



# 2023 Annual Security and Fire Safety Report

**Western Carolina University**

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## INTRODUCTION

### **A Message from Chief of Police, Steve Lillard**

Welcome to Western Carolina University. As members of the university community, each of us assumes the obligation of compliance with all applicable laws, university policies and regulations. The university is committed to providing for the safety, security and well-being of our students, faculty, staff and visitors.

I am pleased to share that the 2023 Annual Security and Fire Safety Report is now available for review and I appreciate your interest in this vital document that is generated each year as part of our ongoing communication between the police department and the community. WCU PD officers work closely with members of the campus community to educate them in prevention methods, awareness, and safety. WCU PD also collaborates with an external network of partners to ensure that we are meeting the needs of our larger footprint and understand the needs of the other agencies in the area. WCU strives to tailor its response priorities for our unique campus environment and is constantly assessing effectiveness and reviewing national best practices to better respond to our campus policing needs. The report is designed to keep all members of the WCU community informed about safety and security resources on their campus. It includes policies pertaining to the university community and information about educational programs on such topics as safety, substance abuse, and sexual harassment and assault. In addition, timely warning and emergency notification data is also included to further help our community understand our commitment to keeping our community informed of events that take place. Finally, the report contains crime and university policy violation statistics, fire safety and reporting statistics, and information about the university's drug and alcohol policies and prevention programs.

I encourage you to review these publications at your earliest convenience.

Thank you once again for taking the time to review this report. Your dedication and concern for our community is appreciated and I look forward to working with each of you as we continue to care for our community. Please feel free to contact the Western Carolina University Police Department at 828.227.7301 with any questions.

Chief Steve Lillard

*Steve Lillard*



### **Preparing the Annual Security Report**

This report is prepared by the University's Clery Compliance Coordinator in collaboration with other campus partners. Western Carolina University distributes a formal email notice of the availability of this Annual Security and Fire Safety Report by October 1 of each year to all students and employees. Anyone, including prospective students and employees, may obtain a paper copy of this report by visiting the University Police Department or contacting WCU Police at 828.227.7301. The report can also be found by visiting the WCU Police website at <https://www.wcu.edu/discover/campus-services-and-operations/university-police/>.

The Lieutenant responsible for Clery Compliance is located at 122 H. F. Robinson Bldg., 1 University Way, Cullowhee, NC 28723. To learn more about the Clery Act, refer to the Federal Statute codified at [20 U.S.C. § 1092\(f\)](#), and implementing regulations in the Electronic Code of Federal Regulations at [34 CFR 668.46](#).

## Policy Statement on Non-Discrimination

Western Carolina University is committed to providing an inclusive and welcoming environment and does not discriminate, or treat people differently on the basis of race; color; religion; sex; sexual orientation; gender identity or expression; national origin; age; disability; genetic information; political affiliation; and National Guard or veteran status. This includes a prohibition on sexual violence and sexual exploitation, which by definition involve conduct of a sexual nature and are prohibited forms of sexual harassment. The University also prohibits stalking and interpersonal violence, which need not be based on an individual's protected status. Western Carolina University provides aids and services to people with disabilities as required by law and policy.

If you believe that Western Carolina University has discriminated against you or a third party on the basis of race; color; religion; sex; sexual orientation; gender identity or expression; national origin; age; disability; genetic information; political affiliation or veteran status, or has failed to provide aids or services to persons with disabilities as required by law and policy, you may file a grievance pursuant to:

[University Policy 10 – Policy Statement on Non-Discrimination and Equal Opportunity](#)

[University Policy 53 – Sexual Harassment, Sexual Misconduct, and Other Unlawful Discrimination.](#)



## **ANNUAL DISCLOSURE OF CRIME STATISTICS**

The Clery Act requires colleges and universities across the United States to disclose information about crime on and around their campuses. The following tables show crime, arrest, and disciplinary referral statistics for crimes reported in the calendar years 2020 – 2022. The statistics reported here generally reflect the number of criminal incidents reported to the various authorities. The statistics reported for weapon offenses, drug law violations, and liquor law violations represent the number of people arrested or referred to campus judicial authorities for respective violations, not the number of offenses documented.

### **Clery Act Geography**

Western Carolina University must disclose statistics for reported Clery crimes that occur: (1) on campus, (2) on public property within or immediately adjacent to the campus, and (3) in or on non-campus buildings or property that your institution owns or controls. Crime statistics for residence halls are included in the “on-campus” statistics. Because of this, statistics for housing are reported twice, once separately in housing and once in campus together with other crimes occurring on the campus as a whole. The definitions for these geographic categories are Clery Act-specific and are the same for every institution regardless of its physical size or configuration.

*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 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).

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

*Non-campus Buildings or Property:* 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.

### **Clery Act Crimes**

These definitions are taken from the FBI Uniform Crime Reporting (UCR) handbook and are required to be used for the classification of Clery Crimes and Incidents.

*Murder:* The willful (non-negligent) killing of a human being by another.

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

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

- Rape: Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- Fondling: The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent.

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

*Aggravated Assault:* An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.

*Burglary:* The unlawful entry of a structure to commit a felony or theft.

*Motor Vehicle Theft:* The theft or attempted theft of a motor vehicle.

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

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

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

*Dating Violence:* Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of:

- The length of the relationship.
- The type of relationship.

- The frequency of interaction between the persons involved in the relationship.

*Stalking:* Engaging in a course of conduct directed at a specific person that would cause a reasonable person to Fear for the person’s safety or the safety of others or suffer substantial emotional distress.

- “Course of conduct” means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person’s property.
- “Reasonable person” means a reasonable person under similar circumstances and with similar identities to the victim
- “Substantial emotional distress” means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling

*Illegal Weapon Violations:* The unlawful possession or control of any firearm, deadly weapon, illegal knife or explosive device while on the property of Western Carolina University except as required in the lawful course of business (i.e. sworn law enforcement personnel). \*Drawn from State Statutes and County/Local Ordinances.

*Drug Violations:* The unlawful possession, distribution, sale, purchase, use, transportation, importation, cultivation and/or manufacturing of any controlled drug or narcotic substance and the equipment or devices utilized in their preparation and/or use. \*Drawn from State Statutes and County/Local Ordinances.

*Liquor Law Violations:* The unlawful possession, sale, transportation, manufacturing, furnishing alcohol to a minor (under 21 years), or maintaining an unlawful drinking place. The Clery Act does not require reporting “public drunkenness” or DUI/DWI offenses. \*Drawn from State Statutes and County/Local Ordinances.

*Hate Crime:* A criminal act involving one or more of the aforementioned crimes, as well as the crimes of:

- Larceny/Theft: The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another
- Simple Assault: An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness
- Destruction of Property/Vandalism: To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it
- Intimidation: To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack which is shown or suspected to have been motivated by bias against any person or group of persons, or the property of any person or group of persons based upon the perception that the person or group has one or more of the following characteristics:
  - Ethnicity/National Origin: A performed negative opinion or attitude toward a group of persons of the same race or national origin who share common or similar traits, languages, customs and traditions (e.g. Arabs, Hispanics)



- Race: A performed negative opinion or attitude toward a group of persons who possess common physical characteristics (e.g. color of skin, eyes and/or hair, facial features, etc.) genetically transmitted by descent and heredity, which distinguish them as a distinct division of humankind (e.g. Asians, Blacks, whites)
- Religion: A performed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being (e.g. Catholics, Jews, Protestants, atheists)
- Disability: A performed negative opinion or attitude toward a group of persons based on their physical or mental impairments/challenges, whether such disability is temporary or permanent, congenital, or acquired by heredity, accident, injury, advanced age, or illness
- Gender: A performed negative opinion or attitude toward a group of persons because those persons are male or female
- Sexual Orientation: A performed negative opinion or attitude toward a group of persons based on their sexual attraction toward, and responsiveness to, members of their own sex or members of the opposite sex (e.g. gays, lesbians, heterosexuals)
- Gender Identity: A performed negative opinion or attitude toward a group of persons based on their actual or perceived gender identity (e.g., bias against transgender or gender non-conforming individuals)



## WCU Main Campus Clery Crime Statistics

Clery Crime	Year	On Campus	Residence Halls	Non-Campus	Public Property	Unfounded Crimes
Murder / Non-Negligent Manslaughter	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Negligent Manslaughter	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Rape	2022	22	18	0	0	1
	2021	12	10	0	0	0
	2020	5	4	0	0	2
Fondling	2022	15	10	1	0	1
	2021	6	5	0	0	0
	2020	7	7	0	1	0
Incest	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Statutory Rape	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Robbery	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Aggravated Assault	2022	7	4	0	0	0
	2021	7	1	0	0	0
	2020	2	0	0	0	0
Burglary	2022	2	2	0	0	0
	2021	6	4	0	0	0
	2020	4	3	2	0	1
Motor Vehicle Theft	2022	2	0	0	0	0
	2021	0	0	0	0	0
	2020	4	0	0	0	0
Arson	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0

Clery Crime	Year	On Campus	Residence Halls	Non-Campus	Public Property	Unfounded Crimes
Domestic Violence	2022	4	3	0	0	0
	2021	0	0	0	0	0
	2020	1	0	0	0	0
Dating Violence	2022	7	7	0	0	0
	2021	9	4	0	0	0
	2020	3	1	0	0	0
Stalking	2022	6	3	0	0	0
	2021	3	1	0	0	0
	2020	4	1	0	0	0
Weapons Law Arrests	2022	5	4	0	0	0
	2021	1	0	0	1	0
	2020	1	0	0	0	0
Drug-Related Arrests	2022	8	6	0	14	0
	2021	22	14	0	5	0
	2020	20	15	0	3	0
Liquor Law Arrests	2022	3	2	0	9	0
	2021	6	0	0	1	0
	2020	7	6	0	1	0
Weapons Law Disciplinary Referrals	2022	5	5	0	0	0
	2021	3	2	0	0	0
	2020	4	2	0	0	0
Drug-Related Disciplinary Referrals	2022	61	47	0	6	0
	2021	62	51	0	5	0
	2020	48	25	0	1	0
Liquor Law Disciplinary Referrals	2022	122	109	0	3	0
	2021	70	57	0	9	0
	2020	68	64	0	5	0
Hate Crimes	2022	No Hate Crimes				
	2021	No Hate Crimes				
	2020	Two On campus Aggravated Assaults based on race				
Unfounded Crimes	2022	2				
	2021	0				
	2020	3				

*All Crimes in Residence Hall are also counted in the On-Campus Category.*

## WESTERN CAROLINA UNIVERSITY POLICE DEPARTMENT

### **About The Police Department**

The Western Carolina University Police Department is a professional, service providing, organization comprised of an outstanding group of police officers and telecommunicators. Our staff receive the same initial level of training as other public safety agencies. Our Police Officers are required to complete over 700 hours of basic law enforcement training which is typically provided by our local community college partners. Officers must pass a state administered examination and complete all physical fitness testing requirements prior to being certified as a commissioned officer. Additionally, our staff members must complete mandatory in-service training each year as directed by the Criminal Justice Training and Standards Commission. Our staff also completes training on specific topics related to a campus environment in addition to the courses that are mandated by the state.

Our communication center staff also receive initial training and on-going continuing education in order to remain proficient in areas such as Emergency Medical Dispatch, Division of Criminal Information access, and campus geographical locations. In addition, our telecommunicators must also understand the unique services that are required in a college environment as well as being a central hub for our external partners seeking information about the university's various departments.

The Western Carolina University Police Department is a full-service agency that is available 24 hours a day, throughout the year. The Department works towards building partnerships with the university community to provide a safe environment to achieve our academic mission. The Police Department may be contacted at 828.227.7301 (non-emergency) or 828.227.8911 (emergency) for information or requests for services.

Western Carolina University Police officers are authorized to carry firearms, enforce laws, and make arrests on university property and adjacent roadways. Western Carolina University Police officers are certified under the North Carolina General Statute 116-40.5 and have the same authority as municipal and county law enforcement officers in North Carolina. The Western Carolina University Police Department maintains a cooperative relationship with the surrounding police agencies. North Carolina General Statutes 90-95.2 and 160A-288, permit the head of any law enforcement agency to enter an agreement with the head of another law enforcement agency to temporarily provide assistance in enforcing the laws of North Carolina if so requested in writing by the requesting agency. These agreements ensure that external assistance is available during emergency situations.

Currently, the WCU Police Department has entered into written mutual aid agreements with the following law enforcement agencies:

- Jackson County Sheriff's Office
- Sylva Police Department
- Macon County Sheriff's Department
- The 17 Universities that comprise the North Carolina University System

Additionally, the North Carolina Highway Patrol, Alcohol Law Enforcement Division, and the North Carolina State Bureau of Investigation have jurisdiction on our campus and work closely with Western Carolina University Police. WCU also has an agreement with the Cullowhee Volunteer Fire Department for the provision of fire services and Harris Regional Hospital provides emergency medical services for the county.

Western Carolina University operates its own student-managed Emergency Medical Service Program. The Emergency Medical Technicians are supplemented by Harris Regional Hospital Emergency Medical Services staff.



## **REPORTING CRIME AND OTHER EMERGENCIES**

Community members are strongly encouraged to report criminal and suspicious activity to the Western Carolina University Police Department. Western Carolina University has several ways for campus community members and visitors to report crimes, serious incidents, and other emergencies to appropriate University officials. It is critical for the safety of the entire campus community that members of the community immediately report all incidents to the University Police Department to ensure an effective investigation and appropriate follow-up actions, including issuing Timely Warning or Emergency Notifications.

In the event of a reported crime or emergency, there will be a public safety response to your location and the Western Carolina University Police will take appropriate action. All reported crimes will be investigated by the Western Carolina University Police on the property of Western Carolina University and at its discretion may conduct further investigation into the initial report. To report a crime or an emergency on the Western Carolina University campus, call Western Carolina University Police Department at 828.227.8911. To report a non-emergency or public safety related matter, call Western Carolina University Police Department at 828.227.7301. All criminal incidents that take place on the campus of Western Carolina University are investigated by the Western Carolina University Police Department.

### **Crime Reporting**

#### *In Person:*

The WCU Police Department operates continually throughout the year. Anyone needing assistance can visit the police department located at 114 East University Wy., Cullowhee NC.

#### *Phone:*

*Emergency 828.227.8911:* If you suspect that the suspicious behavior that you detected is a crime-in-progress, please call the police emergency number.

*Non-Emergency 828.227.7301:* If the incident does not appear to be a crime-in-progress, you may call the police non-emergency number and report the information. Please be prepared to give as much information as possible about the person, vehicle, or situation.

#### *LiveSafe Mobile App:*

LiveSafe provides a mobile safety app capable of reporting crimes to the WCU Emergency Community Center. Features within the app allow for crime reporting, peer-to-peer SafeWalk, an interactive map, and more. Mobile users can download the LiveSafe app in the provider's app store.

#### *Emergency Call Boxes:*

Emergency call boxes provide direct voice communication to the WCU Emergency Communication Center. Emergency call boxes are located across campus in various locations including academic and residential buildings, elevators, and numerous outdoor locations.

## Voluntary and Confidential Reporting

If you are the victim of a crime and do not want to pursue action within the University System or the criminal justice system, you may still want to consider making a confidential report. The purpose of a confidential report is to comply with your wish to keep the matter confidential, while taking steps to ensure the future safety of yourself and others. With such information, Western Carolina University can keep an accurate record of the number of incidents involving students, determine where there is a pattern of crime about a particular location, method, or assailant, and alert the campus community to a potential danger. Reports filed in this manner are counted and disclosed in Western Carolina University's Annual Security and Fire Safety Report.

University Police encourages anyone who is the victim or witness to any crime to promptly report the incident to the police. It is important to note that the TIPS Line and Silent Witness reporting systems are not always monitored and should not be utilized for crimes in progress. Police reports are public records under state law, and the University Police cannot hold reports of crime in confidence. Victims or witnesses may make confidential reports on a voluntary basis for the purpose of inclusion in the Annual Security and Fire Safety Report by one of the following methods:

### *Counseling & Psychological Services: 828.227.7469*

Trained professionals at Counseling & Psychological Services can provide counseling, information, and support in a confidential setting. These confidential resources will not share personal identifying information without the individual's express permission, unless there is a continuing threat of serious harm to the patient/client or to others, or there is a legal obligation to reveal such information. These professionals are also available to help an individual make a report to the University.

### *TIPS Line: 828.227.8477 (TIPS)*

The TIPS line is an unmonitored telephone line that allows the caller to leave a recorded message. Since the TIPS line is unmonitored, it should not be used to report crimes-in-progress. When leaving a message, the caller should be prepared to give as much information as possible about the person, vehicle, or situation. The caller does not have to leave their name.

### *Silent Witness Website*

The Silent Witness Website allows a user to send an e-mail message to the Police Department. The message does not capture the sender's e-mail address; therefore, the message is submitted anonymously. When sending a message, the reporting party should be prepared to give as much information as possible about the person, vehicle, or situation. It is optional if the sender wishes to provide their name and contact information. The Silent Witness Website can be found at <https://www.wcu.edu/discover/campus-services-and-operations/university-police/how-to-report-a-crime/silent-witness-submit-an-anonymous-report.aspx>

## Reporting to Campus Security Authorities

While Western Carolina University prefers that community members promptly report all crimes and other emergencies directly to the University Police Department at 828.227.8911, we also recognize that there will be reports to other individuals or University offices.

The Clery Act recognizes certain University officials and as “Campus Security Authorities (CSA).” The Act defines these individuals as “official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline and campus judicial proceedings. An official is defined as any person who has the authority and the duty to take action or respond to particular issues on behalf of the institution.” Western Carolina University CSAs must immediately verbally report via telephone at 828.227.8911 information about potential crimes, including Clery Crimes, to the University Police Department for investigation, if possible, and potential inclusion in the Annual Security and Fire Safety Report. CSAs who are unsure whether an incident is a Clery crime should report it. All documentation of a crime report shall be preserved pursuant to federal, state and local law as well as University policy.

Western Carolina University Campus Security Authorities receive annual training and can assist victims in notifying law enforcement and accessing resources. CSAs will notify Western Carolina University Police Department of any Clery crime committed in Western Carolina University Clery geography. CSAs include but are not limited to: Resident Advisors, Deans and Department Heads, and Athletics personnel.

Western Carolina University does not employ or otherwise utilize the services of anyone described as a Pastoral Counselor. All Professional Counselors employed by Western Carolina University are exempt from the compliance requirements of the Clery Act except for the Director of Counseling Services. The Associate Vice Chancellor of Student Affairs-Health & Wellness is responsible for reporting Clery crimes to the Chief of Police for inclusion in the annual disclosure of crime statistics, including any crimes with non-identifying personal information received from the Director of Counseling Services.

## Monitoring of Non-Campus Student Organizations

Western Carolina University has officially recognized student organizations that have non-campus facilities/residences. These facilities fall within the jurisdiction of the Jackson County Sheriff's Department, and they respond to those locations when police services are required. WCU cooperates with Jackson County Sheriff's Office who investigate criminal activity on these premises; however, WCU does not request any local law enforcement agencies to monitor or record activities at these locations.





## **EMERGENCY NOTIFICATION SYSTEMS AND CRIME ALERTS**

### **Emergency Notifications**

Pursuant to the Clery Act, Western Carolina University is required to immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation occurring on the campus that involves an immediate threat to the health or safety of students or employees. Examples of significant emergencies or dangerous situations include an approaching tornado, hurricane or other extreme weather; gas leaks, explosions, chemical spills; and armed intruder, terrorist attacks, rioting, or bomb threats.

Western Carolina University will, without delay, and considering the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency. To fulfill this policy, Western Carolina University will:

- Confirm the existence of a credible emergency event or dangerous situation
- Determine appropriate segments of campus or specific campuses to notify
- Determine message content and appropriate notification methods to employ
- Initiate notification systems

### **Emergency Notification Systems**

During an emergency, Western Carolina University Public Safety may use multiple methods of communication and notification systems to keep the campus community informed. The following systems make up the WCU Alert System:

*RAVE:* RAVE allows students, faculty, staff, and campus community members to receive voice, text, and email messages in case of emergency. Individuals may register for Rave at <https://www.getrave.com/login/wcu>.

*LiveSafe Mobile Safety App:* This mobile safety app is available for all students, staff, and faculty to report crime tips and receive emergency information during crisis situations. This safety app contains features to include peer-to-peer SafeWalk, the WCU interactive map, NextBus information (CatTran), and numerous other functions. Mobile phone users can download the LiveSafe app in the provider's app store.

*Outdoor Siren System:* The outdoor siren system alert means there is an emergency on campus, a potentially dangerous condition or an impending threat (i.e., severe weather, hazardous materials spill, or an active assailant). When the siren sounds, everyone on the WCU campus should take shelter indoors immediately. Close all windows and doors, if possible, and remain sheltered until an "all clear" is given. Check the University Emergency Information Web Page for updates. <https://www.wcu.edu/discover/campus-services-and-operations/emergency-services/>

*Alertus Computer Pop-up Emergency Notification:* The Alertus computer desktop emergency notification system allows WCU Public Safety to send emergency notifications and updates directly to staff, faculty, and classroom computers during an emergency.

*Campus Email:* This system will send an email to the entire campus community including student, faculty and staff members through their WCU mailbox.

*Emergency Information Webpage:* In the event of an emergency, this page will provide the most current information on the nature of the emergency and the university's response to the situation. <https://www.wcu.edu/discover/campus-services-and-operations/emergency-services/campus-emergencies.aspx>

## Confirming a Significant Emergency or Dangerous Situation

Normally, the University's first responders, the University Police, are the ones who confirm the existence of a credible emergency event or threat with a call being received through the 24-hour University warning point. However, in the event that a University Police Officer is not yet at the scene of the emergency event or threat, or on an instructional site where University Police presence is minimal or non-existent, confirmation may occur from other local emergency responders (i.e., City/County Law Enforcement or Fire Rescue) or a person or group who can confirm the need for notification. They will notify Police or Emergency Services, who may initiate WCU Emergency Notification Systems.

WCU Emergency Notification Systems have the ability to send alerts to all users or to specific locations. The Emergency Notification Systems can send messages to only WCU main campus in Cullowhee, only the Biltmore Instructional Site, or to all users. Users are able to verify which alerts they would like to receive annually.

Emergency notifications will be sent without delay once a credible emergency event or threat has been confirmed, unless sending such a message will, in the professional judgment of the responsible University authorities, create a more serious emergency and/or compromise the University's efforts to contain the emergency.

The WCU Emergency Guide website provides valuable information in the event of a crisis or an emergency on campus. Information on any active situations will be updated on the Campus Emergency page. More information on the emergency guide can be found at <https://www.wcu.edu/discover/campus-services-and-operations/emergency-services/emergency-guide.aspx>

## Content of the Emergency Notification

When an emergency event or threat occurs, the following phases of emergency communication are key - Emergency Notification and Alerting, Emergency Follow Up/Status Update and Recovery Information/All Clear:

An initial notification to the university is made when the Chief of Police or the Director of Emergency Services has *confirmed* that an emergency actually poses, or may reasonably be expected to pose, an *immediate* threat to life safety or security of the campus population. If, in the professional judgment of the individual(s) authorizing emergency notifications, issuing an emergency notification will create a more serious emergency and/or compromise the University's efforts to contain the emergency, a notification should not be made.

Follow up/status update notifications to the University are sent after an initial notification message has been previously disseminated. These notifications are released when there is new information or instructions for the University population, such as changes in protective actions. Messages are also sent at appropriate intervals to reiterate the current state of the emergency, especially if significant time has passed since the last update. The Chief of University Police and the Director of Emergency Services, or their designees, have the authority to launch emergency follow up/status update notifications as warranted.

An “All Clear” notification is disseminated and indicates that the emergency has been contained or effectively managed. All Clear notifications are authorized by the incident commander or the Chief of University Police, the Director of Emergency Services, or their designees. “Recovery Information” is disseminated after an “All Clear” message has been given and contains further instructions or actions in preparation for a return to normal operations.

## Testing Emergency Notification Procedures

Training and exercises are essential to demonstrating and improving the ability of WCU to execute its alerting protocols. Periodic exercises also help ensure that equipment and procedures are maintained in a constant state of readiness. Testing WCU Emergency Notification System components may help identify issues and determine functionality before an emergency occurs.

Full testing of the WCU Emergency Notification Systems components occurs at least once a year. In 2022, an Emergency Notification System Test was conducted on September 9<sup>th</sup>. These tests are announced to the University community, key external partners, and local emergency management officials. Additional testing occurs as deemed necessary to evaluate alert system components. If possible, these tests are announced.

## Timely Warnings

Western Carolina University Police are responsible for providing timely notice to the campus community in the event of a Clery Act crime that may pose a serious or ongoing threat. The determination whether a serious or ongoing threat exists, and therefore whether a timely warning should be sent to the campus community, shall be made pursuant to the Clery Act.

A timely warning will be decided on a case-by-case basis. Main factors considered include the nature of the crime, the continuing danger to the campus community, and the possible risk of compromising law enforcement efforts or identity of the victim. If a determination is made that a timely warning is required, the Chief of Police or designee will issue the notification to students, faculty, and staff via an email message.

The University may choose not to issue a timely warning when one or more of the following factors are present:

- A report is filed more than seven (7) calendar days after the date of the alleged incident;
- A report is filed anonymously or is unverifiable;
- The victim’s identity could be discovered;
- Pertinent information has not been acquired;
- The suspect has been apprehended;

- The report is not made in good faith;
- There is a possible risk of compromising law enforcement efforts; or
- The report does not pose an ongoing threat to the campus.

Anyone with information of a crime or incident warranting a timely warning should report the circumstances to the WCU Police by phone at 828.227.8911.

## Safety Advisories

Western Carolina University Police may, in some circumstances, issue safety advisories when a situation is not an emergency or does not pose an immediate threat to the campus community. This informational message is intended to make the campus community aware by providing information about a significant situation such as a crime or series of crimes that has been committed off campus, the potential for inclement weather, flooding, or a major utility disruption. The Chief of Police or designee will issue safety advisories by email.



## **SECURITY AND ACCESS TO UNIVERSITY FACILITIES**

Monday through Friday academic buildings are to be vacated and locked by Physical Plant custodians when custodial services are completed, generally between 11 p.m. and midnight; they are to remain locked until Physical Plant housekeeping personnel open the buildings at approximately 7 a.m. the following morning. On Saturday, housekeeping personnel will unlock the academic buildings by 8 a.m.; they will be re-locked at approximately 5 p.m. on Saturday and remain locked until Monday morning. Exceptions for building hours can be made but must be approved by the Vice Chancellor of Academic Affairs and Vice Chancellor of Administration and Finance. The exceptions for Western Carolina University are the Belk Building, Fine and Performing Arts Center, and the Coulter Building, special arrangements have been made for monitoring by staff members, faculty members, or graduate students. Opening and closing times also vary on some multi-use buildings such as Hunter Library, the Student Media Center, Hinds University Center, Campus Recreation Center and Reid and Breese gymnasiums. Faculty members and administrative officers generally will have exterior door keys for the building in which they work. Building coordinators will commonly have master keys for an entire building. Department heads may be authorized to possess submaster keys. (Policy #13 specifies persons who are authorized to have master and submaster keys.) Keys, especially master keys, should be kept on the authorized holder's person or in a secured location. Department heads and building coordinators should maintain current records of persons to whom keys are issued and should act to recover keys when faculty and staff members leave University employment or no longer have valid need for the keys issued to them. University Police Officers periodically check exterior doors to campus buildings, and periodically patrol inside buildings. Students, faculty, and staff members should not remain in academic or administrative buildings during "closed" hours.

University policy 48 covers building hours. To read policy 48 please visit: <https://www.wcu.edu/discover/leadership/office-of-the-chancellor/legal-counsel-office/university-policies/numerical-index/university-policy-48.aspx>

### **Special Considerations for Residence Halls**

All residence halls are locked and operate under a computerized Access Control System. Identification or cat cards are coded so that only students who are residents in a particular hall are authorized electronic access entry to that hall; the system denies entry to all unauthorized persons. Only residents and their invited guests are permitted in the living areas of the residence halls. It is the resident's responsibility to ensure that his/her guest are aware of the University and residence hall policies. Guests are not provided with room keys or door access cards.

Please remember that security is breached if doors to residence halls are propped open. Additionally, opening the door to the residence hall for another person defeats the purpose of a computerized access control system. Students are encouraged to assist in keeping buildings safe by not propping doors or allowing strangers to enter a building with them.

### **Special Considerations for the Maintenance of Campus Facilities**

Western Carolina University is committed to campus safety and security. Locks, landscaping and outdoor lighting are designed for safety and security. Sidewalks are designed to provide well-traveled, lighted routes from parking areas to buildings and from building to building.

Facilities Management is responsible for providing and maintaining the campus's exterior lighting and observes standard foot-candle specifications which is the unit used to measure the amount of light hitting a surface from 30 degrees above the horizontal plane of the surface. It is equal to the amount of light one foot away from the surface being lit by a candle.

Facilities Management personnel identify and trim trees and shrubbery that interfere with lighting. In planting and maintaining shrubbery around the buildings and near thoroughfares, our grounds crews try to preserve lines-of-sight for pedestrians and vehicular traffic.

We encourage community members to promptly report any security concern, including concerns about lighting, landscaping, hazardous conditions to the University Police Department at 828.227.7301 or Facilities Management at 828.227.7442.

You may also place a work request at <https://www.wcu.edu/discover/campus-services-and-operations/facilities-management/>



## **MISSING STUDENT NOTIFICATION POLICY**

Effective August 14, 2008, the Higher Education Opportunity Act of 2008 requires any institution participating in a Title IV federal student financial aid program that maintains on campus housing facilities to establish a missing student notification policy and related procedures (20 USC 1092 (j) Section 488 of the Higher Education Opportunity Act of 2008). When it is determined that a student is missing from WCU, staff will be guided by the Missing Student Notification Policy and related procedures.

### **Policy**

Western Carolina University regards the safety and security of the members of our Campus Community as the highest priority. This policy contains the official notification procedures for WCU concerning missing students who reside in on-campus housing, in accordance with the requirements of the Higher Education Opportunity Act of 2008 (HEOA). The purpose of this policy is to promote the safety and welfare of members of the university community through compliance with HEOA requirements and should be adhered to by all WCU faculty, staff, and students.

The following information will be provided to students who reside in on-campus housing by publication on the University Police Department web page, the Division of Student Affairs/Residential Living web pages, as well as other appropriate WCU web pages and printed materials:

1. Confidential Contact Registration. In addition to registering emergency contacts, students residing in on-campus housing have the option to register a different individual to serve as the confidential contact who will be notified by WCU no later than 24 hours after the student is determined to be missing. Students may register the name of their confidential contact as provided in Section III of this policy.
2. Information to Students under the Age of 18. If a student who is under the age of 18 and not emancipated is determined to be missing in accordance with this policy, WCU is required to notify a custodial parent or legal guardian no later than 24 hours after the student is determined to be missing.
3. UPD Notification of Confidential Contact. Missing persons reports will be immediately referred to the WCU University Police Department (“UPD”) for investigation. If UPD has been notified and makes a determination that a student in residence has been missing for more than 24 hours and has not returned to campus, WCU will initiate the missing persons contact procedures in accordance with the student’s designation.

Students who wish to identify a confidential contact can do so by completing the online Missing Person Notification form. Students will be responsible for updating confidential contact information. This form can be accessed at: <https://banxp-wcu.uncecs.edu:9935/BannerExtensibility/customPage/page/missingPersonContact>

### **Procedures**

A student may be considered “missing” when his or her location is unknown and unexplainable for a period of time that is regarded by knowledgeable parties as highly unusual or suspicious in consideration of the student’s usual behavior patterns, plans or routines.

In the event that a member of the university community has reason to believe that a student who resides in on-campus housing is missing, he/she should immediately notify UPD. UPD will generate a missing person report and initiate an investigation. In addition, UPD will report the alleged missing person to Residential Living if such information has not already been conveyed. The Vice Chancellor for Student Affairs, the Student Concern Response Team Coordinator, and

the Vice Chancellor of Finance and Administration will be notified that a student has been reported missing and that an investigation is under way.

The UPD will have primary investigative responsibility for students residing on campus. In the event a missing person report involves a student who does not reside in on-campus housing, UPD will assist the primary law enforcement agency having jurisdiction. During the course of the investigation, UPD will determine if the student has been missing, as that term is defined in this policy, for more than 24 hours. UPD will conduct the investigation utilizing law enforcement best practices. In an attempt to obtain lead information, family members *may* also be interviewed by investigators to assist in locating the missing student.

In the event UPD determines through its investigation that the subject student has been missing for more than 24 hours, UPD must notify the student's confidential contact. If the missing student is under the age of 18 and is not an emancipated individual, UPD must immediately contact the student's parent or legal guardian. If a missing student, over the age of 18, has not identified a confidential contact, UPD will inform the appropriate law enforcement agencies that the student is missing and may notify others as appropriate, including the student's emergency contact listed in BANNER.

Notwithstanding the foregoing, UPD may inform appropriate law enforcement agencies at any time when circumstances warrant. Also, in certain circumstances, UPD may contact a student's family, friends, and/or the confidential contact prior to expiration of the 24-hour period.

WCU's Office of Public Relations is responsible for coordinating any media releases or campus wide notifications in coordination with the Chief of Police and the Vice Chancellor for Student Affairs. When a student has been located, law enforcement authorities will determine the circumstances surrounding the student's absence. Family members, reporting individuals, the confidential contact, and the campus community will be advised of the student's well-being. Absent any criminal matters the student's current location will only be released with their consent and at their request.





## **SECURITY AWARENESS AND CRIME PREVENTION PROGRAMS**

Crime prevention and safety awareness is a collaborative effort between the community members of Western Carolina University and the Public Safety. The Western Carolina University Police Department is dedicated to promoting the safety and security of its residents with teamwork, cooperation, and by providing programs designed to enhance personal safety. Crime Prevention programs can be requested at <https://www.wcu.edu/discover/campus-services-and-operations/university-police/programming.aspx>

*Rape Aggression Defense* – The Rape Aggression Defense (RAD) System is a program of realistic, self-defense tactics and techniques. It is a comprehensive course that begins with awareness, prevention, risk reduction and avoidance, while progressing on to the basics of hands-on defense training. This course is taught by Certified RAD Instructors for members of the Western Carolina University campus community. We offer several course options:

- One-hour program: This is designed as a brief overview of the program. This includes discussion on awareness and risk reduction as well as a self-defense component.
- Nine-hour & Twelve-hour full program: This is the RAD basic physical defense course. This course includes lecture, discussion, and self-defense techniques suitable for women of all ages and abilities. Upon completion of the course, R.A.D. provides a free lifetime return and practice policy, honored worldwide. The twelve-hour program provides the same course content as the nine-hour course and includes simulation. Simulation provides women with an opportunity to use their new techniques in a series of practical, controlled simulation exercises.

*Campus Safety and Run, Hide, Fight, Surviving an Active Shooter Event* - Presented by the University Police and Emergency Services Department. Campus Safety and Run, Hide, Fight provides resources, instruction, and guidance in the event that you are confronted with an active shooter or other life-threatening situations.

*Crime Prevention and Services* is a program offered by the University police for classrooms and residence halls that is designed to cover a broad range of topics including how to report a crime, timely warnings, statistics, risk reduction strategies, scams, code of conduct, alcohol and drug risk awareness, run-hide-fight, consent, as well as other topics.

*Report IT* is an online database that lets you securely store serial numbers, item descriptions, pictures, and scans of receipts so that your items may be more easily identified in the event of theft or loss.

*Drug Risk Awareness* identifies commonly abused drugs and the risk factors involved. Western Carolina University Police Officers will also provide discussion about the criminal process and legal ramifications for an individual both on and off campus. Confiscated drug paraphernalia will be available for attendees to view.

*Alcohol Risk Awareness* identifies the dangers of alcohol consumption and abuse. Officers will also provide discussion about the criminal process and legal ramifications for an individual both on and off campus. The use of beer goggles is available for this program.

*Dating/Domestic Violence and Stalking Programs* focuses on defining and understanding domestic violence, dating violence, and stalking. Officers will also discuss consent and available on-campus and off-campus resources.

*Sexual Assault Risk Awareness* program is aimed at defining and understanding consent and providing victim services information. Discussion also includes strategies for risk reduction, primary prevention, and bystander intervention.

## **POLICIES GOVERNING ALCOHOL AND OTHER DRUGS**

The use of illegal drugs and the illegal use or abuse of alcohol endangers the health and safety of members of the Western Carolina University community. Consistent with the requirements of the Code of the Board of Governors of the University of North Carolina and UNC Policy 1300.1, the University Board of Trustees adopts this Policy to address such threats to the integrity of the University community and to comply with the Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act of 1989

For Western Carolina University to achieve its mission, the members of its community need to understand the risks and dangers associated with alcohol abuse and drug use. The alcohol and other drug education efforts at Western Carolina University are designed to benefit the entire academic community through comprehensive programming.

Programming is developed and implemented to proactively and reactively educate students on a population level, high-risk group level, and individual level. Resources are also available to faculty and staff. These members of our community are given information and resources during their new employee orientation and supervisors are trained regarding the requirements of the University Policy 38: Illegal Drugs and Illegal Use or Abuse of Alcohol.

<https://www.wcu.edu/discover/leadership/office-of-the-chancellor/legal-counsel-office/university-policies/numerical-index/university-policy-38.aspx>

### **Alcohol and Drug Laws**

The possession, sale or the furnishing of alcohol on the Western Carolina University campus is governed by Western Carolina University alcohol policies and North Carolina state law. The enforcement of alcohol laws on-campus is the primary responsibility of the Western Carolina University Police Department. The consumption of alcohol on the Western Carolina University campus is permitted only under certain circumstances. Individuals, organizations, or groups violating alcohol policies or laws may be subject to sanctions by the university. It is unlawful to sell, furnish, or provide alcohol to a person under the age of twenty- one (21). It is also unlawful for any person under twenty-one (21) years of age to purchase, attempt to purchase, possess, or consume an alcoholic beverage. Such laws and policies are strictly enforced by the Western Carolina University Police Department. Violators are subject to university disciplinary action, criminal prosecution, fine, and imprisonment.

It is a violation of state law and university policy to illegally possess, use, distribute, manufacture, sell or be under the influence of other drugs. Students who violate this policy will be referred to the Department of Student Community Ethics and University Police.

### **Enforcement and Penalties**

The University shall take all actions necessary, consistent with state and federal law and applicable University policy, to eliminate illegal drugs and the illegal use or abuse of alcohol from the University community. The institutional policy on illegal drugs and illegal use of alcohol shall be publicized in catalogues and other materials prepared for all enrolled and prospective students and in materials distributed to faculty and staff.

Students, faculty, and staff are responsible for knowing about and complying with: (1) the provisions of this Policy; (2) North Carolina law that makes it a crime to possess, sell, deliver, or manufacture those drugs designated collectively as "controlled substances" in the Controlled Substances Act; and (3) North Carolina General Statutes §18B-102 regarding the

possession, distribution, and use of alcoholic beverages in North Carolina. Local laws and ordinances and University policies are preempted by state laws regarding regulation of alcoholic beverages.

Any member of the University community who violates applicable law(s) may be subject both to criminal prosecution and to disciplinary proceedings by the University. It is not "double jeopardy" for both law enforcement authorities and the University to proceed against and punish a person for the same specified conduct. The University shall initiate its own disciplinary proceeding against a student, faculty member, or staff member when the alleged conduct is deemed to affect the interests of the University.

Penalties shall be imposed by the University in accordance with procedural safeguards applicable to disciplinary actions against students, faculty, and staff: (1) as required by Code Section 502D(3) in connection with student discipline; (2) as required by Code Section 603 in connection with the imposition of faculty serious sanctions; (3) as required by UNC Policies 300.1.1 and 300.2.1 in connection with EHRA employee discipline; and (4) as required by University Policy #78 in connection with SHRA employee discipline.

The penalties to be imposed by the University will vary depending upon the nature and seriousness of the offense and may include a range of disciplinary actions up to and including expulsion from enrollment or termination of employment. The University may also refer matters to law enforcement for prosecution. For second or other subsequent offenses involving illegal drugs and the illegal use or abuse of alcohol, progressively more severe penalties shall be imposed. A faculty member or staff member found to have violated applicable law(s) or University policies concerning illegal drugs or the illegal use or abuse of alcohol may be required to participate in a drug education and counseling program, consent to regular drug testing, and accept such other conditions and restrictions, including a program of community service, as the Chancellor or the Chancellor's designee deems appropriate. Refusal or failure to abide by such conditions and restrictions may result in additional disciplinary action, up to and including expulsion from enrollment or termination from employment. Any student breach of this policy may be considered a violation of the WCU Code of Student Conduct and may result in a sanction consistent with the WCU Code of Student Conduct.

Interim Suspension Pending Final Disposition. When a student, faculty member, or staff member has been charged by the University with a violation of policies concerning illegal drugs or the illegal use or abuse of alcohol, he/she may be interim suspended from enrollment or employment (administrative/investigatory leave with pay) before initiation or completion of regular disciplinary proceedings if, assuming the truth of the charges, the Chancellor or Chancellor's designee concludes that the person's continued presence with the University community would constitute a clear and immediate danger to the health or welfare of other members of the University community; provided, that if such an interim suspension is imposed, appropriate notice and hearing of the charges against the suspended person shall be held in accordance with applicable University policies.

## **Enforcement of Federal and State Drug Laws**

The Controlled Substance Act, a statute establishing federal US drug policy, provides penalties for unlawful manufacturing, distribution, and dispensing of controlled substances. The penalties are basically determined by the schedule of the drug or other substance, and sometimes are specified by drug name. Controlled substances are grouped into five categories, and include but are not limited the following substances:

- Schedule I – Ecstasy, LSD, Heroin, Marijuana
- Schedule II – Cocaine, Methamphetamine, Hydrocodone, Oxycodone, Adderall, Vicodin, Ritalin
- Schedule III – Anabolic steroids, Ketamine, Testosterone
- Schedule IV – Ambien, Xanax, Valium
- Schedule V – Lyrica and Cough suppressants

Federal penalties and sanctions for the simple possession of a controlled substance are quite severe. The law sets forth sentences and fines that include the following:

1. First conviction: up to one-year imprisonment, a fine of at least \$1,000, or both. After one prior drug conviction: at least 15 days in prison, not to exceed two years, and a fine of at least \$2,500. After two or more prior drug convictions: at least 90 days in prison, not to exceed three years, and a fine of at least \$5,000. A special, harsher sentencing provision applies for possession of flunitrazepam (Rohypnol) (21 U.S.C. §844(a))
2. Forfeiture of personal and real property used to possess or to facilitate possession of a controlled substance if that offense is punishable by more than one-year imprisonment, as well as forfeiture of vehicles, boats, aircraft, or any other conveyance used to transport or conceal a controlled substance. (21 U.S.C. §§853(a) & 881(a))
3. Denial of federal benefits, such as student loans, grants, contracts, and professional and commercial licenses, up to five years for the first offense, up to 10 years for the second offense, and permanently upon the third offense. (21 U.S.C. §862)
4. Ineligibility to receive or purchase a firearm. (18 U.S.C. §922(g))

Moreover, revocation of certain federal licenses and benefits (e.g., pilot licenses, public housing tenancy) are vested within the authorities of individual federal agencies. These penalties may be doubled, however, when a person at least 18 years old: (1) distributes a controlled substance to a person under 21 years of age (a term of imprisonment for this offense shall not be less than one year), and/or (2) distributes, possesses with intent to distribute, or manufactures a controlled substance in or on, or within 1,000 feet of, the real property comprising a public or private elementary or secondary school, or a public or private college. (21 USC §§859 & 860)

Federal penalties and sanctions for trafficking controlled substances are considerably more severe than those outlined previously for simple possession. The Drug Enforcement Agency has outlined the federal drug trafficking penalties covered under the Controlled Substance Act, found at [https://www.dea.gov/sites/default/files/drug\\_of\\_abuse.pdf](https://www.dea.gov/sites/default/files/drug_of_abuse.pdf).

## Drug Free Workplace Compliance

As a condition of continuing employment, an employee must abide by the terms of this Policy and must notify his/her immediate supervisor of any criminal drug conviction occurring in the workplace no later than five (5) days after that conviction. The University will notify federal granting or contracting agencies within ten (10) days after receiving notice that an employee directly engaged in a grant or contract has been convicted of a drug offense in the workplace. The University will take appropriate personnel action, which may include the imposition of disciplinary sanctions and/or

requiring satisfactory participation in drug abuse or rehabilitation programs, against an employee convicted of a drug related violation in the workplace no later than thirty (30) days after receipt of notice of conviction.

## Education and Prevention

The Assistant Director for Health and Wellness Education is a full-time professional staff member in the Health and Wellness Unit of the Division of Student Affairs and provides leadership on Alcohol and Other Drugs programming. The Assistant Director chairs the Alcohol and Other Drugs Committee (AODC) which meets periodically and reviews campus wide AOD initiatives and reviews current policies, programs and services around alcohol and other drugs on campus and suggests changes as appropriate based on available WCU data.

Throughout the year education and prevention programs are completed by the Division of Student Affairs and the University Police Department. Highlights of some of the programs completed include:

*Drug Risk Awareness:* The Drug Risk Awareness Program identifies commonly abused drugs and the risk factors involved. Western Carolina University Police Officers will also provide discussion about the criminal process and legal ramifications for an individual both on and off campus.

*Alcohol Risk Awareness:* The Alcohol Risk Awareness Program reviews the dangers of alcohol consumption and abuse. Officers will also provide discussion about the criminal process and legal ramifications for an individual both on and off campus.

*Alcohol Awareness Week:* National Collegiate Alcohol Awareness Week (NCAAW) was held in the third full week of October. Generally, this week-long event hosts 4-5 events. Campus partners included members of AODC related to their specific area (ex. UPD, DSCE, etc.). 311 students were in attendance throughout the week.

*Safe Spring Break:* Safe Spring Break programming is was held in the week prior to Spring Break. Events for this year focused on how to defend yourself against potential predators, alcohol safety, sexual education, sun safety, and conduct related issues. 110 students were in attendance. Residential Living Programming: Programming in the residence halls was impacted by COVID-19 in the Spring semester. There was a total of 10 Residential Living programs related to alcohol and other drugs in the residence halls, not including the passive programs (RA bulletin boards).

*Alcohol EDU:* Every new freshman student was highly encouraged to complete AlcoholEDU prior to the start of classes, as an opportunity to make well informed decisions about alcohol. This interactive, online program is designed to inform students about how alcohol affects the body, mind, perceptions and behaviors. The research-based course offers accurate information in a non-judgmental tone, while providing personalized feedback that encourages students to consider their own drinking decisions and those of their peers.

*Brief Alcohol Screening and Intervention for College Students (BASICS):* is a preventative and evidence-based intervention for college students from 18 to 24 years old. It targets students who drink alcohol heavily and have experienced or are at risk for alcohol-related problems such as poor class attendance, missed assignments, accidents,

sexual assault, and violence. BASICS is designed to help students make better alcohol-use decisions based on a clear understanding of the genuine risks associated with problem drinking, enhanced motivation to change, and the development of skills to moderate drinking.

## Counseling and Rehabilitation

Western Carolina University Counseling and Psychological Services (CAPS) provides counseling services to students with substance use disorders. Students can contact CAPS at 828.227.7469 or <https://caps.wcu.edu> or more information. If it is after-hours or over a weekend, students may call 828.227.7469 and follow the telephone prompts for after-hours care. Students may also contact CAPS if they want information for off-campus providers or outside referrals for more intensive levels of substance use treatment. Substance use treatment is also available off campus through our local community mental health agencies at Meridian Behavioral Health Services (828.631.3973, <https://meridianbhs.org>) or Appalachian Community Services (24-hour crisis line at 888.315.2880 or <https://www.acswnc.com/>).

## Campus and Community Resources

Counseling and Psychological Services: 828-227-7469

The Department of Student Community Ethics: 828-227-7234

Human Resources: 828-227-7218

Health and Wellness Education: 828-227-3707

Health Services: 828-227-7640

Dean of Students: 828-227-7147

Office of Student Affairs: 828-227-7147

University Police Department: 828-227-7301

*Alcoholics Anonymous (AA)* is a fellowship of men and women who share their experience, strength, and hope with each other that they may solve common problems and help others to recover from alcoholism. More information can be found at <https://www.aa.org/> or by calling 828-293-5043.

*Narcotics Anonymous (NA)* is a nonprofit fellowship of men and women for whom drugs had become a major problem. One only needs to want to stop using to become a member. More information can be found at <https://na.org/> or by calling 888-764-0365.

*Celebrate Recovery (Webster Baptist Church)* is a Christ-centered, biblically based recovery ministry. Celebrate Recovery is not only for those struggling with alcohol and drug addiction, but for anyone who is struggling with any aspect of life. Weekly fellowship and support meetings are offered to help deal with real-life issues. More information can be found at <https://websterbaptist.net/> or by calling 828-508-4849

*Refuge Recovery Asheville* is a free, non-theistic, peer-led, Buddhist-inspired program that does not ask anyone to believe in anything. Practice includes meditation, kindness, compassion, honesty, and forgiveness, as well as abstinence from all recreational drugs, and alcohol. More information can be found at <https://wrefugerecovery.org/>

## **RESPONSE TO SEXUAL, INTERPERSONAL, AND RELATED MISCONDUCT**

The Clery Act, as amended by the Violence Against Women Act (VAWA), requires colleges and universities to address dating violence, domestic violence, sexual assault, and stalking through programs, awareness campaigns, policies, and procedures. Title IX of the Education Amendments of 1972 (“Title IX”) is a Federal civil rights law that prohibits discrimination on the basis of sex in education programs and activities. WCU is committed to providing a safe learning and working environment and strictly prohibits all acts of dating violence, domestic violence, sexual assault, stalking, and sexual harassment.

### **Education Programs**

The University offers educational programs for students, faculty and staff to promote the prevention and awareness of sexual violence and related misconduct. Programs the University has implemented include information about many of the specific topics outlined in OCR guidance and the VAWA amendments to the Clery Act:

- Statements that the University prohibits sex discrimination, sexual harassment, sexual violence, dating violence and stalking.
- The definition of domestic violence, dating violence, sexual assault and stalking in this jurisdiction.
- The definition of consent in reference to sexual activity.
- Positive, safe approaches to bystander intervention.
- Information on risk reduction to recognize warning signs of abusive behavior.
- Information on how to report incidents of stalking, sexual violence, or relationship violence and seek support.

The following trainings and programs are among those offered by the University:

*Rape Aggression Defense* - a program of realistic, self-defense tactics and techniques. It is a comprehensive course that begins with awareness, prevention, risk reduction and avoidance, while progressing on to the basics of hands-on self-defense training.

*Understanding Criminal Dating/Domestic Violence and Stalking* - focuses on defining and understanding domestic violence, dating violence, and stalking. Officers will also discuss consent and available on-campus and off-campus resources.

*Sexual Assault Awareness* - is aimed at defining and understanding consent and providing victim services information. Discussion also includes strategies for risk reduction, primary prevention, and bystander intervention.

*Title IX: What is it? Why does it Matter?*- provides background and detail about Title IX of the Education Amendments Act of 1972, which prohibits sex-based discrimination, including sexual harassment. The presentation explores the requirements of Title IX and accompanying regulations and WCU’s processes and procedures for addressing Title IX Sexual Harassment.

*Addressing Sexual Misconduct at WCU*- This training provides information on the various policies and methods the University uses to address sexual misconduct, including what actions are prohibited, intersection between criminal law and University policy, and obligations of employees and students.

*Cope* - is a self-guided series that teaches skills to handle painful thoughts and feelings effectively, so they impact and influence us less.

*Crisis Situation Skills* - training provides three things you can do to navigate crisis situations and avoid making a tough situation worse.

*Peacekeepers* – Educates individuals on how to act as a bridge between people who have experienced victimization and campus/community resources.

## Defining Dating Violence, Domestic Violence, Sexual Assault, and Stalking for Clery Reporting

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

- A. The existence of such a relationship shall be based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
- B. For the purposes of this definition—
  - ii. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
  - iii. Dating violence does not include acts covered under the definition of domestic violence.

**Domestic Violence:** A Felony or misdemeanor crime of violence committed—

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

**Sexual Assault:** An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting (UCR) program. Per the National Incident-Based Reporting System User Manual from the FBI UCR Program, A sex offense is "any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent."

- A. Rape: The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- B. Fondling: The touching of the private parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity.
- C. Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- D. Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent.



## Stalking:

- A. Engaging in a course of conduct directed at a specific person that would cause a reasonable person to—
  - i. Fear for the person’s safety or the safety of others; or
  - ii. Suffer substantial emotional distress.
- B. For the purposes of this definition—
  - i. Course of conduct means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person’s property.
  - ii. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
  - iii. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

## Defining Dating Violence, Domestic Violence, Sexual Assault, and Stalking in North Carolina

### § 50B-1. Domestic violence; definition

- a. Domestic violence means the commission of one or more of the following acts upon an aggrieved party or upon a minor child residing with or in the custody of the aggrieved party by a person with whom the aggrieved party has or has had a personal relationship, but does not include acts of self-defense:
  - 1. Attempting to cause bodily injury, or intentionally causing bodily injury; or
  - 2. Placing the aggrieved party or a member of the aggrieved party’s family or household in fear of imminent serious bodily injury or continued harassment, as defined in G.S. 14-277.3A, that rises to such a level as to inflict substantial emotional distress; or
  - 3. Committing any act defined in G.S. 14-27.21 through G.S. 14-27.33.
- b. For purposes of this section, the term “personal relationship” means a relationship wherein the parties involved:
  - 1. Are current or former spouses;
  - 2. Are persons of opposite sex who live together or have lived together;
  - 3. Are related as parents and children, including others acting in loco parentis to a minor child, or as grandparents and grandchildren. For purposes of this subdivision, an aggrieved party may not obtain an order of protection against a child or grandchild under the age of 16;
  - 4. Have a child in common;
  - 5. Are current or former household members;
  - 6. Are persons of the opposite sex who are in a dating relationship or have been in a dating relationship. For purposes of this subdivision, a dating relationship is one wherein the parties are romantically involved over time and on a continuous basis during the course of the relationship. A casual acquaintance or ordinary fraternization between persons in a business or social context is not a dating relationship.
- c. As used in this Chapter, the term “protective order” includes any order entered pursuant to this Chapter upon hearing by the court or consent of the parties. (1979, c. 561, s. 1; 1985, c. 113, s. 1; 1987, c. 828; 1987 (Reg. Sess., 1988), c. 893, ss. 1, 3; 1995 (Reg. Sess., 1996), c. 591, s. 1; 1997-471, s. 1; 2001-518, s. 3; 2003-107, s. 1; 2009-58, s. 5; 2015-181, s. 36.)

### § 14-27.21. First-degree forcible rape

- a. A person is guilty of first-degree forcible rape if the person engages in vaginal intercourse with another person by force and against the will of the other person and does any of the following:
  - 1. Employs or displays a dangerous or deadly weapon or an article which the other person reasonably believes to be a dangerous or deadly weapon.
  - 2. Inflicts serious personal injury upon the victim or another person.
  - 3. The person commits the offense aided and abetted by one or more other persons.
- b. Any person who commits an offense defined in this section is guilty of a Class B1 felony.
- c. Upon conviction, a person convicted under this section has no rights to custody of or rights of

inheritance from any child born as a result of the commission of the rape, nor shall the person have any rights related to the child under Chapter 48 or Subchapter 1 of Chapter 7B of the General Statutes. (1979, c. 682, s. 1; 1979, 2<sup>nd</sup> Sess., c. 1316, s. 4; 1981, c. 63; c. 106, ss. 1, 2; c.179, s. 14; 1983, c. 175, ss. 4, 10; c. 720, s. 4; 1994, Ex. Sess., c. 22, s. 2; 2004-128, s. 7; 2015-181, s.3(a), (b).)

#### § 14-27.22. Second-degree forcible rape

- a. A person is guilty of second-degree forcible rape if the person engages in vaginal intercourse with another person:
  1. By force and against the will of the other person; or
  2. Who is mentally disabled, mentally incapacitated, or physically helpless and the person performing the act knows or should reasonably know the other person is mentally disabled, mentally incapacitated, or physically helpless.
- b. Any person who commits the offense defined in this section is guilty of a Class C felony.
- c. Upon conviction, a person convicted under this section has no rights to custody of or rights of inheritance from any child conceived during the commission of the rape, nor shall the person have any rights related to the child under Chapter 48 or Subchapter 1 of Chapter 7B of the General Statutes. (1979, c. 682, s. 1; 1979, 2<sup>nd</sup> Sess., c. 1316, s. 5; 1981, cc. 63, 179; 1993, c. 539, s. 1130; 1994, Ex. Sess., c. 24, s. 14(c); 2002-159, s. 2(b); 2004-128, s. 8; 2015-181, s. 4(a), (b).)

#### § 14-27.26. First-degree forcible sexual offense

- a. A person is guilty of a first-degree forcible sexual offense if the person engages in a sexual act with another person by force and against the will of the other person and does any of the following:
  1. Employs or displays a dangerous or deadly weapon or an article which the other person reasonably believes to be a dangerous or deadly weapon.
  2. Inflicts serious personal injury upon the victim or another person.
  3. The person commits the offense aided and abetted by one or more other persons.
- b. Any person who commits an offense defined in this section is guilty of a Class B1 felony. (1979, c. 682, s. 1; 1979, 2<sup>nd</sup> Sess., c. 1316, s. 6; 1981, c. 63; c. 106, ss. 3, 4; c. 179, s. 14; 1983, c. 175, ss. 5, 10; c.720, s. 4; 1994, Ex. Sess., c. 22, s. 3; 2015-181, s. 8(a), (b).)

#### § 14-27.27. Second-degree forcible sexual offense

- a. A person is guilty of second degree forcible sexual offense if the person engages in a sexual act with another person:
  1. By force and against the will of the other person; or
  2. Who is mentally disabled, mentally incapacitated, or physically helpless and the person performing the act knows or should reasonably know that the other person is mentally disabled, mentally incapacitated, or physically helpless.
- b. Any person who commits the offense defined in this section is guilty of a Class C felony. (1979, c. 682, s. 1; 1979, 2<sup>nd</sup> Sess., c. 1316, s. 7; 1981, c. 63; c. 179, s. 14; 1993, c. 539, s. 1131; 1994, Ex. Sess., c. 24, s. 14(c); 2002-159, s. 2(c); 2015-181, s. 9(a), (b).)

#### § 14-277.3A. Stalking

- a. A defendant is guilty of stalking if the defendant willfully on more than one occasion harasses another person without legal purpose or willfully engages in a course of conduct directed at a specific person without legal purpose and the defendant knows or should know that the harassment or the course of conduct would cause a reasonable person to do any of the following:
  1. Fear for the person's safety or the safety of the person's immediate family or close personal associates
  2. Suffer substantial emotional distress by placing that person in fear of death, bodily injury, or continued harassment.
- b. A violation of this section is a Class A1 misdemeanor. A defendant convicted of a Class A1 misdemeanor under this section, who is sentenced to a community punishment, shall be placed on supervised in

addition to any other punishment imposed by the court. A defendant who commits the offense of stalking after having been previously convicted of a stalking offense is guilty of a Class F felony. A defendant who commits the offense of stalking when there is a court order in effect prohibiting the conduct described under this section by the defendant against the victim is guilty of a Class H felony.

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

## Dating Violence and Consent in North Carolina

The State of North Carolina does not define “dating violence” or “consent” in reference to sexual activity. North Carolina criminal law prohibits sexual acts that are by force and against the will of the other person or acts that are against people who are mentally disabled, mentally incapacitated, or physically helpless. In determining whether a person gave consent, or was capable of giving consent, the facts of the situation will be assessed. Physical resistance is not necessary to prove the lack of consent, nor is actual force. In North Carolina, consent is not submission due to fear, fright, coercion, or the realization that in a particular situation resistance is futile.

## Bystander Intervention

Bystanders play a crucial role in the prevention of sexual assault, dating and domestic violence, stalking, and relationship violence. Community members are encouraged to intervene directly or indirectly when they notice that someone is experiencing or at risk of experiencing these types of violence.

There are five basic steps to bystander intervention:

- Notice the event.
- Interpret the situation as a problem.
- Assume personal responsibility.
- Choose how you'll intervene.
- Intervene.

We may not always know what to do even if we want to help. Below are some suggestions for things you can do:

- Watch out for your friends and fellow students/employees. If you see someone who looks like they could be in trouble or need help, ask if they are ok.
- Confront the person who is engaging in this behavior directly, if you feel safe to do so.
- Create a distraction, like flipping the lights on at a party, spilling a drink, or asking people to go get food with you.
- Create a plan with the people around you. Have some of your friends talk to the person engaging in the harassing behavior while another couple of friends make sure the person experiencing harm is okay.
- Familiarize yourself with campus resources so that you can reach out for help for you or your peers.
- Consider participating in the Step UP! program. More information can be found at <https://www.wcu.edu/experience/intercultural-affairs/>

## Risk Reduction

No one asks to be sexually assaulted or to experience abuse in a relationship and the person responsible for violence is the person who caused harm, not the person who experienced it. However, there are some things it would be helpful to keep in mind to reduce your risk (adapted from the Rape and Incest National Network):

- Trust your instincts. If a situation or location feels unsafe or uncomfortable, it is okay to leave.
- Do not allow yourself to be isolated with someone you do not trust or someone you do not know.
- When you go to a social gathering, go with a group of friends, arrive together, check-in with each other throughout the evening and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.
- Do not leave your drink unattended while talking, dancing, using the restroom, or making a phone call. If you have left your drink alone, just get a new one.
- Do not accept drinks from people you don't know or trust. If you choose to accept a drink:
  - Go with the person to the bar to order it, watch it being poured and carry it yourself.
  - At parties, do not drink from the punch bowls or other large, common open containers.
- Watch out for your friends and vice versa. If a friend seems out of it, is way too intoxicated for the amount of alcohol they have had, or is acting out of character, get them to a safe place immediately.
- If you need to get out of an uncomfortable or scary situation here are some things that you can try:
  - Remember that you are not obligated to do anything you do not want to do or be nice to someone who is scaring you or is making you uncomfortable. "I don't want to" is always a good enough reason. Do what feels right to you and what you are comfortable with.
  - Have a code word with your friends or family so if you do not feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.
  - Lie. If you do not want to hurt the person's feelings as it is better to lie and make up a reason to leave than to stay and be uncomfortable, scared, or worse. Some excuses you could use are needing to take care of a friend or family member, not feeling well, having somewhere else that you need to be, etc.
  - If you and/or the other person have been drinking, you can say that you would rather wait until you both have your full judgment before doing anything you may regret later.

## Reporting an Incident and Getting Support on Campus

*Report to Campus Police:* Western Carolina University strongly encourages all members of its community to report any and all criminal violations to the University Police. University Police can assist with personal safety, medical attention, preservation of evidence, contacting support resources and/or filing a police report. 828-227-7301

*Report to Title IX Coordinator:* All reported incidents of Title IX Sexual misconduct involving students and/or employees are reviewed by the Title IX Coordinator. The Title IX Coordinator will provide the Complainant with a written explanation of their rights and options under this Policy, including available support measure and an explanation of the University's complaint resolution procedures, per this policy. The Title IX Coordinator will report the alleged incident to University Police for Clery Act purposes but may refrain from disclosing personally identifiable information about the Complainant or Respondent to University Police at your request. 828-227-7116

*Report to a Responsible Employee:* Reports made to a Responsible Employee will be referred to the Title IX Coordinator for review. A Responsible Employee who receives a report must report all relevant details about the reported misconduct to the Title IX Coordinator. Be advised, Responsible Employees should not be considered confidential resources.

Report to the United States Department of Education Office for Civil Rights: In addition to, or instead of submitting a report to the University, Complainants may file a complaint with the U.S. Department of Education Office for Civil Rights (OCR) at any time: Telephone: (202) 453-6020 Email: OCR.DC@ed.gov e.

Any individual may make a report of conduct prohibited of this Policy to the above resources without disclosing their name and without identifying the Respondent, and without requesting any action. However, the University's ability to respond to an anonymous report may be limited depending on the level of information available about the incident or individuals involved.

## Procedures Victims Should Follow

Victims often have difficulty reporting sexual, interpersonal, and related misconduct for numerous reasons such as knowing the perpetrator, fear of retaliation, fear of parents knowing about the incident or fear of getting in trouble with law enforcement. Despite these concerns, it is vital to report such incidents to get help.

The following information provides steps to follow should an incident of dating violence, domestic violence, sexual assault, or stalking occur:

- Get to a safe place as soon as possible!
- Try to preserve all physical evidence – The victim of a sexual assault should not wash, douche, use the toilet, or change clothing prior to a medical exam. Any clothing removed should be placed in a paper bag. Evidence of violence, such as bruising or other visible injuries, following an incident of sexual assault, or domestic or dating violence should be documented including through the preservation of photographic evidence. Evidence of stalking including any communication, such as written notes, voice mails, or other electronic communications should be saved and not altered in any way. Contact a close friend or relative, if available, who can provide support and accompany the victim to the medical exam and/or police department.
- Get medical attention as soon as possible – An exam may reveal the presence of physical injury of which the victim is unaware. Following a sexual assault, antibiotics are typically given at the time of the exam to help prevent the victim from acquiring certain sexually transmitted diseases.
- Contact the police – Sexual, interpersonal, and related misconduct are crimes and reporting their occurrence is vital. It is important to remember that reporting a crime is not the same as prosecuting the crime. The decision to prosecute may be made at another time. Final decision to prosecute is determined by the District Attorney.
- Consider talking to a counselor – Seeing a counselor may be important in helping the victim understand their feelings and begin the process of recovery.

## Off Campus Resources

Should a community member be more comfortable reporting an incident and seeking resources off campus, the following are available:

*Center for Domestic Peace* is a non-profit organization that provides direct support to victims of interpersonal violence. We offer a variety of services to those experiencing domestic violence, sexual assault, and human trafficking in Jackson County, North Carolina. More information can be found at <https://www.cdpjaxcountync.org/> or by calling 828-586-1237

*Jackson County Sheriff's Office* - 828-586-1911, <https://www.sheriff.jacksonnc.org/>

## Victim Confidentiality

Requests for Confidentiality Where a formal complaint has not been filed by the complainant or signed by the Title IX Coordinator, the University may honor requests for confidentiality, unless disclosure of identity is necessary to provide a particular supportive measure or to provide a safe and nondiscriminatory environment to all members of the University community.

In cases where the Complainant requests confidentiality or requests the University not to take any action in response to a report, the Title IX Coordinator or designee will conduct a preliminary assessment into the reported Policy violation and will balance this request with the University's commitment to providing a safe and non-discriminatory environment to all members of the University community. The Title IX Coordinator or designee will consider many factors when determining whether or not the University can honor the request for confidentiality or no action, including, but not limited to:

- The information provided suggests that the Respondent has committed prior acts and/or suggests an increased risk that Respondent will commit additional acts that would violate this policy or are otherwise violent acts;
- The information provided suggests that the act is part of a larger pattern at a specific location or by a particular group and thus there is an increased risk of future violations of this policy under similar circumstances;
- The reported misconduct was committed by multiple perpetrators;
- The reported misconduct was perpetrated with a weapon;
- The Complainant is a minor;
- Western Carolina University has other means to obtain relevant evidence (e.g. security camera footage, physical evidence, additional witnesses);
- If the facts warrant issuance of a timely warning.

## Grievance Process

### I. Initiation of the Title IX Grievance Process

#### a. Filing a Formal Complaint

Any individual may file a Formal Complaint against a student or Employee for a violation of this Policy. In the event that the Title IX Coordinator, or designee, files a complaint on behalf of an affected individual, the Complainant will be entitled to receive all notifications due to Complainant under this policy, including notification regarding the outcome of the complaint grievance procedures.

To initiate the University's complaint grievance procedures, the Complainant must file a Formal Complaint which must include, at a minimum, the time, place, and type of prohibited act(s) alleged; a factual summary of the reported incident(s); and the name, if known, and/or description, of the Respondent. The Formal Complaint will be reviewed by the Title IX Coordinator or designee. If the details of the Formal Complaint do not fall within this Policy, the complaint will be dismissed pursuant to Section II of this Procedure.

Nothing in this Procedure shall preclude the University from investigating and/or making a finding that a person is in violation of any other University policy or procedure.

#### b. Consolidation of Formal Complaints

The University may consolidate two or more Formal Complaints against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of Title IX Sexual Harassment arise out of the same facts or circumstances. Where the Title IX Grievance Process involves more than one Complainant or more than one Respondent, references in this section to the singular "party," "Complainant," or "Respondent" include the plural, as applicable.

c. Notice of Allegations

Upon the filing of a Formal Complaint(s), the Title IX Coordinator shall issue a notice of allegations to the parties.

- i. The notice of allegation shall be in writing and shall contain the following:
  1. A formal complaint was filed;
  2. The process for resolution (formal and informal);
  3. A copy of the policy and related procedures;
  4. Sufficient details known at that time about the allegation (identification of the parties, behavior alleged to violate the Policy, date and location);
  5. The presumption of innocence and/or not responsible;
  6. Determination of responsibility is made at the end of the process;
  7. Parties may have an adviser of their choosing;
  8. Parties can request to inspect and review certain evidence; and
  9. Applicable policy language regarding the prohibition against making false statements.
- ii. The written notice of allegation must be provided before any interview is conducted with the Respondent and the Respondent must be given no less than three (3) calendar days to prepare for the initial meeting.

II. Dismissal of Formal Complaint

- a. The University must investigate the conduct alleged in a Formal Complaint. If the conduct alleged does not constitute Title IX Sexual Harassment; did not occur in the institution's education program or activity; or did not occur against a person in the United States, then the institution must dismiss the Formal Complaint with regard to that conduct for purposes of this Policy and Procedure. Such a dismissal does not preclude action under other provisions of the University's Code of Student Conduct or any other University policy or practice, including policies and practices associated with Title VII of the Civil Rights Act.
- b. The University may dismiss a Formal Complaint or any allegations therein, if at any time during the investigation or hearing:
  - i. A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein;
  - ii. The Respondent is no longer enrolled or employed by the University;
  - iii. Specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein; and/or
  - iv. Upon completion of a Formal Investigation, when clear evidence is provided that a complaint is materially false and/or made in bad faith, the Title IX Coordinator may dismiss the complaint prior to a Title IX Grievance Hearing.
- c. Upon a dismissal required or permitted pursuant to subsections II.a. or II.b. above, the University must promptly send written notice of the dismissal and reason(s) therefore simultaneously to the parties. 13
- d. Dismissal of the Formal Complaint pursuant to subsections II.a. or II.b. above constitutes the conclusion of the Title IX Grievance Process but may not mean the end of any other University process or procedure based on the allegations.
- e. The Title IX Coordinator, or designee, may, in his/her discretion, forward the dismissed Formal Complaint to the Department of Student Community Ethics (for students) or Human Resources and Payroll (for employees) for additional review.

- f. The Complainant and Respondent each have the right to appeal the dismissal decision as outlined in Section III.c.iii of this Procedure.

### III. Resolution of a Formal Complaint

- a. Respondent Withdrawal - Should a Respondent choose to withdraw, leave, or voluntarily separate from the University after a Formal Complaint has been filed but before final disposition of the matter, the University may continue to administer this Procedure and any related Policy or, in the alternative, the University may elect to pause the proceedings and shall make note in the student's disciplinary records or the employee's personnel file maintained in Human Resources and Payroll that charges under this Policy and Procedure were pending at the time of withdrawal or separation. If the Title IX Grievance Process is paused, the Complainant will be notified of the change. Subsequently, the Complainant and Respondent will be notified upon resuming the Title IX Grievance Process.
- b. Informal Resolution of a Formal Complaint - Informal Resolution is only available when both the Complainant and Respondent agree to engage in an informal resolution. The Informal Resolution process may not be required by the University or offered unless a Formal Complaint is filed. Informal resolution may, at the discretion of the University, involve a full investigation and adjudication. An informal resolution may be requested at any point prior to reaching a determination regarding responsibility as described in subsection III.c.ii.4. Once an Informal Resolution process has been initiated, any party has the right to withdraw from the Informal Resolution process and resume the Title IX Formal Resolution prior to the conclusion of the Informal process.

Informal Resolution may not be offered or facilitated to resolve allegations that an employee engaged in Title IX Sexual Harassment involving or directed at a student.

To engage in Informal Resolution, the University must:

1. Provide to the parties a written notice disclosing:
  - a. the allegations; the allegations;
  - b. the requirements of the informal resolution process, including the circumstances under which it precludes the parties from resuming a Formal Complaint arising from the same allegations; and
  - c. any consequences resulting from participating in the informal resolution process, including notice the records that will be maintained and could be shared.
2. Obtain the parties' voluntary, written consent to the informal resolution process. Once obtained, the incident is referred to the Dean of Students, (for students) or Director of Employee Relations, Talent Acquisition & Development or designee (for employees) to finalize the terms of the resolution and facilitate agreed upon sanction(s).

If the parties agree in writing, the conclusion of the Informal Resolution process constitutes the conclusion of the Title IX Grievance Process and is not subject to appeal.

- c. Formal Resolution of a Formal Complaint – The Formal Resolution shall include the following: Investigation; Title IX Grievance Hearing; and any Appeal.
  - i. Investigation
    1. Depending on the circumstances, the Title IX Coordinator may appoint a single Investigator or a team of Investigators to conduct an investigation contemplated by this Procedure. An external Investigator may be appointed in the event that there are insufficient staff resources to investigate a complaint, there is a legitimate conflict of interest between the available staff Investigators and a party to the complaint, the complaint is particularly complex, or in any other case that the Title IX Coordinator, in their discretion, deems it advisable.
    2. The investigation will be conducted in a prompt, fair, thorough, and impartial manner.
    3. The Complainant and Respondent will be asked to identify all information they would like the Investigator to review, including any witnesses they would like to be interviewed. The Investigator may



identify additional witnesses that they, in their discretion, would like to interview. Decisions about interviews and collection and evaluation of information are at the discretion of the Investigator and best reasonable efforts to contact and interview witnesses will be made. The Investigator may need to interview the Complainant and Respondent multiple times during the investigation. Investigators are authorized to contact any relevant individuals and to access any relevant records not otherwise prohibited by legal protections of privilege or confidentiality.

4. The Investigator will prepare an initial investigation report (Initial Report), including as exhibits any relevant documentation.
    - a. The Initial Report will be emailed to the Complainant, Respondent, and their respective advisors. The parties will be provided a minimum of ten (10) 15 business days to review the Initial Report and provide a written response to the Investigator. This Initial Report may only be shared with the Title IX Coordinator, Decision-Maker, Title IX Hearing Board members, and anyone that the Title IX Coordinator deems has a need to know.
    - b. After receiving party responds or the deadline for response has passed, the Investigator may include newly provided relevant information and submit the final investigation report (Final Report) and exhibits to the Dean of Students, or designee (when the Respondent is a student), or Associate Vice Chancellor, Human Resources & Payroll, or designee (when the Respondent is anyone other than a student), for either informal resolution or to proceed to a Title IX Grievance Hearing.
    - c. The length of the investigation depends on the circumstances of each case, but the University will make every effort to complete an investigation in thirty (30) calendar days, not including Western Carolina University holidays or days when the University is not in session.
  5. At the conclusion of the Investigation and if supported by the Investigation, the Dean of Students, or designee (when the Respondent is a student), or Associate Vice Chancellor, Human Resources & Payroll, or designee (when the Respondent is anyone other than a student), will issue a Final Investigatory Packet, to the Complainant and Respondent at least ten (10) days before the Title IX Grievance Hearing. The Final Investigatory Packet will include the following:
    - a. written notice to proceed to a Title IX Grievance Hearing;
    - b. date, time and location of the scheduled Title IX Grievance Hearing;
    - c. names of Title IX Board members for the purpose of identifying potential conflict of interest(s);
    - d. list of possible advisors; and
    - e. instructions on how to review the contents of the Final Report and any other relevant documentation that will be provided for the hearing.<sup>1</sup>
- ii. Title IX Grievance Hearing (Live Board) process
1. Live Hearing - A live hearing is required and may be conducted with all parties present in the same room, fully virtual, or a hybrid model where the board gathers in person and all other parties participate virtually. Regardless of the modality, all parties must be provided the opportunity to see and hear each other. Reasonable accessibility accommodations will be made upon request in collaboration with the University's Office of Accessibility Resources. <sup>1</sup> Relevant documentation will generally be provided electronically to the Respondent, Complainant and their respective advisors. A hard copy will be provided upon request only and made available within 2 business days of the request for the party to pick up. <sup>16</sup>
  2. Pre-hearing meeting - Both parties may schedule a pre-hearing meeting with the Title IX Coordinator or designee, where they may be accompanied by an advisor. The purpose of this meeting will be to review the hearing procedures, provide a copy of the procedures, and answer any questions or concerns either party has regarding the Title IX Grievance Hearing process.
  3. Relevant Evidence - During the Title IX Grievance Hearing, both parties will be allowed to present relevant information and witnesses. Advisors will conduct cross-examination of the other party and witnesses. The Title IX Board may ask questions of the witnesses and/or the parties may submit

questions to the Board to be asked of the parties and witnesses. The Chair has discretion to decide whether the Board will ask the questions submitted by the parties. Questions that are irrelevant, inappropriate, or are not in accordance with this policy will be excluded by the Chair.

4. Unavailability or Refusal to Testify or Submit to Cross-Examination - The Respondent and/or the Complainant may choose not to testify at the hearing; however, the exercise of that option will not preclude the hearing officer from making their responsibility determination and, as applicable, sanction recommendation regarding the Formal Complaint.
5. Determination of Responsibility - The Title IX Board shall apply a preponderance of evidence standard when arriving at a determination of whether a violation of the Policy occurred. The Board will meet privately following the conclusion of the hearing and will base its determination solely on information presented as part of the complaint resolution process (information from the Final Investigative Packet and that obtained during the hearing). All information, including inculpatory and exculpatory evidence, will be considered in making this determination. A majority vote of the Board must concur in the determination that a policy violation did occur or a finding of not responsible must be issued.
6. Recording - The University will record the hearing. This recording will be the only recording permitted of the proceedings and will be the property of WCU. The parties and the appeal officer may use the recording as part of the appeal process. Reasonable care will be taken to ensure a quality recording; however, technological problems that result in no recording or in an inaudible one will not affect the validity of the outcome of a hearing.
7. Record of Hearing - The Chair, or designee, shall prepare a written digest of the Title IX Grievance Hearing for the purpose of preserving a record of the Title IX Grievance Hearing proceedings in the event of an Appeal. The Chair shall include as an exhibit to the written digest any materials distributed to the Title IX Board prior to a determination on sanctions. The Chair shall provide an opportunity for Complainant and Respondent to access the written digest and exhibits separately in a private setting at least two (2) calendar days prior to the deadline for filing an appeal. The parties may not make copies or take photographs of the written digest and exhibit.
8. Imposition of Sanctions
  - a. General - If the Title IX Board determines a policy violation occurred, the Title IX Board may issue sanctions. In determining sanctions, the Title IX Board will (a) consider the totality of circumstances, including severity of the violation and ongoing community impact (i.e. impact on Complainant, Respondent, and the general campus), and (b) consider any relevant items, if any, from Respondent's files. These items could include, but are not limited to: prior disciplinary records, criminal records, police reports, and/or interim measures imposed.  
A majority vote of the Title IX Board must concur in the decision to impose any/all particular sanction(s) including the sanction effective date. This policy includes a list of possible sanctions (see subsection III.c,ii,7.c). In the event that a Title IX Board determines the Respondent is not responsible for the violation alleged in the Formal Complaint, the University may continue to provide additional Supportive Measures for Complainant so long as those Supportive Measures do not unduly burden or prejudice Respondent.
  - b. Notice of Action - Immediately following the Title IX Board's deliberation, the Complainant, Respondent and their respective advisors will return to the hearing. The Chair will verbally state the findings regarding responsibility and the sanctions (if any). The Title IX Grievance Hearing is then adjourned and a written Notice of Action (Notice) will be emailed to the parties within fourteen (14) calendar days after the date of the Title IX Grievance Hearing. This Notice will include the Board's decision of whether a policy violation occurred (including the specific prohibited acts and the Board's determination of responsibility for each prohibited act), the rationale for the decision, and the sanctions imposed, if any. The Notice will also provide information regarding each party's right of appeal. If the Title IX Board determines no policy violation occurred, then no sanction will be issued.
  - c. Sanctions and Additional Remedies - If the Title IX Board issues a finding of responsibility, the Board may determine an appropriate sanction. Examples include:

- i. Residence Hall Suspension (student only sanction): Separation of the Respondent from the residence halls for a definite period of time after which the Respondent is eligible to return. Conditions for readmission may be specified.
- ii. Residence Hall Expulsion (student only sanction): Permanent separation of the Respondent from the residence halls.
- iii. Social Restrictions: Exclusion from participation in privileged or extracurricular activities for a specified period of time, not to exceed two (2) academic semesters. Social probation may be extended to all activities, including campus social events, campus-sponsored functions, participation in University athletics (varsity, club, intramural), attendance at sporting events, or other activities deemed necessary by the Decision-Maker.
- iv. Restrictions: Denial of specified privileges for a designated period of time, not to exceed two (2) academic semesters including, but not limited to, attendance at events, access to facilities, participation in non- academic activities, and interpersonal contact restrictions.
- v. Suspension: Separation of the Respondent from the University for a definite period of time.
  1. Student - Conditions for readmission may be specified by the Decision-Maker. The sanction of University Suspension is recorded in the University of North Carolina Suspension and Expulsion database. Appeals related to suspension or expulsion must be addressed to the Vice Chancellor for Student Affairs. The Vice Chancellor for Student Affairs shall forward the appeal to the appropriate appellate body.
  2. Non-Student - Any suspension for a non-student shall comply with applicable university policies and procedures.
- vi. Expulsion (student only sanction): Permanent separation of the Respondent from the University and any University of North Carolina constituent institution. The sanction of University Expulsion is recorded in the University of North Carolina Suspension and Expulsion database. Appeals related to suspension or expulsion must be addressed to the Vice Chancellor for Student Affairs. The Vice Chancellor for Student Affairs shall forward the appeal to the appropriate appellate body.
- vii. Termination (employee only sanction): Permanent separation of the Respondent from University employment. The sanction of termination is recorded in the employee's personnel file.
- viii. Trespass: Removal for a specified period of time from any or all University property.
- ix. Warning: Notice, oral or in writing, that continuation or repetition of conduct in violation may be cause for more severe disciplinary sanctions.
- x. Probation: A written reprimand, which may include warning of more severe disciplinary sanction in the event of determination of a subsequent violation within a stated period of time.
- xi. Educational Outreach Assessment (student only sanction): A sanction that provides a tangible learning opportunity for Respondents. Through this sanction, the Respondent becomes an active contributor to the education of self and peers. An EOA may be financial, non- financial, or become financial if a Respondent does not complete a non-financial sanction.
- xii. Mandatory Educational Programming (student only sanction): This may include, but is not limited to, alcohol and/or drug abuse awareness/prevention programming, sexual harassment prevention training, educational awareness projects, reflection essays, and/or community restitution.

Failure to comply with sanctions imposed may result in additional sanctions, including separation from the University.

### iii. Appeals

1. Grounds for Appeal - Either Complainant or Respondent may appeal a determination regarding responsibility and/or the University's dismissal of a Formal Complaint on the following grounds:
  - a. Procedural irregularity that materially affected the outcome of the case;
  - b. New evidence that was not reasonably available when the determination of responsibility was made that could affect the outcome; and/or
  - c. The Title IX Coordinator, Investigator, Decision-Maker, or member of the Title IX Board had a general or specific conflict of interest or bias against the complainant or respondent that materially affected the outcome.
2. Stay of Sanctions Pending Appeals - If the decision of the Title IX Board is appealed by either party, any sanction shall be stayed until the conclusion of any appeal timeline.
3. Filing an Appeal
  - a. Appeals must be filed in writing with the Dean of Students (for student Respondents) or the Associate Vice Chancellor, Human Resources & Payroll, or their respective designees, within seven (7) calendar days of receiving the written Notice.
  - b. Appeals must state in detail the procedural irregularity for the appeal. Appeals shall not exceed 5 pages, unless otherwise permitted by the Decision-Maker.
  - c. Upon receipt of a written appeal, the Dean of Students or Associate Vice Chancellor, Human Resources & Payroll, or their respective designees, will notify the opposing party of the appeal in writing and forward the appeal and the record on appeal to the appropriate Appeal Officer. The record on appeal comprises all materials reviewed by the Title IX Board, the written and/or audio digest of the hearing and exhibits (if any), and the Notice. The Dean of Students or the Associate Vice Chancellor, Human Resources & Payroll, or their respective designees, shall provide an opportunity for Complainant and Respondent to access the appeal and the record on appeal separately in a private setting. The parties may not make copies or take photographs of the information.
  - d. Appeals are heard by an Appeal Officer as specified by the Chancellor pursuant to this Procedure and Policy.
4. Appeal Procedures
  - a. The Appeal Officer ordinarily will decide within seven (7) calendar days of receiving the record on appeal whether the appeal states sufficient grounds to be considered. If there is a finding of no sufficient grounds to appeal, the Appeal Officer shall dismiss the appeal. If the Appeal Officer dismisses the appeal, the Title IX Grievance Process will be deemed concluded and any sanction shall stand.
  - b. If the Appeal Officer finds the appeal states sufficient grounds, the parties will be provided an opportunity to respond. When an appeal is requested by Respondent, the Appeal Officer will invite the Complainant to respond in writing. When an appeal is requested by Complainant, the Appeal Officer will invite the Respondent to respond in writing. Written responses shall not exceed five (5) pages and must be submitted no later than two (2) calendar days from the date of notification of the appeal.
  - c. The Appeal Officer may, in the Appeal Officer's discretion, request additional documentation related to alleged procedural errors.
  - d. The Appeal Officer considers the appeal solely on the information in the appeal, the record on appeal, the written responses, and additional documentation of procedural error, if any, and shall not consider any new evidence.
5. Actions Available on Appeal - The Appeal Officer may:
  - a. uphold the decision of the Title IX Board;
  - b. reverse or modify the decision of the Title IX Board based on the appeal criteria;

- c. When a policy violation determination is modified, the Appeal Officer may reduce or increase the sanction(s) to a sanction deemed appropriate by the Appeal Officer; and/or
  - d. remand the matter to Title IX Board composed of trained individuals not previously involved in the matter. This action will only be taken in extraordinary cases, when the Appeal Officer determines the matter would be best addressed by a newly-constituted panel.
6. Counter Appeals - If both parties file appeals pursuant to this Policy and Procedure, the Appeal Officer shall follow the same procedures detailed above and shall have the discretion to alter timelines. Appeals which state sufficient grounds to be considered will be reviewed concurrently and a final determination will be provided to both parties.
  7. Notice of Outcome - The Appeal Officer will provide a written Notice of Outcome to both parties within ten (10) business days from the date of review for consideration, and this decision is final, marking the conclusion of the matter. The Notice of Outcome will state the Appeal Officer's decision, the rationale for the decision; and any addition, modification, or elimination of sanction(s). With the exception of suspensions and/or expulsion, newly imposed sanctions are not subject to further appeal.

#### IV. Scheduling

The Complainant and Respondent shall receive timely notice of any meeting or proceeding at which they may be present. The University will make reasonable efforts to schedule meetings and proceedings at times convenient to the parties. Meetings and proceedings will not be scheduled at a time when a party has an unavoidable conflict with a required academic obligation (e.g., classes, labs) or employment obligation (e.g., standing meeting with supervisor).

#### V. Deviation, Extensions, and Delays

Reasonable deviations from these procedures by the University will not invalidate a decision or proceeding unless significant prejudice to a student or employee is caused by such deviation. While the University will make every effort to complete actions within the stated timelines, the University may extend timelines for good cause and with written notice to Complainant and Respondent that explain the reason for the extension or delay.

#### VI. Timeframe

In typical cases, the timeframe for the Title IX Grievance Process (starting with the filing of a Formal Complaint and ending with a Determination of Responsibility, not including any appeals, will not exceed sixty (60) calendar days, not including the University holidays or days when the University is not in session. In some circumstances, including, but not limited to, cases involving a parallel criminal process; cases involving multiple alleged violations of this and other university policies, Complainants, and/or Respondents; and when the Title IX Grievance Process has to accommodate periods of time when the University is not in session—the timeframe for the complaint resolution process may exceed sixty (60) calendar days.

## Training of Officials

The Title IX Director, Deputy Title IX Investigators, and board members receive annual training on the issues related to dating violence, domestic violence, sexual assault, and stalking and on how to conduct an investigation and hearing process that protects the safety of the victims and promotes accountability.

## Sex Offender Registry

In accordance with the Campus Sex Crimes Prevention Act of 2000, which amends the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act and the Jeanne Clery Act, Western Carolina University is providing a link to the North Carolina Department of Justice sex offender registry (<https://www.nc.gov/services/sex-offender-registry/>). The Acts referred to above requires institutions of higher education to issue a statement advising the campus community where law enforcement information provided by a state concerning registered sex offenders may be obtained.

North Carolina law currently requires sex offenders and individuals adjudged to be sexually violent predators to register with the sheriff of the county where they are living and the sheriff maintains a registry of this information that is available to the public upon request. Registrants must furnish the following information: name, sex, address, physical description, picture, conviction date, offense for which registration was required, the sentence imposed as a result of the conviction and registration status. An offender who is a non-resident student or non-resident worker must maintain registration with the Sheriff of the county where the offender works or attends school and must also identify any school of attendance or place of employment.

The Registry may be viewed locally at the Jackson County Sherriff's Department, 399 Grindstaff Cove Road. Sylva NC, 28779. (<http://www.sheriff.jacksonnc.org>)

For more information about registered sex offenders in the State of North Carolina, you may visit the website for the North Carolina Offender Registry at <http://sexoffender.ncsbi.gov/> and the U.S. Department of Justice National Sex Offender website at <http://www.nsopw.gov>.



## **ANNUAL FIRE SAFETY REPORT**

The Higher Education Opportunity Act enacted on August 14, 2008, requires institutions that maintain on-campus student housing facilities to publish an annual fire safety report that contains information about campus fire safety practices and standards of the institution. Western Carolina University policy 112 Fire Protection is located here:

<https://www.wcu.edu/discover/leadership/office-of-the-chancellor/legal-counsel-office/university-policies/numerical-index/university-policy-12.aspx>

The following report details all information required by this act for Western Carolina University.

### **Fire Definitions**

*A fire, for the purposes of HEA regulations* is defined as any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner.

*Cause of fire* is defined as the factor or factors that give rise to a fire. The causal factor may be, but is not limited to, the result of an intentional or unintentional action, mechanical failure, or act of nature.

*On-Campus Student Housing:* is defined as a student housing facility that is owned or controlled by the institution or is located on property that is owned or controlled by the institution and is within a reasonable contiguous area that makes up the campus.

*Value of property damage* is defined as the estimated value of the loss of the structure and contents, in terms of the cost of replacement in like kind and quantity. This estimate should include contents damaged by fire, and related damages caused by smoke, water, and overhaul; however, it does not include indirect loss, such as business interruption.

*Cause of fire* is defined as the factor or factors that give rise to a fire. The causal factor may be, but is not limited to, the result of an intentional or unintentional action, mechanical failure, or act of nature.

*Fire-related injury* is defined as any instance in which a person is injured as a result of a fire, including an injury sustained from a natural or accidental cause, while involved in fire control, attempting rescue, or escaping from the dangers of the fire. The term “person” may include students, employees, visitors, firefighters, or any other individuals.

*Fire-related death* is defined as any instance in which a person is killed as a result of a fire, including death resulting from a natural or accidental cause while involved in fire control, attempting rescue, or escaping from the dangers of a fire; or dies within one year of injuries sustained as a result of the fire.

### **Reporting Fires**

Any person discovering or suspecting a fire will notify all building occupants by using the building’s fire alarm pull-station, shouting, or any other means available, and immediately call the on-campus emergency number at 828.227.8911 or Jackson County Emergency Operations Center at 911. The local fire department will be dispatched and campus police and Facilities Management personnel will be notified.

When reporting a fire, or another emergency, the caller should give: the location of the fire or emergency, the building name, caller's name, and any other information requested. Remain on the phone until released by the Emergency Communications Center that you are notifying. The person reporting the fire should meet the responding Police officer(s) or Fire Department personnel so that any needed details may be furnished.

Per federal law, Western Carolina University is required to annually disclose statistical data on all fires that occur in on-campus housing facilities. Listed below are the non-emergency numbers to call to report fires that have already been extinguished in on-campus student housing. These are fires for which you are unsure whether Western Carolina University may already be aware of. If you find evidence of such a fire or if you hear about such a fire, please contact one of the following:

- Western Carolina University Police: 828.227.7301
- Western Carolina University Safety and Risk Management Office: 828.227.7443
- Western Carolina University Residential Living: 828.227.7303

## Fire Safety Education and Training

Residence Hall Staff receive comprehensive fire and emergency training prior to the start of every fall semester. Western Carolina University Department of Residential Living provides annual training to Resident Assistants and Resident Managers. At a minimum, the topics include:

- Who to contact in an emergency
- How to assess an emergency situation
- Fire prevention in the residence halls
- How to respond to fire emergencies
- How to use a fire extinguisher
- Evacuation procedures and designated meeting places

Additionally, Resident Directors and Resident Advisors review building fire safety rules, evacuation procedures, designated evacuation areas, and shelter in place instructions with resident students during hall and floor meetings throughout the year.

## Residence Hall Fire Drills

Fire drills are conducted at a minimum of four times each year with the cooperation between Safety and Risk Management and Residential Living. The purpose of these drills is to educate residents on safe and efficient evacuation procedures along with familiarizing themselves with building fire protection systems.

When drills are scheduled, University Police and Emergency Management are notified of the date, time, and location. When the fire alarm is activated, residents are timed to determine how long it takes to evacuate the building. Once all residents have exited the building they are instructed on the purpose of the drill and observations. Campus fire drill logs are maintained by the Safety and Risk Management Office.



Building	Date	Time	Semester
Allen Residence Hall 617 Central Dr.	2/19/2022	9:00pm	Spring
	4/21/2022	11:09am	Spring
	8/31/2022	8:28pm	Fall
	11/22/2022	11:00am	Fall
Albright/Benton Residence Hall 490 Central Dr.	1/19/2022	8:05pm	Spring
	4/22/2022	12:34pm	Spring
	9/1/2022	9:00pm	Fall
	11/21/2022	2:37pm	Fall
Balsam Residence Hall 88 West University Wy.	1/19/2022	8:09pm	Spring
	4/20/2022	1:00pm	Spring
	9/1/2022	10:15pm	Fall
	11/21/2022	10:30am	Fall
Black Rock Residence Hall** 110 Memorial Dr.	N/A	N/A	Spring
	N/A	N/A	Spring
	N/A	N/A	Fall
	N/A	N/A	Fall
Blue Ridge Residence Hall 515 Centennial Dr.	1/19/2022	8:09pm	Spring
	4/20/2022	1:00pm	Spring
	9/1/2022	10:15pm	Fall
	11/21/2022	10:30am	Fall
Buchanan Residence Hall 551 Central Dr.	1/19/2022	10:31pm	Spring
	4/21/2022	10:06am	Spring
	8/25/2022	10:11pm	Fall
	11/22/2022	3:54pm	Fall
Harrill Residence Hall 554 Central Dr.	1/18/2022	8:00pm	Spring
	4/20/2022	11:07am	Spring
	8/24/2022	10:05pm	Fall
	11/22/2022	10:00am	Fall
Judaculla Residence Hall 671 Central Dr.	1/19/2022	8:00pm	Spring
	4/20/2022	2:08pm	Spring
	8/31/2022	9:02pm	Fall
	11/22/2022	2:33pm	Fall
Madison Residence Hall* 65 Madison Bldg. Ln.	Covid Quarantine	N/A	Spring
	Covid Quarantine	N/A	Spring
	Covid Quarantine	N/A	Fall
	Covid Quarantine	N/A	Fall
Noble Residence Hall 732 Centennial Dr.	1/20/2022	10:00pm	Spring
	4/20/2022	11:33am	Spring
	8/25/2022	8:05pm	Fall
	11/21/2022	10:04am	Fall

Building	Date	Time	Semester
Norton Residence Hall 293 Norton Rd.	1/20/2022	8:55pm	Spring
	4/20/2022	12:08pm	Spring
	8/24/2022	9:29pm	Fall
	11/21/2022	11:36am	Fall
Reynolds Residence Hall 275 Joyner Dr.	1/19/2022	9:42pm	Spring
	4/22/2022	2:14pm	Spring
	8/25/2022	9:12pm	Fall
	11/21/2022	3:03pm	Fall
Robertson Residence Hall 300 Joyner Dr.	1/19/2022	10:06pm	Spring
	4/21/2022	2:27pm	Spring
	8/25/2022	9:42pm	Fall
	11/22/2022	10:30am	Fall
Shining Rock Residence Hall** 77 West University Wy.	N/A	N/A	Spring
	N/A	N/A	Spring
	9/1/2022	9:36pm	Fall
	11/22/2022	1:30pm	Fall
The Village 388 – 630 Norton Rd.	1/21/2022	9:47pm	Spring
	4/21/2022	1:31pm	Spring
	8/24/2022	8:20pm	Fall
	11/21/2022	1:00pm	Fall
Water Rock Residence Hall** 159 West University Wy.	N/A	N/A	Spring
	N/A	N/A	Spring
	9/1/2022	8:15pm	Fall
	11/21/2022	11:00am	Fall

\*Madison Hall utilized for COVID 19 response and protocols during pandemic.

\*\*Shining Rock and Water Rock Residence Halls added in Fall of 2022. Black Rock Residence Hall added in Spring of 2023

## Fire Safety

Western Carolina University's on campus residence hall system is comprised of sixteen locations. The communities within each residence hall depend greatly on the student population within the building. Some of the amenities in the buildings vary as well. For specific information on each on campus residence hall please visit: <https://www.wcu.edu/experience/life-on-campus/residential-living/residence-halls/index.aspx>

## On-Campus Student Housing Fire Systems

Residence Hall	Fire Alarm	Smoke Detection Type	Detectors	ANSUL Suppression System in Kitchen	Portable Fire Extinguishers	Fire Doors	Sprinkler System
Albright/Benton Residence Hall	Yes	Photoelectric, heat	Addressable	Yes	Yes	Yes	Full
Allen Residence Hall	Yes	Photoelectric, heat, CO	Addressable	Yes	Yes	Yes	Full
Balsam Residence Hall	Yes	Photoelectric, heat	Addressable	Yes	Yes	Yes	Full
Black Rock Residence Hall	Yes	Photoelectric, heat, CO	Addressable	Yes	Yes	Yes	Full
Blue Ridge Residence Hall	Yes	Photoelectric, heat	Addressable	Yes	Yes	Yes	Full
Buchanan Residence Hall	Yes	Photoelectric, heat	Addressable	Yes	Yes	Yes	Full
Judaculla Residence Hall	Yes	Photoelectric, heat	Addressable	Yes	Yes	Yes	Full
Harrill Residence Hall	Yes	Photoelectric, heat	Addressable	Yes	Yes	Yes	Full
Madison Residence Hall	Yes	Photoelectric, heat	Addressable	Yes	Yes	Yes	Full
Noble Residence Hall	Yes	Photoelectric, heat, CO	Addressable	Yes	Yes	Yes	Full
Norton Road Residence Hall	Yes	Photoelectric, heat	Addressable	Yes	Yes	Yes	Full
Reynolds Residence Hall	Yes	Photoelectric, heat, CO	Addressable	Yes	Yes	Yes	Full
Robertson Residence Hall	Yes	Photoelectric, heat	Addressable	Yes	Yes	Yes	Full
Shining Rock Residence Hall	Yes	Photoelectric, heat, CO	Addressable	Yes	Yes	Yes	Full
The Village	Yes	Ionization, photoelectric, heat	Addressable	Yes	Yes	Yes	Full
Water Rock Residence Hall	Yes	Photoelectric, heat, CO	Addressable	Yes	Yes	Yes	Full

## Procedures for Campus Student Housing Evacuation in Case of Fire

When a fire alarm is sounded (by smoke, notification device, or otherwise), always take the fire alarm seriously and assume there is a fire. All occupants are required to stop all activities and immediately evacuate the building. Failure to evacuate during any fire alarm could lead to judicial sanctions, fines, or prosecution. Suggested evacuation procedures are as follows:

- Evacuate to your Building's Evacuation Assembly Area (EAA) or at least 150 feet away from the building.
- Remain at this location. Notify university or emergency responders if you believe someone is trapped within the building.
- Individuals with mobility limitations should seek refuge in stairwell landings until assisted by emergency responders.
- Do not re-enter the building without given the "all clear" by university or emergency personnel that it is safe to return.

Before the Fire:

- Plan and practice evacuation routes.
- Know the location of your Building's Evacuation Assembly Area (EAA)
- Post emergency numbers near telephones.
- Do not store combustible materials near a heat source, in hallways, stairwells, or exit pathways.
- Extension cords are for temporary power only. Never run them under carpets or anywhere they can be pinched or crushed.
- Do not overload electrical outlets by using plug extenders or multiple power strips.
- Keep all electrical appliances away from combustible materials. Always remember to turn off appliances when not in use.
- Pay attention to housekeeping issues. Keep your area organized and combustible materials such as paper and trash to a minimum.

Notification:

Immediately notify the fire department and other residents by activating the fire alarm pull station. Call Campus Emergency Services at 8911 from a campus phone, 828-227-8911 from a cell, or 911 to reach Jackson County Emergency Services from a safe location to provide details of the situation.

In Case of Fire:

When the fire alarm detector is activated in lobby areas, the elevators will automatically recall to a pre-designated fire safe floor. Occupants should use the stairs to evacuate the building. If you are caught in the elevator, push the emergency phone button. Campus elevator emergency phones automatically dial the WCU Emergency Communications Center that is staffed 24 hours a day, 7 days a week, and 365 days per year.

Each residence hall room on the Cullowhee Campus has a personalized evacuation map and instructions posted inside the room on the door.

### Tampering with Fire Alarm and Protection Systems:

Effective fire alarm systems are essential for the protection of all residents. Tampering or vandalizing this equipment will hinder the function in the event of a fire and endangering the lives of building residents. These actions are direct violation of university policy and state criminal statutes. All cases of persons tampering with fire alarm systems are taken seriously and handled through the student conduct system.

### Decorations:

Residence Hall rooms can be decorated to express one's personality and to make them more comfortable. However, to protect the residents and the hall community, there are certain restrictions that apply.

Excessive decorations shall not be placed on hallway walls and resident room walls covering more than 50% of any individual wall or area. Resident room doors (inside or out) shall not be covered more than 5% of any individual wall or area. No decorations may be hung from the ceiling or overhead.

Flammable items such as fuel (propane, lamp oil, solvents, gasoline, and other combustible substances) may not be stored or used in any area.

All electrical extension cords must be U.L. approved and in good condition. Frayed or broken extension cords should not be used.

The use of extension cords or power strips must be of adequate wire gauge and rated for their intended use. Power strips should have a fuse or integrated circuit breaker and not be plugged into other power strips and/or extension cords.

Candles, incense, oil lamps, or other items producing an open flame are not permitted in or surrounding residence halls.

Halogen lights or lamps are not allowed. Halogen lights burn hotter than a conventional light bulb causing a potential fire hazard.

Electrical cords of other decorations should not be hung from, attached to, or cover any fire or life safety device such as fire alarm devices (smoke detectors, pull stations, or horn/strobes), sprinklers, fire extinguishers, or exit signage. Electrical cords, light strings, or other forms of wiring should not be routed through doorways or across walkways. This can create electrical or trip hazards.

Excessive decorations may not be placed on hallway walls, and resident room walls, including doors (inside or out), shall not be covered more than 50% of any individual wall or area. No decorations may be hung from the ceiling or overhead pipes.

Live Christmas trees are not permitted in the residence halls.

### Other Fire Safety Rules:

Storage of hazardous materials is prohibited. This includes flammable items such as fuel (propane, lamp oil, solvents, gasoline, and other combustible substances), chemicals, or gasses may not be stored or used within residence halls.

Nothing can be stored in the stairwells. All storage of items must be kept 18" below sprinkler heads.

### Appliances:

Portable electric appliances are allowed in residence halls with the following exceptions:

- Window or portable air conditioners.
- Space heaters (electric, ceramic, or kerosene), electric blankets, and other heating devices are not allowed.
- Cooking appliances with open coils (toasters, toaster ovens, coffee maker, hot plate, grills, etc.).
- Candles (including decorative candles with or without wicks, incense, oil lamps, or other devices capable of an open flame)
- Halogen or incandescent light / lamps
- Ceiling fans that are not university installed.
- Refrigerator's larger than 4.6 cubic feet or use greater than 5 amps of electrical power.
- Smoke or fog machines are not allowed.
- Indoor grill or broiler
- Ceiling fans or track lighting that are not university installed.
- Electrical devices that are not U.L. approved.

Additional Items Prohibited in Residence Halls:

- Ammunition
- Amplifiers
- Aquariums (larger than 10 gallons)
- Archery equipment
- Any motorized mode of transportation (including but not limited to, electric scooters and e-bikes, motorcycles, mopeds, hoverboards, self-balancing scooter boards, Segway's, etc.) are prohibited in the residence halls (which includes for charging purposes). This does not include motorized wheelchairs and other ADA vehicles.
- Darts
- Fireworks
- Indoor grill or broiler
- Kegs, party balls, funnels, bongos, and other drug paraphernalia
- Pets (other than fish)
- Power tools
- Waterbeds
- Weapons including, but not limited to: knives, BB guns, air/gas pistols or rifles, firearms of any type, pressurized guns, paint ball guns, stun guns, martial arts weapons and ammunition
- Weightlifting equipment

For more information on room furnishings and items that are allowed in residence halls, please visit:

<https://www.wcu.edu/WebFiles/PDFs/2023-24ResidentialLivingGuidelines.pdf>

### Smoking in Residence Halls:

All residence halls at Western Carolina University have been designated as non-smoking buildings. This means that smoking is not permitted anywhere in these buildings, including the use of electronic smoking devices (e-cigs), or within 50 feet of the building. Violators of the smoking guidelines will be subjected to the student conduct system. Smoking is allowed outside at predetermined locations. All smoking materials should be extinguished properly in the provided receptacles.

For more information on smoking on campus please refer to policy 45 at: <http://www.wcu.edu/about-wcu/leadership/office-of-the-chancellor/university-policies/numerical-index/university-policy-45.asp>

### Candles/Incense and Other Flammable Items:

Candles and incense may not be burned anywhere in the residence halls. They present a fire hazard and also produce an odor that may disturb other residents. Grills, propane tanks, lighter fluid, charcoal, and/or other flammable items are not permitted in any residential facility on campus. This includes organizational storage rooms and patios in the Village.

### Improvements in Fire Safety:

The Department of Safety and Risk Management continuously evaluates, updates, and makes recommendations to campus officials on fire alarm and fire suppression systems. New programs and policies are developed as needed to help ensure the safety of our campus community. The following areas are being implemented:

- Continue installation of Evacuation Plans within public areas to assist residence with the location of exit routes, fire alarm pull stations, fire extinguishers, and Evacuation Assembly Area.
- Albright/Benton, Allen, Balsam, Blue Ridge, Judaculla, Harrill, Madison, Noble, Norton Residence Halls are being updated with modernized fire alarm panels.
- Valentine Residence has been updated with a modernized fire alarm panel and smoke detectors.



## Student Housing Fire Statistics

Residence Hall	Year	Total Fires	Cause of Fire	Number of Injuries	Number of Deaths	Property Damage
Albright/Benton Residence Hall	2022	0	N/A	0	0	N/A
	2021	0	N/A	0	0	N/A
	2020	0	N/A	0	0	N/A
Allen Residence Hall	2022	0	N/A	0	0	N/A
	2021	1	Dryer	0	0	\$18,769.32
	2020	0	N/A	0	0	N/A
Balsam Residence Hall	2022	0	N/A	0	0	N/A
	2021	0	N/A	0	0	N/A
	2020	0	N/A	0	0	N/A
Black Rock Residence Hall**	2022	N/A	N/A	N/A	N/A	N/A
	2021	N/A	N/A	N/A	N/A	N/A
	2020	N/A	N/A	N/A	N/A	N/A
Blue Ridge Residence Hall	2022	0	N/A	0	0	N/A
	2021	0	N/A	0	0	N/A
	2020	0	N/A	0	0	N/A
Judaculla Residence Hall	2022	0	N/A	0	0	N/A
	2021	0	N/A	0	0	N/A
	2020	0	N/A	0	0	N/A
Harrill Residence Hall	2022	0	N/A	0	0	N/A
	2021	0	N/A	0	0	N/A
	2020	0	N/A	0	0	N/A
Madison Residence Hall	2022	0	N/A	0	0	N/A
	2021	0	N/A	0	0	N/A
	2020	0	N/A	0	0	N/A
Noble Residence Hall	2022	0	N/A	0	0	N/A
	2021	0	N/A	0	0	N/A
	2020	0	N/A	0	0	N/A
Norton Residence Hall	2022	0	N/A	0	0	N/A
	2021	0	N/A	0	0	N/A
	2020	0	N/A	0	0	N/A
Reynolds Residence Hall	2022	0	N/A	0	0	N/A
	2021	0	N/A	0	0	N/A
	2020	0	N/A	0	0	N/A
Robertson Residence Hall	2022	0	N/A	0	0	N/A
	2021	0	N/A	0	0	N/A
	2020	0	N/A	0	0	N/A



Residence Hall	Year	Total Fires	Cause of Fire	Number of Injuries	Number of Deaths	Property Damage
Scott Residence Hall*	2022	N/A	N/A	N/A	N/A	N/A
	2021	N/A	N/A	N/A	N/A	N/A
	2020	0	N/A	0	0	N/A
Shining Rock Residence Hall**	2022	0	N/A	0	0	N/A
	2021	N/A	N/A	N/A	N/A	N/A
	2020	N/A	N/A	N/A	N/A	N/A
The Village	2022	0	N/A	0	0	N/A
	2021	0	N/A	0	0	N/A
	2020	0	N/A	0	0	N/A
Walker Residence Hall*	2022	N/A	N/A	N/A	N/A	N/A
	2021	N/A	N/A	N/A	N/A	N/A
	2020	0	N/A	0	0	N/A
Water Rock Residence Hall**	2022	0	N/A	0	0	N/A
	2021	N/A	N/A	N/A	N/A	N/A
	2020	N/A	N/A	N/A	N/A	N/A

\*Scott and Walker Residence Halls demolished 09/2020

\*\*Shining Rock and Water Rock Residence Halls added in Fall of 2022. Black Rock Residence Hall added in Spring of 2023



## BILTMORE PARK CLERY POLICIES AND STATISTICS

WCU at Biltmore Park is an off-campus instructional site operated by the WCU Programs in Asheville Office which reports directly to the Provost. In carrying out its mission, the unit works directly with all major administrative and academic offices of the University. WCU at Biltmore Park is in south Asheville and immediately off Interstate 26. It is located at 28 Schenck Parkway in Biltmore Park Town Square community.

The mission of Western Carolina University's Programs in Asheville is to extend the instructional resources of the University to the residents of Buncombe and surrounding counties. This mission is accomplished by offering a comprehensive set of graduate degree programs and a limited number of advanced specialized undergraduate degree programs that are of high academic quality and responsive to community need. The University's Asheville Programs Office coordinates and provides instructional and support services in a one-stop approach to faculty and students. The unit assists in the promotion of programs and recruitment of students and develops and maintains relationships with the business, education, health care, and industrial entities in the area. Constituencies include graduate and undergraduate students, university faculty and staff, alumni and the community-at-large.



### Security Considerations

WCU Biltmore Park is open Mon-Th: 8am – 9pm & Fri-Sat: 8am – 5pm. There is always at least one administrative staff member present when the facility is open. Only faculty and staff with assigned offices at WCU Biltmore Park have after-hours access. After-hours access is available with the use of proximity cards to gain access to the lobby, stairwells and elevator. Keys are used to access suites and offices. All public areas of the facility are covered by 24-hour CCTV and there is an emergency public address system with panic button feature. The student Counseling unit also has a separate panic button system.

### Law Enforcement

Crimes in progress and emergencies should be reported to 911 and the Asheville Police Department. Anyone needing assistance in making a police report may contact Western Carolina University Police Department at 828.227.8911 and Western Carolina University Police Department will assist in contacting the appropriate agency.

## Biltmore Park Clery Crime Statistics

Clery Crime	Year	On Campus	Residence Halls	Non-Campus	Public Property	Unfounded Crimes
Murder / Non-Negligent Manslaughter	2022	0	N/A	0	0	0
	2021	0	N/A	0	0	0
	2020	0	N/A	0	0	0
Negligent Manslaughter	2022	0	N/A	0	0	0
	2021	0	N/A	0	0	0
	2020	0	N/A	0	0	0
Rape	2022	0	N/A	0	0	0
	2021	0	N/A	0	0	0
	2020	0	N/A	0	0	0
Fondling	2022	0	N/A	0	0	0
	2021	0	N/A	0	0	0
	2020	0	N/A	0	0	0
Incest	2022	0	N/A	0	0	0
	2021	0	N/A	0	0	0
	2020	0	N/A	0	0	0
Statutory Rape	2022	0	N/A	0	0	0
	2021	0	N/A	0	0	0
	2020	0	N/A	0	0	0
Robbery	2022	0	N/A	0	0	0
	2021	0	N/A	0	0	0
	2020	0	N/A	0	0	0
Aggravated Assault	2022	0	N/A	0	0	0
	2021	0	N/A	0	0	0
	2020	0	N/A	0	0	0
Burglary	2022	0	N/A	0	0	0
	2021	0	N/A	0	0	0
	2020	0	N/A	0	0	0
Motor Vehicle Theft	2022	0	N/A	0	0	0
	2021	0	N/A	0	0	0
	2020	0	N/A	0	0	0
Arson	2022	0	N/A	0	0	0
	2021	0	N/A	0	0	0
	2020	0	N/A	0	0	0

Clery Crime	Year	On Campus	Residence Halls	Non-Campus	Public Property	Unfounded Crimes
Domestic Violence	2022	0	N/A	0	0	0
	2021	0	N/A	0	0	0
	2020	0	N/A	0	0	0
Dating Violence	2022	0	N/A	0	0	0
	2021	0	N/A	0	0	0
	2020	0	N/A	0	0	0
Stalking	2022	0	N/A	0	0	0
	2021	0	N/A	0	0	0
	2020	0	N/A	0	0	0
Weapons Law Arrests	2022	0	N/A	0	0	0
	2021	0	N/A	0	0	0
	2020	0	N/A	0	0	0
Drug-Related Arrests	2022	0	N/A	0	0	0
	2021	0	N/A	0	0	0
	2020	0	N/A	0	0	0
Liquor Law Arrests	2022	0	N/A	0	0	0
	2021	0	N/A	0	0	0
	2020	0	N/A	0	0	0
Weapons Law Disciplinary Referrals	2022	0	N/A	0	0	0
	2021	0	N/A	0	0	0
	2020	0	N/A	0	0	0
Drug-Related Disciplinary Referrals	2022	0	N/A	0	0	0
	2021	0	N/A	0	0	0
	2020	0	N/A	0	0	0
Liquor Law Disciplinary Referrals	2022	0	N/A	0	0	0
	2021	0	N/A	0	0	0
	2020	0	N/A	0	0	0
Hate Crimes	2022	· No Hate Crimes				
	2021	· No Hate Crimes				
	2020	· No Hate Crimes				
Unfounded Crimes	2022	0				
	2021	0				
	2020	0				

## **HIGHLANDS BIOLOGICAL STATION CLERY POLICIES AND STATISTICS**

The Highlands Biological Station (HBS), sited in Highlands, North Carolina, is an approximately 23-acre multi-campus Center administered by Western Carolina University. Consisting of research and teaching labs, classrooms, residences, and a museum, the mission of HBS is the support of biological research and education focused on the rich ecology of the southern Blue Ridge Escarpment region, accomplished through field biology research support, a program of academic and general-interest summer field courses and workshops, and extensive community and school outreach and enrichment programs. The three panels of the HBS logo reflect three facets of the Station: Highlands Nature Center, Laboratory, and Botanical Garden. HBS is supported in part by state funds, grants, and private funds provided by the 501(c)3 Highlands Biological Foundation, Inc. Except as noted below, all policy statements included in the Annual Fire Safety and Security Report pertain to the Highlands Biological Station.

### *Security Considerations*

Access to the Highlands Biological Station is mostly keypad access with some lock and key and are administered by the Highlands Biological staff. Crimes in progress and emergencies should be reported to 911 and the Highlands Police Department. Anyone needing assistance in making a police report may contact Western Carolina University Police Department at 828.227.8911 and Western Carolina University Police Department will assist in contacting the appropriate agency.

### *Highlands Biological Station Housing Fire Alarm and Safety Systems*

In addition to the Cullowhee Campus, Western Carolina University maintains five (5) houses/cottages at the Highlands Biological Station (HBS), collectively sleeping 52 persons. HBS housing is provided for short term use (ranging from 1 day to several months) consistent with convention center services housing. Residents include undergraduate and graduate students, researchers, and life-long learners. For additional information about housing at the Highlands Biological Station please visit their website. <https://highlandsbiological.org/about/housing/>

*Valentine House:* Valentine House is a two-story wood-frame building of about 2,200 square feet divided into six bedrooms, three bathrooms, a living room, a fully equipped kitchen, dining room, and a laundry/utility room. Formerly a private residence, it can accommodate 13 people, mostly housed two to four to a room in single beds with a shared bath.

### Emergency Lighting and Exit Signage

- Emergency lighting and exit signage are located in all egress corridors and stairwells.

### Fire Alarm System

- Fire Alarm Panel: Edwards EST Quick Start
- Devices: The fire alarm system utilizes both heat and smoke detectors. Smoke detectors are in hallways, common areas, and sleeping rooms.
- Heat detector is located in the kitchen.
- The following notification devices are in the building: manual pull stations, audio, and visual.

### Fire Suppression

- Portable fire extinguishers are located in the building per North Carolina Fire Code.

Howell Cottage: Howell Cottage is a one-story block building divided into four bedrooms, two bathrooms and a living room. It can accommodate 16 people.

#### Emergency Lighting and Exit Signage

- Emergency lighting is located in the common areas.

#### Fire Alarm System

- Fire Alarm Panel: Edwards EST IO64
- Devices: The fire alarm system utilizes both heat and smoke detectors. Smoke detectors are in hallways, common areas, and sleeping rooms. Heat detector is located in the attached kitchen.
- The following notification devices are in the building: audio and visual.

#### Fire Suppression

- Portable fire extinguishers are located in the building per North Carolina Fire Code.

Wright and Deacon Cottages: Wright and Deacon Cottages are one-story buildings, each with two bedrooms sleeping 4 persons each and a bathroom, 16 persons total. Wright, Deacon, and Howell residences were completely renovated in 2019, with the addition of a fully equipped kitchen/dining facility.

#### Emergency Lighting and Exit Signage

- Emergency lighting is located in the common areas.

#### Fire Alarm System

- Fire Alarm Panel: Edward EST IO64
- Devices: The fire alarm system utilizes smoke detectors. Smoke detectors are in common areas and sleeping rooms.
- The following notification device is in the building: audio and visual.

#### Fire Suppression

- Portable fire extinguishers are located in the building per North Carolina Fire Code.

Duplex 1 and 2: The Duplexes are our most modern facilities. Each has a kitchen and living room and can sleep up to four people in two bedrooms.

#### Emergency Lighting and Exit Signage

- Emergency lighting is located in the common room areas.

#### Fire Alarm System

- 120v standalone smoke detectors are located in the common area adjacent to bedrooms.
- The following notification device is in the building: audio

#### Fire Suppression

- Portable fire extinguishers are located in the building per North Carolina Fire Code.

## On-Campus Student Housing Fire Systems

Highlands Residence	Fire Alarm System	Smoke Detection Type	Detectors	Portable Fire Extinguishers
Valentine 888 Horse Cove Rd. Highlands, NC	Yes	Ionization, photoelectric, heat	Addressable	Yes
Howell 265E N. Sixth Street, Highlands, NC	Yes	Photoelectric, heat	Addressable	Yes
Wright and Deacon 265E N. Sixth Street, Highlands, NC	Yes	Photoelectric, heat	Addressable	Yes
Duplex 1 and 2 892 & 894 Horse Cove Rd. Highlands, NC	X	Photoelectric	120v standalone	Yes

*\* No reported fires at HBS residential housing in 2020, 2021, or 2022.*



## Highlands Biological Station Clery Crime Statistics

Clery Crime	Year	On Campus	Residence Halls	Non-Campus	Public Property	Unfounded Crimes
Murder / Non-Negligent Manslaughter	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Negligent Manslaughter	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Rape	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Fondling	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Incest	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Statutory Rape	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Robbery	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Aggravated Assault	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Burglary	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Motor Vehicle Theft	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Arson	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0



Clery Crime	Year	On Campus	Residence Halls	Non-Campus	Public Property	Unfounded Crimes
Domestic Violence	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Dating Violence	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Stalking	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Weapons Law Arrests	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Drug-Related Arrests	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Liquor Law Arrests	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Weapons Law Disciplinary Referrals	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Drug-Related Disciplinary Referrals	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Liquor Law Disciplinary Referrals	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Hate Crimes	2022	· No Hate Crimes				
	2021	· No Hate Crimes				
	2020	· No Hate Crimes				
Unfounded Crimes	2022	0				
	2021	0				
	2020	0				

*All Crimes in Residence Hall are also counted in the On-Campus Category*

## **CATAMOUNT SCHOOL CLERY POLICIES AND STATISTICS**

Operated by Western Carolina University in partnership with Jackson County Schools, The Catamount School is a lab school for 6th, 7th and 8th graders designed to explore innovative teaching approaches and applied learning opportunities in order to help every student discover his or her full academic potential. The Catamount School is located on the campus of Smoky Mountain High School at 100 Smoky Mountain Drive, Sylva, NC 28779.

The innovative laboratory school for up to 75 students opened in August 2017. It is designed to help enrolled students transition into high school through implementation of a “whole school, whole community, whole child” approach. The school’s principal and its teachers are employees of WCU, while the public-school system provides transportation and lunch for students.

Through campus resources at Western Carolina University, the Catamount School provides physical and cultural enrichment to encourage students to learn more about themselves and others and discover talents. Catamount School students have Health/Physical Education on a daily basis with WCU interns and staff. Students also have Enrichment through community and university resources. They are visited by WCU art students and do projects with organizations such as the WCU’s Parks and Rec Department and the Japanese Language program.

### Security Considerations

The Catamount School has a Crisis Management Plan to provide guidance to staff on how to respond during emergencies. The plan covers but is not limited to:

- Staff and Parental Notification Procedures
- Emergency Agency Telephone Numbers
- Emergency Response Actions and Incident Specific Evacuation Routes & Fire Evacuation Routes
- Tornado Shelter in Place Zones
- On-Site Evacuation Posts
- Off-Site Emergency Shelter
- Shelter-In-Place Protocol
- Lockdown Protocol
- Additional School/Campus Specific Aerial Maps, Utility Maps, and Diagrams

The Catamount School will participate in all safety drills (Fire, Tornado, Lockdowns) with Smoky Mountain High School. A school crisis kit will be maintained for both the staff of The Catamount School and the administration of the host school, Smoky Mountain High School. Student/Parent contact information will be secured in the SMHS crisis kit as well to ensure the proper authorities can reach parents or other emergency contact numbers in the event of a crisis.

### Law Enforcement

Crimes in progress and emergencies should be reported to 911 and the Jackson County Sheriff’s Department located at 399 Grindstaff Cove Road, Sylva, NC, 28779. Anyone needing assistance in making a police report may contact Western Carolina University Police Department at 828.227.8911 and Western Carolina University Police Department will assist in contacting the appropriate agency.

## Relevant Policies Taken from the Parent and Student Handbook

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

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

Harassment, including sexual or gender-based harassment, is not limited to specific situations or relationships. Harassment may occur between members of the opposite sex or the same sex. Students, parents, volunteers, visitors, or others are also strongly encouraged to report any actual or suspected incidents of discrimination, harassment, or bullying. All reports should be made to the principal or an appropriate teacher. Reports may be made anonymously through the Say Something anonymous reporting system, and all reports shall be investigated in accordance with that policy.

### General Discipline Philosophy

At the Catamount School, we believe good discipline is essential to good learning; each student has the right to be free from distractions caused by inappropriate behavior of others. We believe this can be established using the principles of a democratic community. A democratic community approach to classroom management involves- attention to relationships with and among learners and an intentional effort to create a climate of mutual caring and respect; a positive view of learners, including their inclination toward and motivation for learning and their responsiveness to kind and respectful treatment; consideration of each learner and his/her subsequent behavior within the social context of the classroom.

Day to day practices that generate community in the democratic classroom involve learners, teachers, and school personnel in getting to know each other, involve learners in setting mutually agreed upon classroom covenant and norms/ expectations for behavior, and teacher and peer support learners in meeting expectations through teaching expectations, reminding, redirecting and re teaching expectations as needed.

Regular classroom and school meetings are designed to foster school community involvement. Through problem solving and sharing experiences in class meetings, students learn and practice social skills such as listening to and responding positively to each other, showing empathy, and generating solutions to problems. Class meetings involve the following:

- Share acknowledgement and appreciation for positive behaviors that sustain and enhance the learning community.
- Acknowledge and generate solutions for problems and concerns that affect the learning community.
- Solutions are ideas generated by students that support learners in the community and work to resolve and prevent problems from reoccurring. The focus is on solutions rather than consequences or punishment.
- Students share their life experiences.
- Students plan classroom experiences such as field trips and service-learning opportunities.

For problems that interfere with the learning community and the health and well-being of individual students beyond that which can be handled through class meetings or staff/student conferences, Catamount staff will work to identify early warning signs of problems that interfere with learning and the functioning of the learning community, safety, health and well-being of students and develop personalized growth plans to prevent problems from escalating and/or remediate problematic behavior.

When individuals in the learning community display behavior that is disrespectful, hurtful or harmful to their peers or the community at large, the teacher and student work together to identify an appropriate restitution to make amends.

The following standards of student behavior are intended to mirror, when appropriate, Jackson County Schools policy. While students are enrolled in a school run by Western Carolina University, students are expected to follow many of the expected behavior norms of its partner, Jackson County Public Schools and its host, Smoky Mountain High School. Food services and daily transportation will be provided by Jackson County Public Schools and students are expected to follow all rules and regulations of JCPS when utilizing those services.

The Catamount School expects its students to behave in a socially acceptable and responsible manner at all times and believes there must exist a climate conducive to learning and respect for oneself, other people, and property, for a school to satisfactorily meet the needs of youth. The Catamount School staff will maintain a system of positive behavior support to model and encourage constructive methods of correcting and managing student behavior. When possible, the Catamount School will engage and involve resources from both the University and the public-school system in addition to community resources and organizations with the goal being to identify and correct root problems of behavior and disruption of the educational process. It is a goal of University and Catamount School organization to have students in school as much as possible and avoid drop-outs, suspensions, and expulsions.

For problems that interfere with the learning community and the health and well-being of individual students beyond that which can be handled through class meetings or staff/student conferences, Catamount staff will work to identify early warning signs of problems that interfere with learning and the functioning of the learning community, safety, health and well-being of students and develop personalized growth plans to prevent problems from escalating and/or remediate problematic behavior.

When individuals in the learning community display behavior that is disrespectful, hurtful or harmful to their peers or the community at large, the teacher and student work together to identify an appropriate restitution to make amends.

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Every student has the right to learn, and every teacher the right to teach. To ensure that this situation is present throughout the school campus the following guidelines have been developed.

- Students will show respect and courtesy toward all staff members. Students will also follow any lawful directive from a staff member. Students must give their names when asked by a staff member (including secretary, custodian, teacher aide, bus driver).
- Students will not participate in, encourage, or instigate fighting at any school function. Participants in fights will be subject to disciplinary action and may be referred to law enforcement for charges.
- Students will not use or display profanity or vulgar language.

- Students will not abuse or misuse school property or equipment.
- Students will not threaten, coerce, or intimidate, either singly or in groups, any other students or staff members in any manner.
- A student shall not possess, handle, or transmit an object that reasonably can be considered a weapon on school grounds, school transportation or at any school function.
- Unnecessary noise or loud talking in halls, cafeteria, etc., will not be tolerated.
- Students will, at all times, be in assigned places on time and with necessary materials.
- Disruptive behavior will not be tolerated on campus.
- No student will possess, use, sell, or be under the influence of any drugs or alcohol at school, at any school function, or on any school transportation.
- Students shall not possess or use tobacco products, nicotine products or any type of personal vaporizer (vape pen, E-cig, etc.) at school, on school-affiliated transportation, or as a participant in any school-sponsored activity.
- Students will refrain from inappropriate displays of affection.
- Students will wear appropriate dress as described in another section of this handbook.
- Students may not carry nor have in their possession beepers, walkie-talkies, video cameras, or laser lights. These items will be confiscated by the administration and returned only to a parent or guardian.
- Phones should not be visible or used during the school day unless authorized by a staff member. Students are encouraged to store their phone in their backpack or locker during school hours.
- Appropriate behavior is expected at school-wide assemblies and all extracurricular activities.

The code of conduct, found at the end of this section, is based on these principles and is provided to students and parents (including legal or custodial guardians) in an effort to ensure a safe and wholesome learning environment for all students.

The principal or designee may reduce the penalty when there is a finding of mitigating circumstances, except in cases where law or policy requires suspension. All decisions related to student behavior are guided by the objectives to teach responsibility and respect for cultural and ideological differences and by a commitment to create safe, orderly, and caring schools where learning continuously occurs. Students have the responsibility to comply with school rules, to pursue a prescribed course of study, and to submit to the lawful authority of teachers, staff, school officials and the law.

While this document is intended to provide notice to students and parents of general expectations for behavior and consequences for misconduct, it must be understood that discretion will have to be used in dealing with a wide range in age and maturity of students, and that consideration must be given to the seriousness of the infraction(s) when determining the severity of the consequences. Other inappropriate behavior not covered in this document will be dealt with by the principal and/or designee. The principal has the authority and responsibility to investigate and take appropriate action regarding any behavior appropriately referred to him or her. The principal is responsible for informing students and parents of any standards or rules which, if violated, could result in short-term or long-term suspension or expulsion.

Parents will be notified in person or on the phone of consequences imposed on their child. All records of parental contact will be maintained for the school year.

Students must abide by all standards as outlined by these guidelines in all of the following circumstances:

- while in any school building or on school premises before, during or after school hours;
- while on any bus or other vehicle as part of any school activity;

- while waiting at any school bus stop;
- during any school function, extracurricular activity, or other activity or event;
- when subject to the authority of school personnel; and
- any time or place when the student's behavior has or is reasonably expected to have a direct and immediate impact on the orderly and efficient operation of the school or the safety of individuals in the school environment.

The principal will retain for that school year all records related to violations of policies, school standards, or rules. At the end of the school year, all records may be removed except information concerning conduct that posed a significant risk to the safety or well-being of that student or others in the school community. Such information will be retained for at least three years depending upon whether the student exhibits any further behavior that poses a significant safety risk. All information regarding violations of the Catamount School Policy, which resulted in long-term suspension or expulsion, is to be maintained in accordance with G.S. 115C-402.

Information concerning conduct that posed a significant safety risk to the student or others in the school community may be disclosed to teachers and school officials, including teachers and school officials in other schools, who have legitimate educational interests in the behavior of the student. In an emergency, FERPA permits school officials to disclose without consent education records, including personally identifiable information from those records, to protect the health or safety of students or other individuals. At such times, records and information may be released to appropriate parties such as law enforcement officials, public health officials, and trained medical personnel (See 34 CFR §99.31(a)(10) and § 99.36). This exception is limited to the period of the emergency and generally does not allow for a blanket release of personally identifiable information from a student's education records.

As required by law, the principal will maintain the following data on each student suspended for more than ten days or expelled: race, gender, age, the duration of the suspension, whether an alternative education placement was considered or provided, and whether the student had multiple suspensions. The principal also will maintain records from the board's consideration of 365-day suspensions and expulsions.

#### Threatening Acts

Students are prohibited from directing toward any other person any language, sign or act which threatens force, violence, or disruption, including the taking or attempting to take anything of value from the care, custody or control of another person or persons, by force, threat of force, or violence, or by putting the victim in fear. This includes but is not limited to any behavior resulting in a felony conviction on a weapons, drug, assault, or other charge that compromises the safety of other persons. (The principal will determine the seriousness of the act.)

Consequence Range: ISS – Expulsion

Severe violation of this policy may result in long-term suspension or expulsion.

#### Criminal Behavior

Criminal or other illegal behavior is prohibited. Any student the principal reasonably believes to have engaged in criminal behavior on the school premises or at school activities will be subject to appropriate disciplinary action as stated in applicable Board policies and may be criminally prosecuted as well. The principal must report immediately to law enforcement officers and the Director of the School of Teaching and Learning, the following criminal behavior that occurs on school grounds, regardless of age or grade of the perpetrator or victim: assault resulting in serious personal injury; sexual assault; sexual offense; rape; kidnapping; indecent liberties with a minor; assault involving the use of a weapon;

possession of a firearm in violation of the law; possession of a weapon in violation of the law; possession of a controlled substance in violation of the law; assault on school officials, employees and/or volunteers; homicide, including murder, manslaughter and death by vehicle; robbery; or armed robbery.

School officials will cooperate fully with any criminal investigation and prosecution. Any criminal behavior that also violates school rules or policy will be investigated independently from the criminal investigation and appropriate disciplinary action from the school will be taken.

School administrators have the authority to conduct reasonable searches and seize materials in accordance with School Policy for the purpose of maintaining a safe, orderly environment and for upholding standards of conduct established by the Jackson County Board of Education, Western Carolina University, and The Catamount School.

Please visit <https://www.wcu.edu/learn/departments-schools-colleges/ceap/catamount-school/> for more information on The Catamount School.



## Title IX Sexual Harassment Policy & Procedures

### INTRODUCTION

The Catamount School (School) and Western Carolina University (University) acknowledge the dignity and worth of all students and employees and strives to create a safe, orderly, caring, and inviting school environment to facilitate student learning and achievement. The purpose of this policy is to support the School's commitment to providing an institutional environment free from Title IX Sexual Harassment, as well as to provide an administrative framework & oversight for reporting, investigating, adjudicating, and resolving violations of this policy. The School and University do not discriminate on the basis of sex (including pregnancy, childbirth, sexual orientation, and gender identity) in its education programs or activities and is required by Title IX of the Education Amendments Act of 1972 and federal regulations to not discriminate in such a manner. This requirement extends to admission and employment. The School and University will not tolerate discrimination on the basis of sex, including any form of sexual harassment as that term is defined under Title IX, in any program or activity of the school system.

The Title IX Coordinator is responsible for overseeing the School's/University's compliance with Title IX, the Violence Against Women Reauthorization Act of 2013 ("VAWA"), and other federal and state laws and mandates. These responsibilities include investigating any complaints communicated to school officials alleging noncompliance with Title IX or alleging actions which would be prohibited by this law. The Title IX Coordinator can be reached as follows:

Deidre Hopkins

*Title IX Coordinator and Equity Officer*

Western Carolina University

520 H.F. Robinson

[dshopkins@wcu.edu](mailto:dshopkins@wcu.edu)

828-227-7116

### SCOPE

1. This policy applies to all members of the School community, including students, employees, board members, volunteers, visitors, and others who participate in programs, activities, or conduct business on behalf of the School. "Visitors" include parents and other family members, individuals from the community, vendors, contractors, volunteers, and other persons doing business with or performing services on behalf of the School.
2. This policy applies to incidents of Prohibited Conduct when at least one student is a complainant or respondent.
3. This policy does not apply in instances when a student is not a complainant or respondent. For sex-based misconduct or retaliation for non-students, please refer to WCU Policy 129 "Title IX Sexual Harassment," WCU Policy 53 "Unlawful Discrimination" and WCU Policy 109 "Campus/Workplace Violence Prevention and Management."
4. This Policy applies to behavior that takes place in any education program or activity in the U.S, including locations, events, or circumstances where the School exercises substantial control over both the respondent and the context in which the alleged behavior occurs.



## DEFINITIONS

1. **Advisor** - A person chosen by a Party, or appointed by the School, to accompany the Party to meetings related to the grievance process, and advise and assist the Party throughout the process.
2. **Complainant** - Any person who has alleged to be the victim of conduct that could constitute Title IX Sexual Harassment, including a parent on behalf of their child.
3. **Consent** - For consent to be present, it must be knowing and voluntary, with clear permission, by word or action, to engage in sexual activity
  - a. For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific conduct.
  - b. Consent can also be withdrawn once given, as long as the withdrawal is reasonably and clearly communicated. If consent is withdrawn, that activity must cease.
  - c. Consent to some contact when permitted cannot be presumed to be consent for other activity.
  - d. Proof of consent or non-consent is not a burden placed on either Party involved in an incident. Instead, the burden remains on the School to determine whether its policy has been violated. The existence of consent is based on the totality of the circumstances evaluated from the perspective of a reasonable person in the same or similar circumstances.
4. **Education Program or Activity** – Locations, events or circumstances where the School exercises substantial control over both the Respondent and the context in which the alleged misconduct occurred.
5. **Decision-Maker** - The Principal or designee will be the Decision-Maker for all formal grievances under this policy, unless a conflict is determined in which case the Title IX Coordinator will appoint a Decision-Maker.
6. **Formal Complaint** - means a document filed by a Complainant or their parent/guardian or signed by the Title IX Coordinator alleging conduct in violation of this Policy against a Respondent and requesting that the University investigate the allegation. At the time of filing a formal complaint, a Complainant must be participating in or attempting to participate in the education program or activity of the school with which the formal complaint is filed. A Formal Complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information required to be listed for the Title IX Coordinator, and by any additional method designated by the school.
7. **Investigator** - An individual charged by the Title IX Coordinator with gathering testimonial and documentary evidence about an alleged violation of this policy and compiling the information into an investigation report.
8. **Party or Parties** - A reference to a Complainant(s) and Respondent(s), either separately or collectively.
9. **Respondent** - Any individual who has been reported to be the perpetrator of conduct that could constitute Title IX Sexual Harassment.
10. **Sex** – Sex, gender, gender expression, gender identity, and sexual orientation, as defined by federal and state law, and UNC system policies.

11. Title IX – Title IX of the Education Amendments Act of 1972 protects individuals from discrimination based on sex in education programs or activities that receive federal financial assistance. Title IX is a federal civil rights law codified at 20 U.S. Code §§ 1681-1688, and accompanying Federal Regulations at 34 CFR § 106.
12. Title IX Coordinator - The person who oversees compliance with Title IX, the Violence Against Women’s Act (VAWA), and other federal and state laws and mandates. The coordinator oversees the implementation and administration of this policy. The School shares a Title IX Coordinator with the University.

### PROHIBITED CONDUCT

All members of the School community are prohibited from engaging in Title IX Sexual Harassment and Retaliation (collectively referred to in this policy as “Prohibited Conduct”) regardless of the sex, gender, gender expression, gender identity, sexual orientation, and/or pregnancy of the Complainant or Respondent.<sup>1</sup> The following conduct identifies categories of Prohibited Conduct:

#### 1. Title IX Prohibited Conduct

Title IX Prohibited Conduct is the following misconduct that occurred in the United States and in the School’s/University’s education program or activity.

- a. Quid Pro Quo Sexual Harassment, defined as, an employee of the School conditioning the provision of an aid, benefit, or service of the School on an individual’s participation in unwelcome sexual conduct; or
- b. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the School’s Education Program or Activity; or
- c. “Sexual assault” as defined in 20 U.S.C. 1092(f)(6)(A)(v), “dating violence” as defined in 34 U.S.C. 12291(a)(11), “domestic violence” as defined in 34 U.S.C. 12291(a)(12), or “stalking” as defined in 34 U.S.C. 12291(a)(36). (Students shall not engage in sexual or intimate conduct at school. In instances where students are both the Complaint(s) and Respondent(s), and it is identified that the Complainant(s) has provided consent and capable of providing consent, then the matter will be addressed pursuant to the School’s Student Behavior policy and Code of Conduct)

### REPORTING

Any person who believes they have been discriminated against or harassed in violation of this policy, or retaliated against for activities protected under this policy, by an individual that falls under the scope of this policy should inform the Title IX Coordinator or any other school official designated to receive such complaints.

Reports of Prohibited Conduct, by all individuals, may be made by contacting the School Principal or Title IX Coordinator by email or phone referenced above. Reports may also be made online through the Title IX Reporting Form:

[https://cm.maxient.com/reportingform.php?WesternCarolinaUniv&layout\\_id=15](https://cm.maxient.com/reportingform.php?WesternCarolinaUniv&layout_id=15).

### MANDATORY REPORTER

All School and University employees are considered “Mandatory Reporters.” Upon receiving any information that may indicate the occurrence of Prohibited Conduct based on sex involving a student or employee, Mandatory Reporters are

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<sup>1</sup> The Catamount School will address allegations of other types of sexual harassment (i.e., that do not meet the definition of Title IX Sexual Harassment) and retaliation by: (1) using other student and employee conduct disciplinary procedures; and/or (2) with Supportive Measures, which are defined and discussed in more detail herein.

required to report the information to the School Principal or Title IX Coordinator as promptly as possible, but in no event after seventy-two (72) hours. Mandatory Reporters may also be referred to as “Responsible Employees.”

Employees who observe an incident of Prohibited Conduct are expected to intervene and stop the conduct in situations where they have supervisory control over the Respondent and it is safe to do so.

If an employee knows of an incident involving Prohibited Conduct and the employee fails to report the conduct, take proper action, or knowingly provides false information in regard to the incident, then the employee’s actions may result in disciplinary action, up to and including termination.

#### ANONYMOUS REPORTING

Except for Mandatory Reporters, individuals, including a Complainant, may report allegations of Prohibited Conduct anonymously. While the School/University will work to appropriately respond to and remedy the allegations reported anonymously, please be advised the School’s or University’s response may be limited. If a complainant is requesting anonymity, the Title IX Coordinator will honor their request to the extent they are able after assessing any health and safety issues impacting the campus community.

#### RESPONDING TO REPORTS

The Title IX Coordinator or designee shall be responsible for ensuring that each Formal Complaint or notice of an alleged violation of Prohibited Conduct is responded to promptly.

#### INITIAL ASSESSMENT

Upon receipt of information regarding Prohibited Conduct, the Title IX Coordinator will make an initial assessment to determine if the alleged Prohibited Conduct falls under this policy and respond to any immediate health or safety concerns raised by the information. The Title IX Coordinator or their designee will communicate with all reporters to acknowledge receipt of the report and provide information, as necessary, regarding subsequent appropriate action.

#### SUPPORTIVE MEASURES

The Title IX Coordinator or designee will communicate with students and employees who fall under the scope of this policy and may have experienced Prohibited Conduct. Individuals will be offered resources, options for reporting, and supportive measures.

Supportive Measures are non-disciplinary and non-punitive individualized services offered as appropriate, as reasonably available without fee or charge, to the Complainant or the Respondent. Supportive measures may be offered before or after the filing of a Formal Complaint, as well as when no Formal Complaint has been filed. Such measures are designed to restore or preserve equal access to the School’s Education Program or Activity without unreasonably burdening the other Party. Additionally, supportive measures include measures designed to protect the safety of all Parties and the School’s educational environment and deter sexual harassment. Supportive measures may be temporary or permanent.

Examples of supportive measures may include: counseling; extensions of deadlines or other course-related adjustments; modifications of work or class schedules; school escort services; mutual restrictions on contact between the Parties; changes in work or housing locations; leaves of absence; increased security and monitoring of certain areas of the School; and other similar measures. Supportive measures may include referrals to both confidential and private resources.

The School will maintain as confidential any supportive measures provided to the Complainant or Respondent to the extent that maintaining such confidentiality would not impair the ability of the institution to provide supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

Supportive measures will be offered to individuals involved in reports of Prohibited Conduct whether or not they file a Formal Complaint.

#### EMERGENCY REMOVAL

In relation to alleged violations of this policy, a Respondent can be removed entirely or partially from their Education Program or Activities on an emergency basis. An individualized safety and risk analysis must be performed that indicates an immediate threat to the physical health or safety of any student or other individual. The Title IX Coordinator or designee in conjunction with the School Principal will perform the safety and risk analysis using standard risk assessment processes to decide if an emergency removal is appropriate.

Respondents will be presented with an opportunity to challenge and appeal any decisions of an emergency removal. Appeals for emergency removal should be submitted to the Title IX Coordinator. The Title IX Coordinator will assign an administrator to review the appeal who was not involved in the initial assessment of emergency removal. All decisions made after the appeal of the emergency removal are final.

#### FILING A FORMAL COMPLAINT

A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic email, by using the contact information above. If the Complainant does not wish to file a formal complaint at the time of the incident, they may choose to file one later. The Title IX Coordinator or designee is responsible for receiving Formal Complaints from a Complainant. There are only two circumstances where a Formal Complaint will proceed through a formal grievance process:

1. Formal Complaint Filed by a Complainant.

A Complainant may submit a Formal Complaint to the Title IX Coordinator alleging Prohibited Conduct against a Respondent. Upon receipt of a Formal Complaint, the Title IX Coordinator or designee will review all supportive measures and resolution options with the Complainant and their Advisor, and determine if an Investigation is the most appropriate means to address the complaint. An investigator will investigate the allegation(s) if there are no procedural grounds for dismissal or an informal resolution.

2. Formal Complaint Signed by the Title IX Coordinator.

The Title IX Coordinator has the discretion over whether to sign a Formal Complaint and proceed with a formal grievance process when the Complainant does not wish to file a Formal Complaint. In deciding, the Title IX Coordinator will evaluate the situation in light of the duty to ensure the safety of the School and to comply with federal and state law. The Title IX Coordinator will also consider the effects on the availability of evidence and the School's ability to pursue a formal grievance fairly and effectively. The School's ability to remedy and respond to notice may be limited if the Complainant does not want the School to proceed with the grievance process.

## PROCEEDING WITH A FORMAL COMPLAINT

### 1. Dismissal of a Formal Complaint.

A decision by the Title IX Coordinator to dismiss a Formal Complaint before instituting a formal grievance is appealable by any Party under the procedures for appeal below. A Complainant who decides to withdraw a Formal Complaint may later request to reinstate it or refile it. Upon any dismissal, the School will promptly send written notice of the dismissal and the rationale for doing so simultaneously to the Parties.

### 2. Mandatory Dismissal

The School must dismiss a Formal Complaint, if at any time before or during the investigation, if it is determined that:

- a. the conduct alleged in the Formal Complaint would not constitute Prohibited Conduct as defined within this policy, even if proved; or
- b. the conduct did not occur in an educational program or activity; or
- c. the conduct did not occur against a person in the United States; or
- d. at the time of filing a Formal Complaint, the conduct did not occur within the scope of this policy.

However, if a formal complaint is dismissed under Title IX it may be investigated and adjudicated under other School policies and procedures.

### 3. Discretionary Dismissal

The School, at the sole discretion of the Title IX Coordinator, or designee, may dismiss a Formal Complaint, if at any time during the investigation:

- a. a Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein; or
- b. the Respondent is no longer enrolled in or employed by the School, as applicable; or
- c. specific circumstances prevent the School from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein.

### 4. Rights Reserved to the School

Dismissing a Formal Complaint under Title IX is solely a procedural requirement under Title IX and does not limit the School's authority to address a complaint with an appropriate process or remedy consistent with other School policies.

## NOTICE OF INVESTIGATION

If it is determined that an investigation will be initiated, then an Investigator will be assigned, and Parties will receive a notice of investigation and allegation(s)

## ADVISORS

The Parties may have up to two (2) Advisors of their choice who may, but are not required to, be an attorney, and as long as the Advisor is not an employee involved in the intake or an individual who is a part of the adjudication process. The School may appoint an Advisor, without fee or charge, to any party if the party chooses. If a Party chooses to obtain an advisor apart from one appointed by the School, the Party will be responsible for all potential costs associated with obtaining that advisor.

An Advisor may be present during interviews; however, they are not permitted to speak or ask questions during interviews. Parties are required to respond for themselves.

The Complainant retains all rights and status as a Complainant irrespective of their level of participation.

An Advisor will be required to complete specific paperwork regarding these procedures and the parameters of student or employee confidentiality before serving as an Advisor. If an Advisor interferes with the procedures, the Title IX Coordinator may remove them from the role.

#### INFORMAL RESOLUTIONS

The Title IX Coordinator may facilitate an informal resolution between the Parties after a Formal Complaint has been filed. A Party who wishes to initiate an informal resolution after a Formal Complaint has been filed should contact the Title IX Coordinator.

The School will obtain voluntary, written confirmation that all Parties wish to resolve the matter through informal resolution before proceeding and will not pressure the Parties to participate in informal resolution.

Any Party participating in an informal resolution can stop the process at any time and begin or resume the formal grievance process. Additionally, an informal resolution may be entered at any time before a determination of responsibility has been made by the School.

#### RESPONDENT ACCEPTANCE OF FULL RESPONSIBILITY

The Respondent may accept responsibility for all or part of the alleged policy violations at any point during the resolution process. If the Respondent indicates an intent to accept responsibility for all of the alleged misconduct, the formal process will be paused, and the Title IX Coordinator will determine whether informal resolution can be used.

If informal resolution is applicable, the Title IX Coordinator will determine whether all Parties and the School can agree on responsibility, sanctions, and/or remedies. Upon agreement of the Parties, the Title IX Coordinator or designee, in collaboration with the appropriate administrative official(s), will implement a Finding that the Respondent is in violation of Prohibited Conduct and the agreed-upon sanctions or remedies.

This result of an informal resolution is not subject to appeal once all Parties indicate their written assent to all agreed-upon terms of the resolution. When the Parties cannot agree on all terms of resolution, the formal grievance process will resume at the same point where it was paused.

#### INVESTIGATIONS AND QUESTIONING OF OTHER PARTY

Once a formal complaint has been filed and has not been subject to a mandatory and discretionary dismissal, a Formal Resolution process may commence if (i) there is a request by either party to pursue the Formal Resolution process or (ii) the Title IX Coordinator signed the formal complaint. Investigations will be conducted by trained Investigators. An Investigator is a neutral fact-finder. Parties should notify the Title IX Coordinator immediately if they believe that the appointed Investigator has a conflict of interest or bias.

After a final investigative report is provided to the Parties and the Decision-Maker, the Decision-Maker will afford the Parties ten (10) business days after receipt of the investigative report, an opportunity to:

1. submit written, relevant questions that a Party wants asked of any Party or witness;
2. provide each Party the answers; and
3. allow for additional, limited follow-up questions for each Party.

Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless:

1. such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or
2. 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.

#### DETERMINATION REGARDING RESPONSIBILITY

After receipt of the investigative report and submission of questions and answers, the Decision-Maker will review the investigative report, the accompanying evidence, and the submission of questions and answers that were received after the final investigative report was provided to the Parties.

After this review the Decision-Maker will render a written determination regarding responsibility that complies with Title IX, which shall include a determination of sanctions, if applicable. The Decision-Maker in their discretion may meet individually with the Parties and their Advisors before rendering a decision on responsibility and sanctions.

#### APPEALS

An appeal is an objective, independent review designed primarily to detect any significant errors in the investigation or outcome of a formal complaint, including the dismissal of a formal complaint. The result of an Informal Resolution is not subject to appeal. The appeal is not an opportunity for a party to reexamine each aspect of the Decision-Maker's decision or seek a de novo (i.e. from the beginning) review. Instead, the basis for the appeal is to focus on specific aspects of the written final determination, such as procedural irregularities, that could have affected the outcome of the formal complaint.

The response is an opportunity for parties to submit a statement in support of the final determination. Parties may wish to provide this response should an appeal be filed by the other party, or to document their support of the outcome of the formal complaint.

1. Appeal of Finding of Responsibility

Appeals must be written and submitted to the Title IX Coordinator or designee within five (5) business days of receiving the Decision-Maker's written determination. Appeals must include a rationale and supporting evidence for any of the grounds for appeals listed below.

2. Grounds for Appeals

The Complainant or Respondent may appeal the Decision Maker's determination of responsibility or decision to

dismiss the Formal Complaint on any of these three bases: (1) procedural irregularity that affected the outcome of the matter; (2) new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; or (3) the Title IX Coordinator, Investigator(s), or Decision- Makers) had a conflict of interest or bias for or against Complainants or Formal Complaints generally or the individual Complainant or Formal Complaint that affected the outcome of the matter.

3. Decision Regarding Appeals of Responsibility

WCU's Dean of the College Education and Allied Professions will serve as the appeal officer.

4. Sanctions During Pendency of Appeals

Sanctions shall not be imposed during the pendency of any appeal.

### RETALIATION

The School will take all appropriate and available steps to protect individuals who fear that they may be or have been subjected to Retaliation. Retaliation is any adverse action against an individual, or an individual's spouse, partner, or other person with a close personal relation, for: (a) making or supporting a claim of Title IX Sexual Harassment, (b) opposing any Title IX Sexual Harassment, (c) participating in the reporting, investigation, or resolution of alleged violation(s) under this policy, or (d) otherwise engaging in a protected activity under School associated policies. Examples of Retaliation include intimidation, threats, coercion, or adverse employment or educational actions.

Acts of alleged Retaliation should be reported immediately to the Title IX Coordinator and will be promptly investigated.



**THE  
CATAMOUNT  
SCHOOL**



## Catamount School Clery Crime Statistics

Clery Crime	Year	On Campus	Residence Halls	Non-Campus	Public Property	Unfounded Crimes
Murder / Non-Negligent Manslaughter	2022	0	N/A	0	0	0
	2021	0	N/A	0	0	0
	2020	0	N/A	0	0	0
Negligent Manslaughter	2022	0	N/A	0	0	0
	2021	0	N/A	0	0	0
	2020	0	N/A	0	0	0
Rape	2022	0	N/A	0	0	0
	2021	0	N/A	0	0	0
	2020	0	N/A	0	0	0
Fondling	2022	0	N/A	0	0	0
	2021	0	N/A	0	0	0
	2020	0	N/A	0	0	0
Incest	2022	0	N/A	0	0	0
	2021	0	N/A	0	0	0
	2020	0	N/A	0	0	0
Statutory Rape	2022	0	N/A	0	0	0
	2021	0	N/A	0	0	0
	2020	0	N/A	0	0	0
Robbery	2022	0	N/A	0	0	0
	2021	0	N/A	0	0	0
	2020	0	N/A	0	0	0
Aggravated Assault	2022	0	N/A	0	0	0
	2021	0	N/A	0	0	0
	2020	0	N/A	0	0	0
Burglary	2022	0	N/A	0	0	0
	2021	0	N/A	0	0	0
	2020	0	N/A	0	0	0
Motor Vehicle Theft	2022	0	N/A	0	0	0
	2021	0	N/A	0	0	0
	2020	0	N/A	0	0	0
Arson	2022	0	N/A	0	0	0
	2021	0	N/A	0	0	0
	2020	0	N/A	0	0	0

Clery Crime	Year	On Campus	Residence Halls	Non-Campus	Public Property	Unfounded Crimes
Domestic Violence	2022	0	N/A	0	0	0
	2021	0	N/A	0	0	0
	2020	0	N/A	0	0	0
Dating Violence	2022	0	N/A	0	0	0
	2021	0	N/A	0	0	0
	2020	0	N/A	0	0	0
Stalking	2022	0	N/A	0	0	0
	2021	0	N/A	0	0	0
	2020	0	N/A	0	0	0
Weapons Law Arrests	2022	0	N/A	0	0	0
	2021	0	N/A	0	0	0
	2020	0	N/A	0	0	0
Drug-Related Arrests	2022	0	N/A	0	0	0
	2021	0	N/A	0	0	0
	2020	0	N/A	0	0	0
Liquor Law Arrests	2022	0	N/A	0	0	0
	2021	0	N/A	0	0	0
	2020	0	N/A	0	0	0
Weapons Law Disciplinary Referrals	2022	0	N/A	0	0	0
	2021	0	N/A	0	0	0
	2020	0	N/A	0	0	0
Drug-Related Disciplinary Referrals	2022	0	N/A	0	0	0
	2021	0	N/A	0	0	0
	2020	0	N/A	0	0	0
Liquor Law Disciplinary Referrals	2022	0	N/A	0	0	0
	2021	0	N/A	0	0	0
	2020	0	N/A	0	0	0
Hate Crimes	2022	· No Hate Crimes				
	2021	· No Hate Crimes				
	2020	· No Hate Crimes				
Unfounded Crimes	2022	0				
	2021	0				
	2020	0				