability that would prohibit their ability to provide consent. In the absence of mutually understandable words or actions, it is the responsibility of the initiator of the sexual activity to make sure they have consent from their partner. Consent can also be withdrawn at any time.
14. **What Constitutes Lack of Consent?** Consent cannot be inferred through silence or lack of resistance. Consent to one activity does not constitute consent to other sexual acts. Past sexual activity does not constitute consent for future acts. A minor cannot provide consent under any circumstances. If at any time consent is uncertain, the initiating party should stop and obtain verbal consent. The use of any force, display of force, coercion, or intimidation typically negates consent. Individuals who are incapacitated may not legally give consent to sexual activity. Incapacitation includes, but is not limited to, being highly intoxicated, passed out, or asleep. A person who is incapacitated for purposes of this policy is one who is not legally able to give consent because they are mentally or physically helpless. Mentally helpless is when a person has a mental illness or a condition (like being passed out, asleep, or highly impaired) that renders them incapable of understanding the nature of their conduct. Physically helpless means a person has restriction of movement, either temporarily or permanently.

When incapacitation occurs due to alcohol or drug use, indicators of incapacitation may include the following:

- Slurred speech
- Bloodshot or unfocused eyes
- Unsteady gait; needing assistance to walk/stand
- Vomiting
- Outrageous or unusual behavior
- Concern expressed by others about the individual
- Expressed memory loss or disorientation

An individual may also be in a state known as a "blackout" where they are incapacitated and will likely have no memory of the sexual activity, but are up, and walking and talking. Therefore, it is of particular importance that any people engaging in sexual activity know the other person's level of intoxication prior to beginning sexual contact. For purposes of the University/College's policy, the standard that shall be applied is whether or not a reasonable person would have known, based on the facts and circumstances presented at the time of the alleged conduct, that the other party was incapacitated and therefore, not

capable legally of consenting. For the accused party, being under the influence of alcohol or drugs is never a defense to this policy and does not excuse sexual misconduct.

**Examples of Sexual Assault or Non-Consensual Sexual Intercourse:**

Having sex with an unconscious or semi-conscious person.

Having sex with someone who is asleep or passed out.

Having sex with someone who has said “no.”

Allowing another person to have sex with your partner without his or her consent.

Having sex with a person who is vomiting, unable to stand without assistance, or has had to be carried to bed by a partner.

Telling someone you will “out” them if they don’t engage in sex (disclose their sexual orientation without their consent).

Telling someone you will fail them or give them a grade different from what they deserve if they don’t agree to have some form of sexual contact.

Telling a subordinate that you will grade them differently on an evaluation, deny them an employment opportunity (like training, a promotion, etc.), deny leave, or impact their employment in some other negative way if they do not agree to have some form of sexual contact.

Having sex with someone whose agreement is obtained through threat, blackmail, or some other form of coercion. (1.20e)

## **Section 13: Drugs and Alcohol Policy**

The use and abuse of drugs and alcohol are subjects of immediate concerns in our society. These problems are extremely complex and ones for which there are no easy solutions. From a safety perspective, the users and/or abusers of drugs or alcohol may impair the well-being of all employees, students, and the public at large, and may result in property damage to the College. Therefore, in compliance with the Federal Drug-Free Workplace and Drug-Free Schools and Campuses Regulations, it is the policy of Robeson Community College that the unlawful use, possession, distribution, manufacture, or dispensation of a controlled substance or alcohol, is prohibited while on College premises, the College workplace, or as part of any College sponsored activity. Any employee or student violating this policy will be subject to disciplinary action up to and including termination or expulsion and referred for prosecution.

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### **Alcohol Policy**

Robeson Community College prohibits the possession, use and sale of alcoholic beverages and enforcement of state underage drinking laws on campus and at college-sponsored events off campus. Alcohol abuse which results in public intoxication, destruction of property, abuse of or personal injury to an individual, litter, or misconduct of any kind, is a violation of the alcohol policy. Being under the influence of alcohol is not a valid reason for inappropriate behavior. 1.14

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### **Drugs Policy**

Robeson Community College prohibits the possession, use and sale of illegal drugs, stimulants, hallucinogens, depressants, or any other illegal substance and enforcement of federal and state drug laws on campus and at college-sponsored events. The definition of possession of dangerous drugs include the presence of such materials on the individual, among the property owned by the individual, or among such school property being used by the individual. (1.15)

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### **Drug and Alcohol Abuse Awareness Prevention Program**

Robeson Community College operates a drug abuse awareness prevention program for all students and employees. Counseling, information and referral services are provided by professionally trained counselors. Counselors are available to talk with anyone concerning drug/alcohol use. Counselors may be contacted directly or indirectly. Persons requesting anonymity may telephone the Counseling and Career Center for information without disclosing their names (910-272-3353). Referrals to external agencies may be appropriate in some situations. Counselors are knowledgeable concerning treatment, length of residential stay, costs, etc. of local outside agencies. (1.16)

## **Section 14: Registered Sex Offender Information**

Under North Carolina law, certain persons who have been convicted of a sex offense or an offense against a minor are required to establish and maintain registration in compliance with North Carolina Sex Offender and Public Registration Programs. The Registration Programs are governed by Chapter 14, Article 27A of the North Carolina General Statutes. Information concerning these registries are available from the following databases online or accessible from the RCC website.

- North Carolina Sex Offender Registry
- National Sex Offender Registry

## **Section 15: Campus Security Awareness and Prevention Programs**

All students and employees within our campus community deserve to feel safe and supported. Robeson Community College prohibits the crimes of sexual assault, domestic violence, dating violence and stalking as those terms are defined for the purpose of the Clery Act and works year-round to provide you with educational programs, tools, and resources to recognize concerning or harmful behaviors and strategies for intervening or to help others get the support they need. (1.20c)

Robeson Community College hosts Campus Security Awareness and Prevention programs designed to inform students and employees about campus security procedures and practices and to encourage students and employees to be responsible for their own security and the security of others. Listed below is a description of those programs designed to inform students and employees about the prevention of crime. (1.11)

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### **What is the difference between primary prevention and awareness?**

#### **PRIMARY PREVENTION**

Primary prevention programs are those that are intended to stop dating violence, domestic violence, sexual assault, and stalking before they occur through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe directions. In the descriptions of our programs below, you'll get a sense of what programs focus on these ideas and encourage you and your peers to intervene if appropriate.

#### **AWARENESS**

Awareness programs are programs that are community-wide (anyone can access) or audience specific (targeted towards a certain segment of our community or students or employees specifically) that increase your knowledge and share information and resources to prevent violence, promote safety, and reduce perpetration. Our awareness programs may address primary prevention specifically, but may also raise your own knowledge about these types of crimes and how they can impact a campus community.

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Robeson Community College provided the following primary prevention and awareness programs for all incoming students and employees in 2019.

#### **New Student Orientation (NSO) / Incoming Students/ Beginning of Each Semester**

During NSO you will interact with faculty, staff and students, attend break-out sessions to learn more about college resources such as Campus Safety/Security Procedures, Title IX, The Learning Center, various Campus Organizations, and register for classes. This day will help prepare you for a successful college experience!

#### **Everfi –Think about it / All Employees/Students/ Annually**

Is a one-stop solution to train students, staff, and faculty to confront and prevent serious campus problems. Sexual misconduct is fundamentally related to drugs and alcohol, so our program combines sexual assault and substance abuse prevention in a three-part online training program.

**Campus Well / All Employees/ Students / Weekly**

Is an interactive health and wellness program. Students/Employees receive helpful articles all school year long about topics such as Title IX, Campus Safety, Nutrition, Stress and Anxiety, Healthy Relationships, Cyber Bullying, Exercise, the importance of sleep, and much more.

**Quarterly Safety Newsletters / All Employees / Students / Quarterly**

Each quarter a safety newsletter is published and emailed to inform students and employees about campus security procedures and practices and to encourage students and employees to be responsible for their own security and the security of others. These articles feature procedures on how to respond to and mitigate risk associated with certain hazards on campus such as: Fire Emergencies, Bomb Threats, Active Shooter, Inclement Weather, Emergency Evacuations, and Medical Emergencies. (1.11)

**\*Guide: Clery Act=CA, Office on Violence Against Women=OVW, Title IX=TX, Consent**

**Incoming Students (1.20b)**

Name of Program	Date Held	Location Held	Topics Covered
New Student Orientation	January 3, 2019	A.D. Lewis Auditorium	CA, OVW, TX, Consent
New Student Orientation	March 5, 2019	A.D. Lewis Auditorium	CA, OVW, TX, Consent
New Student Orientation	May 16, 2019	A.D. Lewis Auditorium	CA, OVW, TX, Consent
New Student Orientation	July 10, 2019	A.D. Lewis Auditorium	CA, OVW, TX, Consent
New Student Orientation	July 17, 2019	A.D. Lewis Auditorium	CA, OVW, TX, Consent
New Student Orientation	August 10, 2019	A.D. Lewis Auditorium	CA, OVW, TX, Consent
New Student Orientation	August 14, 2019	A.D. Lewis Auditorium	CA, OVW, TX, Consent
New Student Orientation	October 16, 2019	A.D. Lewis Auditorium	CA, OVW, TX, Consent
New Student Orientation	December 11, 2019	A.D. Lewis Auditorium	CA, OVW, TX, Consent

**New Employees**

Name of Program	Date Held	Location Held	Topics Covered
Employee Safety Orientation	Upon New Hire	Building #5	CA, OVW, TX, Consent
Campus Police Training	Upon New Hire	Building #5	CA, OVW, TX, Consent



## Section 16: Ongoing Prevention and Awareness Campaigns

Robeson Community College provided the following ongoing prevention and awareness programs for all students and employees in 2019 about the prevention of crime. (1.12)

### All Students/Employees

Name of Program	Group	Date Held	Location Held	Topics Covered
Stalking Awareness Month	Employees/Students	Month of January	Various	OVW, TX
Teen Dating Violence Month	Employees/Students	Month of February	Various	OVW, TX
Bystander Intervention Program	Employees/Students	Month of March	Auditorium	OVW, TX, CA
Sexual Assault Awareness	Employees/Students	Month of April	Various	OVW, TX, CA
Rape Crisis Center Program	Employees/Students	Month of June	Student Center	OVW, TX
Back to School Bash	Students	Month of August	Various	OVW, TX, CA
Annual Employee Training	Employees	August 15, 2019	Auditorium	CA, OVW, TX, Consent
Suicide Awareness Day	Employees/Students	September 10, 2019	Email blast, Posters	TX
Recovery Month Awareness	Employees/Students	September 25, 2019	Student Center	CA, OVW, TX
Everfi Harassment/Discrimination Training	Employees/Students	September 19, 2019 December 4, 2019	Online Training	CA, OVW, TX, Consent
Domestic/Dating Violence Awareness Month	Employees/Students	Month of October	Various Events	CA, OVW, TX
Consent Awareness Day	Employees/Students	October 10, 2019	Classroom Presentations	CA, OVW, TX
Bystander Intervention	Students	Month of November	Classroom Presentations	TX, CA, OVW
NCCASA Victim Advocate Training	Employees	December 5, 2019	CCRT Team	CA, OVW, TX
Safety/Title IX Newsletter Student Health 101	Students/Employees	Weekly	Via Email	CA, OVW, TX, Consent
Poster Campaign	Students/Employees	All Year Long	Campus Wide	CA, OVW, TX, Consent

These programs are comprehensive, intentional, and integrated programs, initiatives, strategies, and Campaigns intended to end sexual assault, domestic violence, dating violence, and stalking. For more information on some of these offerings, visit or call Counseling and Career Services Office Bld 13, (910) 272-3353 or Title IX Office, Bld 2, (910) 272-3537.

## Section 17: Bystander Intervention and Risk Reductions

Bystander Intervention involves safe and positive options that might be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. (1.20f)

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### **Bystanders Make a Difference**

Recognize that dating violence, stalking, harassment, sexual assault, and intimate partner violence are real problems that are experienced by many college students especially those living on a campus.

Recognize warning signs of violence or the signs of someone being taken advantage of.

Speak up if you see something abusive or offensive ... if you see something say something! If you hear degrading jokes, don't laugh.

Encourage respect! If you notice something wrong or someone shares their experience, it is crucial to take it seriously and believe them.

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### **How do you become an active bystander?**

An active bystander recognizes when there is a problem, decides to take action, and knows how to safely do so. Ask yourself the following questions. Is there a problem? Does someone need help? Is it safe to intervene? What are my options? What should I do? Should I call on others to help? Always remember that your own safety is your most important consideration, and calling on others such as law enforcement and Campus Security is often the best choice.

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### **How can a Bystander intervene?**

Knowing how to intervene safely and comfortably makes it more likely that a bystander (you) will take action. Whenever possible, it's important to check in with the person targeted to make sure s/he is comfortable with an intervention and that a bystander taking action will not put the targeted person in more danger.

- "I" statements – using "I" statements can improve the chance that the person to whom you are speaking won't perceive your communication as confrontational or judgmental.
- There are three parts to an "I" statement.
  1. State your feelings
  2. Name the behavior
  3. State how you'd like the person to respond

Example: "I feel uncomfortable: (1) When you talk about women like that.

(2). I'd appreciate it if you wouldn't say those things.

(3). State how you'd like the person to respond."

- Non-verbal communication – a lot of the most important communication we have with each other is non-verbal, e.g. body language, a disapproving look can be more powerful than words.
- Humor can reduce conflict in an intervention and help you relate to a person. However, be cautious not to undermine the seriousness of the issue.

- Strength in numbers – Support from a group makes intervention safer and more effective. This is especially effective when a person shows a pattern of inappropriate behavior.

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Bystanders must also be taught when to intervene and why. As a member of the RCC community we all have a responsibility to derail and interrupt violence and violence-condoning attitudes in our communities and campus. Participate in workshops offered on campus and learn strategies, such as those listed below.

### **The Three D's of Bystander Intervention**

**Distract:** Create a distraction or redirect the focus of either party to ensure s/he can get out of the situation. If it is appropriate, use humor or an excuse to divert the attention of the perpetrator; this creates an opportunity for the target of the behavior to exit the situation. Distraction works well in situations of street harassment or for example asking the perpetrator for the time or for directions.

**Direct:** Confront the harmful behavior directly, so the target of the behavior is empowered to leave the situation or the perpetrator can make the choice to stop. This can include stepping in to separate the individuals and using assertive language. Direct Intervention can also take the form of asking the targeted person, “Are you ok, do you need help?” or challenging in appropriate jokes and language by stating your discomfort or disapproval.

**Delegate:** Ask others to get involved to help take charge of the situation, for ex: friends, a supervisor, or police. However, you intervene make sure that you do so safely.

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### **Risk Reductions**

Being an active bystander does not mean that you should risk your personal safety or become a hero. There are appropriate responses dependent on you, the situation and who else is involved. If your immediate safety, or the safety of others, is in danger you should seek outside help – which is still bystander intervention. (1.20g)

### **On Campus Safety**

1. Stay alert and familiarize yourself with your surroundings. Walk with your head up and don't daydream. Consider asking a friend to accompany you to your destination.
2. Trust your instincts. If you're walking alone on campus and just have a strange feeling that something is wrong, then something maybe wrong. Change directions to a well-traveled walkway or to the nearest callbox for help.
3. Your first defense is noise. Scream “fire” not “help” to attract more attention. Be aware of everything and everybody around you.

4. Before you enter your vehicle, take a look inside. Make sure there's no one in the vehicle. When you get into the vehicle, immediately lock your doors and turn on your headlights. This will allow you to see around your vehicle and make it more difficult for someone to see into your vehicle.
5. Stranger asking for directions: If someone in a vehicle stops and asks for direction, answer from a distance. Do not approach the vehicle.

### **Social Setting/Parties Safety**

1. Gather in groups. There is safety in numbers.
2. Share your location with friends and family in case of an emergency. Check-in frequently.
3. Respect each other's boundaries. Don't force someone to participate in activities they are not comfortable with or consented to.
4. Be aware of your alcohol consumption. Individuals who are incapacitated may not legally give consent to sexual activity.
5. You always have the right to say "No" even if you've been making out, dated this person before, you've been flirting, or you said "Yes" then changed your mind.
6. Seek medical treatment immediately if you are sexually assaulted. Don't wash or change clothes.

### **Social Media Safety**

1. Always consider the contents of your post. Don't overshare your personal information.
2. Limit who has access to your posts by adjusting the privacy setting.
3. Consider disabling your location setting. Be default, most social media sites utilize geolocation to share your whereabouts.
4. Never share your password with anyone. This allows someone to take over your site and could possibly blocked you from using.
5. Friend Requests: Only accept friend requests from people that you know.

## Section 18: Notification: Emergencies and Dangerous Situations

### Emergency Notification Policy

RCC Campus Security department is responsible for receiving and notification of any significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on campus. Upon notification and depending on the circumstances surrounding the potential or immediate threat will determine the appropriate course of action.

### Emergency Confirmation

Our Campus Police are normally the first responders to any emergency or dangerous situation on campus. Once information is received that a credible threat exists, the Director of Security will notify Administration immediately. In the event, Campus Police have not been dispatched or arrived at the scene of the emergency and/or threat, the first person on the scene should contact local emergency services by dialing 911 and confirmation can come from local emergency responders.

### Emergency Message Authorization

Upon confirmation that an emergency exists, the following individuals are authorized to send emergency notifications involving immediate threats to the health or safety of students or employees occurring on campus. The Presidents designees have authorization to launch emergency messages without consultation in a life-threatening situation.

**President's designees:** Vice President(s), Director of Security, Campus Police

### Emergency Message Type

Type of Message	Description
Initial Message	Sent upon confirmation that an immediate threat exists
Follow-Up to Initial Message	When new or additional information/instructions are necessary
Message Intervals	Reiterate initial message after a period of time has passed
All Clear Message	Confirmation: threat has been contained or effectively managed
Type of Emergency	Active Shooter, Hostage Incident, Bomb Threat, Biological Threat, Fire, Severe Weather, Flooding, Electrical Storm, Civil Disturbance, Earthquake, Evacuation, Explosion, Gas Leak, Hazardous Material, Missing Persons
Area Affected	One Building/Area or Entire Campus
Status	In Progress Now / Ongoing / Over
Classification	<b>Catastrophic Event:</b> Loss of life, affects entire campus and business continuity <b>Intermediate Event:</b> Localized to several areas, potential to become catastrophic <b>Isolated Event:</b> Localized to one area, not life threatening

## Section 19: Emergency Drills, Testing, and Record Keeping

### Emergency Notification System

Robeson Community College provides emergency notification services to the students, faculty, and staff via: Indoor/Outdoor Warning Siren System- incorporate custom tones, pre-recorded emergency messages, and live voice capabilities, Simplex Grinnell Fire System, Callbox System, Mass Notification System: Call, Text, Email, Social Media: Facebook/Twitter, RSS Feed, and RCC Website Notification.

This Emergency Notification system is available to students, faculty, and staff. To participate in this service and/or update your information, visit the RCC website: [www.robeson.edu](http://www.robeson.edu) >Safety and Security> RCC Alert System. Students/Employees should take responsibility for regularly checking their e-mail and/or updating their contact information via the Self-Service Portal.

### Training and Education

Responsible employees will receive initial and then periodic training to ensure all are acclimated with the emergency notification systems. Multiple employees in various departments are trained and available to launch the RCC Alert System at any given time.

### Testing and Record Keeping

Type of Notification	Testing Schedule	Records	Responsible Employee(s)
Indoor/Outdoor Warning Siren System	Unannounced daily audible testing	System does not generate report	Campus Police
Callbox System	Unannounced daily audible testing	System does not generate report	Campus Police
Simplex Grinnell Fire System	Semi-Annually (1) Announced (1) Unannounced	Report Generated	Campus Police
Mass Notification System: Call, Text, Email, Social Media: Facebook/Twitter, RSS Feed	Unannounced monthly testing	Report Generated	Campus Police Regroup Committee
RCC Website Notification	Normal daily business ensures system functionality	System does not generate report	IT Department

## **Section 20: Timely Warnings**

### **Timely Warning Policy**

The Campus Crime Alert (Campus Alerts) is provided to give adequate notification of an impending threat and to heighten safety awareness to students, faculty, and staff. Alerts are created and distributed by Campus Security and/or Campus Security Authorities: Vice President of Business Services or Director of Security that pose a significant threat to the safety and security of an individual(s), school property, or the campus community. Information for Campus Alerts may also come from local law enforcement agencies. Every attempt will be made to distribute these Alerts in a timely manner; however, the release of information is subject to the availability of accurate facts concerning the incident.

### **Timely Warning Incidents**

Criminal Homicide

Sex Offenses Assault (physical or sexual)

Robbery

Aggravated Assault

Burglaries (occupied rooms/offices/structures)

Hate Crimes

Persons with weapons with intent to use

Threat of violent crime

Situations where suspect is not known

### **Timely Warning Procedure**

Campus Security and/or Campus Security Authorities will issue a Campus Alert whenever a report is received that poses a significant threat to the safety and security of an individual(s), school property, or the campus community. The College will also assist the Lumberton Police/Robeson County Sheriff's Departments with publicizing news releases that represent a serious or on-going threat to the safety of students, faculty, and staff.

The Alerts will contain the following information: Nature of the threat, date and time received, location of the threat, continuing danger to the campus community, a description of the suspect (if known), safety tips, and whom to contact for more information. If applicable, the alert will contain a statement from the RCC Student handbook.

Campus Alerts will be distributed as quickly as possible to the campus community via: email, text, phone, website, and social media outlets. As soon as the threat passes, Campus Security and/or Campus Security Authorities will issue an "ALL CLEAR" to the campus community via the Emergency Notification System. (1.1)

## **Section 21: Campus Emergency Evacuation Procedures**

### **What is an evacuation?**

An evacuation is the movement of people from an immediate threat area to one of safety.

### **Circumstances requiring an Evacuation**

The following emergencies could require an immediate evacuation: Fire in a building, Bomb Threat, Power Outage, Explosion, or Workplace Violence, etc. Not all emergencies will require you to evacuate the area/building. Dependent upon the situation, you may be instructed to Shelter in Place due to severe weather or an active shooter verses an evacuation.

### **Evacuation Drills**

Evacuation drills are conducted on a semiannual basis to prepare students, faculty, and staff how to safety and in an orderly manner evacuate from an immediate threat area to one of safety. Evacuation maps are located in each building and indicate the following: Location of the nearest exit, primary and secondary exit routes, location of fire/AED devices, pull station locations, and designated assembly points.

### **Safety Building Coordinators**

Safety Building Coordinators are designated employees trained to assist the Director of Security with planning, scheduling, conducting, and evaluation of fire/severe weather drills and/or emergency evacuations in their assigned buildings/areas.

### **How will I know there is an emergency?**

Upon confirmation that a credible threat exists, campus police will activate the mass notification system. This system will send emergency message information via: Call, Text, Email, Social Media: Facebook/Twitter, RSS Feed, Campus Sirens, and also post to the RCC Website. This Emergency Notification system is available to students, faculty, and staff. To participate in this service and/or update your information, sign up at [www.robeson.edu](http://www.robeson.edu), click on the RCC Alert link. Students/Employees should take responsibility for updating their contact information. (1.18)

### **Staff**

Staff personnel are usually responsible for themselves and should take the following measures before a drill or emergency:

1. Review the evacuation plans posted in their building.
2. Identify the quickest emergency escape route.
3. Identify a secondary route in case the primary one is inaccessible.
4. Identify a safe meeting location outside and away from the building. Make sure that all staff members are accounted for.

### **When the safety drill sounds, staff personnel should:**

1. Immediately leave the building.
2. Leave personal property behind
3. Do not use elevators, stairs only
4. Assemble in the predetermined location.
5. Notify supervisor/department head.
6. Supervisor will conduct a head count to ensure that no one is left in the building.
7. Notify Senior/Alternate Building Coordinators of personnel status.
8. Do not re-enter the building until "ALL CLEAR" has been given by Safety personnel.



## **Faculty/Students**

Faculty is responsible for the safety of students in their class and should take the following measures before a drill or emergency.

1. Review the evacuation plans posted in their building.
2. Identify the quickest emergency escape route.
3. Identify a secondary route in case the primary one is inaccessible.
4. Identify a safe meeting location outside and away from the building. Make sure that all students are accounted for.
5. Review this information with the class.

### **When the safety drill sounds, faculty should:**

1. Immediately guide student's safely out of the building.
2. Leave personal property behind
3. Do not use elevators, stairs only
4. Assemble the students at the predetermined accountability site.
5. Account for students using the class roster.
6. Report student's status to Senior/Alternate Building Coordinators.
7. Do not re-enter the building until "ALL CLEAR" has been given by Safety personnel.

## **Section 22: Weapons Prohibition on Campus**

Possession or use of any firearms, knives, incendiary devices, or explosives are prohibited on college property. Prior permission must be obtained where weapons are authorized for possession/use in college-affiliated activities or events except handguns as allowed by NCGS §14-269.4.

### **Handguns are permitted under these circumstances:**

- The person has a concealed handgun permit that is lawfully issued.
- The handgun is in a closed compartment or container within the person's locked vehicle.
- The handgun is in a locked container securely affixed to the person's vehicle.
- A person may unlock the vehicle to enter or exit the vehicle provided the handgun remains in the closed compartment at all times.
- The vehicle is locked immediately following the entrance or exit.

\*Law enforcement officers are exempt from this prohibition. This includes facsimiles of weapons.

## **Section 23: Policies on Reporting a Crime or Emergency**

### **Introduction**

Robeson Community College encourages accurate and prompt reporting of all crimes to the campus police and the appropriate law enforcement agencies. When a student or employee reports to the institution that the student or employee has been the victim of dating violence, domestic violence, sexual assault, or stalking, whether the offense occurred on or off campus, the institution will provide the student or employee a written explanation of the student or employee's rights and options. Such reports should be made as follows:

## Criminal Offense Reporting

Notify the Campus Police at (910-674-6428)

Any incident that involves a significant threat to the health and safety well-being of the campus community or an individual and is punishable under law. Examples may include but are not limited to murder, burglary, robbery, or aggravated assault.

## Emergency Reporting

<p>Call 911 Immediately Then call Campus Police (910-674-6428) <b>*Any incident occurring after hours, should be reported immediately to local law enforcement.</b></p>	<p>Examples may include but are not limited to fire, medical emergencies, car accidents with injuries, etc.</p>
<p>Report in person</p>	<p>The Campus Security Department is located in building #5 and is open 8-5pm (Mon-Thurs) and 8-3pm (Fri)</p>
<p>Emergency Call Boxes</p>	<p>Emergency Callboxes are located throughout the RCC campus to ensure a direct line of communication for students, faculty, staff, and visitors with Campus Police Officers. This line of communication can also be utilized for vehicle assistance/escort services.</p>
<p>RCC Alert Mobile App/Panic Button</p>	<p>Users can report incidents with the user's current location, select from multiple incident types with quick-action buttons, provide their name and phone number to campus safety/emergency management, aid responders or send a customized message in the message box.</p>
<p><b>Non-Emergency Reporting</b> -Report in Person -Emergency Call Boxes -RCC Alert Mobile App/Panic Button</p>	<p><b>Call Campus Police (910) 674-6428</b> Any incident that does not pose a significant threat to the safety of an individual or the campus community; however, intervention is still necessary.  Examples of non-emergency incidents may include but are not limited to verbal assault, harassment, stalking, vandalism, battery assistance, vehicle lockout, car towing.</p>
<p><b>Contact Information</b></p>	<p>Campus Police (Office) 910-272-3505 Campus Police (Mobile) 910-674-6428 Email: <a href="mailto:pclark@robeson.edu">pclark@robeson.edu</a></p>

## **Section 24: Anonymous Reporting/Confidentiality**

Robeson Community College understands the need in some cases for confidentiality when reporting crimes. Maybe you are the victim or a witness of a crime and are unsure about reporting or simply don't want to get involved. You have the option to report crimes on a voluntary, confidential basis for inclusion in the annual security report. All information reported through this format will be maintained in a secure manner. Please note this may limit the College's ability to respond fully to the incident, including pursuing disciplinary action against the alleged perpetrator.

### **Report in Person (Pastoral/Professional Counseling)**

The College provides professional counseling through the Counseling Center located in the Fred G. Williams Student Center. Any student can seek professional counseling. The counselors abide by their professional standards regarding confidentiality. Counselors are encouraged, if and when they deem it appropriate, to inform the persons they are counseling of the procedures to report crimes on a voluntary, confidential basis for inclusion in the annual report. (1.10)

### **Report online**

The college has an Anonymous Reporting Form online, to access visit the RCC website [www.robeson.edu](http://www.robeson.edu), select Safety and Security> Clery Section> Policies on Reporting a Crime or Emergency, > Anonymous Reporting Form.

### **Alleged Victim Disclosure**

If the alleged victim still insists on anonymity and does not want to pursue action with the criminal justice system or the college's disciplinary system, the college will respect their wishes and record the incident on a confidential basis for inclusion in the annual security report. In some cases, the college may have a legal obligation to report information to law enforcement for the safety and security of the campus community.

The college will upon written request, disclose to the alleged victim of a crime of violence (as that term is defined in section 16 of title 18, United States Code), or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by such institution against a student who is the alleged perpetrator of such crimes or offense, the next of kin of such victim shall be treated as the alleged victim for purpose of this paragraph. (1.17)

### **Off-Campus Criminal Monitoring and Recording**

The College monitors and records through local police agencies, of criminal activity in which students engage at off-campus locations of student organizations officially recognized by the institution. Any such criminal activity will be treated the same as if it happened on campus and reports of such activity should follow the same procedures as for reporting on-campus criminal activity. (1.13)

## **Section 25: About Title IX**

The College strives to make its campuses inclusive and a safe and welcoming learning environment for all members of the College community. Pursuant to multiple federal and state laws and administrative regulations and pursuant to College policy, the College prohibits discrimination in its education programs and activities based on sex.

Title IX is a comprehensive federal law that prohibits discrimination on the basis of sex in any federally funded education program or activity. Under Title IX, discrimination on the basis of sex includes quid pro quo harassment; sexual harassment; and sexual assault, stalking, dating or domestic violence (collectively referred to as "sexual harassment"). The College's Title IX Coordinator has oversight responsibility for handling sexual harassment complaints and for identifying and addressing any patterns and/or systemic problems involving sexual discrimination or harassment.

All allegations involving sexual harassment should be directed to the College's Title IX Coordinator and addressed under these procedures. For other complaints of discrimination and harassment not related to sexual harassment, refer to Discrimination and Harassment Procedure 3.3.7.2/5.3.4.2.

## **Section 25A: Department of Education's New Title IX Regulations**

On August 14, 2020 the Department of Education published new regulations that focused on redefining protections for survivors of sexual misconduct, investigation and grievance procedures. The new provisions are as follows:

- Defines sexual harassment to include sexual assault, dating violence, domestic violence, and stalking, as unlawful discrimination on the basis of sex
- Provides a consistent, legally sound framework on which survivors, the accused, and schools can rely
- Requires schools to offer clear, accessible options for any person to report sexual harassment
- Empowers survivors to make decisions about how a school responds to incidents of sexual harassment
- Requires schools to offer survivors supportive measures, such as class or dorm reassignments or no-contact orders
- Protects K-12 students by requiring elementary and secondary schools to respond promptly when any school employee has notice of sexual harassment
- Holds colleges responsible for off-campus sexual harassment at houses owned or under the control of school-sanctioned fraternities and sororities
- Restores fairness on college and university campuses by upholding a student's right to written notice of allegations, the right to an advisor, and the right to submit, cross-examine, and challenge evidence at a live hearing
- Shields survivors from having to come face-to-face with the accused during a hearing and from answering questions posed personally by the accused

- Requires schools to select one of two standards of evidence, the preponderance of the evidence standard or the clear and convincing evidence standard, and to apply the selected standard evenly to proceedings for all students and employees, including faculty
- Provides "rape shield" protections and ensures survivors are not required to divulge any medical, psychological, or similar privileged records
- Requires schools to offer an equal right of appeal for both parties to a Title IX proceeding
- Gives schools flexibility to use technology to conduct Title IX investigations and hearings remotely
- Protects students and faculty by prohibiting schools from using Title IX in a manner that deprives students and faculty of rights guaranteed by the First Amendment

Source: <https://www.ed.gov/news/press-releases/us-department-education-launches-new-title-ix-resources-students-institutions-historic-new-rule-takes-effect>

## Section 25B: Title IX Definitions

The following definitions shall apply to this procedure. The definitions are not intended to operate as speech codes, promote content and viewpoint discrimination or suppress minority viewpoints in the academic setting. Indeed, just because a student's speech or expression is deemed offensive by others does not mean it constitutes discrimination or harassment.

In applying these definitions, College administrators shall view the speech or expression in its context and totality and shall apply the following standard: the alleged victim subjectively views the conduct as discrimination or harassment and that the conduct is objectively severe or pervasive enough that a reasonable person would agree that the conduct is discriminatory or harassing.

**A. Actual Knowledge** – notice of sexual harassment or allegations of sexual harassment by the Title IX Coordinator or any College official who has authority to institute corrective measures on behalf of the College. Actual knowledge is not met when the only College official with actual knowledge is a Respondent. |

**B. Complainant** – an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

**C. Consent** – explicit approval to engage in sexual activity demonstrated by clear actions or words. This decision must be made freely and actively by all participants. Non-verbal communication, silence, passivity or lack of active resistance does not imply consent. In addition, previous participation in sexual activity does not indicate current consent to participate and consent to one form of sexual activity does not imply consent to other forms of sexual activity. Consent has not been obtained in situations where the individual: i) is forced, pressured, manipulated or has reasonable fear that they will be injured if they do not submit to the act; ii) is incapable of giving consent or is prevented from resisting due to physical or mental incapacity (including being under the influence of drugs or alcohol); or iii) has a mental or physical disability which inhibits his/her ability to give consent to sexual activity.

**D. Dating Violence** – crimes of violence against a person with whom the person has or had a social relationship or a romantic or intimate relationship.

**E. Domestic Violence** – crimes of violence against a current or former spouse or intimate partner; a person with whom the individual shares a child in common; a person with whom the individual cohabitates or has cohabitated as a spouse or intimate partner; a person similarly situated to the individual as a spouse under local domestic laws; or any other person who is protected under local domestic laws of the jurisdiction.

**F. Education Program or Activity** – for purposes of these Procedures, this means any locations, events, or circumstances over which the College exercised substantial control over both the Respondent(s) and the context in which the alleged sexual harassment occurs. It also means any building owned or controlled by a student organization that is officially recognized by the College.

**G. Formal Complaint** – a document filed by a Complainant or signed by the Title IX Coordinator alleging sexual harassment against a Respondent and requesting the College investigate the allegation(s). A Formal Complaint initiates a formal grievance process in which parties are entitled to due process protections.

**H. Informal Resolution** – a resolution reached regarding an allegation of sexual harassment without the filing of a Formal Complaint. Informal Resolution may include mediation, facilitated dialogue, conflict coaching, restorative justice, or other models of alternative dispute resolution. Informal Resolution cannot be used for a student's allegation of sexual harassment against a College employee.

**I. Respondent** – an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

**J. Retaliation** – to intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or because the individual has made a report or complaint, testified, assisted, participated, or refused to participate in any manner in an investigation, proceeding, or hearing under these Procedures.

**K. Sexual Assault** – an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting system.

**L. Sexual Harassment** – quid pro quo harassment; unwelcome conduct that a reasonable person would find so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the College's education program or activity, including conduct based on sex stereotyping; or any instance of sexual assault, dating violence, domestic violence, or stalking. Quid pro quo harassment is a person having power or authority over another and conditioning an educational or employment benefit or service or access to receiving the educational or employment benefit or service upon a person's participation in unwelcome sexual conduct.

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

**N. Standard of Evidence** – the College uses preponderance of the evidence as the standard for proof of whether a violation of this policy has occurred. In the student due process hearing and employee grievance process, legal terms like "guilt", "innocence" and "burden of proof" are not applicable. Student and employee due process hearings are conducted to take into account the totality of all evidence

available from all relevant sources. The College will find the Respondent either "responsible" or "not responsible" for violating these Procedures.

**O. Supportive Measures** – individualized services reasonably available that are nonpunitive, non-disciplinary, and not unreasonably burdensome to the other party that are designed to ensure equal educational access, protect safety, or deter sexual harassment. Examples of support measures are counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, leaves of absences, increased security and monitoring of certain areas of the College, and other similar measures.

**P. Title IX Coordinator** – for purposes of these Procedures, the Title IX Coordinator refers to Sally Carr, Director of Human Resources. The Title IX Coordinator’s office is in Building 2. The phone number is 910-272-3537 and the email is [scarr@robeson.edu](mailto:scarr@robeson.edu).

## **Section 25C: II. Scope and Applicability**

### **A. These Procedures apply to the conduct of and protect:**

1. College students and applicants for admission into the College
2. College employees and applicants for employment
3. College student organizations
4. Third parties participating in a College education program or activity

**B. These Procedures apply to conduct that occurs in a College Education Program or Activity located within the United States and of which the College has actual knowledge.**

## **Section 25D: III. Reporting Options**

### **A. Reporting to Local Law Enforcement**

Individuals may report sexual harassment directly to local law enforcement agencies by dialing 911. Individuals who make a criminal allegation may also choose to pursue the College’s grievance procedure simultaneously. A criminal investigation into the matter does not release the College from its obligation to conduct its own investigation (nor is a criminal investigation determinative of whether sexual harassment has occurred). However, the College’s investigation may be delayed temporarily while the criminal investigators are gathering evidence. In the event of such a delay, the College must make available supportive measures when necessary to protect the alleged Complainant and/or the College community.

Individuals may choose not to report alleged sexual harassment to law enforcement authorities. The College respects and supports individuals’ decisions regarding reporting; nevertheless, the College may notify appropriate law enforcement authorities if legally required or warranted by the nature of the allegations.

### **B. Reporting to College Officials**

The College’s Title IX Coordinator oversees compliance with these Procedures and Title IX regulations. Questions about these Procedures should be directed to the Title IX Coordinator. Anyone wishing to make a report relating to sexual harassment may do so by reporting the concern to the College’s Title IX Coordinator in person, by mail, by telephone, by email, or by any other means that results in the Title IX Coordinator receiving the person’s verbal or written report of alleged sexual harassment.

## Section 25E: IV. Grievance Procedures

### A. Scope

1. Use of these grievance procedures applies to reports alleging sexual harassment carried out by employees, students, or third parties.
2. All reports of sexual harassment are taken seriously. At the same time, those accused of sexual harassment are presumed "not responsible" throughout this grievance procedure.

### B. Initial College Response and Assessment

#### 1. After receiving a report of sexual harassment, the Title IX Coordinator takes immediate and appropriate steps to:

- a. Communicate with the individual who reported the alleged conduct;
- b. Implement supportive measures to eliminate and prevent the recurrence of sex harassment, deter retaliation, remedy the effects of sex harassment, and provide due process rights during a College investigation;
- c. Provide the individual with a copy of this Policy and Procedure; and
- d. Determine whether the alleged conduct, as described by the reporting party, falls within the scope of this policy and if so, initiate the investigation and resolution procedures outlined below.
- e. The Title IX Coordinator may delegate the authority to take some or all of these steps to a Deputy Title IX Coordinator.

#### 2. The Title IX Coordinator must administratively close a report or complaint of sexual harassment if after an initial assessment:

- a. The allegations as stated do not constitute a violation of this Policy and Procedure, even if proven; or
- b. The alleged sexual harassment did not occur in the College's Education Program or Activity or did not occur in the United States.
- c. The Title IX Coordinator will notify the parties if a report or complaint of sexual harassment is closed under this section, including the reason(s) for closure, and direct the parties to the appropriate College office or department to resolve the report or complaint. All parties may appeal the Title IX Coordinator's dismissal of a Formal Complaint under this section by using the appeal procedures in Section VI, below.

#### 3. The Title IX Coordinator may administratively close a report or complaint of sexual harassment if:

- a. The Complainant, at any time, requests withdrawal of the report or complaint;
- b. The Respondent is no longer enrolled or employed by the College; or



- c. The College is prevented from gathering evidence sufficient to reach a determination of responsibility.
  - d. The Title IX Coordinator will notify the parties if a report or complaint of sexual harassment is closed under this section, including the reason(s) for closure, and direct the parties to the appropriate College office or department to resolve the report or complaint. All parties may appeal the Title IX Coordinator's dismissal of a Formal Complaint under this section by using the appeal procedures in Section VI, below.
4. Regardless of when alleged sexual harassment is reported, a Complainant must be participating in or attempting to participate in the College's education program or activity for a Formal Complaint to be filed.

### **C. Informal Resolution**

1. Any party may request the College facilitate an informal resolution to a sexual harassment complaint at any time after the filing of a Formal Complaint. The Title IX Coordinator may offer the parties the opportunity for informal resolution, too.
  - a. Upon a request for informal resolution, the Title IX Coordinator determines whether informal resolution is appropriate based on the facts and circumstances of the case. The Title IX Coordinator ensures that any proposed informal resolution is consistent with the College's obligations to prevent and redress sexual harassment.
  - b. A student's allegations of sexual harassment against a College employee are not eligible for informal resolution.
  - c. The Title IX Coordinator provides the parties with written notice of proceeding with an informal resolution, including the allegations of sexual harassment, the requirements of the informal resolution process, and potential outcomes resulting from participating in the informal resolution process.
  - d. The Title IX Coordinator also designates an independent, neutral person to facilitate the informal resolution.
2. Informal resolution is voluntary.
  - a. The Complainant and Respondent must provide written consent for informal resolution to take place.
  - b. Any party has a right to end the informal resolution process at any time prior to agreeing to a resolution and begin or continue the formal investigation and grievance process.
3. Informal resolution concludes the matter only when all parties have signed a written agreement that confirms resolution of the allegations.
  - a. The resolution agreement must include a waiver of the parties' right to have a formal hearing on the allegations that have been informally resolved.
  - b. Parties are prohibited from revoking or appealing a resolution agreement. Should the Respondent violate the terms of an informal resolution agreement, such violation will subject

the Respondent to an investigation and the formal grievance process contained in this procedure.

4. If a resolution agreement is not reached, the College will continue with a formal investigation.

#### **D. Investigations**

1. The goal of a formal investigation is to reach a determination as to whether a Respondent has violated one or more College policies prohibiting sexual harassment and if so, remedy the effects of a violation.

a. The Title IX Coordinator may include possible violations of other College policies that contributed to, arose from, or are otherwise related to alleged violations of this Policy and Procedure in the scope of an investigation.

b. The Title IX Coordinator gives written notice to the Complainant and Respondent of the investigation, providing sufficient details to allow the parties to respond and prepare for initial interviews, including the identity of the parties involved (if known), the conduct alleged to be sexual harassment, the date and location of alleged incidents (if known), a statement that the Respondent is presumed not responsible and a determination of responsibility is made at the conclusion of the process, information regarding the parties' right to an advisor and the right to review evidence, and notice that the College prohibits knowingly making false statements or submitting false information during the grievance process.

c. The Title IX Coordinator designates an investigator to investigate the allegations of sexual harassment.

2. Parties to an investigation can expect a prompt, thorough, and equitable investigation of complaints, including the opportunity for parties to ask questions, present witnesses and provide information regarding the allegations.

3. Parties and witnesses should cooperate in the investigation process to the extent required by law and this policy.

4. The standard of proof used in investigations is preponderance of the evidence. It is the College's responsibility to establish the standard of proof and gather evidence during investigations.

5. The College aims to bring all investigations to a resolution within thirty (30) business days from the date the Title IX Coordinator determines an investigation will commence.

a. Extensions of timeframe for good cause are allowed, so long as written notice and the reason for the delay is provided to the parties. Good cause includes:

i. The complexity and/or number of the allegations;

ii. The severity and extent of the alleged misconduct;

iii. The number of parties, witnesses, and other types of evidence involved;

iv. The availability of the parties, witnesses, and evidence;

v. A request by a party to delay an investigation;

vi. The effect of a concurrent criminal investigation or proceeding;

- vii. Intervening holidays, College breaks, or other closures;
- viii. Good faith efforts to reach a resolution; or
- ix. Other unforeseen circumstances.

- b. Investigations typically include interviews with the Complainant, the Respondent, and any witnesses, and the objective evaluation of any physical, documentary, or other evidence as appropriate and available. The College will give the Complainant and the Respondent written notice of any interview, meeting, or hearing at which a party is invited or expected to participate.
- c. The Title IX Coordinator will inform the Complainant and Respondent at regular intervals of the status of its investigation.
- d. The College may suspend or place on administrative leave a student or employee, pending the completion of an investigation and resolution, when the College performs an individualized safety and risk analysis and determines the person poses an immediate threat to the physical health or safety of any member(s) of the College community.

- i. The Title IX Coordinator may recommend to the appropriate College official to implement or stay an interim suspension of a student or employee and the conditions and duration of such suspension or leave.
- ii. In all cases in which an interim suspension or administrative leave is imposed, the student or employee shall be given notice and an opportunity to challenge the removal decision immediately following the removal.
- iii. Violation of an interim suspension under this Procedure is grounds for expulsion or termination.

6. Interviews conducted as part of an investigation under this Procedure may be recorded by the College. Recordings not authorized by the College are prohibited.

7. The Complainant and Respondent have the right to be accompanied by an advisor of their choosing during all stages of an investigation.

- a. A party may elect to change advisors during the process.
- b. All advisors are subject to the same rules:
  - i. During the investigation, the advisor's role is limited to providing advice, guidance, and support to the Complainant or Respondent. An advisor is not permitted to act as a participant or advocate during the investigative process.
  - ii. Advisors are expected to maintain the privacy of the records shared with them.
  - iii. Advisors are expected to refrain from interfering with investigations.
  - iv. Any advisor who oversteps their role or interferes during an investigation process will be warned once. If the advisor continues to disrupt or otherwise fails to respect the

limits of the advisor role, the advisor will be asked to leave. The Title IX Coordinator determines whether the advisor may return or should be replaced by a different advisor.

8. Prior to finalizing a report, the investigator provides all parties an equal opportunity to review any evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, including evidence upon which the College does not intend to rely.
  - a. The Complainant and Respondent may submit a written response to the evidence within ten days after receipt of the evidence.
    - i. Responses must be submitted to the investigator via email, mail, or hand delivery by 5:00 p.m. eastern standard time on the date responses are due.
    - ii. Responses may not exceed 10 double-spaced pages on 8.5x11 paper with one-inch margins and 12-point font.
  - b. The investigator considers any responses received from the parties and conducts any further investigation necessary or appropriate.
9. Following an investigation and at least 10 days prior to a grievance hearing, the investigator submits an investigative report to the parties that fairly summarizes relevant evidence. The report includes a summary of the allegations; a summary of the response; a summary of the investigative steps taken to verify the allegations and response; and a summary of the evidence relevant to a determination of responsibility.

## **V. Grievance Hearings**

At least 10 days after the issuance of an investigation report, the College must hold a live hearing in front of a decision-maker to determine responsibility of a Respondent. The decision-maker may not be the Title IX Coordinator or the investigator(s). A "live hearing" means either in person or virtually. The following hearing rules apply:

- A. All parties must be able to see and hear the questioning of parties and witnesses.
- B. Any party may request a virtual hearing. If requested, the College will provide a virtual hearing.
- C. All parties have an equal opportunity to present witnesses, including fact and expert witnesses.
- D. The parties' advisors are permitted to cross-examine the parties and any witnesses.
  1. The parties are prohibited from directly conducting cross-examination. Cross-examination must be conducted by a party's advisor.
  2. The decision-maker determines whether questions asked during cross-examination are relevant to the determination of responsibility. If the decision-maker disallows a question, they will explain the basis for their decision at the hearing. Parties and advisors may not challenge a decisionmaker's relevancy determination during the hearing.
  3. Evidence or questions that inquire about the Complainant's sexual predisposition or prior sexual history are prohibited (i.e. rape-shield protections) unless such questions and evidence are offered to prove that someone other than the Respondent committed the conduct alleged by

the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

4. The decision-maker may not consider statements of individuals who do not submit to cross-examination in reaching a determination of responsibility
5. Records with a legally recognized privilege, such as medical treatment records, may not be used unless the individual or entity who holds the privilege waives the privilege. Any waiver must be written and made in advance of a hearing.
6. If a party does not have an advisor, the College will provide an advisor at no cost to the party. The advisor may, or may not, be an attorney.
7. Other standard Rules of Evidence do not apply in grievance hearings under these Procedures.

E. The College will provide either an audio recording, audiovisual recording, or transcript of the hearing to all parties.

F. The decision-maker evaluates all relevant evidence and reaches a determination regarding responsibility. The decision-maker issues their final written determination to all parties within ten (10) days of the hearing. The final written determination includes a summary of the allegations; a description of the procedural steps taken by the College to investigate and reach a determination of responsibility; findings of fact supporting the determination; conclusions regarding the application of College policies to the facts; a statement of and rationale for the result as to each allegation, including a determination of responsibility; any disciplinary sanctions the College recommends or imposes; whether remedies designed to restore or preserve equal access to an education program or activity will be provided to the Complainant; and the College's appeal procedures.

**G. The following sanctions may be imposed for those who have violated these Procedures:**

**1. Students**

- a. Verbal or Written Warning
- b. Probation
- c. Administrative withdrawal from a course without refund
- d. Required Counseling
- e. No Contact Directive
- f. Suspension
- g. Recommendation of Expulsion
- h. Other consequences deemed appropriate

**2. Employees**

- a. Verbal or Written Warning
- b. Performance Improvement Plan
- c. Required Counseling
- d. Required Training or Education
- e. Recommendation of Demotion
- f. Recommendation to Suspend with or without Pay
- g. Recommendation of Dismissal
- h. Other consequences deemed appropriate to the specific violation

If the decision-maker is required to make a recommendation for student expulsion or employee suspension, demotion or dismissal, such recommendation will be made to the appropriate College official after the time for appeal has expired. If the decision-maker recommends the Respondent be expelled, suspended, demoted, or dismissed, during the time in which either party has to appeal, the Respondent shall remain on suspension unless otherwise determined by the decision-maker.

## **Section 25E: VI. Appeals**

After the decision-maker submits their determination of responsibility to the Complainant and Respondent, all parties are given an equal opportunity to appeal the determination. Appeals may be based only on these grounds:

- A. Procedural irregularity that affected the outcome;
- B. New evidence that was not reasonably available at the time of the hearing that could affect the outcome; and/or
- C. The Title IX Coordinator, investigator, or decision-maker had a bias or conflict of interest that affected the outcome.

Parties must submit any appeal to the President of the College by 5:00 p.m. eastern standard time via email or mail, within ten (10) days of receiving the decision-maker's written determination of responsibility. Appeals may not exceed ten (10) double-spaced pages on 8.5x11 paper with one-inch margins and 12-point font.

The College notifies all parties when an appeal is filed and provides all parties a copy of the appeal and a chance to submit a written statement supporting or challenging the outcome. Parties must submit written statements supporting or challenging the outcome to the President of the College by 5:00 p.m. eastern standard time via email or mail, within two (2) days of receiving a copy of an appeal.

The President shall conduct a review of the record, including the appeal(s) received, any written statements supporting or challenging the outcome, the investigation report, the decision-maker's written determination of responsibility, and any accompanying evidence prior to issuing a written decision to the Complainant and Respondent that describes the result of the appeal and the rationale for the result. The President's written decision is final.

## **VII. Protection Against Retaliation**

The College will not in any way retaliate against an individual for the purpose of interfering with any right or privilege secured by Title IX or because the individual has made a report or complaint, testified, assisted, participated, or refused to participate in any manner in an investigation, proceeding, or hearing under these Procedures.

Retaliation is a violation of College policy regardless of whether the underlying allegations are ultimately found to have merit. Reports of retaliation are treated separately from reports or complaints of sexual harassment.

## **VIII. Providing False Information**

Any individual who knowingly files a false report or complaint, who knowingly provides false information to College officials or who knowingly misleads College officials involved in the investigation or resolution of a complaint may be subject to disciplinary action, including but not limited to expulsion or employment termination. The College recognizes a determination regarding responsibility alone is not sufficient to conclude a false report or complaint was made.

### **IX. Limited Immunity**

The College community encourages the reporting of misconduct and crimes. Sometimes, complainants or witnesses are hesitant to report to College officials or participate in resolution processes because they fear they themselves may be accused of various policy violations. It is in the best interest of this College that as many complainants as possible choose to report to College officials and that witnesses come forward to share what they know. To encourage reporting, the College offers sexual harassment complainants and witnesses amnesty from minor policy violations.

### **X. FERPA (Family Educational Rights and Privacy Act)**

A student's personally identifiable information found in a student's education records will be shared only with College employees who need to know to assist with the College's response to sexual harassment.

A student's personally identifiable information found in a student's education records will not be disclosed to third parties unaffiliated with the College unless:

- A. The student gives consent;
- B. The College must respond to a lawfully issued subpoena or court order; or
- C. The College is otherwise required by law to disclose.

### **XI. Suspending Procedures**

In cases of emergency or serious misconduct, the College reserves the right to suspend this process and may enact appropriate action for the welfare and safety of the College community.

### **XII. Student and Employee Education and Annual Training**

The Title IX Coordinator, investigators, decision-makers, and those involved in any informal resolution process shall receive annual trainings on topics including:

- A. The definition of sexual harassment for Title IX purposes;
- B. The scope of the College's education programs and activities under Title IX;
- C. How to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes;
- D. How to serve impartially, including avoiding prejudgment of facts at issue, conflicts of interest, and bias;
- E. Technology to be used at live hearings;
- F. Issues of relevance of questions and evidence, including rape-shield limitations; and
- G. Issues of relevance to create an investigative report that fairly summarizes relevant evidence.

All training materials are posted on the College's website.

All new students and all employees shall be required to participate in a primary prevention and awareness program that promotes awareness of sexual harassment. This program will be held annually at the beginning of each fall semester.

At this annual training, students and employees must receive training in the following areas:

- A. Information about safe and positive options for bystander intervention skills;
- B. What "consent" means with reference to sexual activities;
- C. Risk reduction programs so students recognize and can avoid abusive behaviors or potential attacks;

- D. How and to whom to report an incident regarding discrimination, harassment and sex-based violence;
- E. The importance of preserving physical evidence in a sex-based violent crime; and
  
- F. Options about the involvement of law enforcement and campus authorities, including the alleged victim's option to: i) notify law enforcement; ii) be assisted by campus authorities in notifying law enforcement; iii) decline to notify law enforcement; and iv) obtain "no-contact" or restraining orders.

Each year, all students and employees will receive an electronic copy of these Procedures sent to their College email address of record. These Procedures will be maintained online in the College's website and a hard copy will be kept on file (in English and Spanish) in the Title IX Coordinator's office. Other translations will be made available upon request.

### **XIII. Recordingkeeping**

The College maintains all records of Title IX proceedings and all materials used to train Title IX personnel for seven years.

Adopted: June 22, 2020

Legal Reference: Title IX of the Education Amendments Act of 1972, as amended, 20 U.S.C. 1681 et seq. and its implementing regulations; Office for Civil Rights, Q&A on Campus Sexual Misconduct (September 2017); Office for Civil Rights, Dear Colleague Letter on Sexual Harassment (Jan. 25, 2006); Office for Civil Right Office for Civil Rights, Revised Sexual Harassment Guidance (66 Fed. Reg. 5512, Jan. 19, 2001)