

## **Mid-Atlantic Christian University Institutional Policy #19**

SUBJECT: Preventing and responding to sexual violence

DATE: May 18, 2006

REVISED: March 20, 2015

REVIEWED: April 2020

NEXT SCHEDULED REVIEW: February of odd-numbered years

APPROVED BY BOARD OF TRUSTEES: December 2013, May 2015

Policy for: All Mid-Atlantic Christian University staff, faculty and students

Procedure for: All Mid-Atlantic Christian University staff, faculty and students

Authorized by: Vice President for Student Services

Issued by: Board of Trustees

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### I. Purpose

The purpose of this policy is to address the public well-being of Mid-Atlantic Christian University's ("MACU" or the "University") students, staff, and faculty and to comply with the requirements of applicable state and federal laws including section 485(f) of the Higher Education Act of 2008, the Violence Against Women Reauthorization Act of 2013, the Campus SaVE Act, and Title IX of the Education Amendments of 1972, 20 U.S.C. section 1681 et seq.

### II. Policy

The University will not tolerate domestic violence, dating violence, sexual assault, or stalking. Offenders may be subject to appropriate University judiciary action and/or criminal proceedings. Sexual violence is a form of sexual harassment, and services are available to students, faculty, and staff who experience sexual violence, domestic violence, dating violence, and instances of stalking. The University utilizes procedures that provide prompt, fair, and impartial investigation and resolution in cases involving allegations of domestic violence, dating violence, sexual assault, or stalking. Officials who receive specific annual training carry out these procedures.

In situations of alleged domestic violence, dating violence, sexual assault, or stalking, the University is committed to providing crisis intervention measures for students, faculty, and staff, as well as appropriate administrative response for the complainant and respondent; referring individuals to criminal investigative, counseling, or prosecuting authorities; and

educating and promoting discussion on interpersonal abuse and violence issues. The University's process does not obviate adjudication under state law or federal law.

The University prohibits retaliation by its officers, employees, students, or agents against a person who exercises his or her rights or responsibilities under any provision of federal or state law, including Title IX and the Campus SaVE Act, or this policy.

### III. Procedures

#### **PROVIDING INFORMATION**

The University continually reviews and modifies its physical surroundings to enhance security and safety, such as campus lighting, locking procedures, signage, etc. For additional safety information, contact the University maintenance department.

The University provides all incoming students and new employees with a description of the annual security reports, ongoing prevention and awareness campaigns, and primary prevention and awareness programs. This training includes, but is not limited to:

- A statement that the institution prohibits the offences of dating violence, domestic violence, sexual assault, and stalking (reading of the policy statement)
- Definitions of the following, as provided in this policy:
  - Sexual Violence
  - Dating violence
  - Domestic violence
  - Sexual Assault
  - Stalking
  - Consent
- Active bystander guidelines and procedures
- Information on risk reduction
- Information on institutional policies and procedures regarding the events after an allegation of dating violence, domestic violence, sexual assault, or stalking has been made or a sexual offense occurs
- Such other information as is contained in this policy.

#### **DISCLOSURE AND PUBLICATION OF CRIME AND SAFETY STATISTICS**

The University maintains statistics about the number of incidents of dating violence, domestic violence, sexual assault, and stalking that meet the definitions of those terms.

These statistics and the list of people to whom a crime may be reported appear online at: <http://www.macuniversity.edu/student-life/student-services/safety-and-security>. Neither safety awareness alerts nor campus crime statistics contain specific victim-identifying information. Honoring the confidentiality of judiciary proceedings and their outcomes is the

responsibility of the accused, the victim, the institution, and all others participating in or privy to those proceedings. Unless disclosure is authorized by law, failure to respect the confidentiality of the proceedings and their outcomes may result in judiciary consequences within the University, as well as potential civil liability.

### **ONGOING PREVENTION AND AWARENESS CAMPAIGNS AND PRIMARY PREVENTION PROGRAMS**

The University makes every attempt to foster an environment of safety and security. To achieve this, the University conducts ongoing prevention and awareness campaigns and primary prevention programs that address all aspects of domestic violence, dating violence, sexual assault, and stalking, including rape and acquaintance rape. These ongoing campaigns include the information identified in the section entitled “PROVIDING INFORMATION”, above. The University imposes these campaigns and programs on all University faculty, staff, and students.

These campaigns and programs include, but are not limited to, the provision of information regarding:

- Safety precautions and prevention
- Crisis management
- Reporting
- Medical and counseling services
- MACU judiciary procedures
- This policy

First-year students are required to participate in **Violence Against Women Training Session** a Title IX education program by Mid-Atlantic Christian University that combines sexual assault and substance abuse prevention in a comprehensive training program.

For additional information about University educational programs concerning domestic violence, dating violence, sexual assault, and stalking, contact the appropriate Title IX Coordinator.

### **HOW TO BE AN ACTIVE BYSTANDER**

The University recognizes that everyone is a bystander at some time. Bystanders play a crucial role in the prevention and avoidance of sexual violence, domestic violence, dating violence, instances of stalking, and other types of unacceptable behavior. The University is committed to fostering a campus environment of accountability where campus community members are actively engaged in the prevention of violence and mitigation of further harm.

Active bystanders witness these conditions, behaviors, and situations and make the choice to intervene or speak up about the situation. Active bystanders are the largest and first line

of defense in eliminating violence or misconduct on the University campus.

What to do as an active bystander is not always clear. To alleviate and add clarity to potential actions by active bystanders, the University provides the following guidelines. This list is by no means complete.

1. If there is an apparent, immediate danger, dial 9-1-1 immediately.
2. Be actively aware of your surroundings and your fellow campus community members. If someone appears to be in trouble or needs help, ask if they need assistance.
3. Speak out (diffuse the situation immediately or report to University authorities) when you hear someone talking about trying to take advantage of another person.
4. Confront and report anyone who tries to take advantage of an incapacitated person.
5. Believe someone who reports sexual assault, abusive behavior, or experience with stalking.
6. Refer people to on or off campus resources listed in this document for support in health, counseling, or legal assistance.

*(Bystander intervention strategies adapted from Stanford University, University of North Dakota, and the Massachusetts Institute of Technology)*

### **RISK REDUCTION**

Risk reduction is not a tool that shifts the responsibility of assault or rape onto the victim—rapists are solely responsible. However, there are strategies to reduce the risk of sexual assault, harassment, or other types of misconduct. Be aware of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation. Additionally:

1. Avoid isolated areas and areas that lack appropriate lighting.
2. Trust your instincts.
3. If at any point you feel uncomfortable or unsafe, make every attempt to remove yourself from the situation or ask for help.
4. If you witness something suspicious immediately, contact local authorities (dial 9-1-1.)
5. Avoid isolation with unfamiliar persons.
6. Make sure your cell phone is sufficiently charged.
7. Keep the gas tank filled at least halfway.
8. Avoid walking with headphones in both ears or otherwise limiting your ability to fully be aware of your surroundings.
9. Travel in groups. Arrive to events in groups. Maintain periodic contact with group members during events and leave with group members.
10. Let others know where you are going and how to contact you. Set up a code

word that will let your friends and family know that you are in trouble.

11. If you are in a social setting, do not leave your drink unattended. If you have to leave your drink unattended for any length of time, dispose of the drink and order a new drink.
12. Do not accept drinks from people that you do not know.
13. Help your fellow community members by watching out for them. If someone is too intoxicated, incapacitated, or otherwise acting out of character, get him or her to a safe place. If necessary, contact campus and local authorities.
14. If you suspect that someone has been drugged or otherwise intentionally incapacitated, contact law enforcement immediately (dial 9-1-1.)

Sometimes you will find yourself in a situation that is uncomfortable or unsafe. Being in an unsafe or uncomfortable situation is not your fault. If you find yourself in one of these situations, try some of the following:

1. Only do things you are comfortable and okay with doing.
2. Avoid pressure from other individuals to engage in activities.
3. Say “No” or “I don’t want to.”
4. Make every attempt to escape the situation even if it means fabricating an excuse.
5. 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.
6. Try to think of an escape route. How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you? Is there an emergency phone nearby?

#### **PROCEDURES FOLLOWING THE OCCURRENCE OF AN OFFENSE, INCLUDING REPORTING**

A guiding principle following the occurrence of a sex offense, domestic violence, dating violence, sexual assault, and stalking is to avoid possible re-victimizing by engaging in a plan of action. The University recommends that the victim consider each of the following:

1. Get to a safe place.
2. Avoid the destruction of evidence. Showering, bathing, douching, changing clothes, or cleaning up in any way can destroy crucial evidence.
3. Preserve evidence in marked paper bags.
4. Preserve copies of digital evidence like emails, text messages, chat logs and voice mails.
5. Get medical treatment. Be forthcoming about the event so that the medical examiner can give the appropriate and necessary treatment to assess your condition and preserve evidence
6. Pursue counseling from University Counseling Services or an outside counseling

- agency.
7. File a police report.
  8. Report the incident or experience to campus authorities—the Title IX coordinator, Vice President for Student Services, and the Student Life Administrator.
  9. Make an anonymous report to law enforcement. See the section on Alternatives to Immediately Filing a Police Report for complete information.
  10. Opt to not notify authorities.
  11. Obtain protective orders.

A student or employee who reports to the University that the student or employee has been a victim of domestic violence, dating violence, sexual assault, or stalking, whether the offense occurred on or off campus, shall be provided with a written explanation of the student's or employee's rights and options, as described or referenced herein.

### **FILING A POLICE REPORT**

A report to the police can empower the complainant by exercising her/his legal rights and can aid in the protection of others. University staff will encourage the complainant to file a police report and will assist the complainant in notifying the police, if requested. The police should then advise the complainant of the legal process. The police can be contacted by dialing 9-1-1 or by calling 252-335-4321. The Elizabeth City Police Department (“ECPD”) is located at 302 East Colonial Avenue, Elizabeth City, NC 27909.

1. On-campus investigation is typically conducted by MACU and law enforcement personnel. Responsibilities of the ECPD include:
  - i. Attending to the immediate needs of the victim, including personal safety and prompt medical care
  - ii. When appropriate, broadcasting a description of the offender
2. Off-campus cases are usually investigated by the Elizabeth City Police Department or another law enforcement agency. When an investigation or legal proceeding occurs off-campus, services are still available through the University.

Immediately filing a police report is encouraged and recommended. Filing a police report is not analogous with filing charges against an accused. Charges may or may not be filled. However, the immediate filing of a police report may improve the collection of evidence and may improve the adjudication process. Pursuing charges is at the discretion of the applicable state judicial or legal authority. Reporting an incident does not obligate a person to press charges, but gives the complainant the option of seeking a judicial no-contact, restraining and protective order.

### **ALTERNATIVES TO IMMEDIATELY FILING A POLICE REPORT**

While the University strongly encourages the filing of a police report, other alternatives exist, such as:

1. Report the crime at a later time/day.
2. Make a complaint to a University official or the appropriate Title IX Coordinator, who, if desired by the victim, can assist the victim in notifying law enforcement authorities. Regardless of whether a report is filed with the University, any filed police reports will go through the judiciary and review process at MACU.
3. Make an anonymous report to the police (a report that notifies the police that a domestic violence, dating violence, sexual assault, or stalking incident has occurred, but gives no names or identification). Elizabeth City Police Department operates an anonymous CRIMELINE - (252) 335-5555
4. Contact the appropriate Title IX Coordinator for more information concerning the administrative process. Students may reference the University judiciary process outlined in this policy or in the *Student Handbook*. Faculty and staff should consult the *Staff Handbook* and the *Faculty Handbook*.
5. Opt not to notify authorities.

If the complainant does not choose to file a police report, an official complaint may still be filed with the University. Complaints will be referred to law enforcement agencies if appropriate.

### **ONGOING CARE**

Students may seek assistance at any time from the University Counseling Services (“UCS”) at no additional charge. Referrals may be made upon request for relatives, partners, and friends of either the complainant or respondent to various support agencies. The USC may, or direct victims to others who may, provide assistance in areas such as in changing academic, living, transportation, and working situations, if so requested by the victim and if such accommodations are reasonably available, regardless of whether the victim chooses to report the crime to campus authorities or local law enforcement.

Students may seek assistance from local medical services. Post-assault medical care includes testing and treating for sexually transmitted diseases (STDs).

At any time, students may contact a Student Life Representative who is trained to respond to sexual assault emergencies. A student may contact this representative even if he or she has not decided yet whether to report the sexual assault to the police. The Student Life Representative is available to answer any general or personal questions related to sexual assault and can help with:

- Finding emotional support
- Getting medical care

- Reporting the crime to the police
- Preserving evidence, and, if desired by the complainant, pressing charges
- Adjusting living arrangements
- Managing academic obligations
- Getting counseling
- Referring to outside sources

Employees and students may seek assistance at any time from any medical facility.

### **ON-CAMPUS INVESTIGATION AND ADJUDICATION**

MACU's response to domestic violence, dating violence, sexual assault, or stalking reports may involve a number of individuals and agencies (e.g., Title IX Coordinator, Student Life Administrator, Police). In addition, for cases involving campus community members, there is a timely, campus-based investigation which is private and protects individual rights and process. The complainant is presented with options about how s/he may pursue the complaint.

The appropriate University judiciary avenue is determined by the status of the person accused of sexual assault. Anyone to whom this policy applies may choose to bring forward a complaint within the University instead of, or in addition to, seeking redress outside the institution in the legal system.

Someone with a complaint of sexual assault may also opt to pursue his or her case via the legal system without engaging the University's judiciary process, although, in the interest of community safety, the University may be obliged to investigate and/or prosecute an alleged sexual assault through internal judiciary procedures.

The University does not impose a time limit after which the University will not consider formal complaints of sexual assault. However, a timely judiciary process can take advantage of the most recent recollections and evidence and can facilitate more prompt resolution to what is often a traumatic and painful situation for the victim.

If the accused is an employee, the complaint should be addressed to the Vice President of Finance (employee Title IX Coordinator), who oversees Mid-Atlantic Christian University's Human Resources policies.

In each of the venues, the University is committed to initiating a prompt and thorough investigation. Such an investigation may occur alongside, rather than in lieu of, an independent law enforcement investigation.

### **UNFOUNDED CRIME REPORTS**

In accordance with the Department of Education's Clery Reporting Handbook, unfounded



crimes are crimes that are reported and investigated by sworn law enforcement and found to be false or baseless. Only sworn or commissioned law enforcement personnel may determine a crime to be unfounded.

The recovery of stolen property, the low value of stolen property, the refusal of the victim to cooperate with the prosecution or the failure to make an arrest does not make an actual offense “unfounded”. In addition, the findings of a coroner, court, jury or prosecutor do not make actual offenses or attempted offenses “unfounded” when law enforcement investigations determine that those offenses or attempted offenses actually occurred.

Statistics regarding the reporting of offenses that are found to be unfounded are reported to the Department of Education along with other required crime statistics. Statistics regarding the reporting of offenses that are found to be unfounded are also disclosed in the annual security report.

Crimes statistics that are disclosed but later found to be “unfounded” a subsequent year by sworn law enforcement are revised

## **PROCEDURES FOR UNIVERSITY DISCIPLINARY ACTIONS**

Proceedings for University disciplinary actions shall (a) provide a prompt, fair, and impartial investigation and resolution; and (b) be conducted by officials who receive annual training on the issues related to domestic violence, dating violence, sexual assault, and stalking and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.

**For Students** – The *Student Handbook* describes the judiciary process that follows a violation of this policy, other university policies, and the *Student Handbook*. If the accused is a student, a complaint is addressed within the procedures for student discipline described in the *Student Handbook*. The complaint should be addressed to the Title IX Coordinator for students.

The University Judiciary Committee oversees the MACU judiciary process for students’ complaints and allegations of dating violence, domestic violence, sexual assault, or stalking. The Judiciary Committee is made up of no less than four (4) officials, all of whom have appropriate training to deal with allegations of dating violence, domestic violence, sexual assault, or stalking, including:

- Vice President for Student Services (Chair)
- A selection of faculty and staff
- University counselor (non-voting)

Complainants and respondents have the right to have an advisor of their choice present throughout the entirety of the judiciary process. The complainant, respondent, and their advisors are given equal access to information concerning the allegation.

During the hearing(s):

- The complainant and respondent have equal opportunities to have others present, including an advisor of their choice
  - If both the Respondent and Complainant are required to attend the same hearing then a minimum of 24 hours of notice will be given.
- The University Judiciary Committee shall examine relevant evidence
- The University Judiciary Committee may interview witnesses, when appropriate
- The University Judiciary Committee may hear testimony from the complainant and the respondent, if the complainant and respondent testify
- The University Judiciary Committee shall render judgment by majority rule (see section on Sanctions for complete information)
- The University Judiciary Committee shall deliver notice of judgment to the complainant and respondent simultaneously, in writing
- The University Judiciary Committee may report criminal issues to law enforcement
- The University Judiciary Committee shall notify the respondent's parents or guardian of the judgment if the respondent is single and under the age of 23.

If a respondent refuses to appear before the Judiciary Committee, the Committee will render a judgment in absence of the respondent.

The standard of proof that exists for university judiciary proceedings is preponderance of evidence (i.e., more likely than not the event(s) occurred). A student's privacy concerns are weighed against the needs of MACU to respond to certain incidents and crimes. To the greatest extent possible, all reports will remain private. However, information may be shared with appropriate departments and agencies under a need-to-know basis when it pertains to investigative needs and safety concerns of the university community. In accordance with VAWA, these necessary disclosures do not violate section 444 of the General Education Provisions Act (20 U.S.C. 1232g), commonly known as the Family Educational Rights and Privacy Act of 1974 (FERPA).

Following University disciplinary action in cases of alleged domestic violence, dating violence, sexual assault, or stalking, both the accuser and the accused shall be simultaneously informed, in writing, of: (a) the outcome of any University disciplinary proceeding that arises from an allegation of domestic violence, dating violence, sexual assault, or stalking; (b) the University's procedures for the complainant and the

respondent to appeal the results of the institutional disciplinary proceeding; (c) any change to the results that occurs prior to the time that such results become final; and (d) when such results become final.

The entirety of the student judiciary process is detailed in the *Student Handbook*.

**For Faculty and Staff** - If a faculty or staff member is involved as the complainant or respondent:

1. All incidents are to be reported to the appropriate Title IX Coordinator
2. The Title IX Coordinator will refer the incident to the Employee Judiciary Committee in cases alleging Sex Discrimination, Sexual Harassment, Sexual Violence, Domestic Violence, Dating Violence and Stalking.

The University Judiciary Committee oversees the MACU judiciary process for students' complaints and allegations of dating violence, domestic violence, sexual assault, or stalking. The Judiciary Committee is made up of no less than four (4) officials, all of whom have appropriate training to deal with allegations of dating violence, domestic violence, sexual assault, or stalking, including:

- Vice President for Student Services (Chair)
- A selection of faculty and staff

Complainants and Respondents have the right to have an advisor of their choice present throughout the entirety of the judiciary process. The complainant, respondent, and their advisors are given equal access to information concerning the allegation.

During the hearing(s):

- The complainant and respondent have equal opportunities to have others present, including an advisor of their choice
  - If both the Respondent and Complainant are required to attend the same hearing, then a minimum of 24 hours of notice will be given.
- The University Judiciary Committee shall examine relevant evidence
- The University Judiciary Committee may interview witnesses, when appropriate
- The University Judiciary Committee may hear testimony from the complainant and the respondent, if the complainant and respondent testify
- The University Judiciary Committee shall render judgment by majority rule (see section on Sanctions for complete information)
- The University Judiciary Committee shall deliver notice of judgment to the complainant and respondent simultaneously, in writing

- The University Judiciary Committee may report criminal issues to law enforcement

If a respondent refuses to appear before the Judiciary Committee, the Committee will render a judgment in absence of the respondent.

The standard of proof that exists for University judiciary proceedings is preponderance of evidence (i.e., more likely than not the event(s) occurred). If a complainant requests that his or her name not be revealed to the respondent or asks MACU not to investigate or seek action against the respondent, MACU will be limited in its ability to respond fully to the incident.

Following University disciplinary action in cases of alleged domestic violence, dating violence, sexual assault, or stalking, both the accuser and the accused shall be simultaneously informed, in writing, of: (a) the outcome of any University disciplinary proceeding that arises from an allegation of domestic violence, dating violence, sexual assault, or stalking; (b) the University's procedures for the accused and the victim to appeal the results of the institutional disciplinary proceeding; (c) any change to the results that occurs prior to the time that such results become final; and (d) when such results become final.

The entirety of the employee judiciary process is detailed in the *Staff Handbook* and the *Faculty Handbook*.

#### **INTERIM ARRANGEMENTS AND POST-HEARING INTERVENTIONS**

The University actively provides services for all parties in domestic violence, dating violence, sexual assault, and stalking cases. The University continues a coordinated response system that attends to the complainant's and respondent's physical and emotional well-being as well as the safety of the community.

#### **ADMINISTRATIVE SERVICES TO ASSIST A STUDENT COMPLAINANT OR RESPONDENT**

The Title IX Coordinator will assist individuals, including collaborating with Elizabeth City Police Department and other departments to provide:

1. Referral to a counselor at the University Counseling Services, or referrals to outside provider(s).
2. Assistance in petitioning for a protective order. The University honors orders of protection, no-contact orders, restraining orders, or similar orders issued by a criminal, civil, or tribal court.
3. Withdrawal from the University.
4. An on-campus investigation and, if appropriate, initiate on-campus judiciary procedures.

5. Other referrals as necessary.

### **ADMINISTRATIVE SERVICES TO ASSIST FACULTY OR STAFF COMPLAINANT OR RESPONDENT**

The Title IX Coordinator will assist faculty and staff, including collaborating with the Elizabeth City Police Department and other departments to provide:

1. Assistance in petitioning for a protection order. The University honors orders of protection, no-contact orders, or similar orders issued by a criminal, civil, or tribal court.
2. An on-campus investigation and, if appropriate, initiate judiciary/dismissal procedures.
3. Other referrals as necessary.

### **SUPPORT SERVICES**

The needs of someone who has been sexually assaulted vary from person to person and may vary over time. The University offers a diverse array of services and external resources, many of which may be accessed 24 hours a day, so that a person may choose what she or he would find most helpful and healing.

#### **Sentara Albemarle Medical Center:**

(252) 335-0531, 1144 N. Road Street Elizabeth City, NC (24 Hours)

The Sentara Albemarle Medical Center Emergency Room follows specific policies and procedures, approved by the State in treating an individual who has been sexually assaulted. The State may pay for emergency room care for victims who have been sexually assaulted and do not have health insurance; if a victim provides health insurance information to the emergency room, the emergency room will bill the insurance company and the policyholder will be notified as usual.

- The victim is placed in a private room.
- Medical care is given as soon as possible.
- By law, city police are notified, and the victim may choose to file a report.

#### **Elizabeth City Police Department:**

(252) 335-4321, 302 East Colonial Ave. Elizabeth City, NC (24 Hours)

The Elizabeth City Police Department urges anyone who has been sexually assaulted to call immediately in order to strengthen the likelihood of successful prosecution. ECPD can be contacted by dialing 9-1-1.

Responsibilities of the ECPD include:

- Attending to the immediate needs of the victim, including personal safety and

- prompt medical care
- When appropriate, broadcasting a description of the offender

**Albemarle Hopeline:**

(252) 338-5338

Albemarle Hopeline is a private, non-profit organization that provides comprehensive direct and preventative services to victims of family violence, sexual assault, and teen dating violence in the counties of Pasquotank, Camden, Chowan, Currituck, Perquimans, and Gates.

Albemarle Hopeline offers:

- Emergency Shelter
- Counseling
- Court Advocacy
- Crisis Response Team
- Prevention Education
- Information and Referrals

**Student Life Department and Student Services:**

(252) 334-2073, (252) 334-2043, (252) 334-2019.

At any time, students may contact a Student Life Representative who is trained to respond to sexual assault emergencies. A student may contact this representative even if he or she has not decided yet whether to report the sexual assault to the police. The Student Life Representative is available to answer any general or personal questions related to sexual assault and can help with:

- Finding emotional support
- Getting medical care
- Reporting the crime to the police
- Preserving evidence, and, if you wish, pressing charges
- Adjusting living arrangements
- Managing academic obligations
- Getting counseling
- Referring to outside sources

**University Counseling Services:**

(252) 334-2084 or (252) 334-2038.

MACU University Counseling Services (“UCS”) has two on campus counselors who can work with students who have gone through an experience of sexual assault or who have questions about relationships and sexuality. Consultation with a staff member is available in person during regular business hours.

**SANCTIONS** – The University Judiciary Committee, in search of the goal of a safe and secure campus, may impose the following sanctions following a final determination of an institutional disciplinary procedure regarding rape, acquaintance rape, domestic violence, dating violence, sexual assault, or stalking:

### **Students**

1. Suspension for a set amount of time.
2. Expulsion from the University.
3. Judiciary withdrawal from the University.
4. No Contact Directive: A directive to refrain from any intentional contact, direct or indirect, with one or more designated persons or group(s) through any means, including personal contact, email, telephone, or through third parties.
5. Suspension of or restrictions on access to all or to specified campus facilities, buildings, or other locations; or services; or events.
6. Restricted access within the residence halls, restricted access to dining services, and removal and/or ban from the residence hall system for a specified period of time.
7. Suspension of or restriction(s) on driving on or parking in campus-controlled streets, roads, and parking lots.
8. Restitution to MACU for cleaning, replacing, or restoring some specific area or thing when loss or damage was a result of the student's judiciary violation.
9. Referral for a behavioral assessment, to the University Counseling Services ("UCS"), or another provider approved by UCS.
10. Revocation of a degree if misconduct occurred before the awarding of the degree
11. Mandated community service and/or participation in University educational programs.
12. Mandated participation in one or more University activities, lectures or workshops, and/or other activity that employs an educational purpose and accepted pedagogy.
13. Enhanced Sanctions for Bias-Motivated Offenses – Violators of the regulations and policies outlined in this document whose violations are motivated by bias may face more severe or enhanced sanctions. Per Congress, criminal offenses against a person or property motivated in whole or in part by an offender's bias are hate crimes. Hate crimes motivated by bias include the intentional selection of a person against whom the violation is committed because of the race, religion, color, genetic information, gender, disability, sexual orientation, gender identity, national origin, ethnicity, age, or ancestry of that person.

The Vice President for Student Services has the final authority to recommend the suspension or expulsion of a student.

## **Employees**

1. Termination of employment
2. No Contact Directive: A directive to refrain from any intentional contact, direct or indirect, with one or more designated persons or group(s) through any means, including personal contact, email, telephone, or through third parties.
3. Suspension of or restriction(s) on access to all or to specified University facilities, buildings, or other locations; or services; or events.
4. Any individual, who is alleged to have committed a violent act, including domestic violence, dating violence, sexual assault, or stalking upon a member of the University community, may be banned from campus and University activities.
5. Other conditions as deemed appropriate.

### **PRIVACY AND RESPECT OF INFORMATION**

Respecting one's right to privacy is important to MACU. Students can be assured that when they share information with medical, police, and/or University officials, such information will be handled professionally and within the framework of each agency's governing body privacy limitations (e.g., state law, licensing, FERPA, etc.).

University employees who have the authority to take action to redress sexual violence; who have been given the duty of reporting incidents of sexual violence or any other misconduct by students to the Vice President for Student Services or appropriate University official; or who are contacted by a student and reasonably believe that the student reasonably believes that the employee has this authority or duty, shall each report all complaints of sexual violence to the Vice President for Student Services.

A student's privacy concerns are weighed against the needs of the University to respond to acts of harassment, including domestic violence, dating violence, sexual assault, and stalking. To the extent reasonably possible, all reports will remain private. However, information may be shared with appropriate departments and agencies under a need-to-know basis when it pertains to investigative needs and safety concerns of the University community. Third party reports will be investigated on a case-by-case basis. If a complainant requests that his or her name not be revealed to the respondent or asks the University not to investigate or seek administrative action against the respondent, MACU will be limited in its ability to respond fully to the incident.

University Counseling Service counselors, persons with professional licenses requiring confidentiality, or a person is supervised by one of the foregoing, should not report incidents of sexual violence to the Vice President for Student Services in any way that identifies a student without the student's consent.



All information received is subject to inclusion, in statistical form, in annual MACU-published reports. Title IX and the Campus SaVE Act include protections against retaliation. MACU officials will not only take steps to prevent retaliation but will also take strong responsive action if it occurs.

- IV. Published: University Website
- V. Reasons for Revision
- VI. Appendices

**Contact Information**

Service/Department	Phone Number
Albermarle Hopeline	(252) 338-5338
Sentara Albermarle Medical Center	(252) 335-0531
Elizabeth City Crimeline (Anonymous)	(252) 335-5555
Elizabeth City Police Department	(252) 335-4321
Emergencies	911
Student Life Department and Student Services	(252) 334-2073 (252) 334-2043
Title IX Coordinators	(252) 334-2019 - Students (252) 334-2010 - Employees
University Counseling Services	(252) 334-2084 (252) 334-2038
Vice President for Finance	(252) 334-2010
Vice President for Student Services	(252) 334-2019

**Relevant Legislation**

Clery Act	<a href="http://clerycenter.org/summary-jeanne-clery-act">http://clerycenter.org/summary-jeanne-clery-act</a>
U.S. Department of Labor - Title IX, Education Amendments of 1972	<a href="http://www.dol.gov/oasam/regs/statutes/titleix.htm">http://www.dol.gov/oasam/regs/statutes/titleix.htm</a>
FERPA	<a href="http://www.law.cornell.edu/uscode/text/20/1232g">http://www.law.cornell.edu/uscode/text/20/1232g</a>
Save Act	<a href="https://www.congress.gov/bill/112th-congress/house-bill/2016/text">https://www.congress.gov/bill/112th-congress/house-bill/2016/text</a>
Title IX	<a href="http://www2.ed.gov/about/offices/list/ocr/docs/tix_dis.html">http://www2.ed.gov/about/offices/list/ocr/docs/tix_dis.html</a>
VAWA	<a href="http://www.gpo.gov/fdsys/pkg/BILLS-113s47enr/pdf/BILLS-113s47enr.pdf">http://www.gpo.gov/fdsys/pkg/BILLS-113s47enr/pdf/BILLS-113s47enr.pdf</a>

### Definitions

The following state definitions are informational and are not used to classify crime statistics in the MACU Annual Security Report.

<b>Clery Act</b>	Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act
<b>Complainant</b>	The individual who brings a grievance or makes the complaint.
<b>Consent</b>	Assent does not constitute consent, within the meaning, if: <ul style="list-style-type: none"> <li>a. It is given by a person who is legally incompetent to authorize the conduct charged to constitute the offense and such incompetence is manifest or known to the actor;</li> <li>b. It is given by a person who by reason of youth, mental disease or defect, or intoxication is manifestly unable or known by the actor to be unable to make a reasonable judgment as to the nature or harmfulness of the conduct charged to constitute the offense; or</li> <li>c. It is induced by force, duress, or deception.</li> </ul>
<b>Dating Violence</b>	Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. <ul style="list-style-type: none"> <li>• The existence of such a relationship shall be determined based on the reporting party's statement and with consideration</li> <li>• of the length of the relationship, the type of relationship, and the frequency of interaction between the persons</li> </ul>

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- involved in the relationship.
  - For the purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat
  - of such abuse.
  - Dating violence does not include acts covered under the definition of domestic violence.
  - Any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.
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**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.
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**FERPA**

Section 444 of the General Education Provisions Act (20 U.S.C. 1232g), commonly known as the Family Educational Rights and Privacy Act of 1974 (“FERPA”).

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**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

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**Incest**

Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law

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**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.

This definition includes any gender of victim or perpetrator. Sexual penetration means 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. This definition

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also includes instances in which the victim is incapable of giving consent because of temporary or permanent mental or physical incapacity (including due to the influence of drugs or alcohol) or because of age. Physical resistance is not required on the part of the victim to demonstrate lack of consent.

Reporting agencies must classify one offense for each person raped or upon whom an assault to rape or attempt to rape has been made. Reporting agencies must classify rape or attempted rape regardless of the age of the victim. Agencies must not classify statutory rape, incest, forcible fondling, etc., as Rape.

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<b>Respondent</b>	The individual about whom a grievance or complaint is brought.
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<b>SaVE Act</b>	The Campus Sexual Violence Elimination Act. The SaVE Act aims to create uniform regulations, policies, and procedures for the handling of sexual misconduct on college and university campuses. This Act is an update to the Jeanne Clery Act.
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<b>Sexual Act</b>	Sexual contact between human beings consisting of contact between the penis and the vulva, the penis and the anus, the mouth and the penis, the mouth and the vulva, or any other portion of the human body and the penis, anus, or vulva; or the use of an object which comes in contact with the victim's anus, vulva, or penis. For the purposes of this subsection, sexual contact between the penis and the vulva, the penis and the anus, any other portion of the human body and the anus or vulva, or an object and the anus, vulva, or penis of the victim, occurs upon penetration, however slight. Emission is not required.
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<b>Sexual Contact</b>	Any touching, whether or not through the clothing or other covering, of the sexual or other intimate parts of the person, or the penile ejaculation or ejaculate or emission of urine or feces upon any part of the person, for the purpose of arousing or satisfying sexual or aggressive desires.
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<b>Sex Offence</b>	Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.
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<b>Sexual Assault</b>	Any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent: (1) Forcible Rape - The carnal knowledge of a person, forcibly and/or against that person's will; or not forcibly or against that person's will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity (or because of his/her youth). (2) Forcible Sodomy - Oral or anal sexual intercourse with another person, forcibly
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and/or against that person's will; or not forcibly against that person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

(3) Sexual Assault With An Object - The use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will; or not forcibly against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical in capacity.

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

Non forcible Unlawful, non-forcible sexual intercourse:

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

(2) Statutory Rape - Non-forcible sexual intercourse with a person who is under the statutory age of consent.

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**Sexual  
Violence**

Physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent (e.g. due to student's age or use of drugs or alcohol, or because of an intellectual disability or other disability presents the student from having the capacity to give consent.) Includes: rape, sexual assault, sexual battery, sexual abuse, and sexual coercion.

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**Stalking**

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 to suffer substantial emotional distress.

According to North Carolina General Statutes § 14-277.3A 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:

- a) Fear for the person's safety or the safety of the person's immediate family or close personal associates.
- b) Suffer substantial emotional distress by placing that person in fear of death, bodily injury, or continued harassment.
- c) Classification. - A violation of this section is a Class A1 misdemeanor. A

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

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

Stalking may include cyberstalking, which may include:

1. Use in electronic mail or electronic communication any words or language threatening to inflict bodily harm to any person or to that person's child, sibling, spouse, or dependent, or physical injury to the property of any person, or for the purpose of extorting money or other things of value from any person.
2. Electronically mail or electronically communicate to another repeatedly, whether or not conversation ensues, for the purpose of abusing, annoying, threatening, terrifying, harassing, or embarrassing any person.
3. Electronically mail or electronically communicate to another and to knowingly make any false statement concerning death, injury, illness, disfigurement, indecent conduct, or criminal conduct of the person electronically mailed or of any member of the person's family or household with the intent to abuse, annoy, threaten, terrify, harass, or embarrass.
4. Knowingly permit an electronic communication device under the person's control to be used for any purpose prohibited by this section.

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**Statutory  
Rape**

Sexual intercourse with a person who is under the statutory age of consent.

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**Title IX**

Part of the Higher Education Amendments of 1972 that prohibits discrimination on the basis of sex in educational institutions receiving federal aid.

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**Title IX  
Coordinator**

For students, the Title IX Coordinator is the Vice President for Student Services  
For employees, the Title IX Coordinator is the Vice President for Finance

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**UCS**

University Counseling Services

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<b>VAWA</b>	The Violence Against Women Reauthorization Act of 2013 (which amends the Jeanne Clery Disclosure of Campus Crimes Statistics Act, commonly known as the Clery Act) (20 U.S.C. 1092(f)), under its Campus Sexual Violence Elimination Act provision (Campus SaVE Act). VAWA affords additional rights to campus victims of sexual violence, dating violence, domestic violence, and stalking.
<b>Unfounded Crimes</b>	An institution may withhold, or subsequently remove, a reported crime from its crime statistics in the rare situations where sworn or commissioned law enforcement personnel have fully investigated the reported crime and, based on the results of this full investigation and evidence, have made a formal determination that the crime report is false or baseless and therefore “unfounded.” Only sworn or commissioned law enforcement personnel may “unfound” a crime report for purposes of reporting under this section. The recovery of stolen property, the low value of stolen property, the refusal of the victim to cooperate with the prosecution, and the failure to make an arrest do not “unfound” a crime report.

## RESPONSIBILITIES

<b>Elizabeth City Police Department</b>	<ul style="list-style-type: none"> <li>• Perform investigations.</li> </ul>
<b>Sexual Assault Victim</b>	<ul style="list-style-type: none"> <li>• Go to a safe place.</li> <li>• Pursue medical treatment.</li> <li>• Pursue counseling services.</li> <li>• Avoid destruction of evidence.</li> <li>• File a police report.</li> <li>• File an administrative complaint through the Office of Student Life.</li> </ul>
<b>Judiciary Committee</b>	<ul style="list-style-type: none"> <li>• Impose one or more sanctions.</li> </ul>
<b>Students, Faculty, Staff, Community Members</b>	<ul style="list-style-type: none"> <li>• Provide information and promote discussion on abuse concerns.</li> <li>• Be active bystanders.</li> </ul>
<b>Vice President for Finance</b>	<ul style="list-style-type: none"> <li>• Title IX Coordinator for Employees</li> <li>• Assist faculty, and staff in identifying appropriate authorities.</li> <li>• Handle incidents involving faculty or staff members.</li> <li>• Receive Title IX complaints.</li> <li>• Provide oversight for investigations and resolution</li> </ul>
<b>MACU</b>	<ul style="list-style-type: none"> <li>• Review and modify physical surrounding to enhance security and safety.</li> <li>• Develop educational programs concerning sexual assault.</li> <li>• Publish and report, in statistical form, annual incidents of sexual assault.</li> </ul>

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**Vice President for Student Services**

- Title IX Coordinator for Students
  - Assist students in identifying appropriate authorities.
  - Provide administrative services to assist a complainant.
  - Impose temporary sanctions to promote safety.
  - Provide administrative services to assist respondent.
  - Recommend suspension.
  - Authorize emergency suspension
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