

**QUEENS**  
UNIVERSITY CHARLOTTE

# 2024 ANNUAL SECURITY & FIRE SAFETY REPORT

Containing  
2021, 2022,  
2023 Statistics



**OCTOBER 2024**

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## Working with our community to provide a safe place to live, learn, and grow

Thank you for taking the time to read this year's Annual Security Report and Fire Safety Report. This report is designed to provide you with valuable information about safety and security on campus. In addition to outlining the details of the many programs the university offers community members; the report also contains statistics about crime on campus. Queens University of Charlotte prepares this report in compliance with the *Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act*. The Campus Security Act requires that colleges and universities:

1. Publish an annual report every year by October 1, that includes three years of campus crime statistics and certain campus security policy statements.
2. Disclose crime statistics for the campus, public areas immediately adjacent to or running through the campus, and certain non-campus facilities and remote classrooms. The statistics must be gathered from campus police or security, local law enforcement and other University officials who have "significant responsibility for student and campus activities."
3. Provide "timely warning" notices of those crimes that have occurred and pose an ongoing "threat to students and employees."
4. Implement emergency notification procedures if there is an immediate threat to the health or safety of students or employees on campus.
5. Provide primary and ongoing prevention and awareness programs on dating violence, domestic violence, sexual assault and stalking to all incoming students and new employees.
6. Disclose in a public crime log "any crime that occurred on campus or within the patrol jurisdiction of the campus police or the campus security department and is reported to the campus police or security department."
7. Maintain a public fire log, which is a report of any fire that occurred in an on-campus student housing facility.
8. Publish an annual security and fire report.

## Report Preparation, Crime Statistics & Clery Compliance

The following information provides context for the crime statistics reported as part of compliance with the Clery Act. The Public Safety and Campus Police Department (PSCPD) reports crime statistics in compliance with the Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 USC 1092(f)). All criminal incidents are classified in accordance with the National Incident-Based Reporting System (NIBRS) Guidelines. A copy of the Handbook for Campus Safety and Security Reporting may be obtained at the US Department of Education's website.

The Queens University of Charlotte Public Safety & Campus Police Department is primarily responsible for preparing the Annual Security and Fire Safety Report. The procedures for preparing the annual disclosure of crime statistics include reporting statistics to the University community obtained from the following sources: PSCPD, designated Campus Security Authorities (CSA's), the Charlotte-Mecklenburg Police Department, Mecklenburg County Alcohol Beverage Control Board, and the North Carolina Alcohol Law Enforcement (ALE) Department of Public Safety. This report also includes reports of crimes provided by non-police authorities and anonymous reports, neither of which may have been reported to, nor investigated by the Queens University Public Safety & Campus Police Department. For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year the crime was reported. All of the data gathered above is maintained by the PSCPD.

All statistics are gathered, compiled, and reported to the University community via this report, entitled the "Annual Security and Fire Safety Report" which is published by the PSCPD. The Public Safety & Campus Police Department submits the annual crime statistics published in this brochure to the Department of Education (ED). The statistical information gathered by the Department of Education is available to the public through the ED website.

The PSCPD sends an email and notification via campus Q-News to every enrolled student and current employee on an annual basis. The email includes a brief summary of the contents of this report. The email also includes the address for the PSCPD website where the "Annual Security and Fire Safety Report" brochure can be found online. A physical copy may be obtained by making a request to Pam Peterson @ [petersonp@queens.edu](mailto:petersonp@queens.edu) or by calling 704-337-2481. A copy of the report is also available in the lobby of the PSCPD located in the Watkins Hall on the 1<sup>st</sup> floor. The physical address is 2222 Radcliffe Avenue.

## Reporting A Crime

Campus community members - students, faculty, staff, and guests - are encouraged to report all criminal actions, emergencies, or other public safety related incidents occurring within the Universities Clery geography to the PSCPD in an accurate, prompt, and timely manner. The Universities Clery geography includes: on campus property including campus residence halls, buildings, and/or facilities; designated non-campus properties and facilities; public property adjacent to or contiguous to on campus property,

and leased, rented, or otherwise recognized and/or controlled buildings, spaces, and/or facilities. The Department of Public Safety and Campus Police has been designated by Queens University of Charlotte as the official office for campus crime reporting. Queens University of Charlotte PSCPD strongly encourages the accurate and prompt reporting of crimes and emergencies to our department and any other appropriate police agencies, including when the victim of the crime elects to, or is unable to make such a report. Accurate and prompt reporting ensures Queens University of Charlotte PSCPD is able to evaluate, consider and send timely warning reports and accurately document reportable crimes in its annual statistical disclosure.

- To report a crime on campus, dial 704-337-2306 or on campus extension 2306.
- To report a crime in person, go to the Department of Public Safety and Campus Police located at Watkins Hall on the first floor. The physical address is 2222 Radcliffe Avenue.
- To report a crime while off campus, call 911.
- A person reporting a crime to the PSCPD has the right to report the crime to the Charlotte-Mecklenburg Police Department by calling 911.
- Public Safety and Campus Police Officers regularly collaborate with the victim of a crime and will assist the victim throughout the process. Crimes should be reported to police as soon as possible to ensure a rapid response.

### *Response to a Report*

A member of the Campus Police Department is available 24 hours a day to answer calls at 704-337-2306. In response to a call, we will take the required action by either dispatching an officer to assist or by asking the victim to report to the Campus Police Department, located on the 1<sup>st</sup> floor of Watkins Hall, to file an incident report. All reported crimes will be investigated by the University. PSCPD incident reports, if relevant, are forwarded to the Dean of Students Office for review and referral to the Office of Student Judicial Services for potential action, as needed. PSCPD investigators will further investigate a report when it is deemed pertinent. Additional information obtained via the investigation will also be forwarded to the Office of Student Judicial Services. If assistance is required from the Charlotte-Mecklenburg Police Department or the Charlotte Fire Department, PSCPD will contact the appropriate unit. If a sexual assault or rape should occur, staff on the scene, including PSCP, will offer the victim a wide variety of services.

### *Campus Security Authorities (CSA's)*

While Queens University of Charlotte prefers that the university community members promptly report all crimes, incidents, and other emergencies directly to PSCPD, it is understood that some people may prefer to report to other individuals or offices within the University, The Clery Act recognizes certain University officials and offices as Campus Security Authorities (CSAs).



A Campus Security Authority or CSA is a Clery-specific term that encompasses four groups of individuals and organizations associated with an institution.

1. A campus police department or a campus security department of an institution.
2. Any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department (e.g., an individual who is responsible for monitoring the entrance into institutional property).
3. Any individual or organization specified in an institution's statement of campus security policy as an individual or organization to which students and employees should report criminal offenses.
4. An 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.

CSA's receive their training and directives in accordance with their participation within the program from the PSCPD. For the purpose of Clery Act reporting, all alleged criminal incidents to a CSA must be included in the University's crime statistics. These reports are maintained by the PSCPD.

Campus Security Authorities are also informed in writing and through online training to report crimes to the PSCPD in a timely manner so those crimes can be evaluated for timely warning purposes. A written request for statistical information is also made at least on an annual basis to all Campus Security Authorities or CSA's.

To report a crime, emergency, or other incident, members of the community may contact any of the following primary report receivers (CSA's):

- Call Campus Police by dialing 704-337-2306 or using on-campus extension 2306
- Report in person to Campus Police in Watkins Hall; 2222 Radcliffe Avenue
- Call Charlotte-Mecklenburg Police at 911
- Incidents specifically dealing with sex offenses or violence of a sexual or domestic nature can be reported directly to the office of the Title IX Coordinator, 704-337-2228 or on-campus extension 2228: or in person at Morrison Hall, Room 200.
- Contact Human Resources by dialing 704-337-2297 or on-campus extension 2297; or in person in Queens Hall in room 204.
- Contact Dean of Students by dialing 704-337-2227 or on-campus extension 2227; or in person in Morrison Hall in room 216.
- Utilizing Blue Emergency Phones located throughout campus to reach Campus Police

## *Reporting to Meet Disclosure Requirements*

Members of the community are helpful when they immediately report crimes or emergencies to the PSCPD and/or our primary report receivers (CSA's), for purposes of including them in the annual statistical disclosure and assessing them for issuing a Timely Warning Notice, when deemed necessary.

### *Emergency Blue Light Phones*

Emergency blue light phones are located on the main campus. Once activated, a blue light strobe flashes from the top of the phone tower and the PSCPD Communications Center is notified immediately. If you need assistance, see something that is suspicious or see someone else who needs assistance, you should activate a blue light phone. Emergency Blue Light phones are routinely checked by PSCPD Officers and repair requests are made.

### *Voluntary 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. With your permission, a Queens University of Charlotte officer can file a report on the details of the incident without revealing your identity (except to the Title IX Coordinator in the event of a reported sex offense or sexual harassment). The purpose of a confidential report is to comply with your wish to keep the matter confidential, while taking steps to enhance the future safety of yourself and others. With such information, the PSCPD can keep an accurate record of the number of incidents involving students, employees, and visitors; determine where there is a pattern of crime with regard to a particular location, method, or assailant; and alter the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crime statistics for the institution.

### *Anonymous Reporting*

Queens offers a web-based program that allows anonymous reporting to the PSCPD. The sender's return address is blocked so the report is completely anonymous. The purpose of an anonymous report is to possibly take steps to promote safety. In addition, the University can keep an accurate record of the number of incidents involving students, determine where there is a pattern of crime with regard to a particular location, method, or assailant, and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crime statistics for the institution. Anonymous reporting can be accessed by clicking this link:

[Anonymous Reporting](#)

## *Pastoral and Professional Counselors*

Campus “Pastoral Counselors” and “Professional Counselors,” when acting as such, are *not* considered to be a campus security authority for Clery Act purposes and are *not* required to report crimes for inclusion in the annual disclosure of crime statistics. The trained professionals designated below can provide counseling, information, and support in a confidential setting. These Confidential Resources will not share information about an individual (including whether that individual has received services) 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 (e.g., suspected abuse or neglect of a minor). These professionals are also available to help an individual make a report to the University and are encouraged, if and when they deem it appropriate, to inform persons being counseled of the procedures to report crimes on a voluntary confidential basis to the Queens University of Charlotte PSCPD, for the purpose of inclusion in the annual disclosure of crime statistics.

### *Pastoral Counselor*

An employee of an institution, who is associated with a religious order or denomination, recognized by that religious order or denomination as someone who provides confidential counseling and who functions within the scope of that recognition as a pastoral counselor.

### *Professional Counselor*

An employee of an institution whose official responsibilities include providing psychological counseling to members of the institution’s community, and who is functioning within the scope of his or her license or certification.

## *On Campus Pastoral and Professional Counselor Resources*

Counseling	Watkins Hall	704.337.2556
Physical Health	Health & Wellness Center	704.337.2220
Spiritual Health	Chaplain’s Office: Chapel	704.337.2290
	Rabbi’s Office: Watkins Hall	704.337.2507

## *Monitoring and Recording Criminal Activity at Non-Campus Organizations*

Queens University of Charlotte does not have any officially recognized student organizations that have housing facilities outside of Queens University of Charlotte core campus. Therefore, local PD is not used to monitor and record criminal activity since there are no non-campus locations of student organizations. However, the University relies on close working relationships with local law enforcement agencies to receive information about incidents involving students. However, local law enforcement agencies do this out of a courtesy and they are not “required” to notify or involve the PSCPD when they respond to a call involving private property.

If the University is notified of a situation in which a campus community member is the victim of an off-campus crime, the PSCPD may issue a Campus Safety Advisory detailing the incident and providing tips so that other community members may avoid similar incidents.

## Queens University Public Safety and Campus Police Department

The mission of the Queens University Public Safety and Campus Police Department is to provide a safe and secure campus environment for all members of the University community. This mission is achieved through active participation of all University members and partnerships with local law enforcement and community partners.

The PSCPD protects and serves the university by providing professional law enforcement services and actively promoting community involvement through progressive community policing strategies and a commitment to education. The PSCPD is comprised of professional men and women whose purpose is to provide a safe environment, in which students and employees may live, learn, and work. The professionally trained department consists of police officers, security officers, communication officers and support staff who often work with local, state, and federal agencies to resolve cases. The primary concern of the Department is to protect and assist the campus community. It operates 24 hours a day, 365 days a year, watching for circumstances that threaten the campus and taking appropriate action.

Campus police officers derive their law enforcement authority from North Carolina statutes, NC G.S. 74G Campus Police Safety Act and the trustees of Queens University of Charlotte. The purpose of this charter is to protect the safety and welfare of students, faculty, and staff in institutions of higher education by fostering integrity, proficiency, and competence among campus police agencies and campus police officers. Campus police officers, while in the performance of their duties of employment, have the same powers as municipal and county police officers to make arrests for both felonies and misdemeanors and to charge for infractions on Queens University of Charlotte property in the state of North Carolina. Campus police officers are required to complete a police training course approved and authorized by the State of North Carolina Division of Criminal Justice Police Training Commission.

Campus police officers have the authority to enforce state laws, university policies and are authorized to make arrest on real property owned by or in the possession of and controlled by Queens University of Charlotte. Jurisdiction includes public roads or highways that run through or that immediately adjoin the campus.

The PSCPD does not operate a full-time Communications Center. Normal hours of operation are Monday through Friday from 8:00 am to 4:00 pm. At all other hours, phone inquiries are transferred to the officer's mobile phone. During normal business hours Communications personnel can assist you with issues such as parking registration, parking citations, physical keys, card access and University ID cards.

Queens University of Charlotte also has non-sworn Security Officers, who are responsible for enforcing

university policies, and those policies include enforcing violations of the law. These Security Officers identify violations of University policy and/or laws and are responsible for contacting Campus Police and/or local law enforcement agencies to reports the observed violations. Their jurisdiction is limited to Queens University of Charlotte owned or leased property and their primary assignment is located at our Sports Complex, 2229 Tyvola Road, patrolling the buildings and outside areas.

## Working Relationships with Area First Responder Agencies

The Queens University PSCPD maintains a Mutual Aid Agreement (MOU), under the laws of the State of North Carolina, with the Charlotte-Mecklenburg Police Department (CMPD) and the Charlotte Fire Department (CFD), as well as with the greater Charlotte-Mecklenburg area first responder agencies and North Carolina State and Federal Law Enforcement agencies. This agreement allows each department to provide assistance, including investigators to the other department, when necessary, for the purposes of investigating alleged criminal incidents. The Charlotte Mecklenburg Police may notify the Queens University of Charlotte Campus Police when a student is involved in a criminal activity at a non-campus location. The officers of Queens University of Charlotte and CMPD communicate regularly at the scene of criminal incidents that occur in or around the campus. In addition to sharing critical information, the Department of PSCPD has immediate contact with surrounding jurisdictions in times of crisis through the use of mutual aid agreements. This arrangement gives us immediate access to support from area departments. Officers from area police agencies also work at events on the Queens University of Charlotte campus. The PSCPD works closely with the investigative staff at CMPD when incidents arise that require joint investigative efforts, resources, crime related reports and exchange of information.

## Personal Safety and the Safety of Others

At Queens University of Charlotte, you are the key to your own safety and the safety of others.

### **Be Alert**

If you observe any suspicious activity or wish to report any criminal act, call the PSCPD immediately at 704-337-2306.

For police, fire, or medical emergencies, you may contact PSCPD by calling 704-337-2306. You may also use any of the emergency call boxes located throughout the campus. Simply push the button to be in direct contact with Public Safety & Campus Police. The campus community is encouraged to report all crimes and safety related incidents accurately and promptly to Public Safety & Campus Police.

***If you become aware of a crime, observe a suspicious person or situation, or are a victim yourself, promptly report it to the PSCPD at 704-337-2306***

Timely reports increase the likelihood that critical evidence will be obtained, stolen property will be recovered and the offender will be successfully apprehended. This is especially important in involving sexual offense cases. A prompt report to the police will also ensure that you are made aware of all available victim support services.

### ***Avoid Walking Alone at Night***

Make arrangements to walk in groups. If you must travel alone at night, stay on well-lit paths and sidewalks. Upon request, Campus Police will provide an on-campus walking escort. To request an escort call Campus Police at 704-337-2306.

### ***Keep Your Room Door Locked at All Times***

Locking your door with your key, wherever you reside, is an effective way to reduce theft and enhance personal safety. The vast majority of thefts occur from unlocked rooms when the occupant is gone briefly. Do not prop open exterior doors and close any doors you find propped open. Propped doors are a substantial risk and greatly increase the chance of you becoming a victim. Propping doors could result in loss of campus housing and other sanctions. Do not open your door to someone you do not know.

### ***Do Not Lend Your Key or Key Card to Anyone***

Your action could result in both you and/or an innocent victim being referred to the campus judicial system. Report a lost or stolen key to the police and your R.A. immediately.

### ***Report Obscene, Annoying, or Harassing Phone Calls, Email Messages and Social Media Immediately***

PSCPD will investigate, and as patterns develop, they will work closely with the appropriate entities to apprehend offenders.

### ***Report All Security Related Maintenance Problems***

Locks, doors, windows, and exterior lights in need of repair, shrubbery in need of trimming or other unsafe conditions should be reported immediately to Campus Services at 704-337-2201. Campus facilities and landscaping are maintained in a manner to minimize hazardous conditions. PSCPD routinely check for malfunctioning lights and other unsafe physical conditions. Any conditions found are reported to Campus Services.

### ***Identify Your Valuables Using “Operation ID”***

PSCPD can lend you (students) an engraving tool to permanently engrave unique identification numbers on your high-end personal items. Additional information and instructions can be found on the

using the following link: [Operation ID](#)

### ***Motor Vehicles***

Park your car in a well-lit area and keep it locked.

Lock all valuables in your trunk

### ***Bicycles***

You must register your bicycle with the PSCPD. They will issue a registration sticker to affix to your bicycle to deter theft and aid in the recovery if it is stolen. PSCPD strongly recommends a U-Style lock. A registered and properly locked bicycle is much less likely to be stolen.

### ***Participate in Personal Safety and Security Programs***

The Queens University of Charlotte PSCPD as well as departments in the Division of Student Life provide educational programming under the general auspices of security awareness and crime prevention throughout each year. The programs include a general session where they discuss crime prevention and safety and security procedures/services available on campus; sexual assault awareness, alcohol and substance abuse awareness, active shooter, bystander awareness and other topics, as requested or deemed necessary. These programs are designed to inform students and employees about general security procedures and practices and to encourage students and employees to be responsible for their own security and the security of others. For more information on this or any other program, please contact PSCPD or Student Life.

## **Security of and Access to Campus Facilities**

### ***Academic and Administrative Buildings***

The Queens University of Charlotte Campus, while private property, is not gated and certain areas of the campus are open to the public. The academic and administrative buildings are open to the public, at a minimum, during normal business hours, and often into the evening hours for night activities. Most facilities have individual hours and the hours may change at various times of the year. Access to some buildings is also controlled by card access after normal business hours, and all of these buildings have varied levels of access. Buildings do not have an individual police officer assigned to them; however, Queens PSCPD Department officers patrol the academic and administrative buildings routinely throughout their shifts.

### ***Residence Halls***

All Residence Halls are locked 24 hours a day, 365 days a year and entry can only be obtained using a Queens University of Charlotte access card (Q-Card). Access to residence halls is restricted to residents, their approved guests, and other approved members of the University community. Residents

gain entry by swiping their cards in the card access readers. Residents are cautioned against permitting strangers to enter the building and are urged to require individuals seeking entry to use their access cards. PSCPD Officers and Residential Life personnel patrol the residence halls.

Residence Life professional live-in staff and Residence Assistants (RA's) also enforce security measures in the halls and work with residences to achieve a community respectful of individual and group rights and responsibilities.

### *Security Considerations in the Maintenance of Campus Facilities*

Queens University of Charlotte is committed to campus safety and security. Exterior lighting and landscape control are a critical part of that commitment. Representatives from various departments continually conduct security surveys to ensure campus lighting is adequate and that the landscape is appropriately controlled. As a part of their assigned responsibilities, officers assess lighting on campus during regularly assigned patrol duties. If lights are out or dim, officers will initiate an immediate work order, which is acted upon by a representative of the Campus Services office. Other members of the University community are helpful when they report equipment problems to the PSCPD or to Campus Services.

### *Security Surveys*

A lighting survey is conducted each fall by various members of the college community during a one-night safety walk. The safety walk includes employees from Public Safety & Campus Police, Campus Services, Student Life, and the Student Government Association. Information taken from that survey directs the college in making improvements to lighting, landscaping, as well as addressing any other concerns related to safety on campus.

### *Sports Complex and Conference Center*

The Sports Complex and Conference Center buildings are normally locked and controlled by card access, except during reserved rentals. Queens security officers are stationed at the Sports Complex and Conference Center. This property does not have any student residential buildings.

### **Crime Prevention and Other Educational Programs**

Queens University of Charlotte offers many programs designed to inform students and employees about campus security procedures and practices. A common theme of all awareness and crime prevention programs is to encourage students and employees to be responsible for their own safety and for the safety of others on campus. Crime Prevention Programs on personal safety and security are sponsored by various campus organizations throughout the year. During the Calendar year of 2023, Queens University of Charlotte offered approximately 41 crime prevention and security awareness programs. The programs include general crime prevention and security awareness



programs, such as safety education forums, programs, and discussions about topics such as alcohol abuse, domestic violence, self-defense, fire safety, emergency response and evacuation procedures, sexual assault awareness and prevention, and theft prevention. Fire safety informational programs are presented during Freshman Orientation and throughout the year because the University recognizes that it is particularly important to be aware of potential threats. However, it is imperative that students and employees exercise responsibility for their own safety. Specific educational programs are also provided by the Public Safety & Campus Police. Customized programs on most security related topics such as Workplace and Active Shooter Violence are prepared for campus groups and organizations upon request.

The PSCPD is committed to the Community Oriented Policing (COPs) philosophy. Officers work closely with residence students, as well as Residence Assistants (RA) and Assistant Directors (AD) of the Office of Residence Life. COPs officers assist community members in defining problems, developing solutions, and implementing strategies to solve problems and prevent crimes. In addition to this, COPs officers' conduct investigations and facilitate a variety of educational programs including self-defense, bike safety and security, operation identification, drug and alcohol awareness, personal safety, and property security. Anyone interested in having a PSCPD Officer speak to his or her classroom or group should contact the department at 704-337-2306.

**“REMEMBER: SAFETY IS A SHARED RESPONSIBILITY”**

## Keeping the University Informed

The campus community is kept informed via our Daily Crime Log which is published day and is available for viewing in the Campus Police Lobby, as well as our Q-ALERT system, which is used to issue Timely Warnings and Emergency Notifications.

### *Emergency Notifications*

Queens University of Charlotte has developed a process to notify the campus community in cases of emergencies that present an immediate or impending threat to the campus. While it is impossible to predict every significant emergency or dangerous situation that may occur on campus, the following identified situations are examples which may warrant an emergency (immediate) notification after confirmation: armed/hostile intruder; bomb/explosive (threat); communicable disease outbreak; severe weather; terrorist incident; civil unrest; natural disaster; hazardous materials incident and structural fire. In the event of an emergency, Queens will initiate and provide, without delay, immediate notifications to the appropriate segment(s) of the University community upon the confirmation of a significant emergency or dangerous situation involving immediate threat to the health or safety of students, employees, and visitors. If an immediate threat is verified, Queens will follow its emergency notification procedures and by following those procedures, will issue a timely warning based upon the circumstances. The university will provide adequate follow-up information to the community as needed.

Individuals can report emergencies occurring at Queens University of Charlotte by calling **704-337-2306**.

Queens University of Charlotte will, without delay, and taking into account the safety of the University community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgement of responsible authorities, compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency. Every attempt will be made to issue an immediate “Emergency Notification” to the campus community upon confirmation that a dangerous situation or emergency exists or threatens the health or safety of students or employees occurring on campus. Community members will be informed on what actions to take based upon the totality of circumstances at hand. Examples of instruction from PSCPD might be to “Shelter in Place” until notified otherwise or you might be directed to a safe location, or that all exterior doors of all Academic, Administration and Residence Halls are being secured, known as a “Lock Down.”

Follow-up information will be distributed using some or all of the identified communications systems with the exception of Fire Alarms.

The Local news media may be utilized to disseminate emergency information to members of the larger community, including neighbors, parents, and other interested parties. This would be handled by the Vice President of Marketing and Communications or their designee. The larger community can also access emergency information via the Queens University of Charlotte homepage and/or social media.

If there is an immediate threat to the health or safety of students or employees occurring on campus, an institution must follow its emergency notification procedures. An institution that follows these procedures is not required to issue a timely warning based upon the same circumstances; however, the institution must provide adequate follow-up information to the community as needed.

### *Q-Alert System*

Queens University of Charlotte has an Emergency Notification System known as “Q-Alert” which contains multi-channel communication capabilities. In the event of confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students, employees and visitors occurring on the campus, the University will initiate and provide, without delay, immediate notification to the appropriate segment(s) of the University community.

The Queens University of Charlotte Police staff is responsible for responding to reported emergencies and confirming the existence of a significant emergency or dangerous situation, sometimes in conjunction with campus administrators, local first responders and/or the National Weather Service.

If the Chief of Police or their designee, in conjunction with other University administrators, local first responders, Public Health Officials and/or National Weather Service, confirms that there is an emergency or dangerous situation that poses an immediate threat to health or safety, the following members of the Queens University of Charlotte community (individually or collaboratively):

- Dean of Students
- Provost and Vice President for Academic Affairs

- Chief Financial Officer
- Title IX Coordinator
- Chief of Campus Police

will determine the content of the message and will use some or all of the systems described below to communicate the threat to the Queens University of Charlotte community or to the appropriate segment of the community if the threat is limited to a particular building or segment of the population. Once these communications are collaborated on by the various individuals/groups listed above, the final written communication will be distributed to the University community by either the Department of Marketing and Community Relations or PSCPD Communications Center. A number of preformatted messages exist in the Q-Alert system to facilitate notification. Confirmation means a University official or officials have verified that a legitimate emergency or dangerous situation exist. Confirmation does not necessarily mean that all the pertinent details are known or even available.

The entire University community will be notified when there is at least the potential that a large segment of the campus community will be affected by a situation, or when a situation threatens the operation of the campus as a whole. There will be a continuing assessment of the situation and additional segments of the campus community may be notified if a situation warrants such action. Examples include but are not limited to a case of a gas leak, where the University chooses only to notify individuals in the affected building or possible surrounding buildings; whereas for a meningitis outbreak, the University may choose to notify the entire campus community.

Notification will be made by using some or all of the following methods of communication depending on the type of emergency: Q-Alert, emails, mobile text messages, calling of office and mobile numbers, voicemail, emergency messages that scroll across computer screens when logged into the campus system, and the outdoor siren/voice system. The University also has the option of posting on the campus website at: [Queens University of Charlotte](#). If any of these systems fail or the University deems it appropriate, in person communication of flyers or posters may be used to communicate an emergency.

Faculty, staff, undergraduate and graduate students' email addresses are automatically populated into the Q-Alert system upon registration or employment. However, Queens community members are encouraged to update their cell phone numbers on a regular basis for text and phone notification. Current faculty, staff and students with an active Queens account can update their contact information here: [My Account](#) .

Contract employees without an active Queens Account and any external guests who wish to be notified of Q-Alerts while on our campus, can text "Q-Alerts" to 78015 from their mobile device.

### *Timely Warnings*

In the event a crime is reported or a situation arises, within the Queens University of Charlotte Clery Geography (On Campus), that, in the judgement of the Chief of Police or their designee and in consultation with responsible authorities when time permits, constitutes a serious or continuing threat,

a campus wide “timely warning” notice will be issued.

The issuance of a “Timely Warning” must be decided on a case-by-case basis in light of all of the facts surrounding a crime, including factors such as:

- the nature of the crime;
- serious or ongoing threat to the campus community;
- risk of compromising law enforcement efforts.

Timely Warnings are typically issued for any of the following Clery Act crime categories/classifications: Murder / Non-Negligent Manslaughter; Aggravated Assault (cases involving assaults among known parties, such as two roommates fighting which results in an aggravated injury, will be evaluated on a case-by-case basis to determine if the individual is believed to be an ongoing threat to the larger QU community); Robbery involving force or violence; Sexual Assault (considered on a case-by-case basis depending on the facts of the case, when and where the incident occurred, when it was reported, and the amount of information known by the PSCPD, or designee). In cases involving sexual assault, they are often reported long after the incident occurred, thus there is no ability to distribute a “timely” warning notice to the community. All cases of sexual assault, including stranger and non-stranger/acquaintance cases, will be assessed for potential issuance of a Timely Warning Notice); Major incidents of Arson and any other Clery crimes determined necessary by the Chief of Police, or his or her designee in his or her absence.

The University will issue a “Timely Warning” as soon as the pertinent information is available in a manner that withholds the names of victims as confidential, and with the goal of aiding in the prevention of similar occurrences. In the event of a violent crime where the suspect is still at large and there is a belief the campus community is in danger or could be targeted a Timely Warning will be immediately published to the campus community. Accordingly, all “Timely Warnings” must include any information that would promote safety. Such information should include at a minimum:

- Nature and location of the crime
- Date/Time of the crime
- Suspect information, if available (victim name is withheld as confidential)
- Any additional information which may aid in protecting the campus community

Timely Warning Notices are typically written and distributed by the Chief of Police or their designee.

Timely Warning Notices will be issued to the campus Community, by the Chief of Police or their designee, via the Q-Alert system which allows multiple forms of communication to be selected individually or in concert with each other. These include text messages, emails, and phone calls. Examples of crimes where timely warnings may be issued; however, not limited to are a number of incidents involving the possession of date rape drugs; threats to property such as a rash of dormitory burglaries or motor vehicles thefts that merit a warning because they present a continuing threat to the campus community, robbery, or aggravated assaults.

The institution is not required to issue a Timely Warning with respect to crimes reported to a pastoral or professional counselor.

### *Daily Crime Log*

The Queens University of Charlotte PSCPD post all crimes in the Daily Crime Log within two business days of receiving an incident and reserves the right to exclude reports from the daily log if they are going to jeopardize an ongoing investigation, jeopardize the safety of an individual, cause the suspect to flee or evade detection or result in the destruction of evidence. This information summarizes incident reports and includes the nature of the crime, the date and time the crime occurred, the general (or specific) location of the crime, and the disposition of the complaint (if known). A copy is available for inspection in the PSCPD Communications Center Lobby, located in Watkins Hall, on the first floor.

## **Emergency Management**

Queens University of Charlotte maintains an Emergency Operations Team which may be activated by the Director of Emergency Management for response to emergencies on campus. The Team follows the guidelines of the Queens University of Charlotte Emergency Operations Plan. The plan outlines incident priorities, campus organization and specific responsibilities of particular units or positions.

University units are responsible for developing emergency response and continuity of operations plans for their areas and staff. Campus emergency management provides resources and guidance for the development of these plans.

### *Testing Emergency Response and Evacuation Procedures*

In accordance with the institution's Emergency Operations Plan (EOP), Queens University of Charlotte will use these procedures and plans for testing emergency notification, response, and evacuation.

The Emergency Operations Team (EOT) meets quarterly to train and/or to conduct tabletop exercises. In conjunction with other emergency agencies, the University conducts emergency response drills and exercises each year, such as tabletop exercises, field exercises, and tests of the emergency notification systems on campus. These tests, which may be announced or unannounced, are designed to assess and evaluate the emergency plans and capabilities of the institution. Queens tests its Q-Alert system monthly as part of this process.

After any tabletop exercises, the EOT members conduct an after-action review. An After-Action Review (AAR) is a structured review or de-brief for analyzing what happened, why it happened, and how it can be done better by the participants and those responsible for the exercise or event.

These types of exercises and drills simulate emergency scenarios which affect individual operating units or the University community as a whole. Queens continues to evaluate its Emergency Operations Plan as a part of an ongoing evaluation of best and promising practices.

### *Building Captains Program*

The Queens University PSCPD initiated the Building Captain program in 2013 to train faculty and staff members from each academic and administrative building in basic emergency response procedures. Building Captains are responsible for providing safety instruction and assistance to faculty, staff, students, and visitors during campus emergencies. During campus emergencies, Building Captains are trained to understand, assess, and initiate safety responses, including shelter in place, and evacuation. They instruct building residences on the proper procedures to follow in their assigned areas.

Queens' community members are encouraged to notify the PSCPD of any situation or incident on campus that involves a significant emergency or dangerous situation that may involve an immediate or ongoing threat to the health and safety of students and/or employees on campus. PSCPD has the responsibility of responding to, and summoning the necessary resources, to mitigate, investigate and document any situation that may cause a significant emergency or dangerous situation. In addition, PSCPD has a responsibility to respond to such incidents to determine if the situation does, in fact, pose a threat to the community. If so, Federal Law requires that the institution notify the campus community or the appropriate segments of the community that may be affected by the situation.

### *Evacuation Procedures*

The Emergency Operations Team (EOT) is responsible for the evacuation of all persons utilizing the Universities facilities in the event of a natural disaster, civil disturbances, and active threats. If large scale events occur that are beyond the resource capabilities of Queens University of Charlotte, officials will request assistance from outside emergency resources such as the Charlotte-Mecklenburg Emergency Management, the CMPD, the CFD, MEDIC, and/or other state departments of emergency management. The need to implement evacuation from a campus building or the entire campus shall be based on information received or furnished to Queens University of Charlotte.

The information may be in the form of instructions or advice from the Charlotte-Mecklenburg Emergency Management Agency, the Governor's Office or other officially recognized agency. Full or partial evacuations may be necessary as a protective measure to reduce campus community members' exposure to a hazard. Protective actions reduce TIME of exposure, creates DISTANCE, and provide shielding from a specific hazard. Hazards that may require an evacuation:

- Fire
- HAZMAT release
- Bomb threat or suspicious device/package

- Hostile intruder
- Massive utility failure
- Severe weather conditions
- Hazard that renders facilities uninhabitable

The emergency evacuation procedures are tested at least twice each year. Students and employees learn the locations of the emergency exits in the buildings and are provided guidance about the direction they should travel when exiting each facility for a short-term building evacuation. The PSCPD does not tell building occupants in advance about the designated locations for long-term evacuations because those decisions are affected by time of day, locations of the building being evacuated, the availability of the various designated emergency gathering locations on campus, and other factors such as the location and nature of the threat. In both cases, PSCPD staff on the scene will communicate information to students regarding the developing situation or any evacuation status changes.

The purpose of evacuation drills is to prepare building occupants for an organized evacuation in case of a fire or other emergency. At Queens University of Charlotte, evacuation drills are used as a way to educate and train occupants on fire safety issues specific to their building. During the drill, occupants “practice” drill procedures and familiarize themselves with the location of exit and the sound of the fire alarm system.

### *Exercise of Judgement and Contingencies*

The actions described are standard by nature. When situations arise for which the procedures to be followed are not fully prescribed in the University Emergency Operations Plan (EOP), responsible personnel will be expected to exercise good judgment, make appropriate decisions, and provide any support necessitated by the situation.

As part of the decision-making process relative to an evacuation, the evacuation must be able to be completed well before the arrival of a hazard. When there is little to no warning time, a shelter-in-place decision/order may be more appropriate. Additional factors to consider beyond warning time when deciding on whether or not to evacuate include:

- Size and geographical area affected
- Population density of the surrounding area
- Capacity and condition of the road network
- Are sufficient transportation resources available – college transportation, public transportation, and private transportation?
- Are there safe alternatives?
- Ability of campus facilities to provide shielding from the hazard
- Ability of facilities to support the population
- Local considerations and local police and emergency resources support

### *Scope of an Evacuation*

The scope of an evacuation can include a single building or a group of buildings and/or a large geographical area. The scope could go beyond the borders of the institution and/or the University may be impacted by an evacuation initiated by the local authorities. Size and scope considerations must be included in the overall decision-making process.

### *Building Evacuation*

At the sound of a fire alarm or if you are instructed to evacuate, leave your work area immediately and proceed to the nearest exit, and leave the building. If you are the first to recognize a fire situation, activate the alarm, evacuate to a safe location using the nearest exit, and notify Campus Police by dialing 704-337-2306 or dial 911.

- All building occupants are required to evacuate when the fire alarm sounds or upon the order of an authorized University official or first responder (RA, Campus Police, Firefighter, etc.).
- If time permits, stabilize lab procedures, turn off stoves and ovens, and unplug or disable any device that could make a dangerous situation even worse.
- Move to the closest exit and proceed down the EXIT stairwell in a safe and orderly manner. Take personal belongings with you. Do NOT use elevators.
- Remain at least three hundred (300) feet outside of the building and await further instructions.
- Keep roadways open and be aware of approaching emergency vehicles.
- Notify emergency responders of anyone trapped, especially anyone with a physical disability.

### *Large-Scale Campus Evacuation*

If evacuation of part or all of the campus is necessary, monitor text message/voice alert system, email, and the University website for additional information.

Those in need of transportation will be directed to the areas to await transport to an off-campus site.

### *Shelter-in-Place Procedures*

What it means to “Shelter-in-Place.” If an incident occurs and the buildings or areas around you become unstable, or if the outdoor air becomes dangerous due to toxic or irritating substances, it is usually safer to stay indoors, because leaving the area may expose you to that danger. Thus, to “shelter-in-place” means to make a shelter of the building that you are in, and with a few adjustments this location can be made even safer and more comfortable until it is safe to go outside.

### *Basic “Shelter-in-Place” Guidance*

If an incident occurs and the building you are in is not damaged, stay inside an interior room until you are told it is safe to come out. If your building is damaged, take your personal belongings (purse, wallet, access card, etc.) and follow the evacuation procedures for your building (close your door, proceed to the nearest exit, and use the stairs instead of the elevators). If police or fire department personnel are on the scene, follow their directions.

### *How You Will Know to “Shelter-in-Place”*



A shelter-in-place notification may come from several sources, including the PSCPD, Residence Life Staff members, other University employees, Charlotte-Mecklenburg Police, or other authorities utilizing the University's emergency communications tools.

### *How to "Shelter-in-Place"*

No matter where you are, the basic steps of shelter-in-place will generally remain the same. Should the need ever arise; follow these steps, unless instructed otherwise by local emergency personnel:

1. If you are inside, stay where you are. Collect any emergency shelter-in-place supplies and a telephone to be used in case of emergency. If you are outdoors, quickly proceed into the closest building or follow instructions from emergency personnel on the scene.
2. Locate a room to shelter inside. It should be:
  - a. An interior room;
  - b. Above ground level;
  - c. Without windows or with the least number of windows. If there is a large group of people inside a building, several rooms might be necessary.
3. Shut and lock all windows (tighter seal) and close exterior doors.
4. Q-Alerts will be issued with further instructions

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

Queens University of Charlotte is an equal opportunity employer and is firmly committed to supporting and celebrating all forms of diversity. Queens does not discriminate on the basis of race, color, gender, sex (including pregnancy, childbirth and conditions related to pregnancy or childbirth), sexual orientation, gender identity or expression, religion, age, national origin, disability, political beliefs, veteran status, genetic information or any characteristic protected by law in the administration of its educational and admissions policies, scholarship and loan programs, athletic programs, employment and hiring policies, or other University-administered programs. Sexual misconduct, as described in this policy, is a form of sexual harassment, which is a form of discrimination and is prohibited by Title IX of the Education Amendments of 1972. Domestic violence, dating violence and stalking are also prohibited conduct as defined by the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act*, as amended by the Violence Against Women Reauthorization Act of 2013.

Queens University of Charlotte prohibits the offense of domestic violence, dating violence, sexual assault, and stalking (as defined by the Clery Act) and reaffirms its commitment to maintaining a campus environment that emphasizes the dignity and worth of all members of the university community. Toward that end, Queens University of Charlotte issues this statement of policy to inform the campus community of our programs to address domestic violence, dating violence, sexual assault and stalking as well as the procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault or stalking which will be followed regardless of whether the incident occurs on or off campus when it is reported to a University official.

For a complete copy of Queens' policy governing sexual misconduct, visit the link shown: [Sexual Misconduct](#)

### [Queens University of Charlotte's Title IX Nondiscrimination Policy and SMIV Policy.](#)

Notice of Nondiscrimination, and grievance procedures for (A) Complaints of Sex Discrimination; and (B) Complaints of sex-based harassment involving a student complainant or respondent

### [Title IX Coordinator and Reporting a Complaint](#)

Any person who believes she/he has been the subject of discrimination or harassment due to sexual misconduct; is aware of a member of the community who has been subject to sexual misconduct or interpersonal violence or, believes that they have been the victim of domestic violence, dating violence, sexual assault, you should report the incident to Campus Police, the CMPD at 911 or the institution's Title IX Coordinator. Any member of the of the Queens community who is a Mandatory Reporting Party and becomes aware that someone else who is a part of the Queens Community has been subject to sexual misconduct or interpersonal violence must report the incident to the institution's Title IX Coordinator, (unless you are a confidential resource). This office is responsible for coordinating the institution's compliance with Title IX Regulations, found within the Sexual Misconduct and Interpersonal Violence Policy. You may contact the Title IX Coordinator team using the information below.

- Kathryn Underwood Smith, Title IX Coordinator and Director of Equity Services, 704.337.2558, by email at [smithk15@queens.edu](mailto:smithk15@queens.edu) or by visiting the office located at Morrison Hall office 200.
- Maddie Poirier, Deputy Title IX Coordinator, 704.337.2591, [poiriern@queens.edu](mailto:poiriern@queens.edu), or by visiting the office located at Morrison Hall, Office 208.

The Title IX Coordinator oversees all reports of sexual misconduct and associated acts that fall under the purview of this policy. Any person assigned as a deputy is empowered to oversee the process in the absence of the Title IX Coordinator or in case of a conflict.

Individuals are encouraged to report potential crimes of sexual misconduct (whether by a person that is known or a stranger) to campus law enforcement in addition to the Title IX Coordinator. The Title IX Coordinator is available to assist an individual in notifying law enforcement. Criminal and University investigations are separate or may be conducted simultaneously. The University investigative process will not wait for the completion of a criminal investigation in order to proceed.

Although the University strongly encourages all members of its community to report criminal misconduct to law enforcement, it is the Complainant's choice whether to make a report and Complainants have the right to decline involvement with the police. The Chief of Campus Police, Campus Police Officer or the Title IX Coordinator/Deputies will assist any Complainant with notifying local police if they so choose. Charlotte Mecklenburg Police Department (CMPD) may be contacted by dialing 911, dialing [\(704\) 336-7600](tel:(704)336-7600), or in person at 601 E Trade St, Charlotte, NC 28202. Additional information about the CMPD

Information about how to contact the *Charlotte-Mecklenburg Police Department* can be located in the back of this policy under "Off-Campus Resources."

## Reporting and Period of Limitations

Any person may report sex discrimination or Sex-Based Harassment in person, by mail, by telephone, or by electronic mail, using the contact information for the Title IX Coordinator or Deputy Title IX Coordinator listed in this document, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Such a report may be made at any time (including during non-business hours).

Queens University requires all employees and other members of the Queens University community to promptly report concerns regarding suspected or known sex discrimination and/or Sex-Based Harassment to the Title IX Coordinator.

**If you are experiencing an emergency, please immediately contact Campus Safety and Police, Watkins Hall, 704 337-2306 or call 911.**

Additionally, Queens University has designated the following employees as Confidential Employees (providing free services):

- Queens University Counseling Services: [QUCounseling@AtriumHealth.org](mailto:QUCounseling@AtriumHealth.org), 24/7 Hotline: 704-337-2556, Watkins Hall (Behind Campus Safety and Police)
- Chaplain Adrian Bird, Belk Chapel, [birda@queens.edu](mailto:birda@queens.edu), 704-337-2290
- Rabbi Judy Schindler, [schindlerj@queens.edu](mailto:schindlerj@queens.edu), 704-337-2507, Watkins 204
- Health and Wellness Center/Atrium, 2322 Wellesley Avenue, Charlotte, NC 28274, 704-337-2220, [Health and Wellness Center](#)
- Information about sex discrimination or harassment shared with these Confidential Employees typically will not be reported to other Queens University personnel (including the Title IX Coordinator), to the Respondent, or to others, unless the disclosing individual gives their consent to the disclosure or the law requires it (as may be the case with abuse involving a minor or under conditions involving imminent physical harm, for example). Confidential Employees may report non-identifying statistical information to the Title IX Coordinator for recordkeeping and compliance purposes.
- Queens University requires Confidential Employees to explain to any person who informs them of conduct that reasonably may constitute sex discrimination: (1) the employee's status as confidential, including the circumstances in which the employee is not required to notify the Title IX Coordinator about conduct that reasonably may constitute sex discrimination; (2) how to contact [I.N.'s ] Title IX Coordinator and how to make a Complaint of sex discrimination; and (3) that the Title IX Coordinator may be able to offer and coordinate Supportive Measures, as well as initiate an informal resolution process or an investigation under Queens University's Title IX grievance procedures.
- Queens University will address allegations of sex discrimination and Sex-Based Harassment appropriately no matter the length of time that has passed since the alleged conduct. However, Queens University strongly encourages prompt reporting to preserve evidence for a potential legal or disciplinary proceeding. Delay may compromise the ability to investigate, particularly if the individuals involved in the alleged conduct are no longer Queens University Students or employees.

Amnesty: Victims and/or witnesses will not be sanctioned for alcohol or drug use in violation of the Queens Honor Code when reporting a sexual misconduct or interpersonal violence policy violation. (The University may, however, initiate an educational discussion or intervention regarding alcohol or drug use.) The serious nature of sexual misconduct or interpersonal violence is a major concern of the University and Queens does not want any of the circumstances (e.g., drug or alcohol use) to inhibit the reporting and investigation of sexual misconduct or interpersonal violence. This amnesty does not apply

to felonious activity, including drug dealing.

When a report is made that alleges a combination of sexual misconduct and other Honor Code violations, the University will work to use all policies respectively to address the complaints and will coordinate the investigation and resolution efforts at the discretion of the Title IX Coordinator.

## SMIV and Title IX Definitions

**Complainant** means: (1) A Student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or its regulations; or (2) A person other than a Student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or its regulations and who was participating or attempting to participate in Queens University's Education Program or Activity at the time of the alleged sex discrimination.

**Complaint** means: an oral or written request to Queens University that objectively can be understood as a request for Queens University to investigate and make a determination about alleged discrimination under Title IX or its regulations.

**Confidential Employee** means: (1) An employee whose communications are privileged or confidential under Federal or State law. The employee's confidential status, for purposes of this part, is only with respect to information received while the employee is functioning within the scope of their duties to which privilege or confidentiality applies; (2) An employee whom the recipient has designated as confidential under this part for the purpose of providing services to persons related to sex discrimination. If the employee also has a duty not associated with providing those services, the employee's confidential status is only with respect to information received about sex discrimination in connection with providing those services; or (3) An employee who is conducting an Institutional Review Board-approved human-subjects research study designed to gather information about sex discrimination-but the employee's confidential status is only with respect to information received while conducting the study.

**Consent** is informed, freely and actively given, mutually understandable words or actions that indicate a willingness and readiness to participate in mutually agreed upon sexual activity. Consent is mutually understandable when a reasonable person would consider the words or actions of the Parties to have manifested a clear and unambiguous agreement between them to engage in certain conduct with each other. Consent cannot be gained by ignoring or acting in spite of the objections of another.

Consent cannot be inferred from: silence, passivity, or lack of resistance alone; a current or previous dating or sexual relationship alone (or the existence of such a relationship with anyone else); attire; the buying of dinner or the spending of money on a date; or Consent previously given (i.e., Consenting to one sexual act does not imply Consent to another sexual act).

Consent is not effective if it is obtained through the use of physical force, violence, duress, deception, intimidation, coercion, or the threat, expressed or implied, of bodily injury. Whether a Party used any of these means to obtain Consent will be determined by reference to the perception of a reasonable person found in the same or similar circumstances.

Consent may never be given by the following individuals: minors, even if the other participant did not know the minor's age; mentally disabled persons, if their disability was reasonably knowable to a person who is not mentally disabled; or persons who are Incapacitated. The use of alcohol or drugs does not diminish one's responsibility to obtain Consent and does not excuse conduct that constitutes Sex-Based Harassment.

If at any time during a sexual act any confusion or ambiguity is or should reasonably be apparent on the issue of Consent, it is incumbent upon each individual involved in the activity to stop and clarify the other's willingness and readiness to continue and capacity to Consent. Neither Party should make assumptions about the other's willingness and readiness to continue.

**Disciplinary Sanctions** means consequences imposed on a Respondent following a determination under Title IX that the Respondent violated Queens University's prohibition on sex discrimination.

**Education Program or Activity** means all of Queens University's operations and includes conduct that (1) occurs in any building owned or controlled by a student organization that is officially recognized by Queens University, and (2) is subject to Queens University's disciplinary authority. The obligation to address a Sex-based hostile environment under Queens University's Education Program or Activity may extend to some

conduct that occurred outside Queens University's Education Program or Activity or outside the United States if such conduct is alleged to be contributing to the hostile environment.

**Incapacitated** means lacking the physical and/or mental ability to make informed, rational judgments. A person may be Incapacitated for a variety of reasons, including but not limited to being asleep or unconscious, having consumed alcohol or taken drugs, or experiencing blackouts or flashbacks.

**Party** means a Complainant or Respondent.

**Relevant** means related to the allegations of sex discrimination under investigation as part of these grievance procedures. Questions are Relevant when they seek evidence that may aid in showing whether the alleged sex discrimination occurred, and evidence is Relevant when it may aid a decisionmaker in determining whether the alleged sex discrimination occurred.

**Remedies** means measures provided, as appropriate, to a Complainant or any other person Queens University identifies as having had their equal access to Queens University's Education Program or Activity limited or denied by sex discrimination. These measures are provided to restore or preserve that person's access to Queens University's Education Program or Activity after Queens University determines that sex discrimination occurred.

**Respondent** means a person who is alleged to have violated Queens University's prohibition on sex discrimination.

**Retaliation** means intimidation, threats, coercion, or discrimination against any person by Queens University, a Student, or an employee or other person authorized by Queens University to provide aid, benefit, or service under the Queens University's Education Program or Activity, for the purpose of interfering with any right or privilege secured by Title IX or its regulations, or because the person has reported information, made a Complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under the Title IX regulations.

**Sex-Based Harassment** is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex, including on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity, that is:

(1) Quid pro quo harassment. An employee, agent, or other person authorized by Queens University to provide an aid, benefit, or service under Queens University's Education Program or Activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct;

(2) Hostile environment harassment. Unwelcome Sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from Queens University's Education Program or Activity (i.e., creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:

(i) The degree to which the conduct affected the Complainant's ability to access Queens University's Education Program or Activity;

(ii) The type, frequency, and duration of the conduct;

(iii) The Parties' ages, roles within Queens University's Education Program or Activity, previous interactions, and other factors about each Party that may be Relevant to evaluating the effects of the conduct;

(iv) The location of the conduct and the context in which the conduct occurred; and

(v) Other Sex-Based Harassment in the Queens University's Education Program or Activity; or

(3) Specific offenses.

(i) “Sexual Assault” means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation. As of the effective date of this Policy, those offenses are defined as follows:

(i) Forcible sex offense: any sexual act, including rape, sodomy, sexual assault with an object or fondling, directed against another person, without the Consent of the victim, including instances where the victim is incapable of giving Consent. (1) Forcible rape (except statutory rape (defined below)) — the carnal knowledge of a person, forcibly and/or against that person’s will or not forcibly or against the person’s will in instances where the victim is incapable of giving Consent because of their temporary or permanent mental or physical incapacity. (2) Forcible sodomy — oral or anal sexual intercourse with another person, forcibly and/or against that person’s will or not forcibly or against the person’s will in instances where the victim is incapable of giving Consent because of their youth or because of their temporary or permanent mental or physical incapacity. (3) Sexual assault with an object — to use 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 or against the person’s will in instances where the victim is incapable of giving Consent because of their youth or because of their temporary or permanent mental or physical incapacity. (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 the person’s will in instances where the victim is incapable of giving Consent because of their youth or because of their temporary or permanent mental or physical incapacity. (ii) Nonforcible sex offense: unlawful, nonforcible sexual intercourse. (1) Incest — nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law. (2) Statutory rape — nonforcible sexual intercourse with a person who is under the statutory age of Consent.

(ii) Dating violence meaning violence committed by a person:

(A) Who is or has been in a social relationship of a romantic or intimate nature with the victim; and

(B) Where the existence of such a relationship shall be determined based on a consideration of the following factors:

(1) The length of the relationship;

(2) The type of relationship; and

(3) The frequency of interaction between the persons involved in the relationship;

(iii) Domestic violence meaning felony or misdemeanor crimes committed by a person who:

(A) Is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction of Queens University or a person similarly situated to a spouse of the victim;

(B) Is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;

(C) Shares a child in common with the victim; or

(D) Commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction; or

(iv) Stalking meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

(A) Fear for the person’s safety or the safety of others; or

(B) Suffer substantial emotional distress.

**Supportive Measures** means individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a Complainant or Respondent, not for punitive or disciplinary reasons, and without fee or charge to the Complainant or Respondent to:

(1) Restore or preserve that Party's access to Queens University's Education Program or Activity, including measures that are designed to protect the safety of the Parties or Queens University's educational environment; or (2) Provide support during Queens University's grievance procedures or during an informal resolution process

## Grievance Procedures for General Complaints of Sex Discrimination<sup>1</sup>

Queens University has adopted grievance procedures that provide for the prompt and equitable resolution of Complaints made by Students, employees, or other individuals who are participating or attempting to participate in its Education Program or Activity, or by the Title IX Coordinator, alleging any action that would be prohibited by Title IX or the Title IX regulations.

### 4.01 Complaints

The following people have a right to make a Complaint of sex discrimination, including Complaints of Sex-Based Harassment, requesting that Queens University investigate and make a determination about alleged discrimination under Title IX:

- A "Complainant," which includes:
  - a Student or employee of Queens University who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX; or
  - a person other than a Student or employee of Queens University who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX at a time when that individual was participating or attempting to participate in Queens University's Education Program or Activity;
- A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a Complainant; or
- Queens University's Title IX Coordinator.

Note that a person is entitled to make a Complaint of Sex-Based Harassment only if they themselves are alleged to have been subjected to the Sex-Based Harassment, if they have a legal right to act on behalf of such person, or if the Title IX Coordinator initiates a Complaint.

With respect to Complaints of sex discrimination other than Sex-Based Harassment, in addition to the people listed above, the following persons have a right to make a Complaint:

- Any Student or employee Queens University; or
- Any person other than a Student or employee who was participating or attempting to participate in Queens University's Education Program or Activity at the time of the alleged sex discrimination.

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<sup>1</sup> This Section IV. addresses Queens University's grievance procedures for Complaints of sex discrimination *other than* Complaints of Sex-Based Harassment involving a Student Complainant or Student Respondent. The grievance procedures for Complaints of Sex-Based Harassment involving a Student Complainant or Student Respondent are addressed in Section V. and are similar to, but different in important respects from, those in Section IV. Queens University's Title IX Coordinator is responsible for determining whether Section IV. or Section V. applies to a given Complaint, based on the identities of the Parties and on how the allegations of the Complaint compare to the specific definition of Sex-Based Harassment contained in this document's Appendix.

#### **4.02 Initiation of Complaint by Title IX Coordinator**

In the absence of a Complaint or the withdrawal of any or all of the allegations in a Complaint, and in the absence or termination of an informal resolution process, the Title IX Coordinator will determine whether to initiate a Complaint of sex discrimination.

To make this fact-specific determination, the Title IX Coordinator must consider, at a minimum, the following factors:

- (1) The Complainant's request not to proceed with initiation of a Complaint;
- (2) The Complainant's reasonable safety concerns regarding initiation of a Complaint;
- (3) The risk that additional acts of sex discrimination would occur if a Complaint is not initiated;
- (4) The severity of the alleged sex discrimination, including whether the discrimination, if established, would require the removal of a Respondent from campus or imposition of another Disciplinary Sanction to end the discrimination and prevent its recurrence;
- (5) The age and relationship of the Parties, including whether the Respondent is an employee of Queens University;
- (6) The scope of the alleged sex discrimination, including information suggesting a pattern, ongoing sex discrimination, or sex discrimination alleged to have impacted multiple individuals;
- (7) The availability of evidence to assist a decisionmaker in determining whether sex discrimination occurred; and
- (8) Whether Queens University could end the alleged sex discrimination and prevent its recurrence without initiating its Title IX grievance procedures.

If, after considering these and other Relevant factors, the Title IX Coordinator determines that the conduct as alleged presents an imminent and serious threat to the health or safety of the Complainant or other person, or that the conduct as alleged prevents Queens University from ensuring equal access on the basis of sex to its Education Program or Activity, the Title IX Coordinator may initiate a Complaint.

If initiating a Complaint, the Title IX Coordinator will notify the Complainant prior to doing so and appropriately address reasonable concerns about the Complainant's safety or the safety of others, including by providing Supportive Measures and, regardless of whether a Complaint is initiated, taking other appropriate prompt and effective steps, in addition to steps necessary to effectuate the Remedies provided to an individual Complainant, if any, to ensure that sex discrimination does not continue or recur within Queens University's Education Program or Activity.

A Title IX Coordinator is not required to consider initiating a Complaint upon being notified of conduct that may constitute sex discrimination if the Title IX Coordinator reasonably determines that the conduct as alleged could not constitute sex discrimination under Title IX.

#### **4.03 Complaint Consolidation**

Queens University may consolidate Complaints of sex discrimination against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one Party against another Party, when the allegations of sex discrimination arise out of the same facts or circumstances; provided, however, that the



affected Parties consent to the disclosure of their education records in accordance with FERPA requirements. When more than one Complainant or more than one Respondent is involved, references below to a Party, Complainant, or Respondent include the plural, as applicable.

#### **4.04 Evidentiary Issues**

Queens University will objectively evaluate all evidence that is Relevant and not otherwise impermissible including both inculpatory and exculpatory evidence. Credibility determinations will not be based on a person's status as a Complainant, Respondent, or witness.

The following types of evidence, and questions seeking that evidence, are impermissible (i.e., will not be accessed or considered, except by Queens University to determine whether one of the exceptions listed below applies; will not be disclosed; and will not otherwise be used), regardless of whether they are Relevant:

- Evidence that is protected under a privilege recognized by Federal or State law or evidence provided to a Confidential Employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
- A Party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the Party or witness, unless Queens University obtains that Party's or witness's voluntary, written consent for use in its grievance procedures; and
- Evidence that relates to the Complainant's sexual interests or prior sexual conduct, unless evidence about the Complainant's prior sexual conduct is offered to prove that someone other than the Respondent committed the alleged conduct or is evidence about specific incidents of the Complainant's prior sexual conduct with the Respondent that is offered to prove Consent to the alleged Sex-Based Harassment. The fact of prior consensual sexual conduct between the Complainant and Respondent does not by itself demonstrate or imply the Complainant's Consent to the alleged Sex-Based Harassment or preclude determination that Sex-Based Harassment occurred.

#### **4.05 Notice of Allegations**

Upon initiation of Queens University's Title IX grievance procedures, Queens University will notify the Complainant, or if the Complainant is unknown, the individual who reported the conduct, and the Respondent of the following:

- Queens University's Title IX grievance procedures and informal resolution process
- Sufficient information available at the time to allow the Parties to respond to the allegations, including the identities of the Parties involved in the incident(s), the conduct alleged to constitute sex discrimination, and the date(s) and location(s) of the alleged incident(s);
- Retaliation is prohibited, and allegations of Retaliation in connection with a Title IX grievance process will be addressed under this document's Section IV. grievance procedures; and
- The Parties are entitled to an equal opportunity to access the Relevant and not otherwise impermissible evidence or an accurate description of this evidence. If I.N. provides a description of the evidence, the Parties are entitled to an equal opportunity to access the Relevant and not otherwise impermissible evidence upon the request of any Party.

If, in the course of an investigation, Queens University decides to investigate additional allegations of sex discrimination by the Respondent toward the Complainant that are not included in the notice provided or that are included in a Complaint that is consolidated, Queens University will notify the Parties of the additional allegations.

#### **4.06 Complaint Dismissal**

Queens University may dismiss a Complaint of sex discrimination if:

- Queens University is unable to identify the Respondent after taking reasonable steps to do so;
- The Respondent is not participating in I.N.'s Education Program or Activity and is not employed by Queens University;
- The Complainant voluntarily withdraws any or all of the allegations in the Complaint, the Title IX Coordinator declines to initiate a Complaint, and Queens University determines that, without the Complainant's withdrawn allegations, the conduct that remains alleged in the Complaint, if any, would not constitute sex discrimination under Title IX even if proven; or
- Queens University determines the conduct alleged in the Complaint, even if proven, would not constitute sex discrimination under Title IX. Before dismissing the Complaint, Queens University will make reasonable efforts to clarify the allegations with the Complainant.
- Upon dismissal, Queens University will promptly notify the Complainant of the basis for the dismissal. If the dismissal occurs after the Respondent has been notified of the allegations, then Queens University will also notify the Respondent of the dismissal and the basis for the dismissal promptly following notification to the Complainant, or simultaneously if notification is in writing. Queens University will provide the Complainant with an opportunity to appeal the dismissal of a Complaint. And, if the dismissal occurs after the Respondent has been notified of the allegations, then Queens University will also notify the Respondent that the dismissal may be appealed. Dismissals may be appealed on the following bases:
  - Procedural irregularity that would change the outcome;
  - New evidence that would change the outcome and that was not reasonably available when the dismissal was made; and/or
  - The Title IX Coordinator had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that would change the outcome.

When a Complaint is dismissed, Queens University will, at a minimum:

- Offer Supportive Measures to the Complainant as appropriate;
- If the Respondent has been notified of the allegations, offer Supportive Measures to the Respondent as appropriate; and
- Take other prompt and effective steps, as appropriate, through the Title IX Coordinator to ensure that sex discrimination does not continue or recur within Queens University Education Program or Activity.

#### **4.07 Investigation Parameters**

Queens University will provide for adequate, reliable, and impartial investigation of Complaints.

The burden is on Queens University—not on the Parties—to conduct an investigation that gathers sufficient evidence to determine whether sex discrimination occurred.

Queens University will provide an equal opportunity for the Parties to present fact witnesses and other inculpatory and exculpatory evidence that are Relevant and not otherwise impermissible.

Queens University will review all evidence gathered through the investigation and determine what evidence is Relevant and what evidence is impermissible regardless of relevance.

Queens University will provide each Party with an equal opportunity to access the evidence that is Relevant to the allegations of sex discrimination and not otherwise impermissible.

Queens University will provide each Party a reasonable opportunity to respond to the evidence; and

Queens University will take reasonable steps to prevent and address the Parties' unauthorized disclosure of information and evidence obtained solely through the grievance procedures. Disclosures of such information and evidence for purposes of administrative proceedings or litigation related to the Complaint of sex discrimination are authorized.

#### **4.08 Appointment of the Investigator/Decisionmaker and Challenging of the Same**

Unless a Complaint is dismissed or the Parties elect to participate in informal resolution, the Title IX Coordinator will promptly appoint an investigator, who may be the Title IX Coordinator, and who will also serve as the decisionmaker, as expressly permitted by Title IX. The investigator/decisionmaker may be a Queens University employee or a non-employee contractor.

The Title IX Coordinator will contemporaneously share the investigator/decisionmaker name with the Complainant and/or Respondent. Within two business days of that notification the Complainant or the Respondent may identify to the Title IX Coordinator in writing any alleged conflicts of interest or bias on the part of the assigned investigator/decisionmaker.

The Title IX Coordinator will consider such statements and will promptly assign a different investigator/decisionmaker if the Title IX Coordinator determines that a material conflict of interest or material bias exists.

#### **4.09 The Investigator/Decisionmaker's Activities, Including Questioning of Parties and Witnesses**

The investigator/decisionmaker will take steps such as interviewing the Complainant, the Respondent, and witnesses (including expert witnesses, where applicable); recording, transcribing, and/or summarizing such interviews in writing; collecting and reviewing relevant documents; visiting, inspecting, and taking or reviewing photographs of Relevant sites; and collecting and reviewing other Relevant and not impermissible evidence.

The investigator/decisionmaker will question the Parties and witnesses in individual meetings to gather evidence and also to assess credibility to the extent credibility is both in dispute and Relevant to one or more allegations of sex discrimination.

#### **4.10 Evidence Review**

The investigator/decisionmaker will compile all Relevant and not inadmissible evidence (including items such as the Complaint, written statements of position, summaries or transcripts of all interviews conducted, photographs, descriptions of Relevant evidence, and summaries or copies of Relevant electronic records) and send to each Party an electronic or hard copy of such evidence.

The Parties then will have ten business days from the time that the evidence is provided to submit to the investigator/decisionmaker a written response to the evidence. In the response, the Parties may address the relevancy of any evidence that the Parties believe should be included in or excluded from the

investigator/decisionmaker's analysis and may also address any further investigation activities or questions that they believe are necessary. If a Party wishes to submit additional evidence at this stage, they should explain how the evidence is Relevant and why it was not previously provided.

Due to the sensitive nature of the evidence in question, the Parties may not copy, publish, photograph, print, image, record, or in any other manner duplicate the evidence or any part thereof. Parties who violate these restrictions may be disciplined. Nothing in this document restricts the ability of either Party to discuss the allegations under investigation or to gather, preserve, and/or present Relevant evidence.

#### **4.11 Determination Whether Sex Discrimination Occurred**

Following an investigation and evaluation of all Relevant and not otherwise impermissible evidence, the investigator/decisionmaker will:

- Use the preponderance of the evidence standard of proof to determine whether sex discrimination occurred by (1) evaluating Relevant and not otherwise impermissible evidence for its persuasiveness and, (2) determining whether the evidence establishes that it is more likely than not that sex discrimination occurred. If the investigator/decisionmaker is not persuaded under the applicable standard by the evidence that sex discrimination occurred, whatever the quantity of the evidence is, the decisionmaker will not determine that sex discrimination occurred.
- Notify the Parties in writing of the determination whether sex discrimination occurred under Title IX, including the rationale for such determination and the procedures and permissible bases for the Complainant and Respondent to appeal.
- Not impose discipline on a Respondent for sex discrimination prohibited by Title IX unless there is a determination at the conclusion of the grievance procedures that the Respondent engaged in prohibited sex discrimination.
- If there is a determination that sex discrimination occurred, the Title IX Coordinator will, as appropriate:
  - o Coordinate the provision and implementation of Remedies to a Complainant and other people Queens University identified as having had equal access to Queens University's Education Program or Activity limited or denied by sex discrimination;
  - o Coordinate the imposition of any Disciplinary Sanctions on a Respondent, including notification to the Complainant of any such Disciplinary Sanctions; and
  - o Take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within Queens University's Education Program or Activity.
- Comply with the grievance procedures before the imposition of any Disciplinary Sanctions against a Respondent; and
- Not discipline a Party, witness, or others participating in the grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the determination whether sex discrimination occurred.<sup>2</sup>

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<sup>2</sup> Queens University may address false statements by initiating a disciplinary process under its code of conduct so long as there is evidence of such independent of the determination whether sex discrimination occurred.

#### **4.12 Appeal of Dismissal and/or Determination**

The Complainant or the Respondent may appeal Complaint dismissal and/or the investigator/decisionmaker's determination.

The following are the only permissible grounds for appeal: (1) procedural irregularity that affected the outcome; (2) new evidence that was not reasonably available at the time of the dismissal or determination and that could affect the outcome; and (3) the Title IX Coordinator or investigator/decisionmaker had a conflict of interest or bias that affected the outcome.

Appeals must be submitted in writing to the Title IX Coordinator within three business days of the Party's receipt of notification of the dismissal or determination. The Title IX Coordinator will promptly inform the other Party of the filing of the appeal, and the other Party will have three business days from such notification to submit a written response to the appeal.

Upon receipt of an appeal, the Title IX Coordinator will appoint an appeal officer, who is someone other than the person who made the dismissal or determination in question and will notify the Parties of that appointment.

Within two business days of receiving notification of the appointment, the Complainant or the Respondent may identify to the Title IX Coordinator in writing alleged conflicts of interest or bias posed by assigning that appeal officer. The Title IX Coordinator will carefully consider such statements and will promptly assign a different appeal officer if the Title IX Coordinator determines that a material conflict of interest or material bias exists.

Within ten business days of the receipt of the appeal or the written response to such appeal, whichever is later, the appeal officer will determine (a) that the dismissal or determination should stand; or (b) that the dismissal or determination should be overturned and will issue a written explanation of that result and the rationale behind it.

#### **4.13 Informal Resolution**

In lieu of resolving a Complaint through Queens University's Title IX grievance procedures, the Parties may instead elect to participate voluntarily in an informal resolution process facilitated by the Title IX Coordinator or the Coordinator's designee. Queens University has discretion to determine whether it is appropriate to offer an informal resolution process and, even when such process may be applicable to conduct that reasonably may constitute sex discrimination under Title IX, may decline to offer informal resolution despite one or more of the Parties' wishes.

Queens University does not offer informal resolution to resolve a Complaint that includes allegations that an employee engaged in Sex-Based Harassment of an elementary or secondary school Student or when such a process would conflict with Federal, State, or local law.

Before the initiation of an informal resolution process, Queens University will explain in writing to the Parties:

- The allegations;
- The requirements of the informal resolution process;
- That any Party has the right to withdraw from the informal resolution process and initiate or resume grievance procedures at any time before agreeing to a resolution;
- That if the Parties agree to a resolution at the end of the informal resolution process, they cannot initiate or resume grievance procedures arising from the same allegations;

- The potential terms that may be requested or offered in an informal resolution agreement, including notice that an informal resolution agreement is binding only on the Parties;
- That measures the Parties agree to in the informal resolution process may include (but are not limited to): alcohol education classes for the Respondent; completion of online sexual harassment training; completion of an intervention program; regular meetings with an appropriate individual, unit or resource; permanent or temporary no contact order; restrictions for participation in certain activities, organizations, programs or classes; change in residential assignment or restrictions on access to certain residence halls or apartments; restriction of participation in certain events; reflection paper or written apology; counseling sessions; and/or Respondent's completion of an educational or behavioral plan; and
- The fact that any statements that the Parties make during the informal resolution process cannot be introduced in any other investigative or adjudicative proceeding, including if informal resolution is terminated and formal Complaint processing resumes under Queens University's Title IX grievance procedures.

A resolution reached pursuant to the informal resolution process is final and not subject to appeal.

#### **4.14 Supportive Measures**

The Title IX Coordinator will offer and coordinate Supportive Measures as appropriate for the Complainant and/or Respondent to restore or preserve that person's access to Queens University's Education Program or Activity or provide support during Queens University's Title IX grievance procedures or during the informal resolution process.

Supportive Measures will vary depending on specific circumstances and may include but are not limited to: counseling; extensions of deadlines and other course-related adjustments; campus escort services; increased security and monitoring of certain areas of the campus; restrictions on contact applied to one or more Parties; leaves of absence; changes in class, work, housing, or extracurricular or any other activity, regardless of whether there is or is not a comparable alternative; and training and education programs related to sex discrimination.

Supportive Measures will not unreasonably burden either Party and are designed to protect the safety of the Parties or Queens University's educational environment and/or to provide support during Title IX grievance procedures or informal resolution. Such measures may, as appropriate, be modified or terminated at the conclusion of the grievance procedures or informal resolution process.

Complainants or Respondents may seek modification or reversal of Supportive Measures applicable to them by submitting a written request—within three business days of notification of the measure(s) in question—to the Title IX Coordinator, who will assign an impartial Queens University employee to evaluate and respond to the request.

Queens University will not disclose information about any Supportive Measures to persons other than the person to whom they apply, including informing one Party of Supportive Measures provided to another Party, unless necessary to provide the supportive measure or restore or preserve a Party's access to the Education Program or Activity.

If any Party has a disability, the Title IX Coordinator may consult, as appropriate, with Queens University's Office of [Insert name] in the implementation of Supportive Measures.

#### **4.15 Emergency Removal**

Queens University may remove a Respondent from its Education Program or Activity on an emergency basis, provided that Queens University undertakes an individualized safety and risk analysis; determines that an

imminent and serious threat to the health or safety of a Complainant or any Students, employees, or other persons arising from the allegations of sex discrimination justifies removal; provides the Respondent with notice and an opportunity to challenge the decision immediately following the removal; and does so in accordance with the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act, as applicable.

#### **4.16 Administrative Leave**

Queens University may place an employee Respondent on administrative leave from employment responsibilities during the pendency of the grievance procedures, provided that it does so in accordance with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act.

#### **4.17 Disciplinary Sanctions and Remedies**

Following a determination that sex discrimination occurred, Queens University may impose Disciplinary Sanctions. Sanctions depend upon the nature and gravity of the misconduct, any record of prior discipline, or both.

Sanctions for employees may include, but are not limited to, withholding a promotion or pay increase, reassigning employment, terminating employment, temporary suspension without pay, and compensation adjustments.

Sanctions for Students may include, but are not limited to, expulsion or suspension, disciplinary probation, social restrictions, expulsion or suspension from campus housing, suspension or revocation of admission, suspension or revocation of degree, written warning, mandated counseling, completion of an intervention program, completion of violence risk assessment, parental notification, and/or education sanctions (such as community service, reflection paper(s), and/or fines).

Queens University may also provide Remedies to the Complainant and others affected by the sex discrimination in question. Those Remedies will vary depending on specific circumstances and may include, but are not limited to: counseling; extensions of deadlines and other course-related adjustments; campus escort services; increased security and monitoring of certain areas of the campus; restrictions on contact applied to one or more Parties; leaves of absence; changes in class, work, housing, or extracurricular or any other activity, regardless of whether there is or is not a comparable alternative; and training and education programs.

### **Grievance Procedures for Complaints of Sex-Based Harassment Involving a Student Complainant or Student Respondent**

Queens University has adopted Title IX grievance procedures that provide for the prompt and equitable resolution of Complaints made by Students, employees, or other individuals who are participating or attempting to participate in its Education Program or Activity, or by the Title IX Coordinator.

These Section V. grievance procedures address Complaints of Sex-Based Harassment that involve a Student Party.

When a Party is both a Student and an employee, Queens University's Title IX Coordinator will make a fact-specific inquiry to determine whether the Section IV. grievance procedures or Section V. grievance procedures apply. In making this determination, the Title IX Coordinator will, at a minimum, consider whether the Party's primary relationship with Queens University is to receive an education and whether the alleged Sex-Based Harassment occurred while the Party was performing employment-related work.

## 5.01 Complaints

The following people have a right to make a Complaint of sex discrimination, including Complaints of Sex-Based Harassment, requesting that Queens University investigate and make a determination about alleged discrimination under Title IX:

- A “Complainant,” which includes:
  - a Student or employee of Queens University who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX; or
  - a person other than a Student or employee of Queens University who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX at a time when that individual was participating or attempting to participate in Queens University’s Education Program or Activity;
- A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a Complainant; or
- Queens University’s Title IX Coordinator.

Note that a person is entitled to make a Complaint of Sex-Based Harassment only if they themselves are alleged to have been subjected to the Sex-Based Harassment, if they have a legal right to act on behalf of such person, or if the Title IX Coordinator initiates a Complaint.

## 5.02 Initiation of Complaint by Title IX Coordinator

In the absence of a Complaint or the withdrawal of any or all of the allegations in a Complaint, and in the absence or termination of an informal resolution process, the Title IX Coordinator will determine whether to initiate a Complaint of Sex-Based Harassment.

To make this fact-specific determination, the Title IX Coordinator must consider, at a minimum, the following factors:

- (1) The Complainant’s request not to proceed with initiation of a Complaint;
- (2) The Complainant’s reasonable safety concerns regarding initiation of a Complaint;
- (3) The risk that additional acts of Sex-Based Harassment would occur if a Complaint is not initiated;
- (4) The severity of the alleged Sex-Based Harassment, including whether the Sex-Based Harassment, if established, would require the removal of a Respondent from campus or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence;
- (5) The age and relationship of the Parties, including whether the Respondent is an employee of Queens University;
- (6) The scope of the alleged Sex-Based Harassment, including information suggesting a pattern, ongoing sex discrimination, or Sex-Based Harassment alleged to have impacted multiple individuals;
- (7) The availability of evidence to assist a decisionmaker in determining whether Sex-Based Harassment occurred; and
- (8) Whether Queens University could end the alleged Sex-Based Harassment and prevent its recurrence without initiating its Title IX grievance procedures.

If, after considering these and other relevant factors, the Title IX Coordinator determines that the conduct as alleged presents an imminent and serious threat to the health or safety of the Complainant or other person, or



that the conduct as alleged prevents Queens University from ensuring equal access on the basis of sex to its Education Program or Activity, the Title IX Coordinator may initiate a Complaint.

If initiating a Complaint, the Title IX Coordinator will notify the Complainant prior to doing so and appropriately address reasonable concerns about the Complainant's safety or the safety of others, including by providing Supportive Measures and, regardless of whether a Complaint is initiated, taking other appropriate prompt and effective steps, in addition to steps necessary to effectuate the Remedies provided to an individual Complainant, if any, to ensure that Sex-Based Harassment does not continue or recur within Queens University's Education Program or Activity.

A Title IX Coordinator is not required to consider initiating a Complaint upon being notified of conduct that may constitute Sex-Based Harassment if the Title IX Coordinator reasonably determines that the conduct as alleged could not constitute Sex-Based Harassment under Title IX.

### **5.03 Complaint Consolidation**

Queens University may consolidate Complaints of Sex-Based Harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one Party against another Party, when the allegations of Sex-Based Harassment arise out of the same facts or circumstances; provided, however, that the affected Parties consent to the disclosure of their education records in accordance with FERPA requirements. When more than one Complainant or more than one Respondent is involved, references below to a Party, Complainant, or Respondent include the plural, as applicable.

### **5.04 Complaint Processing Parameters**

Queens University will treat Complainants and Respondents equitably.

Queens University requires that any Title IX Coordinator, investigator, or decision-maker not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent.

As expressly permitted by Title IX, under these grievance procedures the investigator and decisionmaker is the same person and may either be the Title IX Coordinator or someone so designated by the Title IX Coordinator. And, as set forth below, the Parties have an opportunity to challenge the participation of the investigator/decisionmaker for alleged conflict of interest or bias.

Queens University presumes that the Respondent is not responsible for the alleged Sex-Based Harassment until a determination is made at the conclusion of its grievance procedures.

Queens University has established the following timeframes for the major stages of the grievance procedures:

- decision whether to dismiss or investigate a Complaint within 15 business days after the Title IX Coordinator's receipt of the Complaint;
- completion of any investigation within 45 business days after the Title IX Coordinator's receipt of the Complaint;
- issuance of any responsibility determination within 60 business days after the Title IX Coordinator's receipt of the Complaint; and
- decision on any timely-filed appeal within 15 business days after the Title IX Coordinator's receipt of the Party's appeal materials.

The timelines set forth above may be altered for good cause with written notice to the Parties of any delay or extension and the supporting reasons. Good cause may include considerations such as the absence of a Party,

a Party's advisor, or a witness; concurrent law enforcement activity; natural disasters, pandemic restrictions, and similar occurrences; or the need for language assistance or accommodation of disabilities.

Either Party may request an extension of any deadline by providing the Title IX Coordinator with a written request that includes the length of the proposed extension and the basis for the request. The Title IX Coordinator will review the request and make a determination to grant or deny within three business days.

Queens University will take reasonable steps to protect the privacy of the Parties and witnesses during its grievance procedures. These steps will not restrict the ability of the Parties to obtain and present evidence, including by speaking to witnesses; consult with their family members, confidential resources, or advisors; or otherwise prepare for or participate in the grievance procedures. The Parties cannot engage in Retaliation, including against witnesses.

### **5.05 Evidentiary Issues**

Queens University will objectively evaluate all evidence that is Relevant and not otherwise impermissible including both inculpatory and exculpatory evidence. Credibility determinations will not be based on a person's status as a Complainant, Respondent, or witness.

The following types of evidence, and questions seeking that evidence, are impermissible (i.e., will not be accessed or considered, except by Queens University to determine whether one of the exceptions listed below applies; will not be disclosed; and will not otherwise be used), regardless of whether they are Relevant:

- Evidence that is protected under a privilege recognized by Federal or State law or evidence provided to a Confidential Employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
- A Party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the Party or witness, unless Queens University obtains that Party's or witness's voluntary, written consent for use in its grievance procedures; and
- Evidence that relates to the Complainant's sexual interests or prior sexual conduct, unless evidence about the Complainant's prior sexual conduct is offered to prove that someone other than the Respondent committed the alleged conduct or is evidence about specific incidents of the Complainant's prior sexual conduct with the Respondent that is offered to prove Consent to the alleged Sex-Based Harassment. The fact of prior consensual sexual conduct between the Complainant and Respondent does not by itself demonstrate or imply the Complainant's Consent to the alleged Sex-Based Harassment or preclude determination that Sex-Based Harassment occurred.

### **5.06 Written Notice of Allegations**

Upon initiation of these Sex-Based Harassment Title IX grievance procedures, Queens University will notify the Parties in writing of the following with sufficient time for the Parties to prepare a response before any initial interview:

- Queens University's Title IX grievance procedures and any informal resolution process;
- Sufficient information available at the time to allow the Parties to respond to the allegations, including the identities of the Parties involved in the incident(s), the conduct alleged to constitute Sex-Based Harassment, and the date(s) and location(s) of the alleged incident(s);

- Retaliation is prohibited, and allegations of Retaliation in connection with a Title IX grievance process will be addressed under this document's Section IV. grievance procedures;
- The Respondent is presumed not responsible for the alleged Sex-Based Harassment until a determination is made at the conclusion of these grievance procedures. Prior to such a determination, the Parties will have an opportunity to present Relevant and not otherwise impermissible evidence to a trained, impartial decisionmaker;
- The Parties may have an advisor of their choice who may be, but is not required to be, an attorney. Parties must provide the name and contact of their advisor to the Title IX Coordinator in writing as soon as reasonably possible and must provide updated information if their advisor changes. All advisors will be required to assent to Queens University's Expectations for Advisors;
- The Parties are entitled to an equal opportunity to access the Relevant and not otherwise impermissible evidence or an investigative report that accurately summarizes this evidence.
- Section 9 of Queens University's Honor Code prohibits knowingly making false statements or knowingly submitting false information during grievance procedures.<sup>3</sup>

If, in the course of an investigation, Queens University decides to investigate additional allegations of Sex-Based Harassment by the Respondent toward the Complainant that are not included in the written notice or that are included in a consolidated Complaint, it will provide written notice of the additional allegations to the Parties.

### **5.07 Complaint Dismissal**

Queens University may dismiss a Complaint if:

- Queens University Is unable to identify the Respondent after taking reasonable steps to do so;
- The Respondent is not participating in Queens University's Education Program or Activity and is not employed by Queens University;
- Queens University obtains the Complainant's voluntary withdrawal in writing of any or all of the allegations, the Title IX Coordinator declines to initiate a Complaint, and Queens University determines that, without the Complainant's withdrawn allegations, the conduct that remains alleged in the Complaint, if any, would not constitute sex discrimination under Title IX even if proven; or
- Queens University determines the conduct alleged in the Complaint, even if proven, would not constitute sex discrimination under Title IX.

Before dismissing the Complaint, Queens University will make reasonable efforts to clarify the allegations with the Complainant. Upon dismissal, Queens University will promptly notify the Complainant in writing of the basis for the dismissal.

If the dismissal occurs after the Respondent has been notified of the allegations, then Queens University will notify the Parties simultaneously in writing.

Queens University will notify the Complainant that a dismissal may be appealed on the bases outlined in the Appeals section of this Section V.

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<sup>3</sup> Queens University may address false statements by initiating a disciplinary process under its code of conduct so long as there is evidence of such independent of the determination whether sex discrimination occurred.

If dismissal occurs after the Respondent has been notified of the allegations, then Queens University will also notify the Respondent that the dismissal may be appealed on the same bases. If a dismissal is appealed, Queens University will follow the procedures outlined in the Appeals section of this Section V.

When a Complaint is dismissed, Queens University will, at a minimum:

- Offer Supportive Measures to the Complainant as appropriate;
- If the Respondent has been notified of the allegations, offer Supportive Measures to the Respondent as appropriate; and
- Take other prompt and effective steps, as appropriate, through the Title IX Coordinator to ensure that sex discrimination does not continue or recur within Queens University's Education Program or Activity.

### **5.08 Investigation Parameters**

Queens University will provide for adequate, reliable, and impartial investigation of Complaints.

The burden is on Queens University—not on the Parties—to conduct an investigation that gathers sufficient evidence to determine whether Sex-Based Harassment occurred.

Queens University will provide to a Party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all meetings or proceedings with sufficient time for the Party to prepare to participate.

Queens University will provide the Parties with the same opportunities to be accompanied to any meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney.

- Queens University will not limit the choice or presence of the advisor for the Complainant or Respondent in any meeting or proceeding.
- Queens University may establish restrictions regarding the extent to which the advisor may participate in these grievance procedures, as long as the restrictions apply equally to the Parties.

Queens University will provide the Parties with the same opportunities, if any, to have people other than the advisor of the Parties' choice present during any meeting or proceeding.

Queens University does/does not allow the Parties to present expert witnesses.

Queens University will provide an equal opportunity for the Parties to present fact witnesses and other inculpatory and exculpatory evidence that is Relevant and not otherwise impermissible.

Queens University will review all evidence gathered through the investigation and determine what evidence is Relevant and what evidence is impermissible regardless of relevance.

Queens University will provide each Party and the Party's advisor, if any, with an equal opportunity to access the evidence that is Relevant to the allegations of Sex-Based Harassment and not otherwise impermissible, in the following manner:

- Queens University will provide an equal opportunity to access either the Relevant and not otherwise impermissible evidence, or the same written investigative report that accurately summarizes this evidence. If Queens University provides access to an investigative report, it will further provide the Parties with an equal opportunity to access the Relevant and not otherwise impermissible evidence upon the request of any Party.;

- Queens University will provide a reasonable opportunity to review and respond to the evidence or the investigative report.; and

Queens University will take reasonable steps to prevent and address the Parties' and their advisors' unauthorized disclosure of information and evidence obtained solely through the Sex-Based Harassment grievance procedures.

#### **5.09 Appointment of the Investigator/Decisionmaker and Challenging of the Same**

Unless a Complaint is dismissed or the Parties elect to participate in informal resolution, the Title IX Coordinator will promptly appoint an investigator, who may be the Title IX Coordinator, and who will also serve as the decisionmaker, as expressly permitted by Title IX. The investigator/decisionmaker may be a Queens University employee or a non-employee contractor.

The Title IX Coordinator will contemporaneously share the investigator/decisionmaker name with the Complainant and Respondent. Within two business days of that notification the Complainant or the Respondent may identify to the Title IX Coordinator in writing any alleged conflicts of interest or bias on the part of the assigned investigator/decisionmaker.

The Title IX Coordinator will consider such statements and will promptly assign a different investigator/decisionmaker if the Title IX Coordinator determines that a material conflict of interest or material bias exists. If the Title IX Coordinator is the designated investigator/decisionmaker, Queens University's Associate Provost for Academic Affairs, Greg D. Pillar, Ph.D., (704) 337-2579, pillarg@queens.edu, will consider any alleged conflicts of interest or bias submitted by the Parties pursuant to the previous paragraph and, if the Associate Provost for Academic Affairs determines that a material conflict of interest or material bias exists, will appoint a new investigator/decisionmaker.

#### **5.10 The Investigator/Decisionmaker's Activities, Including Questioning of Parties and Witnesses**

The investigator/decisionmaker will take such steps as interviewing the Complainant, the Respondent, and witnesses (including expert witnesses, where applicable); recording, transcribing, and/or summarizing such interviews in writing; collecting and reviewing Relevant documents; visiting, inspecting, and taking or reviewing photographs of Relevant sites; and collecting and reviewing other Relevant and not impermissible evidence.

The investigator/decisionmaker will question the Parties and witnesses in individual meetings to gather evidence and also to assess credibility to the extent credibility is both in dispute and Relevant to one or more allegations of sex discrimination.

Queens University's process for proposing and asking Relevant and not otherwise impermissible questions and follow-up questions of Parties and witnesses, including questions challenging credibility, will:

- Allow the investigator/decisionmaker to ask such questions during individual meetings with a Party or witness;
- Allow each Party to propose such questions that the Party wants asked of any Party or witness and have those questions asked by the investigator/decisionmaker during one or more individual meetings, including follow-up meetings, with a Party or witness, subject to the procedures for evaluating and limiting questions discussed below; and
- Provide each Party with an audio or audiovisual recording or transcript with enough time for the Party to have a reasonable opportunity to propose follow-up questions.

### **5.11 Procedures for the Investigator/Decisionmaker to Evaluate the Questions and Limitations on Questions**

The investigator/decisionmaker will determine whether a proposed question is Relevant and not otherwise impermissible before the question is posed and will explain any decision to exclude a question as not Relevant or otherwise impermissible. Questions that are unclear or harassing of the Party or witness being questioned will not be permitted. The decisionmaker will give a Party an opportunity to clarify or revise a question that the decisionmaker determines is unclear or harassing. If the Party sufficiently clarifies or revises the question, the question will be asked.

### **5.12 Refusal to respond to questions and inferences based on refusal to respond to questions**

The investigator/decisionmaker may choose to place less or no weight upon statements by a Party or witness who refuses to respond to questions deemed Relevant and not impermissible. The investigator/decisionmaker will not draw an inference about whether Sex-Based Harassment occurred based solely on a Party's or witness's refusal to respond to such questions.

### **5.13 Evidence Review**

The investigator/decisionmaker will compile all Relevant and not inadmissible evidence (including items such as the Complaint, written statements of position, summaries or transcripts of all interviews conducted, photographs, descriptions of Relevant evidence, and summaries or copies of Relevant electronic records) and send to each Party an electronic or hard copy of such evidence and also provide each Party with an audio or audiovisual recording or transcript of Party and witness interviews with enough time for the Party to have a reasonable opportunity to propose follow-up questions.

The Parties then will have ten business days from the time that the evidence is provided to submit to the investigator/decisionmaker a written response to the evidence. In their responses, the Parties may address the relevancy of any evidence that the Parties believe should be included in or excluded from the investigator/decisionmaker's analysis and may also address any further investigation activities or questions that they believe are necessary. If a Party wishes to submit additional evidence at this stage, they should explain how the evidence is Relevant and why it was not previously provided.

Due to the sensitive nature of the evidence in question, the Parties may not copy, publish, photograph, print, image, record, or in any other manner duplicate it. Parties who violate these restrictions may be disciplined. Nothing in this document restricts the ability of either Party to discuss the allegations under investigation or to gather, preserve, and/or present Relevant evidence.

### **5.14 Post-Evidence-Review Follow-Up Meetings**

Following the Parties' review of and response to the evidence, the investigator/decisionmaker may need to meet again with the Parties (and with witnesses, as necessary and appropriate) to ask follow-up questions, including those raised by the Parties' response to the evidence and/or specifically suggested by the Parties in that response.

### **5.15 Written Determination Whether Sex-Based Harassment Occurred**

Following an investigation and evaluation of all Relevant and not otherwise impermissible evidence, Queens University will:

- Use the preponderance of the evidence standard of proof to determine whether Sex-Based Harassment occurred. The standard of proof requires the investigator/decisionmaker to evaluate Relevant and not otherwise

impermissible evidence for its persuasiveness. If the investigator/decisionmaker is not persuaded under the applicable standard by the evidence that Sex-Based Harassment occurred, whatever the quantity of the evidence is, the decisionmaker will not determine that Sex-Based Harassment occurred.

- Notify the Parties simultaneously in writing of the determination whether Sex-Based Harassment occurred under Title IX including:

- o A description of the alleged Sex-Based Harassment;

- o Information about the policies and procedures that Queens University used to evaluate the allegations;

- o The decisionmaker's evaluation of the Relevant and not otherwise impermissible evidence and determination whether Sex-Based Harassment occurred;

- o When the decisionmaker finds that Sex-Based Harassment occurred, any Disciplinary Sanctions Queens University will impose on the Respondent, whether Remedies other than the imposition of Disciplinary Sanctions will be provided by Queens University to the Complainant, and, to the extent appropriate, other Students identified by Queens University to be experiencing the effects of the Sex-Based Harassment; and

- o Queens University's procedures and permissible bases for the Complainant and Respondent to appeal.

- Queens University will not impose discipline on a Respondent for sex discrimination prohibited by Title IX unless there is a determination at the conclusion of the Title IX grievance procedures that the Respondent engaged in prohibited Sex-Based Harassment.

- If there is a determination that sex discrimination occurred, as appropriate, the Title IX Coordinator will:

- o Coordinate the provision and implementation of Remedies to a Complainant and other people Queens University identifies as having had equal access to Queens University's Education Program or Activity limited or denied by Sex-Based Harassment;

- o Coordinate the imposition of any Disciplinary Sanctions on a Respondent, including notification to the Complainant of any such Disciplinary Sanctions; and

- o Take other appropriate prompt and effective steps to ensure that Sex-Based Harassment does not continue or recur within Queens University's Education Program or Activity.

- Comply with the Title IX grievance procedures before the imposition of any Disciplinary Sanctions against a Respondent; and

- Not discipline a Party, witness, or others participating in the Title IX grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the determination whether Sex-Based Harassment occurred..

The determination regarding responsibility becomes final either on the date Queens University provides the Parties with the written determination of the result of any appeal, or, if no Party appeals, the date on which an appeal would no longer be considered timely.

#### **5.16 Appeal of Dismissal and/or Determination**

The Complainant or the Respondent may appeal Complaint dismissal and/or the investigator/decisionmaker's determination whether Sex-Based Harassment occurred.

The following are the only permissible grounds for appeal: (1) procedural irregularity that would change the outcome; (2) new evidence that would change the outcome and was not reasonably available at the time of the dismissal or determination; and (3) the Title IX Coordinator or investigator/decisionmaker had a conflict of interest or bias for or against complainants or respondents generally or the individual Complainant or Respondent that would change the outcome.

Appeals must be submitted in writing to the Title IX Coordinator within three business days of the Party's receipt of notification of the dismissal or determination. The Title IX Coordinator will promptly inform the other Party in writing of the filing of the appeal, and the other Party will have three days from such notification to submit a written response to the appeal.

Upon receipt of an appeal, the Title IX Coordinator will appoint an appeal officer who is someone other than the person who investigated and made the dismissal or determination in question and will notify the Parties of that appointment.

Within two business days of receiving notification of the appointment, the Complainant or the Respondent may identify to the Title IX Coordinator in writing alleged conflicts of interest or bias posed by assigning that appeal officer. The Title IX Coordinator will carefully consider such statements and will promptly assign a different appeal officer if the Title IX Coordinator determines that a material conflict of interest or material bias exists.

Within ten business days of the receipt of the appeal the appeal officer will determine (a) that the dismissal or determination should stand; or (b) that the dismissal or determination should be overturned and will issue a written explanation of that result and the rationale behind it.

#### **5.17 Informal Resolution**

In lieu of resolving a Complaint through Queens University's Title IX grievance procedures, the Parties may instead elect to participate voluntarily in an informal resolution process facilitated by the Title IX Coordinator or the Coordinator's designee. Queens University has discretion to determine whether it is appropriate to offer an informal resolution process and, even when such process may be applicable to conduct that reasonably may constitute sex discrimination under Title IX, may decline to offer informal resolution despite one or more of the Parties' wishes.

Queens University does not offer informal resolution to resolve a Complaint that includes allegations that an employee engaged in Sex-Based Harassment of an elementary or secondary school student or when such a process would conflict with Federal, State, or local law.

Before the initiation of an informal resolution process, Queens University will explain in writing to the Parties:

- The allegations;
- The requirements of the informal resolution process;
- That any Party has the right to withdraw from the informal resolution process and initiate or resume grievance procedures at any time before agreeing to a resolution;
- That if the Parties agree to a resolution at the end of the informal resolution process, they cannot initiate or resume grievance procedures arising from the same allegations;
- The potential terms that may be requested or offered in an informal resolution agreement, including notice that an informal resolution agreement is binding only on the Parties;



- That measures the Parties agree to in the informal resolution process may include (but are not limited to): alcohol education classes for the Respondent; completion of online sexual harassment training; completion of an intervention program; regular meetings with an appropriate individual, unit or resource; permanent or temporary no contact order; restrictions for participation in certain activities, organizations, programs or classes; change in residential assignment or restrictions on access to certain residence halls or apartments; restriction of participation in certain events; reflection paper or written apology; counseling sessions; and/or Respondent's completion of an educational or behavioral plan; and
- The fact that any statements that the Parties make during the informal resolution process cannot be introduced in any other investigative or adjudicative proceeding, including if informal resolution is terminated and formal Complaint processing resumes under Queens University's Title IX grievance procedures.

A resolution reached pursuant to the informal resolution process is final and not subject to appeal.

### **5.18 Supportive Measures**

The Title IX Coordinator will offer and coordinate Supportive Measures as appropriate for the Complainant and/or Respondent to restore or preserve that person's access to Queens University's Education Program or Activity or provide support during Queens University's Title IX grievance procedures or during the informal resolution process. For Complaints of Sex-Based Harassment, these Supportive Measures may include counseling; extensions of deadlines and other course-related adjustments; campus escort services; increased security and monitoring of certain areas of the campus; restrictions on contact applied to one or more Parties; leaves of absence; changes in class, work, housing, or extracurricular or any other activity, regardless of whether there is or is not a comparable alternative; and training and education programs related to Sex-Based Harassment.

Supportive Measures will not unreasonably burden either Party and are designed to protect the safety of the Parties or Queens University's educational environment and/or to provide support during Title IX grievance procedures or informal resolution. Such measures may, as appropriate, be modified or terminated at the conclusion of the grievance procedures or informal resolution process.

Complainants or Respondents may seek modification or reversal of Supportive Measures applicable to them by submitting a written request—within three business days of notification of the measure(s) in question—to the Title IX Coordinator, who will assign an impartial Queens University employee to evaluate and respond to the request.

Queens University will not disclose information about any Supportive Measures to persons other than the person to whom they apply, including informing one Party of Supportive Measures provided to another Party, unless necessary to provide the supportive measure or restore or preserve a Party's access to the Education Program or Activity.

### **5.19 Emergency Removal**

Queens University may remove a Respondent from its Education Program or Activity on an emergency basis, provided that Queens University undertakes an individualized safety and risk analysis, determines that an imminent and serious threat to the health or safety of a Complainant or any Students, employees, or other persons arising from the allegations of Sex-Based Harassment justifies removal, provides the Respondent with notice and an opportunity to challenge the decision immediately following the removal, and does so in accordance with the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act, as applicable.

## 5.20 Administrative Leave

Queens University may place an employee Respondent on administrative leave from employment responsibilities during the pendency of the grievance procedures, provided that it does so in accordance with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act.

## 5.21 Disciplinary Sanctions and Remedies

Following a determination that Sex-Based Harassment occurred, Queens University may impose Disciplinary Sanctions which may include: expulsion or suspension, disciplinary probation, social restrictions, expulsion or suspension from campus housing, suspension or revocation of admission, suspension or revocation of degree, written warning, mandated counseling, completion of an intervention program, completion of violence risk assessment, parental notification, and/or education sanctions (such as community service, reflection paper(s), and/or fines).

Queens University may also provide Remedies which may include: counseling; extensions of deadlines and other course-related adjustments; campus escort services; increased security and monitoring of certain areas of the campus; restrictions on contact applied to one or more Parties; leaves of absence; changes in class, work, housing, or extracurricular or any other activity, regardless of whether there is or is not a comparable alternative; and training and education programs.

On occasion, additional violations (including retaliation, other Sexual Misconduct and Interpersonal Violence Policy, or knowingly false testimony) are discovered during the investigative process and/or the panel deliberation. The Title IX Coordinator will notify parties in writing of additional violations that will be investigated promptly after discovery. These violations may not go through the normal process and therefore may be adjudicated at the time they are discovered. The University will work to use all policies respectively to address the violations and will coordinate investigation and resolution efforts.

### Standard of Evidence

The standard of proof used to determine whether or not a violation of policy has occurred is a preponderance of evidence, which means whether it is more likely than not the misconduct occurred based on the evidence presented.

### Possible Sanctions

The purpose of administering a sanction is to hold students accountable for their actions, promote the safety and well-being of all members of the University community (not just the complainant) and facilitate learning. The following sanctions may be applied, alone or in combination, in resolving complaints of sexual misconduct and interpersonal violence.

***Deferred Disciplinary Probation:*** An official written notification that a student's behavior is in serious violation of university regulations and standards and that the student's standing with the University is in jeopardy. Any additional violations during the Deferred Disciplinary Probation period will automatically result in at least Disciplinary Probation for the minimum of one semester. The Sexual Misconduct and Interpersonal Violence Panel may issue a more severe sanction in addition to Disciplinary Probation if it sees fit. Students may continue to represent the University (e.g., in university athletic competition, by serving in a student leadership position, etc.) while on Deferred Disciplinary Probation.

***Disciplinary Probation:*** Probation for a period of time equivalent to at least one semester, but no more than three semesters or one academic year, indicating that the individual's standing with the University

is in jeopardy and that further negligent or willful violation will normally result in suspension, dismissal, or expulsion. During this period of Disciplinary Probation, the student may not represent the University in any form or fashion, including University athletic competition, student leadership positions or any non-academic pursuit. However, the student may attend social, athletic, or non-academic events as a spectator.

**Social Probation:** Probation for a period of time determined at the discretion of the hearing body, indicating that the individual is not to participate in social activities at the University. Social Probation restricts the student from attending programs and activities sponsored by and/or for the University community unless such attendance is an academic requirement.

**Removal from Residence Halls:** Prohibits the student from residing in any University-operated residence hall on either a temporary (as a guest) or permanent basis. The student may reapply for housing after the stated period of suspension. Specific restrictions on access to residence halls during this period of suspension may also be invoked. Suspension usually includes forfeiture of any fee rebate for the remainder of the semester.

**Educational/Rehabilitative Sanction:** When deemed appropriate, the Sexual Misconduct and Interpersonal Violence panel may require performance of a variety of educational or rehabilitative sanctions which could include preparing a personal essay, participating in sexual misconduct prevention training, personal counseling and/or alcohol and drug assessments. These services, if provided off-campus, are to be at the student's expense.

**Restitution:** When deemed appropriate, the Sexual Misconduct and Interpersonal Violence panel may require restitution for damages or other payment of expenses incurred as a result of the student's actions. Restitution may be required to the University, a specific department or a specific individual as determined by the panel.

**Suspension:** Separates the student from the University for a specific period of time. Such separation prohibits attendance at any class, social event or other function or visiting University grounds or buildings unless by written permission. Reapplication for admission to the University is not required following a term of suspension.

**Dismissal:** Separates the student from the University for a period of time (between two and four semesters, not including summer). Such separation prohibits attendance at any class, social event or other function or visiting University grounds or buildings unless by written permission. An individual wishing to resume studies after having been dismissed must reapply for admission to the University.

**Expulsion:** Separates the student from the University. Such separation prohibits attendance at any class, social event or other function or visiting University grounds or buildings. An individual who has been expelled is ineligible for readmission to the University.

### **Range of Protective Measures Available to a Victim Alleging Misconduct**

The Title IX Coordinator or their designee will determine whether interim interventions and protective measures should be implemented, and, if so, take steps to implement those protective measures as soon as possible. Examples of interim protective measures include but are not limited to: a university order of no contact, residence hall relocation, adjustment of course schedules, a leave of absence, or reassignment to a different supervisor or position. These remedies may be applied to one, both, or

multiple parties involved. Violations of the Title IX Coordinator's directives and/or protective measures may constitute related violations that may lead to additional disciplinary action. Protective measures imposed may be temporary pending the results of an investigation or may become permanent as determined by Queens University.

## Sanctions for Students

The purpose of administering a sanction is to hold students accountable for their actions, promote the safety and well-being of all members of the University community (not just the complainant) and facilitate learning. The following sanctions may be applied, alone or in combination, in resolving complaints of sexual misconduct and interpersonal violence.

***Deferred Disciplinary Probation:*** An official written notification that a student's behavior is in serious violation of university regulations and standards and that the student's standing with the University is in jeopardy. Any additional violations during the Deferred Disciplinary Probation period will automatically result in at least Disciplinary Probation for the minimum of one semester. The Sexual Misconduct and Interpersonal Violence Panel may issue a more severe sanction in addition to Disciplinary Probation if it sees fit. Students may continue to represent the University (e.g., in university athletic competition, by serving in a student leadership position, etc.) while on Deferred Disciplinary Probation.

***Disciplinary Probation:*** Probation for a period of time equivalent to at least one semester, but no more than three semesters or one academic year, indicating that the individual's standing with the University is in jeopardy and that further negligent or willful violation will normally result in suspension, dismissal, or expulsion. During this period of Disciplinary Probation, the student may not represent the University in any form or fashion, including University athletic competition, student leadership positions or any non-academic pursuit. However, the student may attend social, athletic, or non-academic events as a spectator.

***Social Probation:*** Probation for a period of time determined at the discretion of the hearing body, indicating that the individual is not to participate in social activities at the University. Social Probation restricts the student from attending programs and activities sponsored by and/or for the University community unless such attendance is an academic requirement.

***Removal from Residence Halls:*** Prohibits the student from residing in any University-operated residence hall on either a temporary (as a guest) or permanent basis. The student may reapply for housing after the stated period of suspension. Specific restrictions on access to residence halls during this period of suspension may also be invoked. Suspension usually includes forfeiture of any fee rebate for the remainder of the semester.

***Educational/Rehabilitative Sanction:*** When deemed appropriate, the Sexual Misconduct and Interpersonal Violence panel may require performance of a variety of educational or rehabilitative sanctions which could include preparing a personal essay, participating in sexual misconduct prevention training, personal counseling and/or alcohol and drug assessments. These services, if

provided off-campus, are to be at the student's expense.

**Restitution:** When deemed appropriate, the Sexual Misconduct and Interpersonal Violence panel may require restitution for damages or other payment of expenses incurred as a result of the student's actions. Restitution may be required to the University, a specific department or a specific individual as determined by the panel.

**Suspension:** Separates the student from the University for a specific period of time. Such separation prohibits attendance at any class, social event or other function or visiting University grounds or buildings unless by written permission. Reapplication for admission to the University is not required following a term of suspension.

**Dismissal:** Separates the student from the University for a period of time (between two and four semesters, not including summer). Such separation prohibits attendance at any class, social event or other function or visiting University grounds or buildings unless by written permission. An individual wishing to resume studies after having been dismissed must reapply for admission to the University.

**Expulsion:** Separates the student from the University. Such separation prohibits attendance at any class, social event or other function or visiting University grounds or buildings. An individual who has been expelled is ineligible for readmission to the University.

Range of Interim Supportive Measures Available to a Victim and Complainant Alleging Misconduct  
The Title IX Coordinator or their designee will determine whether interim interventions and protective measures should be implemented, and, if so, take steps to implement those protective measures as soon as possible. Examples of interim protective measures include but are not limited to: a university order of no contact, residence hall relocation, adjustment of course schedules, a leave of absence, or reassignment to a different supervisor or position. These remedies may be applied to one, both, or multiple parties involved. Violations of the Title IX Coordinator's directives and/or protective measures may constitute related violations that may lead to additional disciplinary action. Protective measures imposed may be temporary pending the results of an investigation or may become permanent as determined by Queens University.

## North Carolina State Definition for Sex Offenses

*Article 7A Rape and Other Sex Offenses.*

### 14-27.1. Definitions.

As used in this Article, unless the context requires otherwise:

- (1) "Mentally disabled" means (i) a victim who suffers from mental retardation, or (ii) a victim who suffers from a mental disorder, either of which temporarily or permanently renders the victim substantially incapable of appraising the nature of his or her conduct, or of resisting the act of vaginal intercourse or a sexual act, or of communicating unwillingness to submit to the act of vaginal intercourse or a sexual act.
- (2) "Mentally incapacitated" means a victim who due to any act committed upon the victim is rendered substantially incapable of either appraising the nature of his or her conduct or resisting

the act of vaginal intercourse or a sexual act.

- (3) "Physically helpless" means (i) a victim who is unconscious; or (ii) a victim who is physically unable to resist an act of vaginal intercourse or a sexual act or communicate unwillingness to submit to an act of vaginal intercourse or a sexual act.
- (4) "Sexual act" means cunnilingus, fellatio, anilingus, or anal intercourse, but does not include vaginal intercourse. Sexual act also means the penetration, however slight, by any object into the genital or anal opening of another person's body: provided, that it shall be an affirmative defense that the penetration was for accepted medical purposes.
- (5) "Sexual contact" means (i) touching the sexual organ, anus, breast, groin, or buttocks of any person, (ii) a person touching another person with their own sexual organ, anus, breast, groin, or buttocks, or (iii) a person ejaculating, emitting, or placing semen, urine, or feces upon any part of another person.
- (6) "Touching" as used in subdivision (5) of this section, means physical contact with another person, whether accomplished directly, through the clothing of the person committing the offense, or through the clothing of the victim. (1979, c. 682, s. 1; 2002-159, s. 2(a); 2003-252, s. 1; 2006-247, s. 12(a).)

#### **14-27.2. First-degree rape.**

- (a) A person is guilty of rape in the first degree if the person engages in vaginal intercourse:
  - (1) With a victim who is a child under the age of 13 years and the defendant is at least 12 years old and is at least four years older than the victim; or
  - (2) With another person by force and against the will of the other person, and:
    - a. Employs or displays a dangerous or deadly weapon or an article which the other person reasonably believes to be a dangerous or deadly weapon; or
    - b. Inflicts serious personal injury upon the victim or another person; or
    - c. 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, 2nd 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.)

#### **14-27.2A. Rape of a child; adult offender.**

- (a) A person is guilty of rape of a child if the person is at least 18 years of age and engages in vaginal intercourse with a victim who is a child under the age of 13 years.
- (b) A person convicted of violating this section is guilty of a Class B1 felony and shall be sentenced pursuant to Article 81B of Chapter 15A of the General Statutes, except that in no case shall the person receive an active punishment of less than 300 months, and except as provided in subsection (c) of this section. Following the termination of active punishment, the person shall be enrolled in satellite-based monitoring for life pursuant to Part 5 of Article 27A of Chapter 14 of the General Statutes.
- (c) Notwithstanding the provisions of Article 81B of Chapter 15A of the General Statutes, the court may sentence the defendant to active punishment for a term of months greater than that authorized pursuant to G.S. 15A-1340.17, up to and including life imprisonment without parole, if the court finds that the nature of the offense and the harm inflicted are of such brutality, duration, severity, degree, or scope beyond that normally committed in such crimes, or considered in basic aggravation of these crimes, so as to require a sentence to active

punishment in excess of that authorized pursuant to G.S. 15A-1340.17. If the court sentences the defendant pursuant to this subsection, it shall make findings of fact supporting its decision, to include matters it considered as egregious aggravation. Egregious aggravation can include further consideration of existing aggravating factors where the conduct of the defendant falls outside the heartland of cases even the aggravating factors were designed to cover. Egregious aggravation may also be considered based on the extraordinarily young age of the victim, or the depraved torture or mutilation of the victim, or extraordinary physical pain inflicted on the victim.

- (d) 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.
- (e) The offense under G.S. 14-27.2(a) (1) is a lesser included offense of the offense in this section. (2008-117, s. 1.)

#### **14-27.3. Second-degree rape.**

- (a) A person is guilty of rape in the second degree if the person engages in vaginal intercourse with another person:
  - (1) By force and against the will of the other person; or
  - (2) Who is mentally 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, 2nd 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.)

#### **14-27.4. First-degree sexual offense.**

- (a) A person is guilty of a sexual offense in the first degree if the person engages in a sexual act:
  - (1) With a victim who is a child under the age of 13 years and the defendant is at least 12 years old and is at least four years older than the victim; or
  - (2) With another person by force and against the will of the other person, and:
    - a. Employs or displays a dangerous or deadly weapon or an article which the other person reasonably believes to be a dangerous or deadly weapon; or
    - b. Inflicts serious personal injury upon the victim or another person; or
    - c. 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, 2nd Sess., c. 1316, s. 6; 1981, c. 106, ss. 3, 4; 1983, c. 175, ss.5, 10; c. 720, s. 4; 1994, Ex. Sess., c. 22, s. 3.)

#### **14-27.4A. Sexual offense with a child; adult offender.**

- (a) A person is guilty of sexual offense with a child if the person is at least 18 years of age and engages in a sexual act with a victim who is a child under the age of 13 years.
- (b) A person convicted of violating this section is guilty of a Class B1 felony and shall be sentenced pursuant to Article 81B of Chapter 15A of the General Statutes, except that in no case shall the person receive an active punishment of less than 300 months, and except as provided in subsection (c) of this section. Following the termination of active punishment, the person shall be enrolled in satellite-based monitoring for life pursuant to Part 5 of Article 27A of Chapter 14

of the General Statutes.

- (c) Notwithstanding the provisions of Article 81B of Chapter 15A of the General Statutes, the court may sentence the defendant to active punishment for a term of months greater than that authorized pursuant to G.S. 15A-1340.17, up to and including life imprisonment without parole, if the court finds that the nature of the offense and the harm inflicted are of such brutality, duration, severity, degree, or scope beyond that normally committed in such crimes, or considered in basic aggravation of these crimes, so as to require a sentence to active punishment in excess of that authorized pursuant to G.S. 15A-1340.17. If the court sentences the defendant pursuant to this subsection, it shall make findings of fact supporting its decision, to include matters it considered as egregious aggravation. Egregious aggravation can include further consideration of existing aggravating factors where the conduct of the defendant falls outside the heartland of cases even the aggravating factors were designed to cover. Egregious aggravation may also be considered based on the extraordinarily young age of the victim, or the depraved torture or mutilation of the victim, or extraordinary physical pain inflicted on the victim.
- (d) The offense under G.S. 14-27.4(a) (1) is a lesser included offense of the offense in this section. (2008-117, s. 2.)

**14-27.5. Second-degree sexual offense.**

- (a) A person is guilty of a sexual offense in the second degree 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, 2nd 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).)

**14-27.5A. Sexual battery.**

- (a) A person is guilty of sexual battery if the person, for the purpose of sexual arousal, sexual gratification, or sexual abuse, engages in sexual contact 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 A1 misdemeanor. (2003-252, s. 2.)

**14-27.7. Intercourse and sexual offenses with certain victims; consent no defense.**

- (a) If a defendant who has assumed the position of a parent in the home of a minor victim engages in vaginal intercourse or a sexual act with a victim who is a minor residing in the home, or if a person having custody of a victim of any age or a person who is an agent or employee of any person, or institution, whether such institution is private, charitable, or governmental, having custody of a victim of any age engages in vaginal intercourse or a sexual act with such victim, the defendant is guilty of a Class E felony. Consent is not a defense to a charge under this section.
- (b) If a defendant, who is a teacher, school administrator, student teacher, school safety officer, or coach, at any age, or who is other school personnel, and who is at least four years older than the victim engages in vaginal intercourse or a sexual act with a victim who is a student, at any



time during or after the time the defendant and victim were present together in the same school, but before the victim ceases to be a student, the defendant is guilty of a Class G felony, except when the defendant is lawfully married to the student. The term "same school" means a school at which the student is enrolled, and the defendant is employed, assigned, or volunteers. A defendant who is school personnel, other than a teacher, school administrator, student teacher, school safety officer, or coach, and is less than four years older than the victim and engages in vaginal intercourse or a sexual act with a victim who is a student, is guilty of a Class A1 misdemeanor. This subsection shall apply unless the conduct is covered under some other provision of law providing for greater punishment. Consent is not a defense to a charge under this section. For purposes of this subsection, the terms "school", "school personnel", and "student" shall have the same meaning as in G.S. 14-202.4(d). For purposes of this subsection, the term "school safety officer" shall include a school resource officer or any other person who is regularly present in a school for the purpose of promoting and maintaining safe and orderly schools. (1979, c. 682, s. 1; 1979, 2nd Sess., c. 1316, s. 9; 1981, c. 63; c. 179, s. 14; 1993, c.539, s. 1132; 1994, Ex. Sess., c. 24, s. 14(c); 1999-300, s. 2; 2003-98, s. 1.)

**14-27.7A. Statutory rape or sexual offense of person who is 13, 14, or 15 years old.**

- (a) A defendant is guilty of a Class B1 felony if the defendant engages in vaginal intercourse or a sexual act with another person who is 13, 14, or 15 years old and the defendant is at least six years older than the person, except when the defendant is lawfully married to the person.
- (b) A defendant is guilty of a Class C felony if the defendant engages in vaginal intercourse or a sexual act with another person who is 13, 14, or 15 years old and the defendant is more than four but less than six years older than the person, except when the defendant is lawfully married to the person. (1995, c. 281, s. 1.)

**Consent:** The state of North Carolina does not have a definition of consent in relation to sexual activity.

**Domestic Violence:** The term "domestic violence" (as used by the Clery Act) means:

- 1) Felony or misdemeanor crimes of violence committed—
  - i. By a current or former spouse or intimate partner of the victim;
  - ii. By a person with whom the victim shares a child in common;
  - iii. By a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;
  - iv. 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
  - v. By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
- 2) For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

**North Carolina State Definition for Domestic Violence**

*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:

- i. Attempting to cause bodily injury, or intentionally causing bodily injury; or
  - ii. 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
  - iii. Committing any act defined in G.S. 14-27.2 through G.S. 14-27.7.
- (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.)

## Dating Violence

The state of North Carolina does not have a definition of dating violence. Dating partners are protected under the jurisdictional family violence laws. See above North Carolina State Definition for Domestic Violence Section (b) (6)

## North Carolina State Definition for Stalking 14-277.3A. Stalking.

- (a) Legislative Intent. – The General Assembly finds that stalking is a serious problem in this State and nationwide. Stalking involves severe intrusions on the victim's personal privacy and autonomy. It is a crime that causes a long-lasting impact on the victim's quality of life and creates risks to the security and safety of the victim and others, even in the absence of express threats of physical harm. Stalking conduct often becomes increasingly violent over time.

The General Assembly recognizes the dangerous nature of stalking as well as the strong connections between stalking and domestic violence and between stalking and sexual assault. Therefore, the General Assembly enacts this law to encourage effective intervention by the criminal justice system before stalking escalates into behavior that has serious or lethal consequences. The General Assembly intends to enact a stalking statute that permits the criminal justice system to hold stalkers accountable for a wide range of acts, communications, and conduct. The General Assembly recognizes that stalking includes, but is not limited to, a pattern of following, observing, or monitoring the victim, or committing violent or intimidating acts

against the victim, regardless of the means.

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

- (1) **Course of conduct.** – Two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, is in the presence of, or follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
- (2) **Harasses or harassment.** – Knowing conduct, including written or printed communication or transmission, telephone, cellular, or other wireless telephonic communication, facsimile transmission, pager messages or transmissions, answering machine or voice mail messages or transmissions, and electronic mail messages or other computerized or electronic transmissions directed at a specific person that torments, terrorizes, or terrifies that person and that serves no legitimate purpose.
- (3) **Reasonable person.** – A reasonable person in the victim's circumstances.
- (4) **Substantial emotional distress.** – Significant mental suffering or distress that may, but does not necessarily, require medical or other professional treatment or counseling.

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

- (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.

(d) Classification. – A violation of this section is a Class A1 misdemeanor. A defendant convicted of a Class A1 misdemeanor under this section, who is sentenced to a community punishment, shall be placed on supervised probation in addition to any other punishment imposed by the court. A defendant who commits the offense of stalking after having been previously convicted of a stalking offense is guilty of a Class F felony. A defendant who commits the offense of stalking when there is a court order in effect prohibiting the conduct described under this section by the defendant against the victim is guilty of a Class H felony. G.S. 14-277.3A

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

## Education and Prevention Programs

Queens University of Charlotte engages in comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault and stalking that:

- Are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research, or assessed for value, effectiveness, or outcome; and
- Consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community and societal levels.

Educational programming consists of primary prevention and awareness programs for all incoming students and new employees and ongoing awareness and prevention campaigns for students and employees that:

1. Identifies domestic violence, dating violence, sexual assault and stalking as prohibited conduct;
2. Defines using definitions provided both by the Department of Education as well as state law what behavior constitutes domestic violence, dating violence, sexual assault, and stalking;
3. Defines what behavior and actions constitute consent to sexual activity in the State of North Carolina and using the definition of consent found in the Student Code of Conduct if state law does not define consent;
4. Provides a description of safe and positive options for bystander intervention. Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene.
5. Information on risk reduction. Risk reduction means options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.
6. Provides an overview of information contained in the Annual Security Report in compliance with the Clery Act. Specifically, information regarding:
  - a. procedures victims should follow if a crime of domestic violence, dating violence, sexual assault and stalking occurs (as described in “Procedures Victims Should Follow if a Crime of Domestic Violence, Dating Violence, Sexual Assault and Stalking Occurs” elsewhere in this document)
  - b. how the institution will protect the confidentiality of victims and other necessary parties (as described in “Assistance for Victims: Rights and Options” elsewhere in this document);
  - c. existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both within the institution and in the community (as described in “Assistance for Victims: Rights and Options” elsewhere in this document); and
  - d. options for, available assistance in, and how to request changes to academic, living,

transportation, and working situations or protective measures (as described in “Assistance for Victims: Rights and Options” elsewhere in this document);

e. procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking (as described in “Adjudication of Violations” elsewhere in this document);

Queens University of Charlotte has developed an annual educational campaign consisting of presentations that include distribution of educational materials to new students, participating in and presenting information and materials during new employee orientation.

Queens University of Charlotte offered the following **primary prevention and awareness programs for all incoming students and returning athletes** in 2023:

Name of Program	Date Held	Location Held	Which Prohibited Behavior Covered?
THRIVE	8/14/23	Knight Crane 300	DoV, DaV, SA, S*
Royal Kickoff Title IX Hot Topics with Sex Matters Consent Workshop	8/24/23	Sandra Levine Theater	DoV, DaV, SA, S*
Not Anymore	8/28/23	Online	SA, DaV, DoV
Consent, Condoms and Cookies	9/7/23	Claudia Belk	SA, DaV, DoV

❖ DoV means Domestic Violence, DaV means Dating Violence, SA means Sexual Assault and S means Stalking

Queens University of Charlotte offered the following **primary prevention and awareness programs for all new employees** in 2023:

Name of Program	Date Held	Location Held	Which Prohibited Behavior Covered?
Training for New or Existing Employees who fall under the Campus Security Authorities (CSA's)	Ongoing	Online	DoV, DaV, SA, S*
New Faculty Orientation	8/16/24	Gambrell 101	DoV, DaV, SA, S*

❖ DoV means Domestic Violence, DaV means Dating Violence, SA means Sexual Assault and S means Stalking

Queens University of Charlotte offered the following **ongoing awareness and prevention programs for students** in 2023:

Name of Program	Date Held	Location	Which Prohibited Behavior Covered?
Stalking Awareness Tabling – Stages of Stalking	1/10/23	Trexler Courtyard	S*

Stalking Awareness Tabling – Stages of Stalking	1/17/23	Trexler Courtyard	S*
Tabling-Bystander Intervention	1/23/23	Trexler Courtyard	S*
Resident Assistant Refresher Title IX Training	2/1/23	Dana 100	DoV, DaV, SA, S*
Consent, Cookies and Condoms: Homecoming Edition	2/7/23	Claudia Belk	DoV, DaV, SA, S*
Valentines Day – Healthy relationships, meaning of love, & writing valentines for safe alliance	2/13/23	Trexler Courtyard	DoV, DaV, SA, S*
Valentines Day – Healthy relationships, meaning of love, & writing valentines for safe alliance	2/14/23	Trexler Courtyard	DoV, DaV, SA, S*
Feminist Book Club-Becoming Kin by Patty Keawec	3/1/23	DICE Lounge	DoV, DaV, SA, S*
Feminist Book Club-Becoming Kin by Patty Keawec	3/15/23	DICE Lounge	DoV, DaV, SA, S*
Feminist Book Club-Becoming Kin by Patty Keawec	3/22/23	DICE Lounge	DoV, DaV, SA, S*
Feminist book Club-Becoming Kin by Patty Keawec	3/29/23	DICE Lounge	DoV, DaV, SA, S*
Paint the Campus Teal	4/18/23	All over Campus	SA
RA Annual Title IX training	8/15/23	Claudia Belk	DoV, DaV, SA, S*
Not anymore Sexual Violence	8/28/23	Online	DoV, DaV, SA, S*
Title IX Refresher Training – Men’s Basketball	10/25/23	Curry Arena	DoV, DaV, SA, S*
RA Refresher Training	11/1/23	Ketner Auditorium	DoV, DaV, SA, S*
Title IX Refresher Training – Men’s Volleyball	11/27/23	Sykes 220	DoV, DaV, SA, S*
Title IX Refresher Training – Women’s Rugby	11/29/23	Dana 101	DoV, DaV, SA, S*
Title IX Refresher Training – Wrestling	12/6/23	Sykes 220	DoV, DaV, SA, S*

❖ DoV means Domestic Violence, DaV means Dating Violence, SA means Sexual Assault and S mean stalking

Queens University of Charlotte offered the following **ongoing awareness and prevention programs** for **employees** in 2023:

<b>Name of Program</b>	<b>Date Held</b>	<b>Location Held</b>	<b>Which Prohibited Behavior Covered</b>
Defining Compassion Fatigue	3/23/23	Sykes 326	SA, DaV, DoV, S

Providing Trauma informed services to students	4/20/23	Jernigan 211	DoV, DaV, SA, S*
Denim Day	4/20/23	Queens Steps	SA
Title IX investigator training #1	8/17/23	Morrison Conference Room	DoV, DaV, SA, S*
Title IX investigator Training #2	8/18/23	Morrison Conference Room	DoV, DaV, SA, S*
Faculty Title IX Training	8/22/23	Levine Theater	DoV, DaV, SA, S*
How Title IX can be utilized w/preparing for careers	8/28/23	Vandiver Career Center	DoV, DaV, SA, S*
Admissions Title IX Refresher	8/28/23	Harris House	DoV, DaV, SA, S*
Student Success Title IX refresher	8/30/23	Knight Crane 303	DoV, DaV, SA, S*
Title IX Navigator training	9/8/23	Morrison Conference Room	DoV, DaV, SA, S*
Sexual Assault Awareness with Campus Police	9/19/23	Diana Courtyard	SA
Title IX Adjudication training	9/29/23	Morrison Conference Room	DoV, DaV, SA, S*
Student Life Title IX refresher	10/4/23	Sykes 326	DoV, DaV, SA, S*
Athletics Title IX Refresher	10/4/23	Claudia Belk	DoV, DaV, SA, S*

❖ DoV means Domestic Violence, DaV means Dating Violence, SA means Sexual Assault and S means Stalking

### **Procedures Victims Should Follow if a Crime of Domestic Violence, Dating Violence, Sexual Assault and Stalking Occurs**

1. Get to a safe place if the assault is recent (for example -- someone's home, the nearest hospital, or police department).
2. Call 911 to be taken to an emergency room for medical care and/or for immediate police protection and assistance. A complete medical evaluation will include a physical examination, treatment, evidence collection, and/or counseling. Remember, you will not be made to do anything you do not want to do and may decline any of the elements of this evaluation. You may have evidence collected without making an immediate report to law enforcement. It is your decision whether or not to make a report, but that should not inhibit you from having evidence collected. If you have been raped, it is important to seek medical care, especially if you have been physically injured. Even if you do not have any visible physical injuries from the assault, there may be physical injuries that you cannot see, and medical and health centers can provide additional services such as testing for sexually transmitted diseases and emergency contraception, if appropriate.
3. When you call 911, explain what has happened and request to be sent to an emergency department that has a SANE nurse (Sexual Assault Nurse Examiner.) In the meantime, do not change clothes, bathe, douche, or brush your teeth. This is important for the evidence collection process that will occur at the hospital.
4. If you seek to place a report with the police or cooperate with a criminal investigation into your assault, it is best for evidence collection to occur within 96 hours of the assault. Evidence

collection does not require you to place a report with the police or press charges; it just preserves these options for the future. Your right to have evidence collected without cost to you and without initially cooperating with law enforcement is afforded to you under the Violence Against Women Act (originally of 1994.) Check with the hospital or local prosecuting attorney's office to determine how long your evidence will be preserved absent a formal report to law enforcement as this varies from state to state.

5. Alternatively, go directly to the nearest Emergency Room. If you go to the nearest emergency department that does not have SANE services, you can be transferred to the nearest facility.

## **Preserving Evidence**

After an incident of sexual assault and domestic violence, the victim should consider seeking medical attention as soon as possible at the closest emergency room. Victims who agree to have forensic evidence collection conducted as part of their care can locate hospitals with such emergency rooms in the Resources section of this policy or by calling the Charlotte-Mecklenburg Police Department at 911 or 704-336-7600.

In the State of North Carolina, evidence may be collected even if you chose not to make a report to law enforcement.<sup>4</sup> It is important that a victim of sexual assault not bathe, douche, smoke, change clothing or clean the bed/linen/area where they were assaulted if the offense occurred within the past 96 hours so that evidence as may be necessary to the proof of criminal activity may be preserved. In circumstances of sexual assault, if victims do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted disease.

Under the Violence Against Women and Department of Justice Reauthorization Act of 2005, starting in 2009, states must certify that they do not "require a victim of sexual assault to participate in the criminal justice system or cooperate with law enforcement in order to be provided with a forensic medical exam, reimbursement for charges incurred on account of such an exam, or both." Victims of sexual assault, domestic violence, stalking, and dating violence are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs, or other copies of documents, if they have any, that would be useful to university administrators/investigators or police.

As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, or obtaining protection from abuse orders related to the incident more difficult. If a victim chooses not to make a complaint regarding an incident, he or she nevertheless should consider speaking with the University Chief of Police or local law enforcement to preserve evidence in the event that the victim changes her/his mind at a later date. Anonymous reports are also accepted and should be directed to the Title IX Coordinator, but the supplier of the anonymous report should be mindful that failure to disclose identifying information about the accused party, the victim of the misconduct, or the facts and circumstances regarding the misconduct severely limits the University's ability to respond to, address, and remedy the effects of sexual misconduct or interpersonal violence. Anonymous reports that provide enough information to constitute a criminal offense will be reported to the University Chief of Police sans any identifying information regarding the complainant for purposes of inclusion in the Annual Security Report and to assess for purposes of sending out a Timely Warning Notice as required by the Clery Act.

## **Obtaining an Order of Protection in North Carolina**

Queens complies with North Carolina law in recognizing Domestic Violence Protection Orders (50B



orders) as well as Civil No-Contact Order (50C orders) by complying with court orders. For example, any person who obtains an order of protection from North Carolina or any state in the U.S. should provide a copy to Public Safety and the Office of the Title IX Coordinator (students) or Human Resources (employees). A complainant may then meet with Public Safety to develop a Safety Action Plan, which is a plan for Campus Police and the victim to reduce risk of harm while on campus or coming and going from campus. This plan may include, but is not limited to: escorts, special parking arrangements, providing a temporary cellphone, changing classroom location, or allowing a student to complete assignments from home, etc.

Queens cannot apply for a legal order of protection, no contact order or restraining order for a victim from the applicable jurisdiction(s). The victim is required to apply directly for these services at the Mecklenburg County Magistrate's Office in Charlotte. Queens can and does issue institutional "No Contact" directives to prevent contact between parties. Any complainant may request an institutional "No Contact" order by contacting the Title IX Coordinator/Deputy assigned to their case. Protection from abuse orders may be available through the following process in North Carolina:

**Step 1:** Proceed to the Mecklenburg County Superior Court building at 832 East Fourth Street in Charlotte to obtain and file the necessary forms. During business hours, go to the clerk of civil court. Otherwise, go to the magistrate's office in order to file for a domestic violence protective order—also known as a "DVPO" or 50B (Domestic) or 50C (Civil). If emergency protection is needed, request an ex parte/temporary emergency order from the clerk. To find contact information for the courthouse in your area, click on: [WomensLaw.org](http://WomensLaw.org)

The abused can obtain the forms needed from the clerk or obtain the forms beforehand online at: [Judicial Forms](#) in the Civil Section. On the complaint, the accuser will be the "plaintiff" and the accused will be the "defendant." In the space provided, write about the most recent incidents of violence, using specific language (slapping, hitting, grabbing, threatening, etc.) that fits your situation. Include details and dates if possible. Clerks and magistrates can assist the accuser with which blanks to fill in, but they cannot help the accuser with what to write. Do not sign the forms until in front of a notary or a clerk. If the abuser has any firearms, be sure to alert the court so the firearms can be removed from the abuser's possession. If children are involved, the box asking for temporary custody may be checked.

**Step 2:** The accuser can ask for an ex parte temporary order for immediate protection. If the accuser needs immediate protection, he/she can check the box on the complaint to ask for an ex parte order. An ex parte order is a temporary emergency order that a judge can grant if the accuser and his/her children are in immediate danger. The accused will not be notified beforehand that the accuser is asking the judge for an ex parte order. If the judge believes the accuser or his/her children are in serious and immediate danger, s/he may issue an ex parte order which is good for 10 days, until the full court hearing is held. If the accuser is there after business hours, some magistrates may issue an ex parte order which is good only until the case is heard by a judge, which should occur by the end of the next day on which the court is in session in the county. The accuser must return to the courthouse to see a judge to get an ex parte order that will last for up to 10 days, until a full court hearing is held. Whether the judge or magistrate grants an ex parte order or not, a court date for a full court "hearing" will be scheduled within 10 days. This hearing will be in front of a judge at the time shown on the Notice of Hearing. At this hearing, the accused and the accuser will both have a chance to explain their side to the judge.

**Step 3:** Take the forms to the sheriff's department. If the clerk does not provide this service, the accuser may have to take the appropriate forms to the sheriff's department so they can serve the defendant with the summons, complaint, and notice of hearing (and the ex parte order if one was granted). Counties do this differently. In some counties, the clerk of courts sends the forms to the sheriff; in other counties, the plaintiff has to take the forms to the sheriff. The accuser can receive

assistance by contacting the local domestic violence program or the clerk of court to find out the way it is handled in the respective county. The accuser will have to provide some contact information for the defendant so the sheriff can find him/her. The accuser may want to provide the sheriff a picture of the defendant and any information that will help them locate him/her. The defendant must receive notice of the hearing from the sheriff. If the defendant does not receive notice, the hearing will be rescheduled. In addition, if an ex parte order was granted, the defendant must be served with the order for it to be in effect and be enforced.

### **Procedures the University Will Follow When a Crime of Domestic Violence, Dating Violence, Sexual Assault and Stalking is Reported**

The University has procedures in place that serve to be sensitive to victims who report sexual assault, domestic violence, dating violence, and stalking, including informing individuals about their right to file criminal charges and/or a Report and/or a Complaint with the Title IX Office. Queens University also has in place the availability of counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and other services on and/or off campus as well as additional remedies to prevent contact between a complainant<sup>4</sup> and an accused party, such as changes to housing, academic, protective orders, transportation and working situations, if reasonably available. The University will make such accommodations or protective measures, if the victim requests them and if they are reasonable available, regardless of whether the complainant chooses to report the crime to the Campus Safety and Police at 704-337-2306, Watkins Hall, or local law enforcement (Charlotte Mecklenburg Police Department at 911). Students and employees should contact Queens University's Title IX Office at 704-337-2228 or Morrison Hall 200.

### **Assistance for Victims: Rights & Options**

Regardless of whether a victim elects to pursue a criminal complaint or whether the offense is alleged to have occurred on or off campus, Queens will assist victims of sexual assault, domestic violence, dating violence, and stalking and will provide each victim with a written explanation of their rights and options. In North Carolina, a victim of domestic violence, dating violence, sexual assault or stalking has the following rights:

### **North Carolina Crime Victims' Rights Act.**

**15A-830.** Definitions. (a) The following definitions apply in this Article: (1) Accused. - A person who has been arrested and charged with committing a crime covered by this Article. (2) Arresting law enforcement agency. - The law enforcement agency that makes the arrest of an accused. (3) Custodial agency. - The agency that has legal custody of an accused or defendant arising from a charge or conviction of a crime covered by this Article including, but not limited to, local jails or detention facilities, regional jails or detention facilities, facilities designated under G.S. 122C-252 for the custody and treatment of involuntary clients, or the Department of Correction. (4) Investigating law enforcement agency. - The law enforcement agency with primary responsibility for investigating the crime committed against the victim. (5) Law enforcement agency. - An arresting law enforcement agency, a custodial agency, or an investigating law enforcement agency. (6) Next of kin. - The victim's spouse, children, parents, siblings, or grandparents. The term does not include the accused unless the charges are dismissed, or the person is found not guilty. (7) Victim. - A person against whom there is probable

cause to believe one of the following crimes was committed:

- a. A Class A, B1, B2, C, D, or E felony.
- b. A Class F felony if it is a violation of one of the following: G.S. 14-16.6(b); 14-16.6(c); 14-18; 14-32.1(e); 14-32.2(b)(3); 14-32.3(a); 14-32.4; 14-34.2; 14-34.6(c); 14-41; 14-43.2; 14-43.3; 14-190.17; 14-190.19; 14-202.1; 14-277.3; 14-288.9; or 20-138.5.
- c. A Class G felony if it is a violation of one of the following: G.S. 14-32.3(b); 14-51; 14-58; 14-87.1; or 20-141.4.
- d. A Class H felony if it is a violation of one of the following: G.S. 14-32.3(a); 14-32.3(c); 14-33.2, or 14-277.3.
- e. A Class I felony if it is a violation of one of the following: G.S. 14-32.3(b); 14-34.6(b); or 14-190.17A.
- f. An attempt of any of the felonies listed in this subdivision if the attempted felony is punishable as a felony.
- g. Any of the following misdemeanor offenses when the offense is committed between persons who have a personal relationship as defined in G.S. 50B-1(b): G.S. 14-33(c) (1); 14-33(c) (2); 14-33(a); 14-34; 14-134.3; or 14-277.3. (b) If the victim is deceased, then the next of kin, in the order set forth in the definition contained in this section, is entitled to the victim's rights under this Article. However, the right contained in G.S. 15A-834 may only be exercised by the personal representative of the victim's estate. An individual entitled to exercise the victim's rights as a member of the class of next of kin may designate anyone in the class to act on behalf of the class.

**15A-831.** Responsibilities of law enforcement agency. (a) As soon as practicable but within 72 hours after identifying a victim covered by this Article, the investigating law enforcement agency shall provide the victim with the following information: (1) The availability of medical services, if needed. (2) The availability of crime victims' compensation funds under Chapter 15B of the General Statutes and the address and telephone number of the agency responsible for dispensing the funds. (3) The address and telephone number of the district attorney's office that will be responsible for prosecuting the victim's case. (4) The name and telephone number of an investigating law enforcement agency employee whom the victim may contact if the victim has not been notified of an arrest in the victim's case within six months after the crime was reported to the law enforcement agency. (5) Information about an accused's opportunity for pretrial release. (6) The name and telephone number of an investigating law enforcement agency employee whom the victim may contact to find out whether the accused has been released from custody. (b) As soon as practicable but within 72 hours after the arrest of a person believed to have committed a crime covered by this Article, the arresting law enforcement agency shall inform the investigating law enforcement agency of the arrest. As soon as practicable but within 72 hours of being notified of the arrest, the investigating law enforcement agency shall notify the victim of the arrest. (c) As soon as practicable but within 72 hours after receiving notification from the arresting law enforcement agency that the accused has been arrested, the investigating law enforcement agency shall forward to the district attorney's office that will be responsible for prosecuting the case the defendant's name and the victim's name, address, date of birth, social security number, race, sex, and telephone number, unless the victim refuses to disclose any or all of the information, in which case, the investigating law enforcement agency shall so inform the district attorney's office. (d) Upon receiving the information in subsection (a) of this section, the victim shall, on a form provided by the investigating

law enforcement agency, indicate whether the victim wishes to receive any further notices from the investigating law enforcement agency on the status of the accused during the pretrial process. If the victim elects to receive further notices during the pretrial process, the victim shall be responsible for notifying the investigating law enforcement agency of any changes in the victim's name, address, and telephone number.

**15A-832.** Responsibilities of the district attorney's office. (a) Within 21 days after the arrest of the accused, but not less than 24 hours before the accused's first scheduled probable-cause hearing, the district attorney's office shall provide to the victim a pamphlet or other written material that explains in a clear and concise manner the following: (1) The victim's rights under this Article, including the right to confer with the attorney prosecuting the case about the disposition of the case and the right to provide a victim impact statement. (2) The responsibilities of the district attorney's office under this Article. (3) The victim's eligibility for compensation under the Crime Victims Compensation Act and the deadlines by which the victim must file a claim for compensation. (4) The steps generally taken by the district attorney's office when prosecuting a felony case. (5) Suggestions on what the victim should do if threatened or intimidated by the accused or someone acting on the accused's behalf. (6) The name and telephone number of a victim and witness assistant in the district attorney's office whom the victim may contact for further information. (b) Upon receiving the information in subsection (a) of this section, the victim shall, on a form provided by the district attorney's office, indicate whether the victim wishes to receive notices of some, all, or none of the trial and post-trial proceedings involving the accused. If the victim elects to receive notices, the victim shall be responsible for notifying the district attorney's office or any other department or agency that has a responsibility under this Article of any changes in the victim's address and telephone number. The victim may alter the request for notification at any time by notifying the district attorney's office and completing the form provided by the district attorney's office. (c) The district attorney's office shall notify a victim of the date, time, and place of all trial court proceedings of the type that the victim has elected to receive notice. All notices required to be given by the district attorney's office shall be given in a manner that is reasonably calculated to be received by the victim prior to the date of the court proceeding. (d) Whenever practical, the district attorney's office shall provide a secure waiting area during court proceedings that does not place the victim in close proximity to the defendant or the defendant's family. (e) When the victim is to be called as a witness in a court proceeding, the court shall make every effort to permit the fullest attendance possible by the victim in the proceedings. This subsection shall not be construed to interfere with the defendant's right to a fair trial. (f) Prior to the disposition of the case, the district attorney's office shall offer the victim the opportunity to consult with the prosecuting attorney to obtain the views of the victim about the disposition of the case, including the victim's views about dismissal, plea, or negotiations, sentencing, and any pretrial diversion programs. (g) At the sentencing hearing, the prosecuting attorney shall submit to the court a copy of a form containing the identifying information set forth in G.S. 15A-831(c) about any victim's electing to receive further notices under this Article. The clerk of superior court shall include the form with the final judgment and commitment, or judgment-suspending sentence, transmitted to the Department of Correction or other agency receiving custody of the defendant and shall be maintained by the custodial agency as a confidential file.

**15A-832.1.** Responsibilities of judicial officials issuing arrest warrants. (a) In issuing a warrant for the arrest of an offender for any of the misdemeanor offenses set forth in G.S. 15A-830(a)(7)g., based on testimony or evidence from a complaining witness rather than from a law enforcement officer, a judicial official shall record the defendant's name and the victim's name, address, and telephone number electronically or on a form separate from the warrant and developed by the Administrative Office of the Courts for the purpose of recording that information, unless the victim refuses to disclose any or all of the information, in which case the judicial official shall so indicate. (b) A judicial official issuing a warrant

for the arrest of an offender for any of the misdemeanor offenses set forth in G.S. 15A-830(a) (7)g. shall deliver the court's copy of the warrant and the victim-identifying information to the office of the clerk of superior court by the close of the next business day. As soon as practicable, but within 72 hours, the office of the clerk of superior court shall forward to the district attorney's office the victim-identifying information set forth in subsection (a) of this section.

**15A-833.** Evidence of victim impact. (a) A victim has the right to offer admissible evidence of the impact of the crime, which shall be considered by the court or jury in sentencing the defendant. The evidence may include the following: (1) A description of the nature and extent of any physical, psychological, or emotional injury suffered by the victim as a result of the offense committed by the defendant. (2) An explanation of any economic or property loss suffered by the victim as a result of the offense committed by the defendant. (3) A request for restitution and an indication of whether the victim has applied for or received compensation under the Crime Victims Compensation Act. (b) No victim shall be required to offer evidence of the impact of the crime. No inference or conclusion shall be drawn from a victim's decision not to offer evidence of the impact of the crime. At the victim's request and with the consent of the defendant, a representative of the district attorney's office or a law enforcement officer may proffer evidence of the impact of the crime to the court.

**15A-834.** Restitution. A victim has the right to receive restitution as ordered by the court pursuant to Article 81C of Chapter 15A of the General Statutes.

**15A-835.** Post-trial responsibilities. (a) Within 30 days after the final trial court proceeding in the case, the district attorney's office shall notify the victim, in writing, of: (1) The final disposition of the case. (2) The crimes of which the defendant was convicted. (3) The defendant's right to appeal, if any. (4) The telephone number of offices to contact in the event of nonpayment of restitution by the defendant. (b) Upon a defendant giving notice of appeal to the Court of Appeals or the Supreme Court, the district attorney's office shall forward to the Attorney General's office the defendant's name and the victim's name, address, and telephone number. Upon receipt of this information, and thereafter as the circumstances require, the Attorney General's office shall provide the victim with the following: (1) A clear and concise explanation of how the appellate process works, including information about possible actions that may be taken by the appellate court. (2) Notice of the date, time, and place of any appellate proceedings involving the defendant. Notice shall be given in a manner that is reasonably calculated to be received by the victim prior to the date of the proceedings. (3) The final disposition of an appeal. (c) If the defendant has been released on bail pending the outcome of the appeal, the agency that has custody of the defendant shall notify the investigating law enforcement agency as soon as practicable, and within 72 hours of receipt of the notification the investigating law enforcement agency shall notify the victim that the defendant has been released. (d) If the defendant's conviction is overturned, and the district attorney's office decides to retry the case or the case is remanded to superior court for a new trial, the victim shall be entitled to the same rights under this Article as if the first trial did not take place. (e) Repealed by Session Laws 2001-302, s. 1, effective July 21, 2001.

**15A-836.** Responsibilities of agency with custody of defendant. (a) When a form is included with the final judgment and commitment pursuant to G.S. 15A-832(g), or when the victim has otherwise filed a written request for notification with the custodial agency, the custodial agency shall notify the victim of: (1) The projected date by which the defendant can be released from custody. The calculation of the release date shall be as exact as possible, including earned time and disciplinary credits if the sentence of imprisonment exceeds 90 days. (2) An inmate's assignment to a minimum custody unit and the address of the unit. This notification shall include notice that the inmate's minimum custody status may lead to the inmate's participation in one or more community-based programs such as work release or

supervised leaves in the community. (3) The victim's right to submit any concerns to the agency with custody and the procedure for submitting such concerns. (4) The defendant's escape from custody, within 72 hours, except that if a victim has notified the agency in writing that the defendant has issued a specific threat against the victim, the agency shall notify the victim as soon as possible and within 24 hours at the latest. (5) The defendant's capture, within 24 hours. (6) The date the defendant is scheduled to be released from the facility. Whenever practical, notice shall be given 60 days before release. In no event shall notice be given less than seven days before release. (7) The defendant's death. (b) Notifications required in this section shall be provided within 60 days of the date the custodial agency takes custody of the defendant or within 60 days of the event requiring notification, or as otherwise specified in subsection (a) of this section.

**15A-837.** Responsibilities of Division of Community Corrections. (a) The Division of Community Corrections shall notify the victim of: (1) The defendant's regular conditions of probation or post-release supervision, special or added conditions, supervision requirements, and any subsequent changes. (2) The date and location of any hearing to determine whether the defendant's supervision should be revoked, continued, modified, or terminated. (3) The final disposition of any hearing referred to in subdivision (2) of this subsection. (4) Any restitution modification. (5) The defendant's movement into or out of any intermediate sanction as defined in G.S. 15A-1340.11(6). (6) The defendant's absconding supervision, within 72 hours. (7) The capture of a defendant described in subdivision (6) of this subsection, within 72 hours. (8) The date when the defendant is terminated or discharged. (9) The defendant's death. (b) Notifications required in this section shall be provided within 30 days of the event requiring notification, or as otherwise specified in subsection (a) of this section.

**15A-838.** Notice of commuted sentence or pardon. The Governor's Clemency Office shall notify a victim when it is considering commuting the defendant's sentence or pardoning the defendant. The Governor's Clemency Office shall also give notice that the victim has the right to present a written statement to be considered by the Office before the defendant's sentence is commuted or the defendant is pardoned. The Governor's Clemency Office shall notify the victim of its decision. Notice shall be given in a manner that is reasonably calculated to allow for a timely response to the commutation or pardon decision.

**15A-839.** No money damages. This Article, including the provision of a service pursuant to this Article through the Statewide Automated Victim Assistance and Notification System established by the Governor's Crime Commission, does not create a claim for damages against the State, a county, or a municipality, or any of its agencies, instrumentalities, officers, or employees.

**15A-840.** No ground for relief. The failure or inability of any person to provide a right or service under this Article, including a service provided through the Statewide Automated Victim Assistance and Notification System established by the Governor's Crime Commission, may not be used by a defendant in a criminal case, by an inmate, by any other accused, or by any victim, as a ground for relief in any criminal or civil proceeding, except in suits for a writ of mandamus by the victim.

**15A-841.** Incompetent victim's rights exercised.

When a victim is mentally or physically incompetent or when the victim is a minor, the victim's rights under this Article, other than the rights provided by G.S. 15A-834, may be exercised by the victim's next of kin or legal guardian.

You can also contact the Attorney General's Office at (919) 716-6780 or they can email them at [vcs@ncdoj.gov](mailto:vcs@ncdoj.gov)

## Domestic Violence Protection Orders

In North Carolina, one can get legal protection from domestic violence through a Domestic Violence Protective Order which is also referred to as a Restraining Order or 50-B protective order. These are orders from the court that stop the abuser from harassing, threatening, stalking, or otherwise interfering with the victim. In general, this legal protection is intended for a victim who is or was married to the abuser, have a child or grandchild in common, living with the abuser, or dating the abuser. The abuser must have caused or tried to cause the victim physical harm, or the conduct of the abuser has placed the victim in imminent fear of serious bodily injury.

### **§ 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.)

### **§ 50B-2. Institution of civil action; motion for emergency relief; temporary orders; temporary custody.**

(a) Any person residing in this State may seek relief under this Chapter by filing a civil action or by filing a motion in any existing action filed under Chapter 50 of the General Statutes alleging acts of domestic violence against himself or herself or a minor child who resides with or is in the custody of such person. Any aggrieved party entitled to relief under this Chapter may file a civil action and proceed pro se, without the assistance of legal counsel. The district court division of the General Court of Justice shall have original jurisdiction over actions instituted under this Chapter. Any action for a domestic

violence protective order requires that a summons be issued and served. The summons issued pursuant to this Chapter shall require the defendant to answer within 10 days of the date of service. Attachments to the summons shall include the complaint, notice of hearing, any temporary or ex parte order that has been issued, and other papers through the appropriate law enforcement agency where the defendant is to be served. In compliance with the federal Violence Against Women Act, no court costs or attorneys' fees shall be assessed for the filing, issuance, registration, or service of a protective order or petition for a protective order or witness subpoena, except as provided in G.S. 1A-1, Rule 11.

(b) Emergency Relief. - A party may move the court for emergency relief if he or she believes there is a danger of serious and immediate injury to himself or herself or a minor child. A hearing on a motion for emergency relief, where no ex parte order is entered, shall be held after five days' notice of the hearing to the other party or after five days from the date of service of process on the other party, whichever occurs first, provided, however, that no hearing shall be required if the service of process is not completed on the other party. If the party is proceeding pro se and does not request an ex parte hearing, the clerk shall set a date for hearing and issue a notice of hearing within the time periods provided in this subsection, and shall affect service of the summons, complaint, notice, and other papers through the appropriate law enforcement agency where the defendant is to be served.

(c) Ex Parte Orders. -

(1) Prior to the hearing, if it clearly appears to the court from specific facts shown, that there is a danger of acts of domestic violence against the aggrieved party or a minor child, the court may enter orders as it deems necessary to protect the aggrieved party or minor children from those acts.

(2) A temporary order for custody ex parte and prior to service of process and notice shall not be entered unless the court finds that the child is exposed to a substantial risk of physical or emotional injury or sexual abuse.

(3) If the court finds that the child is exposed to a substantial risk of physical or emotional injury or sexual abuse, upon request of the aggrieved party, the court shall consider and may order the other party to (i) stay away from a minor child, or (ii) return a minor child to, or not remove a minor child from, the physical care of a parent or person in loco parentis, if the court finds that the order is in the best interest of the minor child and is necessary for the safety of the minor child.

(4) If the court determines that it is in the best interest of the minor child for the other party to have contact with the minor child or children, the court shall issue an order designed to protect the safety and well-being of the minor child and the aggrieved party. The order shall specify the terms of contact between the other party and the minor child and may include a specific schedule of time and location of exchange of the minor child, supervision by a third party or supervised visitation center, and any other conditions that will ensure both the well-being of the minor child and the aggrieved party.

(5) Upon the issuance of an ex parte order under this subsection, a hearing shall be held within 10 days from the date of issuance of the order or within seven days from the date of service of process on the other party, whichever occurs later. A continuance shall be limited to one extension of no more than 10 days unless all parties consent or good cause is shown. The hearing shall have priority on the court calendar.

(6) If an aggrieved party acting pro se requests ex parte relief, the clerk of superior court shall schedule an ex parte hearing with the district court division of the General Court of Justice within 72 hours of the filing for said relief, or by the end of the next day on which the district court is in session in the county in which the action was filed, whichever shall first occur. If the district court is not in session in said county, the aggrieved party may contact the clerk of superior court in any other county within the same judicial district who shall schedule an ex parte hearing with the district court division of the General Court of Justice by the end of the next day on which said



court division is in session in that county.

(7) Upon the issuance of an ex parte order under this subsection, if the party is proceeding pro se, the Clerk shall set a date for hearing and issue a notice of hearing within the time periods provided in this subsection, and shall affect service of the summons, complaint, notice, order, and other papers through the appropriate law enforcement agency where the defendant is to be served.

(c1) Ex Parte Orders by Authorized Magistrate. - The chief district court judge may authorize a magistrate or magistrates to hear any motions for emergency relief ex parte. Prior to the hearing, if the magistrate determines that at the time the party is seeking emergency relief ex parte the district court is not in session and a district court judge is not and will not be available to hear the motion for a period of four or more hours, the motion may be heard by the magistrate. If it clearly appears to the magistrate from specific facts shown that there is a danger of acts of domestic violence against the aggrieved party or a minor child, the magistrate may enter orders as it deems necessary to protect the aggrieved party or minor children from those acts, except that a temporary order for custody ex parte and prior to service of process and notice shall not be entered unless the magistrate finds that the child is exposed to a substantial risk of physical or emotional injury or sexual abuse. If the magistrate finds that the child is exposed to a substantial risk of physical or emotional injury or sexual abuse, upon request of the aggrieved party, the magistrate shall consider and may order the other party to stay away from a minor child, or to return a minor child to, or not remove a minor child from, the physical care of a parent or person in loco parentis, if the magistrate finds that the order is in the best interest of the minor child and is necessary for the safety of the minor child. If the magistrate determines that it is in the best interest of the minor child for the other party to have contact with the minor child or children, the magistrate shall issue an order designed to protect the safety and well-being of the minor child and the aggrieved party. The order shall specify the terms of contact between the other party and the minor child and may include a specific schedule of time and location of exchange of the minor child, supervision by a third party or supervised visitation center, and any other conditions that will ensure both the well-being of the minor child and the aggrieved party. An ex parte order entered under this subsection shall expire and the magistrate shall schedule an ex parte hearing before a district court judge by the end of the next day on which the district court is in session in the county in which the action was filed. Ex parte orders entered by the district court judge pursuant to this subsection shall be entered and scheduled in accordance with subsection (c) of this section.

(c2) The authority granted to authorized magistrates to award temporary child custody pursuant to subsection (c1) of this section and pursuant to G.S. 50B-3(a)(4) is granted subject to custody rules to be established by the supervising chief district judge of each judicial district.

(d) Pro Se Forms. - The clerk of superior court of each county shall provide to pro se complainants all forms that are necessary or appropriate to enable them to proceed pro se pursuant to this section. The clerk shall, whenever feasible, provide a private area for complainants to fill out forms and make inquiries. The clerk shall provide a supply of pro se forms to authorized magistrates who shall make the forms available to complainants seeking relief under subsection (c1) of this section.

(e) All documents filed, issued, registered, or served in an action under this Chapter relating to an ex parte, emergency, or permanent domestic violence protective order may be filed electronically. Hearings held to consider ex parte relief pursuant to subsection (c) of this section may be held via video conference. Hearings held to consider emergency or permanent relief pursuant to subsections (a) or (b) of this section shall not be held via video conference. (1979, c. 561, s. 1; 1985, c. 113, ss. 2, 3; 1987 (Reg. Sess., 1988), c. 893, s. 2; 1989, c. 461, s. 1; 1994, Ex. Sess., c. 4, s. 1; 1997-471, s. 2; 2001-518, s. 4; 2002-126, s. 29A.6(a); 2004-186, ss. 17.2, 19.1; 2009-342, s. 2; 2012-20, s. 1; 2013-390, s. 1; 2015-62, s. 3(b).)

**§ 50B-3. Relief.**

(a) If the court, including magistrates as authorized under G.S. 50B-2(c1), finds that an act of domestic violence has occurred, the court shall grant a protective order restraining the defendant from further acts of domestic violence. A protective order may include any of the following types of relief:

- (1) Direct a party to refrain from such acts.
- (2) Grant to a party possession of the residence or household of the parties and exclude the other party from the residence or household.
- (3) Require a party to provide a spouse and his or her children suitable alternate housing.
- (4) Award temporary custody of minor children and establish temporary visitation rights pursuant to G.S. 50B-2 if the order is granted ex parte, and pursuant to subsection (a1) of this section if the order is granted after notice or service of process.
- (5) Order the eviction of a party from the residence or household and assistance to the victim in returning to it.
- (6) Order either party to make payments for the support of a minor child as required by law.
- (7) Order either party to make payments for the support of a spouse as required by law.
- (8) Provide for possession of personal property of the parties, including the care, custody, and control of any animal owned, possessed, kept, or held as a pet by either party or minor child residing in the household.
- (9) Order a party to refrain from doing any or all of the following:
  - a. Threatening, abusing, or following the other party.
  - b. Harassing the other party, including by telephone, visiting the home or workplace, or other means.
    - b1. Cruelly treating or abusing an animal owned, possessed, kept, or held as a pet by either party or minor child residing in the household.
  - c. Otherwise interfering with the other party.
- (10) Award attorney's fees to either party.
- (11) Prohibit a party from purchasing a firearm for a time fixed in the order.
- (12) Order any party the court finds is responsible for acts of domestic violence to attend and complete an abuser treatment program if the program is approved by the Domestic Violence Commission.
- (13) Include any additional prohibitions or requirements the court deems necessary to protect any party or any minor child.

(a1) Upon the request of either party at a hearing after notice or service of process, the court shall consider and may award temporary custody of minor children and establish temporary visitation rights as follows:

- (1) In awarding custody or visitation rights, the court shall base its decision on the best interest of the minor child with particular consideration given to the safety of the minor child.
- (2) For purposes of determining custody and visitation issues, the court shall consider:
  - a. Whether the minor child was exposed to a substantial risk of physical or emotional injury or sexual abuse.
  - b. Whether the minor child was present during acts of domestic violence.
  - c. Whether a weapon was used or threatened to be used during any act of domestic violence.
  - d. Whether a party caused or attempted to cause serious bodily injury to the aggrieved party or the minor child.
  - e. Whether a party placed the aggrieved party or the minor child in reasonable fear of imminent serious bodily injury.
  - f. Whether a party caused an aggrieved party to engage involuntarily in sexual

relations by force, threat, or duress.

- g. Whether there is a pattern of abuse against an aggrieved party or the minor child.
- h. Whether a party has abused or endangered the minor child during visitation.
- i. Whether a party has used visitation as an opportunity to abuse or harass the aggrieved party.
- j. Whether a party has improperly concealed or detained the minor child.
- k. Whether a party has otherwise acted in a manner that is not in the best interest of the minor child.

(3) If the court awards custody, the court shall also consider whether visitation is in the best interest of the minor child. If ordering visitation, the court shall provide for the safety and well-being of the minor child and the safety of the aggrieved party. The court may consider any of the following:

- a. Ordering an exchange of the minor child to occur in a protected setting or in the presence of an appropriate third party.
- b. Ordering visitation supervised by an appropriate third party, or at a supervised visitation center or other approved agency.
- c. Ordering the noncustodial parent to attend and complete, to the satisfaction of the court, an abuser treatment program as a condition of visitation.
- d. Ordering either or both parents to abstain from possession or consumption of alcohol or controlled substances during the visitation or for 24 hours preceding an exchange of the minor child.
- e. Ordering the noncustodial parent to pay the costs of supervised visitation.
- f. Prohibiting overnight visitation.
- g. Requiring a bond from the noncustodial parent for the return and safety of the minor child.
- h. Ordering an investigation or appointment of a guardian ad litem or attorney for the minor child.
- i. Imposing any other condition that is deemed necessary to provide for the safety and well-being of the minor child and the safety of the aggrieved party.

If the court grants visitation, the order shall specify dates and times for the visitation to take place or other specific parameters or conditions that are appropriate. A person, supervised visitation center, or other agency may be approved to supervise visitation after appearing in court or filing an affidavit accepting that responsibility and acknowledging accountability to the court.

(4) A temporary custody order entered pursuant to this Chapter shall be without prejudice and shall be for a fixed period of time not to exceed one year. Nothing in this section shall be construed to affect the right of the parties to a de novo hearing under Chapter 50 of the General Statutes. Any subsequent custody order entered under Chapter 50 of the General Statutes supersedes a temporary order issued pursuant to this Chapter.

(b) Protective orders entered pursuant to this Chapter shall be for a fixed period of time not to exceed one year. The court may renew a protective order for a fixed period of time not to exceed two years, including an order that previously has been renewed, upon a motion by the aggrieved party filed before the expiration of the current order; provided, however, that a temporary award of custody entered as part of a protective order may not be renewed to extend a temporary award of custody beyond the maximum one-year period. The court may renew a protective order for good cause. The commission of an act as defined in G.S. 50B-1(a) by the defendant after entry of the current order is not required for an order to be renewed. Protective orders entered, including consent orders, shall not be mutual in nature except where both parties file a claim and the court makes detailed findings of fact indicating that both parties acted as aggressors, that neither party acted primarily in self-defense, and that the

right of each party to due process is preserved.

(b1) A consent protective order may be entered pursuant to this Chapter without findings of fact and conclusions of law if the parties agree in writing that no findings of fact and conclusions of law will be included in the consent protective order. The consent protective order shall be valid and enforceable and shall have the same force and effect as a protective order entered with findings of fact and conclusions of law.

(b2) Upon the written request of either party at a hearing after notice or service of process, the court may modify any protective order entered pursuant to this Chapter after a finding of good cause.

(c) A copy of any order entered and filed under this Article shall be issued to each party. Law enforcement agencies shall accept receipt of copies of the order issued by the clerk of court by electronic or facsimile transmission for service on defendants. In addition, a copy of the order shall be issued promptly to and retained by the police department of the city of the victim's residence. If the victim does not reside in a city or resides in a city with no police department, copies shall be issued promptly to and retained by the sheriff, and the county police department, if any, of the county in which the victim resides. If the defendant is ordered to stay away from the child's school, a copy of the order shall be delivered promptly by the sheriff to the principal or, in the principal's absence, the assistant principal or the principal's designee of each school named in the order.

(c1) When a protective order issued under this Chapter is filed with the Clerk of Superior Court, the clerk shall provide to the applicant an informational sheet developed by the Administrative Office of the Courts that includes:

- (1) Domestic violence agencies and services.
- (2) Sexual assault agencies and services.
- (3) Victims' compensation services.
- (4) Legal aid services.
- (5) Address confidentiality services.
- (6) An explanation of the plaintiff's right to apply for a permit under G.S. 14-415.15.

(d) The sheriff of the county where a domestic violence order is entered shall provide for prompt entry of the order into the National Crime Information Center registry and shall provide for access of such orders to magistrates on a 24-hour-a-day basis. Modifications, terminations, renewals, and dismissals of the order shall also be promptly entered. (1979, c. 561, s. 1; 1985, c. 463; 1994, Ex. Sess., c. 4, s. 2; 1995, c. 527, s. 1; 1995 (Reg. Sess., 1996), c. 591, s. 2; c. 742, s. 42.1.; 1999-23, s. 1; 2000-125, s. 9; 2002-105, s. 2; 2002-126, s. 29A.6(b); 2003-107, s. 2; 2004-186, ss. 17.3-17.5; 2005-343, s. 2; 2005-423, s. 1; 2007-116, s. 3; 2009-425, s. 1; 2013-237, s. 1; 2015-176, s. 1; 2017-92, s. 2.)

### **§ 50B-3.1. Surrender and disposal of firearms; violations; exemptions.**

(a) Required Surrender of Firearms. - Upon issuance of an emergency or ex parte order pursuant to this Chapter, the court shall order the defendant to surrender to the sheriff all firearms, machine guns, ammunition, permits to purchase firearms, and permits to carry concealed firearms that are in the care, custody, possession, ownership, or control of the defendant if the court finds any of the following factors:

- (1) The use or threatened use of a deadly weapon by the defendant or a pattern of prior conduct involving the use or threatened use of violence with a firearm against persons.
- (2) Threats to seriously injure or kill the aggrieved party or minor child by the defendant.
- (3) Threats to commit suicide by the defendant.
- (4) Serious injuries inflicted upon the aggrieved party or minor child by the defendant.

(b) Ex Parte or Emergency Hearing. - The court shall inquire of the plaintiff, at the ex parte or emergency hearing, the presence of, ownership of, or otherwise access to firearms by the defendant, as well as ammunition, permits to purchase firearms, and permits to carry concealed firearms, and

include, whenever possible, identifying information regarding the description, number, and location of firearms, ammunition, and permits in the order.

(c) Ten-Day Hearing. - The court, at the 10-day hearing, shall inquire of the defendant the presence of, ownership of, or otherwise access to firearms by the defendant, as well as ammunition, permits to purchase firearms, and permits to carry concealed firearms, and include, whenever possible, identifying information regarding the description, number, and location of firearms, ammunition, and permits in the order.

(d) Surrender. - Upon service of the order, the defendant shall immediately surrender to the sheriff possession of all firearms, machine guns, ammunition, permits to purchase firearms, and permits to carry concealed firearms that are in the care, custody, possession, ownership, or control of the defendant. In the event that weapons cannot be surrendered at the time the order is served, the defendant shall surrender the firearms, ammunitions, and permits to the sheriff within 24 hours of service at a time and place specified by the sheriff. The sheriff shall store the firearms or contract with a licensed firearms dealer to provide storage.

(1) If the court orders the defendant to surrender firearms, ammunition, and permits, the court shall inform the plaintiff and the defendant of the terms of the protective order and include these terms on the face of the order, including that the defendant is prohibited from possessing, purchasing, or receiving or attempting to possess, purchase, or receive a firearm for so long as the protective order or any successive protective order is in effect. The terms of the order shall include instructions as to how the defendant may request retrieval of any firearms, ammunition, and permits surrendered to the sheriff when the protective order is no longer in effect. The terms shall also include notice of the penalty for violation of G.S. 14-269.8.

(2) The sheriff may charge the defendant a reasonable fee for the storage of any firearms and ammunition taken pursuant to a protective order. The fees are payable to the sheriff. The sheriff shall transmit the proceeds of these fees to the county finance officer. The fees shall be used by the sheriff to pay the costs of administering this section and for other law enforcement purposes. The county shall expend the restricted funds for these purposes only. The sheriff shall not release firearms, ammunition, or permits without a court order granting the release. The defendant must remit all fees owed prior to the authorized return of any firearms, ammunition, or permits. The sheriff shall not incur any civil or criminal liability for alleged damage or deterioration due to storage or transportation of any firearms or ammunition held pursuant to this section.

(e) Retrieval. - If the court does not enter a protective order when the ex parte or emergency order expires, the defendant may retrieve any weapons surrendered to the sheriff unless the court finds that the defendant is precluded from owning or possessing a firearm pursuant to State or federal law or final disposition of any pending criminal charges committed against the person that is the subject of the current protective order.

(f) Motion for Return. - The defendant may request the return of any firearms, ammunition, or permits surrendered by filing a motion with the court at the expiration of the current order or final disposition of any pending criminal charges committed against the person that is the subject of the current protective order and not later than 90 days after the expiration of the current order or final disposition of any pending criminal charges committed against the person that is the subject of the current protective order. Upon receipt of the motion, the court shall schedule a hearing and provide written notice to the plaintiff who shall have the right to appear and be heard and to the sheriff who has control of the firearms, ammunition, or permits. The court shall determine whether the defendant is subject to any State or federal law or court order that precludes the defendant from owning or possessing a firearm. The inquiry shall include:

(1) Whether the protective order has been renewed.

(2) Whether the defendant is subject to any other protective orders.

(3) Whether the defendant is disqualified from owning or possessing a firearm pursuant to 18 U.S.C. § 922 or any State law.

(4) Whether the defendant has any pending criminal charges, in either State or federal court, committed against the person that is the subject of the current protective order.

The court shall deny the return of firearms, ammunition, or permits if the court finds that the defendant is precluded from owning or possessing a firearm pursuant to State or federal law or if the defendant has any pending criminal charges, in either State or federal court, committed against the person that is the subject of the current protective order until the final disposition of those charges.

(g) Motion for Return by Third-Party Owner. - A third-party owner of firearms, ammunition, or permits who is otherwise eligible to possess such items may file a motion requesting the return to said third party of any such items in the possession of the sheriff seized as a result of the entry of a domestic violence protective order. The motion must be filed not later than 30 days after the seizure of the items by the sheriff. Upon receipt of the third party's motion, the court shall schedule a hearing and provide written notice to all parties and the sheriff. The court shall order return of the items to the third party unless the court determines that the third party is disqualified from owning or possessing said items pursuant to State or federal law. If the court denies the return of said items to the third party, the items shall be disposed of by the sheriff as provided in subsection (h) of this section.

(h) Disposal of Firearms. - If the defendant does not file a motion requesting the return of any firearms, ammunition, or permits surrendered within the time period prescribed by this section, if the court determines that the defendant is precluded from regaining possession of any firearms, ammunition, or permits surrendered, or if the defendant or third-party owner fails to remit all fees owed for the storage of the firearms or ammunition within 30 days of the entry of the order granting the return of the firearms, ammunition, or permits, the sheriff who has control of the firearms, ammunition, or permits shall give notice to the defendant, and the sheriff shall apply to the court for an order of disposition of the firearms, ammunition, or permits. The judge, after a hearing, may order the disposition of the firearms, ammunition, or permits in one or more of the ways authorized by law, including subdivision (4), (4b), (5), or (6) of G.S. 14-269.1. If a sale by the sheriff does occur, any proceeds from the sale after deducting any costs associated with the sale, and in accordance with all applicable State and federal law, shall be provided to the defendant, if requested by the defendant by motion made before the hearing or at the hearing and if ordered by the judge.

(i) It is unlawful for any person subject to a protective order prohibiting the possession or purchase of firearms to:

(1) Fail to surrender all firearms, ammunition, permits to purchase firearms, and permits to carry concealed firearms to the sheriff as ordered by the court;

(2) Fail to disclose all information pertaining to the possession of firearms, ammunition, and permits to purchase and permits to carry concealed firearms as requested by the court; or

(3) Provide false information to the court pertaining to any of these items.

(j) Violations. - In accordance with G.S. 14-269.8, it is unlawful for any person to possess, purchase, or receive or attempt to possess, purchase, or receive a firearm, as defined in G.S. 14-409.39(2), machine gun, ammunition, or permits to purchase or carry concealed firearms if ordered by the court for so long as that protective order or any successive protective order entered against that person pursuant to this Chapter is in effect. Any defendant violating the provisions of this section shall be guilty of a Class H felony.

(k) Official Use Exemption. - This section shall not prohibit law enforcement officers and members of any branch of the Armed Forces of the United States, not otherwise prohibited under federal law, from possessing or using firearms for official use only.

(l) Nothing in this section is intended to limit the discretion of the court in granting additional relief as provided in other sections of this Chapter. (2003-410, s. 1; 2004-203, s. 34(a); 2005-287, s. 4; 2005-423, ss. 2, 3; 2011-183, s. 40; 2011-268, ss. 23, 24.)

#### **§ 50B-4. Enforcement of orders.**

(a) A party may file a motion for contempt for violation of any order entered pursuant to this Chapter. This party may file and proceed with that motion pro se, using forms provided by the clerk of superior court or a magistrate authorized under G.S. 50B-2(c1). Upon the filing pro se of a motion for contempt under this subsection, the clerk, or the authorized magistrate, if the facts show clearly that there is danger of acts of domestic violence against the aggrieved party or a minor child and the motion is made at a time when the clerk is not available, shall schedule and issue notice of a show cause hearing with the district court division of the General Court of Justice at the earliest possible date pursuant to G.S. 5A-23. The Clerk, or the magistrate in the case of notice issued by the magistrate pursuant to this subsection, shall affect service of the motion, notice, and other papers through the appropriate law enforcement agency where the defendant is to be served.

(b) Repealed by Session Laws 1999-23, s. 2, effective February 1, 2000.

(c) A valid protective order entered pursuant to this Chapter shall be enforced by all North Carolina law enforcement agencies without further order of the court.

(d) A valid protective order entered by the courts of another state or the courts of an Indian tribe shall be accorded full faith and credit by the courts of North Carolina whether or not the order has been registered and shall be enforced by the courts and the law enforcement agencies of North Carolina as if it were an order issued by a North Carolina court. In determining the validity of an out-of-state order for purposes of enforcement, a law enforcement officer may rely upon a copy of the protective order issued by another state or the courts of an Indian tribe that is provided to the officer and on the statement of a person protected by the order that the order remains in effect. Even though registration is not required, a copy of a protective order may be registered in North Carolina by filing with the clerk of superior court in any county a copy of the order and an affidavit by a person protected by the order that to the best of that person's knowledge the order is presently in effect as written. Notice of the registration shall not be given to the defendant. Upon registration of the order, the clerk shall promptly forward a copy to the sheriff of that county. Unless the issuing state has already entered the order, the sheriff shall provide for prompt entry of the order into the National Crime Information Center registry pursuant to G.S. 50B-3(d).

(e) Upon application or motion by a party to the court, the court shall determine whether an out-of-state order remains in full force and effect.

(f) The term "valid protective order," as used in subsections (c) and (d) of this section, shall include an emergency or ex parte order entered under this Chapter.

(g) Notwithstanding the provisions of G.S. 1-294, a valid protective order entered pursuant to this Chapter which has been appealed to the appellate division is enforceable in the trial court during the pendency of the appeal. Upon motion by the aggrieved party, the court of the appellate division in which the appeal is pending may stay an order of the trial court until the appeal is decided, if justice so requires. (1979, c. 561, s. 1; 1985, c. 113, s. 4; 1987, c. 739, s. 6; 1989, c. 461, s. 2; 1994, Ex. Sess., c. 4, s. 3; 1995 (Reg. Sess., 1996), c. 591, s. 3; 1999-23, s. 2; 2002-126, s. 29A.6(c); 2003-107, s. 3; 2009-342, s. 4; 2017-92, s. 1.)

#### **§ 50B-4.1. Violation of valid protective order.**

(a) Except as otherwise provided by law, a person who knowingly violates a valid protective order entered pursuant to this Chapter or who knowingly violates a valid protective order entered by the courts of another state or the courts of an Indian tribe shall be guilty of a Class A1 misdemeanor.

(b) A law enforcement officer shall arrest and take a person into custody, with or without a warrant or other process, if the officer has probable cause to believe that the person knowingly has violated a valid protective order excluding the person from the residence or household occupied by a victim of

domestic violence or directing the person to refrain from doing any or all of the acts specified in G.S. 50B-3(a)(9).

(c) When a law enforcement officer makes an arrest under this section without a warrant, and the party arrested contests that the out-of-state order or the order issued by an Indian court remains in full force and effect, the party arrested shall be promptly provided with a copy of the information applicable to the party which appears on the National Crime Information Center registry by the sheriff of the county in which the arrest occurs.

(d) Unless covered under some other provision of law providing greater punishment, a person who commits a felony at a time when the person knows the behavior is prohibited by a valid protective order as provided in subsection (a) of this section shall be guilty of a felony one class higher than the principal felony described in the charging document. This subsection shall not apply to convictions of a Class A or B1 felony or to convictions of the offenses set forth in subsection (f) or subsection (g) of this section.

(e) An indictment or information that charges a person with committing felonious conduct as described in subsection (d) of this section shall also allege that the person knowingly violated a valid protective order as described in subsection (a) of this section in the course of the conduct constituting the underlying felony. In order for a person to be punished as described in subsection (d) of this section, a finding shall be made that the person knowingly violated the protective order in the course of conduct constituting the underlying felony.

(f) Unless covered under some other provision of law providing greater punishment, any person who knowingly violates a valid protective order as provided in subsection (a) of this section, after having been previously convicted of two offenses under this Chapter, shall be guilty of a Class H felony.

(g) Unless covered under some other provision of law providing greater punishment, any person who, while in possession of a deadly weapon on or about his or her person or within close proximity to his or her person, knowingly violates a valid protective order as provided in subsection (a) of this section by failing to stay away from a place, or a person, as so directed under the terms of the order, shall be guilty of a Class H felony.

(g1) Unless covered under some other provision of law providing greater punishment, any person who is subject to a valid protective order, as provided in subsection (a) of this section, who enters property operated as a safe house or haven for victims of domestic violence, where a person protected under the order is residing, shall be guilty of a Class H felony. A person violates this subsection regardless of whether the person protected under the order is present on the property.

(h) For the purposes of this section, the term "valid protective order" shall include an emergency or ex parte order entered under this Chapter. (1997-471, s. 3; 1997-456, s. 27; 1999-23, s. 4; 2001-518, s. 5; 2007-190, s. 1; 2008-93, s. 1; 2009-342, s. 5; 2009-389, s. 2; 2010-5, s. 1; 2015-91, s. 3.)

#### **§ 50B-4.2. False statement regarding protective order a misdemeanor.**

A person who knowingly makes a false statement to a law enforcement agency or officer that a protective order entered pursuant to this Chapter or by the courts of another state or Indian tribe remains in effect shall be guilty of a Class 2 misdemeanor. (1999-23, s. 5.)

#### **§ 50B-5. Emergency assistance.**

(a) A person who alleges that he or she or a minor child has been the victim of domestic violence may request the assistance of a local law enforcement agency. The local law enforcement agency shall respond to the request for assistance as soon as practicable. The local law enforcement officer responding to the request for assistance may take whatever steps are reasonably necessary to protect the complainant from harm and may advise the complainant of sources of shelter, medical care, counseling, and other services. Upon request by the complainant and where feasible, the law enforcement officer may transport the complainant to appropriate facilities such as hospitals,



magistrates' offices, or public or private facilities for shelter and accompany the complainant to his or her residence, within the jurisdiction in which the request for assistance was made, so that the complainant may remove food, clothing, medication and such other personal property as is reasonably necessary to enable the complainant and any minor children who are presently in the care of the complainant to remain elsewhere pending further proceedings.

(b) In providing the assistance authorized by subsection (a), no officer may be held criminally or civilly liable on account of reasonable measures taken under authority of subsection (a). (1979, c. 561, s. 1; 1985, c. 113, s. 5; 1999-23, s. 6.)

#### **§ 50B-5.5. Employment discrimination unlawful.**

(a) No employer shall discharge, demote, deny a promotion, or discipline an employee because the employee took reasonable time off from work to obtain or attempt to obtain relief under this Chapter. An employee who is absent from the workplace shall follow the employer's usual time-off policy or procedure, including advance notice to the employer, when required by the employer's usual procedures, unless an emergency prevents the employee from doing so. An employer may require documentation of any emergency that prevented the employee from complying in advance with the employer's usual time-off policy or procedure, or any other information available to the employee which supports the employee's reason for being absent from the workplace.

(b) The Commissioner of Labor shall enforce the provisions of this section according to Article 21 of Chapter 95 of the General Statutes, including the rules and regulations issued pursuant to the Article. (2004-186, s. 18.1.)

#### **§ 50B-6. Construction of Chapter.**

This Chapter shall not be construed as granting a status to any person for any purpose other than those expressly stated herein. This Chapter shall not be construed as relieving any person or institution of the duty to report to the department of social services, as required by G.S. 7B-301, if the person or institution has cause to suspect that a juvenile is abused or neglected. (1979, c. 561, s. 1; 1985, c. 113, s. 6; 1998-202, s. 13(r).)

#### **§ 50B-7. Remedies not exclusive.**

The remedies provided by this Chapter are not exclusive but are additional to remedies provided under Chapter 50 and elsewhere in the General Statutes. (1979, c. 561, s. 1.)

#### **§ 50B-8. Effect upon prosecution for violation of § 14-184 or other offense against public morals.**

The granting of a protective order, prosecution for violation of this Chapter, or the granting of any other relief or the institution of any other enforcement proceedings under this Chapter shall not be construed to afford a defense to any person or persons charged with fornication and adultery under G.S. 14-184 or charged with any other offense against the public morals; and prosecution, conviction, or prosecution and conviction for violation of any provision of this Chapter shall not be a bar to prosecution for violation of G.S. 14-184 or of any other statute defining an offense or offenses against the public morals. (1979, c. 561, s. 1; 2003-107, s. 4.)

#### **§ 50B-9. Domestic Violence Center Fund.**

(a) The Domestic Violence Center Fund is established within the State Treasury. The fund shall be administered by the Department of Administration, North Carolina Council for Women, and shall be used to make grants to centers for victims of domestic violence and to The North Carolina Coalition Against Domestic Violence, Inc. This fund shall be administered in accordance with the provisions of the Executive Budget Act. The Department of Administration shall make quarterly grants to each eligible domestic violence center and to The North Carolina Coalition Against Domestic Violence, Inc. Effective

July 1, 2017, and each fiscal year thereafter, the Department of Administration shall send the contracts to grantees within 10 business days of the date the Current Operations Appropriations Act, as defined in G.S. 143C-1-1, is certified for that fiscal year.

(b) Each grant recipient shall receive the same amount. To be eligible to receive funds under this section, a domestic violence center must meet the following requirements:

(1) It shall have been in operation on the preceding July 1 and shall continue to be in operation.

(2) It shall offer all of the following services: a hotline, transportation services, community education programs, daytime services, and call forwarding during the night and it shall fulfill other criteria established by the Department of Administration.

(3) It shall be a nonprofit corporation or a local governmental entity.

(c) The North Carolina Council for Women shall report on the quarterly distributions of the grants from the Domestic Violence Center Fund to the House and Senate chairs of the General Government Appropriations Committee within five business days of distribution. The report shall include the date, amount, and recipients of the fund disbursements. The report shall also include any eligible programs which are ineligible to receive funding during the relative reporting cycle as well as the reason of the ineligibility for that relative reporting cycle. (1991, c. 693, s. 3; 1991 (Reg. Sess., 1992), c. 988, s. 1; 2017-57, s. 31.2(a).)

Queens University of Charlotte complies with North Carolina law in recognizing Domestic Violence Protection Orders. Any person who obtains an order of protection from North Carolina or any reciprocal state should provide a copy to the PSCPD and the Office of the Title IX Coordinator. A complainant may then meet with Public Safety and Campus Police and the Title IV Coordinator to develop a Safety Action Plan, which is a plan for Public Safety and Campus Police and the victim to reduce risk of harm while on campus or coming and going from campus. This plan may include, but is not limited to escorts, special parking arrangements, providing a temporary cellphone, changing classroom location, or allowing a student to complete assignments from home, etc. Queens cannot apply for a Domestic Violence Protection Order on behalf of a victim. However, Public Safety and Public Safety and Campus Police can assist through the process. Queens may issue a "Campus No Contact Order" if deemed appropriate or at the request of the victim or accused. To the extent of the victim's cooperation and consent, the University will work cooperatively to ensure that the complainant's health, physical safety, work, and academic status are protected, pending the outcome of a formal University investigation of the complaint. For example, if reasonably available, a complainant may be offered changes to academic, living, or working situations in addition to counseling, health services, visa and immigration assistance and assistance in notifying appropriate local law enforcement.

### **Process for Obtaining a Domestic Violence Protection Order and Civil No-Contact Order**

Queens University of Charlotte complies with North Carolina law in recognizing Domestic Violence Protection Orders (50B orders) as well as Civil No-Contact Order (50C orders) by complying with court orders. For example, any person who obtains an order of protection from North Carolina or any state in the US should provide a copy to Campus Police and the Office of the Title IX Coordinator (students) or Human Resources (employees). A complainant may then meet with Campus Police and the Dean of Students Office to develop a Safety Action Plan, which is a plan for PSCPD and the Dean of Students Office and the victim to reduce risk of harm while on campus or coming and going from campus. This plan may include, but is not limited to: escorts, special parking arrangements, changing classroom location or allowing a student to complete assignments from home, etc. Queens University of Charlotte cannot apply for a legal order of protection, no contact order or restraining order for a victim from the applicable jurisdiction(s).

The victim is required to apply directly for these services at the Mecklenburg County Magistrate's Office in Charlotte. Protection from abuse orders may be available through the following process in North Carolina:

**Step 1:** Proceed to the courthouse to obtain and file the necessary forms.

During business hours, go to the Clerk of Civil Court; otherwise, go to the Magistrate's Office in order to file for a domestic violence protective order (a "DVPO"). If emergency protection is needed, request an ex parte/temporary emergency order from the Clerk. To find contact information for the courthouse in your area, click on: [WomensLaw.org](http://WomensLaw.org)

The abused can obtain the forms needed from the Clerk or obtain the forms beforehand online at: [NC Judicial Forms](#) in the Civil Section.

On the complaint, accuser will be the "plaintiff" and the accused will be the "defendant." In the space provided, write about the most recent incidents of violence, using specific language (slapping, hitting, grabbing, threatening, etc.) that fits your situation. Include details and dates, if possible. Clerks and Magistrates can assist the accuser with which blanks to fill in, but they cannot help the accuser with what to write. Do not sign the forms until in front of a notary or a clerk.

If the abuser has any firearms, be sure to alert the court so the firearms can be removed from the abuser's possession. If children are involved, the box asking for temporary custody may be checked.

**Step 2:** The accused can ask for an ex parte temporary order for immediate protection.

If the accuser needs immediate protection, he/she can check the box on the complaint to ask for an ex parte order. An ex parte order is a temporary emergency order that a judge can grant if the accuser and his/her children are in immediate danger. The accused will not be notified beforehand that the accuser is asking the judge for an ex parte order.

If the judge believes the accuser or his/her children are in serious and immediate danger, s/he may issue an ex parte order which is good for 10 days, until the full court hearing is held. If the accuser is there after business hours, some magistrates may issue an ex parte order which is good only until the case is heard by a judge, which should occur by the end of the next day on which the court is in session in the county.

The accuser must return to the courthouse to see a judge to get an ex parte order that will last for up to 10 days, until a full court hearing is held. Whether the judge or magistrate grants an ex parte order or not, a court date for a full court "hearing" will be scheduled within 10 days. This hearing will be in front of a judge at the time shown on the Notice of Hearing. At this hearing, the accused and the accuser will both have a chance to explain their side to the judge.

**Step 3:** Take the forms to the sheriff's department

If the Clerk does not provide this service, the accuser may have to take the appropriate forms to the Sheriff's Department so they can serve the defendant with the summons, complaint, and notice of hearing (and the ex parte order if one was granted). Counties do this differently. In some counties the clerk of courts sends the forms to the sheriff; in other counties, the plaintiff has to take the forms to the

sheriff. The accuser can receive assistance by contacting the local domestic violence program or the clerk of court to find out the way it is handled in the respective county.

The accuser will have to provide some contact information for the defendant so the sheriff can find him/her. The accuser may want to provide the sheriff a picture of the defendant and any information that will help them locate him/her. The defendant must receive notice of the hearing from the sheriff. If the defendant does not receive notice, the hearing will be rescheduled. In addition, if an ex parte order was granted, the defendant must be served with the order for it to be in effect and be enforced.

### Types of Orders Available in North Carolina

<b>Type of Order:</b>	<b>Who Can File For One:</b>	<b>Court:</b>	<b>Based On:</b>
<b>Domestic Violence Civil Protection Order – (DVPO) 50B – up to 1 year can be renewed</b>	Family or household members including: <ul style="list-style-type: none"> <li>• Your spouse, or former spouse,</li> <li>• A person of the opposite sex with whom you live or used to live,</li> <li>• Someone you are related to, including parents, children, grandparents, and grandchildren, over the age of 16,</li> <li>• Someone with whom you have a child in common,</li> <li>• A current or former household member, or</li> <li>• Someone of the opposite sex whom you are dating or have dated.</li> </ul>	Clerk of Court or Magistrate – You can file a petition in the county where you live (permanently or temporarily), or in the county where the abuser lives.	<ul style="list-style-type: none"> <li>• attempts to cause bodily injury, or intentionally causes bodily injury;</li> <li>• places you or a member of your family or household in fear of imminent serious bodily injury;</li> <li>• continued harassment that rises to such a level as to inflict substantial emotional distress; or</li> <li>• commits any rape or sexual offense</li> </ul>
<b>Ex-Parte DVPO – Emergency temporary up to 10 days</b>	Family or household members including: <ul style="list-style-type: none"> <li>• Your spouse, or former spouse,</li> <li>• A person of the opposite sex with whom you live or used to live,</li> <li>• Someone you are related to, including parents, children, grandparents, and grandchildren, over the age of 16,</li> <li>• Someone with whom you have a child in common,</li> </ul>	Clerk of Court or Magistrate – You can file a petition in the county where you live (permanently or temporarily), or in the county where the abuser lives.	<ul style="list-style-type: none"> <li>• attempts to cause bodily injury, or intentionally causes bodily injury;</li> <li>• places you or a member of your family or household in fear of imminent serious bodily injury;</li> <li>• continued harassment that</li> </ul>

	<ul style="list-style-type: none"> <li>• A current or former household member, or</li> <li>• Someone of the opposite sex whom you are dating or have dated.</li> </ul>		<p>rises to such a level as to inflict substantial emotional distress; or</p> <ul style="list-style-type: none"> <li>• commits any rape or sexual offense</li> </ul>
<p><b><u>Temporary Civil No-Contact Order 50C – Stalking or Nonconsensual sexual contact – up to 10 days</u></b></p>	<p>Any person who has suffered nonconsensual sexual acts or stalking as defined by North Carolina law, committed by someone you do not have an intimate or familial relationship with</p>	<p>Clerk of Court or Magistrate – You can file for a civil no-contact order in the district court in the county where you live, in the county where the abuser/stalker lives, or in the county where the unlawful conduct took place.</p>	<p>The victim of either nonconsensual (unwanted) sexual conduct or stalking</p>
<p><b><i>Civil No-Contact Order 50C – Stalking or Nonconsensual sexual contact – up to 1 year can be renewed</i></b></p>	<p>Any person who has suffered nonconsensual sexual acts or stalking as defined by North Carolina law, committed by someone you do not have an intimate or familial relationship with</p>	<p>Clerk of Court or Magistrate – You can file for a civil no-contact order in the district court in the county where you live, in the county where the abuser/stalker lives, or in the county where the unlawful conduct took place.</p>	<p>The victim of either nonconsensual (unwanted) sexual conduct or stalking</p>

## Confidentiality

Additionally, personal identifiable information about the victim and other necessary parties will be treated as confidential and only shared with persons with a specific need to know who are investigating/adjudicating the complaint or delivering resources or support services to the complainant (for example, publicly available record-keeping for purposes of Clery Act reporting and disclosures will be made without inclusion of identifying information about the victim, as defined in 42 USC 1395 (a) (20).) Further, Queens University of Charlotte will maintain as confidential, any accommodations or protective measures provided to the victim to the extent that maintaining such confidentiality would not impair the ability of Queens University of Charlotte to provide the accommodations or protective measures.

Queens University of Charlotte does not publish the name of crime victims nor house identifiable information regarding victims in the PSCPD Daily Crime Log or in the annual crime statistics that are disclosed in compliance with the *Jeanne Clery Disclosure of Campus Security Policy and Campus crime Statistic Act*. Furthermore, if a Timely Warning Notice is issued on the basis of a report of domestic violence, dating violence, sexual assault or stalking, the name of the victim and other personally identifiable information about the victim will be withheld. Victims may request that directory information on file be removed from public sources by contacting the Dean of Students.

## Accommodations and Supportive Measures Available for Victims

Upon receipt of a report of domestic violence, dating violence, sexual assault or stalking, Queens University, through the Title IX Coordinator, will provide written notification to students and employees about accommodations available to them, including academic, living, transportation, protective orders and working situations. The written notification will include information regarding the accommodation options, available assistance in requesting accommodations, and how to request accommodations and protective measures.

At the victim's request, and to the extent of the victim's cooperation and consent, university offices will work cooperatively to assist the victim in obtaining accommodations. If reasonably available, a victim may be offered changes to academic, living, working, protective measures or transportation situations regardless of whether the victim chooses to report the crime to campus police or local law enforcement. Examples of options for a potential change to the academic situation may be to transfer to a different section of a class, withdraw and take a class at another time if there is no option for moving to a different section, etc. Potential changes to living situations may include moving to a different room or residence hall. Possible changes to work situations may include changing working hours. Possible changes in transportation may include having the student or employee park in a different location, assisting the student or employee with a safety escort, etc.

To request changes to academic, living, transportation and/or working situations or protective measures, a victim should contact the Title IX Coordinator by phone, 704-337-2228, or in person in Morrison Hall room 200.

## Resources for Victims of Domestic Violence, Dating Violence, Sexual Assault & Stalking

### On-Campus Resources

**Below resources are PRIVATE but NOT confidential**

**These persons are required to share information about your complaint (including your name) with the Title IX Coordinator who will have a duty to respond to your complaint.**

RESOURCE	PHYSICAL ADDRESS	PHONE AND WEB ADDRESS
<b>Public Safety/Police Department</b>	Campus Police Department Watkins Hall 2222 Radcliffe Avenue	704-337-2306 <a href="#">Campus Police &amp; Public Safety</a>

	Charlotte, NC 28274	
<b>Title IX Coordinator</b>	Kathryn Underwood Smith Morrison Hall Room 200 1900 Selwyn Avenue Charlotte, NC 28274	704.337.2228 <a href="#">Office of Title IX and Civil rights</a>
<b>Deputy Title IX Coordinator</b>	Maddie Poirier Morrison Hall Room 208 2227 Wellesley Ave Charlotte, NC 28274	704.337.2297 <a href="#">Office of Title IX and Civil rights</a>
<b>Vice President of Student Engagement &amp; Dean of Students</b>	Maria del Carmen Flores 2227 Wellesley Avenue Charlotte, NC 28274	704.337.2227 <a href="mailto:floresm@queens.edu">floresm@queens.edu</a>
<b>Office of Diversity, Inclusion and Community Engagement</b>	Darryl White Morrison Hall 2227 Wellesley Avenue Charlotte, NC 28274	704.337.2320 <a href="#">DICE</a>
<b>Office of Student Accessibility Services</b>	Catherine Duggan Knight-Crane Hall Suite 102 1920 Selwyn Avenue Charlotte, NC 28274	704.337.2208 <a href="#">Student Accessibility</a>
<b>International Student Resource</b>	Kristin Tokic Knight-Crane Hall 1920 Selwyn Avenue Charlotte, NC 28274	704.337.2382 <a href="#">International Student Services</a>
<b>Financial Aid Assistance</b>	Linda Stein Jernigan Hall 1850 Selwyn Avenue Charlotte, NC 28274	704.337.2359 <a href="#">Student Financial Services</a>
<b>Legal Assistance</b>	Resource not available on campus. See off-campus resources.	n/a
<b>Visa &amp; Immigration Assistance</b>	Resource not available on campus. See off-campus resources.	n/a

**The following resources are CONFIDENTIAL**

**These people cannot share information about your complaint (including your name) unless 1) you allow them to; or 2) you are at risk of self-harm; or 3) you have threatened to harm another.**

<b>Physical Health</b>	Health and Wellness Center 2322 Wellesley Avenue Charlotte, NC 28274	704.337.2220 <a href="#">Health and Wellness Center</a>
<b>Mental Health/Counseling</b>	Health and Wellness Center 2222 Radcliffe Avenue Charlotte, NC 28274	704.337.2220 or 704.337.2556 <a href="#">Health and Wellness Counseling</a>
<b>Pastoral Counseling</b>	Chaplain Belk Chapel 1840 Selwyn Avenue Charlotte, NC 28274	704.337.2290 <a href="#">Spiritual Life</a>

### *Off-Campus Resources*

<b>LOCAL Police Department</b>	Charlotte-Mecklenburg Police 601 E. Trade Street Charlotte, NC 28202	704.336.7600 <a href="#">City of Charlotte</a>
<b>North Carolina Department of Public Safety</b>	North Carolina Department of Public Safety 512 North Salisbury Street Raleigh, NC 27604	State Highway Patrol: 919.733.7952 <a href="#">NC Highway Patrol</a>  State Bureau of Investigation: 919.662.4509 <a href="#">NC SBI</a>
<b>Closest Emergency Room- 1</b>	Novant Health - Presbyterian Medical Center 200 Hawthorne Lane Charlotte, NC 28204	704.384.4000 <a href="#">Novant Health – Presbyterian Medical Center</a>
<b>Closest Emergency Room- 2</b>	Atrium Health - Carolina Medical Center 1000 Blythe Boulevard Charlotte, NC 28203	704.355.2167 <a href="#">Atrium Health - Carolinas Medical Center</a>
<b>Closest Emergency Room- 3</b>	Atrium Health- Carolina Medical Center—Mercy 2001 Vail Avenue Charlotte, NC 28207	704.304.5000 <a href="#">Atrium Health Mercy</a>
<b>Hospital w/ SANE Services (sexual assault evidence collection services; rape kits)- 1</b>	Novant Health (Presbyterian Medical Center) 200 Hawthorne Lane Charlotte, NC 28204	704.384.4000 <a href="#">Novant Health – Presbyterian Medical Center</a>
<b>Hospital w/ SANE Services (sexual assault evidence)</b>	Atrium Health (Carolina Medical Center) 1000 Blythe Boulevard	704.355.2000 <a href="#">Atrium Health - Carolinas Medical Center</a>



<b>collection services; rape kits)- 2</b>	Charlotte, NC 28203	
<b>Hospital w/ SANE Services (sexual assault evidence collection services; rape kits)- 3</b>	Atrium Health (Carolina Medical Center—Mercy) 2001 Vail Avenue Charlotte, NC 28207	704.304.5000 <a href="#">Atrium Health Mercy</a>
<b>District Attorney's Office</b>	Mecklenburg County District Attorney 700 East Trade Street Charlotte, NC 28202	704.686.0700 <a href="#">Charlotte Mecklenburg DA</a>
<b>Where to obtain a protective order</b>	Mecklenburg County Superior Court 832 E 4th St #2132 Charlotte, NC 28202	704.686.0400 <a href="#">Mecklenburg County Superior Court</a>
<b>Victim Advocacy</b>	Safe Alliance Charlotte Children and Family Services Center 601 E. Fifth Street, Suite 400 Charlotte, NC 28202	704.375.9900 <a href="#">Safe Alliance</a>
<b>Mental Health/Counseling Services</b>	Safe Alliance Charlotte Children and Family Services Center 601 E. Fifth Street, Suite 400 Charlotte, NC 28202	704.375.9900 <a href="#">Safe Alliance</a>
<b>Legal Assistance- 1</b>	Safe Alliance Charlotte Children and Family Services Center 601 E. Fifth Street, Suite 400 Charlotte, NC 28202	704.375.9900 <a href="#">Safe Alliance</a>
<b>Visa &amp; Immigration Assistance</b>		
<b>Rape Crisis Line</b>	U.S. Department of Homeland Security 6130 Tyvola Centre Dr. Charlotte, NC 28217	<a href="#">Homeland Security – Study in the States</a>
<b>Battered Women's Shelter</b>	24-Hour Mecklenburg County Rape Crisis Line	704.375.9900 <a href="#">Safe Alliance</a>
<b>Resources Specific to Male Victims</b>	Safe Alliance (Confidential Charlotte location)	704.375.9900 <a href="#">Safe Alliance</a>
<b>Resources for the LGBTQ Community</b>	Safe Alliance Charlotte Children and Family Services Center 601 E. Fifth Street, Suite 400 Charlotte, NC 28202	704.375.9900 <a href="#">Safe Alliance</a>
<b>Other</b>	Time Out Youth 3800 Monroe Road Charlotte, NC 28205	704.344.8335 <a href="#">Time Out Youth</a>

	Rape, Abuse, and Incest National Network	<a href="#">RAIN</a>
	Department of Justice	<a href="#">NC DOJ</a>
	Department of Education, Office of Civil Rights	<a href="#">Office of Civil Rights - DOE</a>

## How to be an Active Bystander

Bystanders play a critical role in the prevention of sexual and relationship violence. They are “individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up, or do something about it.”<sup>5</sup> We want to promote a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. We may not always know what to do even if we want to help. Below is a list<sup>6</sup> of some ways to be an active bystander. If you or someone else is in immediate danger, dial 911. This could be when a person is yelling at or being physically abusive towards another and it is not safe for you to interrupt.

1. 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.
2. Confront people who seclude, hit on, try to make out with, or have sex with people who are incapacitated.
3. Speak up when someone discusses plans to take sexual advantage of another person.
4. Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.
5. Refer people to on or off campus resources listed in this document for support in health, counseling, or with legal assistance.

## Tips for Risk Reduction

The majority of sexual assaults are perpetrated by friends, acquaintances, or partners of the victim. To prevent similar crimes from happening, we recommend everyone familiarize themselves with what constitutes sexual misconduct and, as a community, be vigilant in stopping it:

1. **Know your sexual desires and limits** and communicate them clearly with your partner.
2. **Be aware of social pressures.** There is nothing wrong with not scoring or hooking up.
3. **Always seek consent** and accept your partner’s decisions. Stop your sexual advances if the other person indicates no interest, and especially if they say “no.” Do not assume that previous permission for sexual contact applies to the current situation. Engaging in any type of sexual activity without the consent of your partner is sexual assault. The absence of a “no” is not a “yes.”
4. People who are incapacitated by alcohol or drugs (i.e., highly intoxicated, passed out or asleep) cannot give consent. **Do not have sex or take advantage** of someone who is passed out, incoherent, sleeping or otherwise incapacitated.
5. **Drink responsibly.** Remember that alcohol can interfere with your ability to read body language and can lead you to misinterpret your surroundings. It can also increase aggression and interfere with self-control. Intoxication is not a defense for perpetrating sexual assault.

<sup>5</sup> Burn, S.M. (2009). A situational model of sexual assault prevention through bystander intervention. *Sex Roles*, 60, 779-792.

<sup>6</sup> Bystander intervention strategies adapted from Stanford University’s Office of Sexual Assault & Relationship Abuse

6. **Do not use threats or coercion** to engage in sexual activity.
7. Be aware if someone is deliberately trying to intoxicate, isolate, or corner someone. **Get in the way or create a distraction** by drawing attention or separating them.

With no intent to victim blame and in recognizing that only abusers are responsible for the abuse they perpetrate, the following are some strategies to reduce one's risk of sexual assault or harassment (taken from Rape, Abuse, & Incest National Network, [www.rainn.org](http://www.rainn.org) )

1. **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.
2. Try to **avoid isolated areas**. It is more difficult to get help if no one is around.
3. **Walk with purpose**. Even if you do not know where you are going, act like you do.
4. **Trust your instincts**. If a situation or location feels unsafe or uncomfortable, it probably is not the best place to be.
5. **Try not to load yourself down** with packages or bags as this can make you appear more vulnerable.
6. **Make sure your cell phone is with you** and charged, and that you have cab money or a ride-share app for getting home.
7. **Do not allow yourself to be isolated** with someone you do not trust or someone you do not know.
8. **Avoid putting music headphones in both ears** so that you can be more aware of your surroundings, especially if you are walking alone.
9. **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.
10. **Trust your instincts**. If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.).
11. **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.
12. **Do not accept drinks from people you do not 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.
13. **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 him or her to a safe place immediately.
14. **If you suspect you or a friend has been drugged, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.)**. Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).
15. If you need to get out of an uncomfortable or scary situation here are some things that you can try:
  - a. **Remember that being in this situation is not your fault**. You did not do anything wrong; it is the person who is making you uncomfortable that is to blame.
  - b. **Be true to yourself**. Do not feel obligated to do anything you do not want to do. "I don't want to" is always a good enough reason. Do what feels right to you and what you are comfortable with.
  - c. **Have a code word with your friends or family** so that 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.

- d. **Make up an excuse.** If you do not want to hurt the person's feelings 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.
16. **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?
17. **If you and/or the other person have been drinking,** you can say that you would rather wait until you both are sober before engaging in sexual activity.

## Sex Offender Registry

The federal Campus Sex Crimes Prevention Act, enacted on October 28, 2000, requires institutions of higher education to issue a statement advising the campus community where information concerning registered sex offenders may be obtained. It also requires sex offenders already required to register in a State to provide notice, as required under State law, of each institution of higher education in that State at which the person is employed, carries on a vocation, volunteers' services or is a student. In North Carolina, this information is accessible at [NC Sex Offender Registry](#)

The North Carolina Department of Justice has released a free Sex Offender Mobile App that can be downloaded on your Apple or Android device. This app will allow you to search registered sex offenders in your neighborhood within a radius you select within the app. This mobile application can be downloaded at [NC Sex Offender Mobile App](#)

You may also sign up to receive email alerts when an offender registers to an address in your community, or to track a specific offender. You can also map all offenders' addresses up to five miles away from any site you choose such as home, school, childcare center, or park. The subscription service is available at [NC Sex Offender Notifications](#)

## Notification to Victims of Crimes of Violence(HEOA)

The University will, upon written request, disclose to the alleged victim of a crime of violence, or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by such institution against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as the result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.

## Alcohol Policy

Students are expected to be acquainted with and abide by state laws and University regulations regarding alcohol and drugs. Students also are encouraged to be aware of the social, physiological, and psychological consequences of excessive drinking. The University regularly provides educational programs on alcohol and drug abuse as well as counseling services. The University's alcoholic

beverage policy is designed to be consistent with the laws of the State of North Carolina, which, in general, prohibit the possession, use, consumption, sale of alcohol beverages, and serving of alcoholic beverages by and to persons less than 21 years of age. Queens University of Charlotte Campus Police & Public Safety Officers enforce the above state alcoholic beverage laws. This is accomplished through citations, arrest, or referrals to the Student Life Office.

Students who are 21 years of age or older may possess and/or consume alcohol in their residence hall room or in the room of another student who is 21 years of age or older. Students who are of legal drinking age, living with students who are not of legal drinking age, are permitted to possess alcohol in their rooms. Students who are of legal drinking age living off campus are held to state and federal laws regarding alcohol consumption and subsequent behavior, but certain behavior that occurs as a result of excessive drinking can be considered a violation of the University Honor Code or criminal law (state citation and/or arrest) (e.g., fighting, sexual misconduct, property damage). Please refer to the Honor Code for a complete description of policies and sanctions for violations.

## **Drug Policy**

Queens University of Charlotte prohibits illegal drugs on campus. The PSCPD is responsible for the enforcement of Federal and State drug laws. The use, possession, presence, sale and/or distribution of illegal drugs (as defined by federal, state, and local laws) and/or drug paraphernalia (including hookah pipes) on and/or off campus can lead to disciplinary action and/or criminal action (state citation and/or arrest). The use of illegal drugs is physically and mentally harmful and often interferes with the user's ability to function adequately in his/her academic and social life and often impinges upon the social and academic rights of the rest of the community. Special efforts are made to keep drugs off campus and to prevent the presence of illegal drugs on campus. Please refer to the Honor Code for a complete description of policies and sanctions for violations.

## *Alcohol & Drug Education*

In compliance with the Drug Free Schools and Communities Act, Queens University of Charlotte publishes information regarding the University's educational programs related to drug and alcohol abuse prevention; sanctions for violations of federal, state, and local laws as well as University Policy; a description of health risks associated with alcohol and other drug use, and a description of available treatment programs for Queens University of Charlotte students and employees. A complete description of these topics, as provided in the University's annual notification to students and employees, can be found in our Honor Code and is available online at: [Honor Code](#)

Queens University of Charlotte is committed to providing a healthy, safe, and productive environment for our faculty, staff, and students. Part of the commitment entails establishing policy and providing information regarding a drug and alcohol abuse prevention. The effectiveness of the institution's drug and alcohol abuse prevention programs are reviewed biennially to determine if any changes are needed to improve the program and to ensure that any disciplinary sanctions are consistently enforced.

In an effort to ensure that students are educated regularly about responsible drinking and drug education, the University provided the following **programs for students**:

Name of Program	Date Held	Location	Which Prohibited Behavior Covered?
Consent, Cookies and Condoms	9/7/23	Claudia Belk	A
Boos and Booze	10/26/23	Resident Quad/Fire Pit	A

\*A – Alcohol, D – Drugs

## Weapons Policy

### Prohibiting Weapons on Campus Executive Summary:

Consistent with North Carolina General Statute 14-260.2 banning weapons on campus, it is a violation of Queens University of Charlotte (the “University”) policy to possess, store carry or use any Weapon, as defined below, on the University Campus or at a curricular or extracurricular activity sponsored by the University, except as otherwise specifically provided by law.

#### I. Policy

University policy specifically prohibits the possession, storage, carrying or use of any Weapon on the University Campus or at a curricular or extracurricular activity sponsored by a school, including in personal vehicles, except as otherwise specifically provided by law.

For clarity, North Carolina General Statute 14-269.2(i) requires a private college or university to opt out of the specific provision pertaining to employees’ ability to have handguns in their dwellings on campus. As such, the University specifically opts out of the North Carolina General Statute 14-269.2(i), thereby prohibiting employees from having weapons in their dwellings on campus.

For clarity, North Carolina General Statute 14-415.11(c) states: a concealed handgun permit **does not authorize** a person to carry a concealed handgun in following areas (among other areas):

- Areas prohibited by G.S. 14-269.2, including “Educational property”: – Any school building or bus, school campus, grounds, recreational area, athletic field, or other property owned, used, or operated by any board of education or school board of trustees, or directors for the administration of any school. “School” is defined as a public or private school, community college, college, or university.
- On any private premises where notice that carrying a concealed handgun is prohibited by the posting of a conspicuous notice or statement by the person in legal possession or control of the premises.

As such, the University posts conspicuous notices that concealed weapons are prohibited. Violators will be referred for criminal prosecution, and faculty, staff, or student violations are also subject to University disciplinary action.

#### II. Policy Details

It is a violation of University policy to possess, store, carry or use any Weapon on the University Campus, except under the following circumstances:

1. Law enforcement personnel, firefighters, emergency service personnel, and military personnel, carrying out their official duties;
2. A registered armored car service guard or registered armed courier service guard with the permission of the University;
3. Ceremonial or educational uses specifically authorized by the Assistant Vice President for PSCPD or the Chief of Campus Police.

### III. Procedures

Any person who witnesses a violation of this Policy should report such violation immediately to Public Safety & Campus Police. Any violation of this Policy will be referred for criminal prosecution and for appropriate University disciplinary action applicable to faculty, staff, or students.

### IV. Definitions

As used within this Policy, the following terms have the meanings provided below:

1. **Campus:** All property owned or leased by Queens University of Charlotte.
2. **Weapon:** Any object or substance used, attempted to be used, or intended to inflict a wound, cause injury or incapacitate, including, but not limited to, all firearms, explosive agents, chemicals, air or canister propelled guns, knives with blades over four (4) inches, martial arts weapons, or any other “weapon” as defined by NC General Statutes §14-269.2

Toy weapons that look like real weapons are similarly prohibited on campus.

## Campus Disciplinary Action for Students

Although responsibility rests upon the student for his or her own conduct, the Board of Trustees has specifically charged the faculty and administration with the responsibility of prescribing requirements for the orderly behavior and government of all undergraduate students. The University judicial system (community and academic violations only) is jointly administered by the Dean of Students and the Assistant Vice President of University Programs. A complete description of the judicial system is contained in the Honor Code which is available in the Office of the Dean of Students and online at:

[Honor Code](#)

The Board of Trustees has empowered the President with the authority to suspend students from the University in “cases of clear and present danger to lives and property...and in instances of violence to persons...”

If you decide to take part in the University adjudication process, you should contact the Vice President of Student Affairs and Dean of Students for community violations and the Assistant Vice President of

University Programs for academic violations. Charges may either be filed directly by you or by the University on the basis of your written statement. Such a charge would be handled in accordance with the procedures relating to violations of the University’s Honor Code. Individuals could be subject to disciplinary action pending review by the University. Those students found responsible for violating the Honor Code in this way could be suspended, dismissed, or expelled. Pursuant to the University’s disciplinary procedures, both the accuser and the accused are entitled to have an advisor or support person present during the hearing. Students who allege sexual assault by another student may request a change in their academic and living situations on campus after the alleged incident takes place if such changes are reasonably available. Finally, in accordance with federal regulations, both the accuser and the accused will be informed of the outcome of any campus disciplinary proceeding alleging sexual assault.

The University will, upon written request, disclose to the alleged victim of a crime of violence (as that term is defined in section 16 of Title 18, United States Code), or any non-forcible sex offense, the report on the results of any University disciplinary proceeding against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim will be treated as the alleged victim for the purpose of this policy.

### Victim Counseling

Student Health and Wellness Services offers individual counseling, group counseling and referral to a network of specialists, including psychiatrists and treatment facilities in the Charlotte area. Counselors also provide educational programming and outreach to the University community. Counselors are licensed in the state of North Carolina and are capable of addressing the general mental health concerns that may present while in college. These concerns include victim assistance and rape crisis. Counseling services are confidential and free to traditional undergraduate students. The Health and Wellness Center (HWC) also provides medical services which include emergency contraception and STD testing. The Health and Wellness Center is located across from the main campus on Wellesley Avenue. The HWC is open Monday through Friday from 9 am to 5 pm (Wednesday 11 am to 5pm).

For students requiring medical or mental health care when the HWC is not open, resources are available on and off campus. PSCPD are on duty 24 hours a day, 365 days a year and can be reached at 704-337-2306. In addition, there is a University First Responders Team that PSCPD or a Resident Assistant (RA) can contact in the event a treatment decision needs to be made.

<b>24- Hour Care Options</b>	
24-hour Mecklenburg County Domestic Violence Crisis Line	704.332.2513
24-hour Mecklenburg Rape Crisis Line	704.375.9900
RAINN website: <a href="https://www.rainn.org/">https://www.rainn.org/</a>	



<b>After Hours Care</b>	
Morrocroft Urgent Care After Hours Care 4525 Cameron Valley Parkway, Charlotte, NC	704.512.6240
Concentra Urgent Care 1614 South Boulevard, Charlotte, NC	704.338.1268
Novant Health Urgent Care 1918 Randolph Road, Charlotte, NC	704.316.1050
OrthoCarolina Orthopedic Urgent Care 1915 Randolph Road, Charlotte, NC	704.323.2682

<b>Emergency (ER)</b>	
Atrium Health (Carolina Medical Center- Mercy) Emergency Department 2001 Vail Avenue, Charlotte, NC	704.304.5000
Atrium Health (Carolinas Medical Center) Emergency Department 1000 Blythe Boulevard, Charlotte, NC	704.355.2167
Novant Health Emergency Room 200 Hawthorne Lane, Charlotte, NC	704.384.4000

<b>Mental Health Emergencies</b>	
Atrium Health (Carolinas HealthCare System Behavioral Health Centers) 501 Billingsley Road, Charlotte, NC	704. 444.2400 or 800.418.2065
Novant Health Behavioral Health Services 200 Hawthorne Lane, Charlotte, NC	704.384. 4255 or 800.786.1585
Mobile Crisis Team	704.566.3410
United Family Services Rape Crisis Hotline	704.375.9900

<b>24-Hour National Crisis Hotlines</b>	
National Suicide Prevention Lifeline	1.800.273.8255
Hope line Network	1.800.784.2433

### Missing Persons Procedure

In accordance with the Higher Education Opportunity Act, Queens University of Charlotte has

developed and implemented certain procedures to be followed when residential students are determined to be missing for 24 hours. Suspected missing students, who have been missing for 24 hrs., should be reported immediately to the PSCPD. Any person who believes or has received a report of a missing person in reference to a student who resides in on campus housing that is missing should immediately report this information to the PSCPD at 704-337-2306.

Queens University of Charlotte PSCPD will notify any missing student's confidential contact(s), if provided, within 24 hours of the determination that the student is missing for 24 hours. Students are advised that, in the event a student under 18 years of age and not emancipated, PSCPD must notify a custodial parent or guardian within 24 hours of the determination at the student is missing, students are also advised that in addition to notifying any additional contact person designated by the student. Students are also advised that for all missing students, PSCPD will notify the local law enforcement agency within 24 hours of the determination the student is missing, unless the local law enforcement agency was the entity that made that determination.

Once the report of a possible missing student is made with Public Safety & Campus Police, officers will immediately initiate a missing persons' investigation in accordance with North Carolina Law, Campus Police General Order 316 (Missing Persons) and mandated Clery requirements. If it is determined a student is missing, PSCPD will take the following actions:

- a. PSCPD will notify Student Life personnel;
- b. PSCPD will notify the student's contact person within 24 hours of the determination the student is missing;
- c. If the student is under 18 years of age and is not an emancipated minor, PSCPD will notify the student's custodial parent or guardian and any other designated contact person within 24 hours of the determination the student is missing. Regardless of whether the student has identified a contact person, is above the age of 18, or is an emancipated minor PSCPD will inform any other appropriate law enforcement agencies with jurisdiction within 24 hours of the determination the student is missing;
- d. PSCPD and any other appropriate law enforcement agencies will continue to investigate the missing person report.

Nothing above prevents the PSCPD from making notifications earlier than noted above if deemed appropriate under the circumstances. In addition, nothing above prevents Campus Police from contacting other individuals if deemed necessary to prevent harm to a student or others, necessary to the investigation, or otherwise appropriate under the circumstances.

In addition to registering a general emergency contact, **all students residing in on campus housing** will be informed annually, that they have the option to register a confidential missing person contact to be notified by PSCPD no later than 24 hours after the time the student is determined to be missing by the designated University officials authorized to make that determination (specifically, the PSCPD or

the local law enforcement agency in which the student went missing). The registration is optional and the contact name will only be accessed and contacted if a student is officially determined to be missing within 24 hours. The confidential contact should be someone who will be likely to know your location. When students are informed of their option to provide a confidential contact, they are advised that their confidential contact information will be accessible only to authorized campus officials and law enforcement personnel and may not be disclosed outside a missing person investigation. Students may securely register their “Missing Person” confidential contact(s) by using the University’s portal at: <https://myaccount.queens.edu/ICS/Academics/Welcome.jnz>

Log in to the portal and confirm/update the contact information by clicking the “Update Your Contact Information” link.

### Queens University of Charlotte Jeanne Clery Crime Statistics

#### GEOGRAPHIC LOCATION

Type of Offense	Year	On-Campus Property	*On-Campus Student Housing Facilities	Non-Campus Building or Property	Public Property	Total
<b>Criminal Homicide</b>						
Murder/Non-Negligent Manslaughter	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Manslaughter by Negligence	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
<b>Sexual Assault (Sex Offenses)</b>						
Rape	2023	3	3	0	0	3
	2022	9	9	3	1	13
	2021	1	1	0	0	1
Fondling	2023	0	0	0	0	0
	2022	1	1	1	0	2
	2021	1	1	0	0	1
Incest	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Statutory Rape	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
<b>Other Part I Offenses</b>						
Robbery	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Aggravated Assault	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Burglary	2023	4	4	0	0	4
	2022	2	2	0	0	2
	2021	4	2	0	0	6
Motor Vehicle Theft	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0

Arson	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
<b>VAWA Violence Offenses</b>						
Domestic Violence Offenses	2023	0	0	0	0	0
	2022	0	0	1	0	1
	2021	0	0	0	0	0
Dating Violence	2023	0	0	0	0	0
	2022	2	2	4	0	6
	2021	1	1	0	0	1
Stalking	2023	4	0	0	0	4
	2022	3	0	0	0	3
	2021	0	0	0	0	0

\*A **subset** of "on-campus" crimes, which includes those crimes that were reported to have occurred in on-campus housing facilities.

### GEOGRAPHIC LOCATION

Type of Offense	Year	On-Campus Property	*On-Campus Student Housing Facilities	Non-Campus Building or Property	Public Property	Total
<b>Arrests: Type of Offense</b>						
Weapons Violations: Carrying, Possessing, Etc.	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Drug Abuse Violations	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Liquor Law Violations	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
<b>Disciplinary Referrals: Type of Offense</b>						
Weapons Violations: Carrying, Possessing, Etc.	2023	1	1	0	0	2
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Drug Abuse Violations	2023	6	3	0	1	6
	2022	6	6	0	0	6
	2021	18	18	0	0	18
Liquor Law Violations	2023	97	96	1	0	97
	2022	86	86	0	0	86
	2021	36	28	0	0	36

\*A **subset** of "on-campus" crimes, which includes those crimes that were reported to have occurred in on-campus housing facilities.

### Unfounded Crimes

Listed below are crimes classified by police as unfounded. A crime is considered “unfounded” for Clery Act purposes only if sworn or commissioned law enforcement personnel make a formal determination that the report is false or baseless.

2023: Zero unfounded crimes

2022: Zero unfounded crimes

2021: Zero unfounded crimes

## Definition of Crime Categories

Definitions as Defined by the NIBRS User Manual. Does not include North Carolina General Statutes.

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

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

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

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

**Larceny:** The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another.

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

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

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

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

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

**Sexual Assault:** An offense that meets the definition of rape, fondling, incest, or statutory rape as issued 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."

**Rape** is 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. This offense includes the rape of both males and females

**Fondling** is the touching of private parts of another person for purposes of sexual gratification, without 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** is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

**Statutory Rape** is sexual intercourse with a person who is under the statutory age of consent.

## **Domestic Violence, Dating Violence and Stalking 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.

For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of the Clery Act 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-
  - a. Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
  - b. Dating violence does not include acts covered under the definition of domestic violence.

For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of the Clery Act reporting.

**Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- a) Fear for his or her safety or the safety of others,
- b) Or suffer substantial emotional distress.

For the purposes of this definition—

c) *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.

d) *Reasonable persons* means a reasonable person under similar circumstances and with similar identities to the victim.

e) *Substantial emotional distress* means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of the Clery Act reporting.

## Violations of Drug, Liquor and Weapons

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

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

**Weapon Law Violations:** The violation of laws or ordinances dealing with weapon offenses, regulatory

in nature, such as: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; all attempts to commit any of the aforementioned.

### Offense Definitions relating to Hate/Bias Related Crime Statistics

(As defined by the FBI Uniform Crime Reporting Hate Crime Reporting Guidelines) and does not include North Carolina Generate Statutes.

**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.

**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, sever laceration or loss of consciousness.

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

### Hate Crimes Statistics

Queens University of Charlotte strives to foster a safe and healthy learning environment that embodies diversity and inclusion of all members of the University community. The Hate Crime statistics are separated by category of prejudice. Hate crimes are those crimes that manifest evidence that the victim was intentionally selected because of the perpetrator's bias against race, gender, religion, sexual orientation, ethnicity, disability, national origin, or gender identity. Hate crimes are reported for the following crimes that are motivated by bias: Murder and Non-Negligent Manslaughter, Sexual Assault, Robbery, Aggravated Assault, Burglary, Motor Vehicle Theft, Arson, Larceny-Theft, Simple Assault, Intimidation, Destruction/Damage/Vandalism of Property, and any other crime involving bodily injury.

- 2023: No hate crimes reported
- 2022: No hate crimes reported
- 2021: No hate crimes reported

In the Department of Education 2016 edition of the Campus Safety & Security Reporting Handbook, Hate Crime Statistics also now include the categories of National Origin and Gender Identity.

### Definition of Hate Crime Categories



Definitions as Defined by the FBI Uniform Crime Reporting Handbook and does not include North Carolina General Statute.

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

**Bias Crime** - A committed criminal offense that is motivated, in whole or in part, by the offender's bias(es) against a race, religion, disability, sexual orientation, ethnicity, gender, or gender identity; also known as Hate Crime.

**Bisexual** - (adjective) Of or relating to people who are physically, romantically, and/or emotionally attracted to both men and women.

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

**Person with a Disability** - (adjective) Of or relating to persons who have physical or mental impairments, whether temporary or permanent, due to conditions that are congenital or acquired by heredity, accident, injury, advanced age, or illness; (noun) person with a disability.

**Ethnicity Bias** - A preformed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a common language, common culture (often including a shared religion) and/or ideology that stresses common ancestry. The concept of ethnicity differs from the closely related term *race* in that "race" refers to grouping based mostly upon biological criteria, while "ethnicity" also encompasses additional cultural factors.

**Gay** - (adjective) Of or relating to people who are physically, romantically, and/or emotionally attracted to people of the same sex.

**Gender** - (noun) This term is used synonymously with sex to denote whether a newborn is male or female at birth, e.g., "it's a boy" or "it's a girl."

**Gender Bias** - (noun) A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender, e.g., male or female.

**Gender Identity** - (noun) A person's internal sense of being male, female, or a combination of both; that internal sense of a person's gender may be different from the person's gender as assigned at birth.

**Gender Identity Bias** - A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity, e.g., bias against transgender or gender non-

conforming individuals.

**Gender Non-Conforming** - (adjective) Describes a person who does not conform to the gender-based expectations of society, e.g., a woman dressed in traditionally male clothing or a man wearing makeup.

**Hate Crime** - Bias Crime.

**Hate Group** - An organization whose primary purpose is to promote animosity, hostility, and malice against persons of or with a race, religion, disability, sexual orientation, ethnicity, gender, or gender identity which differs from that of the members or the organization, e.g., the Ku Klux Klan, American Nazi Party.

**Heterosexual** - (adjective) Of or relating to people who are physically, romantically, and/or emotionally attracted to people of the opposite sex.

**Homosexual** - (adjective) Of or relating to people who are physically, romantically, and/or emotionally attracted to people of the same sex.

**Lesbian** - (adjective) Of or relating to women who are physically, romantically, and/or emotionally attracted to other women.

**LGBT** - (noun) Common initialism for “lesbian, gay, bisexual, and transgender,” used here to refer to community organizations or events that serve lesbian, gay, bisexual, transgender, and allied people.

**Gender Identity** - A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity, e.g., bias against transgender or gender non-conforming individuals.

**National Origin** - A preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth.

**Racial Bias** - A preformed negative opinion or attitude toward a group of persons who possess common physical characteristics, e.g., color of skin, eyes, and/or hair, facial features, etc., genetically transmitted by descent and heredity which distinguish them as a distinct division of humankind, e.g., Asians, Blacks or African Americans, whites.

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

**Sexual Orientation** - (noun) The term for a person’s physical, romantic, and/or emotional attraction to

members of the same and/or opposite sex, including lesbian, gay, bisexual, and heterosexual (straight) individuals.

**Sexual-Orientation Bias** - (noun) A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived sexual orientation.

**Transgender** - (adjective) Of or relating to a person who identifies as a different gender from their gender as assigned at birth.

## Geography Definitions from the Clery Act

**On-Campus-Defined as:** (1) 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 (2) Any building or property that is within or reasonably contiguous to the area identified in paragraph (1), that is owned by the institution but controlled by another person, is frequently used by students and supports institutional purposes (such as a food or retail vendor).

*Note: Statistics for University housing facilities are recorded and included in both the all on-campus category and the on-campus student housing facilities only category.*

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

**Public Property-Defined as:** All public property, including thoroughfares, streets, sidewalks, and parking facilities, which is within the campus or immediately adjacent to and accessible from the campus. Queens University of Charlotte Crime statistics do not include crimes that occur in privately owned homes or businesses within or adjacent to the campus boundaries.

Fire and Life Safety 2024



## Fire and Life Safety Information

### *Higher Education Opportunity Act of 2008*

On August 14, 2008, President George W. Bush signed the Higher Education Opportunity Act of 2008. This law requires any institution maintaining on-campus student housing to issue an annual fire safety report. The report is to include statistics regarding the number and causes of fires, the number of fire injuries and deaths and value of property damage. It must also include information on each on-campus student housing fire safety system, the number of regular mandatory fire drills, fire safety policies, education programs, and plans for any needed fire safety improvements.

The University developed this report to comply with this act and to better inform the Queens University of Charlotte community - students, prospective students, parents, faculty, and staff - on how fires affect the University's residence facilities. It includes all of the required information on fires, preventative actions, campus guidelines, and training that is conducted to reduce the likelihood and impact of campus fires. Queens University of Charlotte PROHIBITS smoking in all of its buildings.

In the case of fire or any other emergency, all inquiries from the media shall be referred to Marketing and Community Relations.

### *Who to Call During a Fire Emergency*

If a fire occurs in a Queens University of Charlotte building, community members should immediately notify the local fire department by dialing 911. PSCPD can be contacted at 704-337-2306. PSCPD will initiate a response to all fire alarms or reports it receives. Upon confirmation of a fire, the Public Safety & Police Dispatch Center will immediately contact the Charlotte Fire Department.

Fires should be immediately reported to the Department of Public Safety & Campus Police. If a member of the Queens University of Charlotte community finds evidence of a fire that has been extinguished, and the person is not sure whether a member of the PSCPD has already responded, the community member should immediately notify PSCPD to investigate and document the incident. For example, if a housekeeper finds evidence of a fire in a trashcan in the hallway of a residence hall, they should not touch the trashcan and should report the incident to PSCPD immediately and wait for an officer's response. The officer will document the incident prior to removing the trashcan.

Fire alarms alert community members of potential hazards, and community members are required to heed their warning and evacuate buildings immediately upon hearing a fire alarm in a facility. Use the nearest stairwell and/or exit to leave the building immediately. Do not use the elevator. Community members should familiarize themselves with the exits in each building.

## *Daily Fire Log*

The PSCPD publishes a daily fire log summary available each business day from 8 am to 4:30 pm Monday through Friday, excluding holidays. The fire log includes information about fires that occur in resident facilities, including the nature, date, time, and general location. A fire 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. A copy is available for inspection during routine business hours in the PSCPD located in the Withers House. If a fire occurs in a university building, community members should immediately notify PSCPD at 704-337-2306. When calling, please provide as much information as possible about the location, date, time, and cause of the fire. If a member of the Queens University of Charlotte community finds evidence of a fire that has been extinguished, and the person is not sure whether the PSCPD has already responded, the community member should immediately notify the PSCPD to investigate and document the incident.

## *Training*

All Residence Life and Housing Professional Staff and Resident Assistants (RA's) are provided with training at the beginning of the academic year that will enable them to prevent, escape, report or handle any fire emergency within the residence halls.

Training consists of fire alarm systems, evacuation procedures, extinguisher locations, types of extinguishers, classes of fires and hands on experience with portable extinguishers. Training is conducted by Residence Life. Residence Life and Housing covers procedures/policies on the following:

- a. Required fire drills for residence halls and off campus housing;
- b. Hall staff responsibilities;
- c. Individual student responsibilities;
- d. Sanctions for not evacuating;
- e. Steps for reporting a fire;
- f. Fire extinguisher use;
- g. Fire incident reporting;
- h. Fire safety;
- i. Fire alarm and sprinkler policies;
- j. Fire evacuation assembly areas.

All residential students are required to attend hall meetings at the start of the academic year. An overview of fire safety procedures is covered by the Resident Assistants. Fire safety training can be provided upon request by calling the PSCPD at 704-337-2306.

## Fire Drills

Fire Drills are conducted in University residence halls twice per year. The first drill is scheduled early in the fall semester and the second drill is conducted during the spring semester. All fire drills are unannounced.

1. Individual Student Responsibilities
  - a. Wear shoes and something to protect you from the elements;
  - b. Close all windows and doors and exit quietly and orderly;
  - c. Leave through the pre-assigned exit or alternate and report to the determined evacuation area.
2. Sanctions for not evacuating
  - a. Fine, not to exceed \$200;
  - b. Educational sanctions.
3. Steps for reporting a fire
  - a. Activate the fire alarm/pull station;
  - b. Evacuate the building;
  - c. Call Public Safety & Campus Police, 704-337-2306 and provide the following information:
    - i. Your name;
    - ii. Your building, location of fire, nature of fire.
  - d. Inform officials of any students unable to evacuate;
  - e. Go to your evacuation area so Residence Life staff will know you evacuated;
  - f. Wait for further instructions from emergency personnel or Residence Life staff.
4. Fire Extinguisher Use
  - a. At no time should you risk your own safety by attempting to extinguish a fire or to return to a burning building;
  - b. Be familiar with the location and proper methods for using the extinguishers in your building;
  - c. Check all fire extinguishers periodically and report any problems promptly to maintenance;
  - d. Fire extinguishers are located throughout the residence halls.
5. Fire Incident Report
  - a. All fires (active or extinguished) and false alarms must be reported to the PSCPD at 704-337-2306. The PSCPD and the Charlotte-Mecklenburg Fire Department will be dispatched;
  - b. The Fire Department will assure that everything has been properly extinguished;
  - c. The PSCPD officer on duty will contact the Residence Life Coordinator immediately following a fire alarm;
  - d. Reports are completed and returned by the responding staff member and submitted

to the Residence Life Coordinator within 24 hours of the incident.

## 6. Fire Safety

Students and employees should be thoroughly familiar with your building, the fire lanes around your building, fire safety equipment, and emergency procedures. Your attitude and knowledge towards fire safety helps create a safety-conscious student body. Each residence hall is equipped with a range of fire and safety equipment. The University takes fire safety seriously and has established fire safety programs for students living in campus residence halls. A door can be the first line of defense against the spread of smoke or fire from one area to another. Some doors, such as fire doors in corridors or stairwells of residence halls, are designed to stand up to fire longer than those of an individual room. It is important that these doors are closed for them to work. Additionally, if a door has a device that automatically closes the door, it should NOT be propped open. Sprinklers are 98% effective in preventing the spread of fire when operating properly. DO NOT obstruct the sprinkler heads with materials like clothing hanging from the piping. Smoke detectors cannot do their job if they are disabled or covered by the occupant, which is a violation of university policy. Smoking is NOT PERMITTED in any Queens University of Charlotte building. Fire evacuation plans have been developed for each residence hall and copies of these plans can be found in the hallways.



## Fire Safety Systems in Residential Facilities during 2023

### Fire Safety Systems in Residential Facilities

Facility	Fire Alarm Monitoring Done by Third Party Vendor	Partial*1 Sprinkler System	Full *2 Sprinkler System	Smoke Detection	Fire Extinguisher Devices	Evacuation Plans & Placards	Number of Evacuation (Fire) Drills Calendar Year 2023
Albright Residence Hall 2234 Radcliffe Avenue	Yes	No	No	Yes	Yes	Yes	2
Barnhardt Residence Hall 2328 Wellesley Avenue	Yes	No	No	Yes	Yes	Yes	2
Belk Residence Hall 2214 Radcliffe Avenue	Yes	No	No	Yes	Yes	Yes	2
Hall Brown Overcash (HBO) Residence Hall 2216 Radcliffe Avenue	Yes	No	No	Yes	Yes	Yes	2
Hayes Residence Hall 2232 Radcliffe Avenue	Yes	No	Yes	Yes	Yes	Yes	2
Northwest Residence Hall 2210 Radcliffe Avenue	Yes	No	Yes	Yes	Yes	Yes	2
Porter B. Byrum Residence Hall 2205 Wellesley Avenue	Yes	No	Yes	Yes	Yes	Yes	2
Wireman Residence Hall 2218 Radcliffe Avenue	Yes	NO	Yes	Yes	Yes	Yes	2

\*1. Sprinkler System is defined as having sprinklers in the common areas only.

\*2. Full Sprinkler System is defined as having sprinklers in both the common areas and individual room.

## Residence Hall Fire Statistics update table

In effort to keep all residents safe in the residence halls, Residence Life conducts Health and Safety Inspections at least once each semester. Notice, including flyers and posters in the halls, will be given before building-wide inspections are held. On rare occasions, an individual Health and Safety inspection will occur when there is enough concern that a safety issue exists in a specific room.

Location	Year	Total Fires in Each Building	Fire Number	Cause and category of Fire	Number of Injuries that Required treatment at a Medical Facility	Number of Deaths Related to a Fire	Value Ranges for Estimated Property Damage Due to Fire	Case Number
Albright Residence Hall 2234 Radcliffe Avenue	2023	0	0	N/A	N/A	N/A	N/A	N/A
	2022	0	0	N/A	N/A	N/A	N/A	N/A
	2021	0	0	N/A	N/A	N/A	N/A	N/A
Barnhardt Resident Hall 2328 Wellesley Avenue	2023	0	0	N/A	N/A	N/A	N/A	N/A
	2022	0	0	N/A	N/A	N/A	N/A	N/A
	2021	0	0	N/A	N/A	N/A	N/A	N/A
Belk Residence Hall 2214 Radcliffe Avenue	2023	0	0	N/A	N/A	N/A	N/A	N/A
	2022	0	0	N/A	N/A	N/A	N/A	N/A
	2021	0	0	N/A	N/A	N/A	N/A	N/A
Brown Overcash (HBO) Residence Hall 2216 Radcliffe Avenue	2023	0	0	N/A	N/A	N/A	N/A	N/A
	2022	0	0	N/A	N/A	N/A	N/A	N/A
	2021	0	0	N/A	N/A	N/A	N/A	N/A
Hayes Residence Hall 2232 Radcliffe Avenue	2023	0	0	N/A	N/A	N/A	N/A	N/A
	2022	0	0	N/A	N/A	N/A	N/A	N/A
	2021	0	0	N/A	N/A	N/A	N/A	N/A
Northwest Residence Hall 2210 Radcliffe Avenue	2023	0	0	N/A	N/A	N/A	N/A	N/A
	2022	0	0	N/A	N/A	N/A	N/A	N/A
	2021	0	0	N/A	N/A	N/A	N/A	N/A
Porter B. Byrum Residence Hall 2205 Wellesley Avenue	2023	0	0	N/A	N/A	N/A	N/A	N/A
	2022	0	0	N/A	N/A	N/A	N/A	N/A
	2021	0	0	N/A	N/A	N/A	N/A	N/A
Wireman Residence Hall 2218 Radcliffe Avenue	2023	1	1	Small server fire in the basement	0	0	\$7155.06	2023-252
	2022	0	0	N/A	N/A	N/A	N/A	N/A
	2021	0	0	N/A	N/A	N/A	N/A	N/A

## Future Improvements for Fire Safety

The University continues to assess and upgrade fire safety equipment as an ongoing process, to ensure that all equipment meets National Fire Safety standards. Future improvements will be made as needed as part of the ongoing assessment and budget process. The University does not have any planned improvements in fire safety at this time.

## Fire Investigations/Arson

Every fire that is not known to be accidental (such as a cooking fire) is investigated by a trained Department of PSCPD arson investigator. The primary institutional investigator is the AVP for Public Safety & Campus Police. Fires determined through investigation to be willfully or maliciously set are classified as arson for Clery reporting purposes.

## Policy on Portable Electrical Appliances, Smoking and Open Flames

The following are prohibited items (e.g., sources of open flames, such as candles; non-surge protected extension cords; halogen lamps; portable cooking appliances in non-kitchen areas, etc.) or prohibited activities (e.g., smoking in the rooms, tampering with life safety equipment).

## Items not allowed in Residence Halls

While not all inclusive, the following is a list of things that are not allowed in the residence halls and would result in a student failing a Health and Safety Inspection:

- Additional refrigerator or Microwave (apart from Micro fridge unit in each room)
- Large appliances
- Appliances with exposed heating coils
- Hotplates
- Toaster ovens
- Sun lamp
- Halogen lamp
- Candles and/or incense (lit or unlit)
- Room-heating devices, including all space heaters, kerosene or oil lamps, and alcohol burners
- Gasoline-powered items, such as motorcycles, mopeds, or parts thereof
- Pressurized tanks (e.g., helium tanks)
- Flammable and/or combustible liquids and/or chemicals, including gasoline and charcoal
- Grills of any type (except UL-listed Foreman-style grills in apartments)
- Extension cords
- Pets other than fish (except approved Emotional Support Animals or Service Animals)
- Christmas Lights (string lights)

- Live trees
- Extra furniture
- Weapons
- Fireworks
- Hover Boards
- Drugs and/or drug paraphernalia
- Alcohol (if under 21)

## Fire Alarm and Sprinkler System Policies

Giving false fire alarms or tampering with a fire alarm or sprinkler equipment is an offense under State of North Carolina criminal law.

- A. It shall be unlawful for any person or persons to wantonly and willfully give or cause to be given, or to advise, counsel, or aid and abet anyone in giving a false alarm of fire, or to break the glass key protector, or to pull the side arm, or lever of any station or signal box of any fire station, or willfully, misuse or damage a portable fire extinguisher or in any way to willfully interfere with, damage, deface, molest, or injure any part or portion of any fire alarm, fire detection, smoke detection, or fire extinguishing system.
- B. Any person violating this statute or any of the provisions of this section shall be guilty of a misdemeanor punishable by a fine not to exceed five hundred dollars (\$500), imprisonment for not more than six months, or both and is punishable under Queens University of Charlotte policy.
- C. Any student who does not leave the residence hall during a fire alarm will be subject to a maximum penalty of \$200 and/or mandatory participation in a work program, imposed by the campus judicial system and/or Housing Agreement.
- D. Students should take special precautions to avoid tampering with, molesting, or accidentally activating the building sprinkler or smoke detection system. For example, sprinkler heads should not be used as a way to hang items in the room. Students may be held liable for damages that occur in rooms/common areas and may be cited by the PSCPD or the Charlotte-Mecklenburg Fire Department.

## Emergency Procedures

Emergency events that threaten the welfare, safety, or health of staff, faculty, students, and visitors, though unforeseeable situations, may be dealt with in such a way as to minimize the likelihood of injury or loss of life. Queens University of Charlotte has developed procedures to help its personnel respond to a variety of emergencies.

In the event of fire or potential emergency events such as severe medical situations, bomb threats, extreme weather conditions and power loss, the procedure for evacuation outlined in this policy shall be followed. Following this plan will ensure a safe and orderly evacuation of the building in the shortest time. It should be noted that all buildings are equipped with fire extinguishers, emergency lighting and lighted EXIT signs, as required by law. The University requires the cooperation of all staff, faculty, guests, and students in conducting training and drills and responding according to established procedures, if such events arise. Training will be provided to ensure that all employees follow appropriate emergency procedures. The University relies upon the coordinated action of an extensive emergency response team to evacuate campus buildings quickly and effectively in emergencies. This team includes but is not limited to Public Safety & Campus Police, Building Captains, Charlotte Fire Department, and the Charlotte-Mecklenburg Police Department.

### **Procedures for Student Housing Evacuation in Case of a Fire**

In the event of a fire, Queens University of Charlotte expects that all campus community members will evacuate by the nearest exit, closing doors and activating the fire alarm system (if one is present) as they leave. Once safely outside a building, it is appropriate to contact 911 and the PSCPD. Students and/or staff are informed where to be relocated by staff if circumstances warrant at the time of the alarm. In the event fire alarms sound, University policy is that all occupants must evacuate from the building, closing doors as they leave. No training is provided to students or employees in firefighting or suppression activity as this is inherently dangerous and each community member's only duty is to exit safely and quickly, shutting doors along the exit path as they go in order to contain the spread of flames and smoke, as well as activating the alarm as they exit. At no time should the closing of doors or the activation of an alarm delay the exit from the building.

### **General Procedures**

Faculty, staff, and students shall familiarize themselves with the location of emergency exits, the locations of fire alarm pull stations and emergency telephones nearest the areas where they live, work or study.

**Immediate Response Procedure in the Event of Fire:** Any faculty, employee, or student discovering smoke and/or fire should perform the following activities as appropriate:

If the fire is small:

- a. Report the findings at once to the PSCPD if time permits;
- b. Attempt to extinguish the fire with a fire extinguisher;
- c. Activate the nearest alarm by pulling a fire alarm pull-station or, in buildings where there is no fire alarm system, alert building occupants by word of mouth.

If the fire is severe and threatening dial 911 and provide the following information:

1. Your name and location;
2. Location of fire;
3. Details as requested;
4. Leave the building as quickly as possible.

In case of electrical or other serious fire, no attempt should be made to deal with the fire unless such action is compatible with the safety of all concerned.

### Evacuation Procedures of Building

In the event that an emergency situation requires the complete evacuation of the floor or building, the following procedures will apply to all departments, employees, students, and visitors:

1. An employee or student discovering a fire or other emergency necessitating a general alarm shall activate the fire or necessary alarm; and once safely outside the building, will call the PSCPD at 704-337-2306 or 911 and give appropriate information.
2. Everyone must leave the building immediately, in an orderly fashion, by the closest possible exit. Exit from emergency stairwells where indicated. Do not use elevators.
3. The first person to reach any exit door should touch it to determine if it is hot. If the door feels hot, direct evacuating persons to an alternate exit route.
4. In smoke areas, stay low (out of highest concentration of smoke).
5. Maintain a single file and keep to the right on stairways so that persons entering the stairwell from lower floors can merge safely into the line and emergency response personnel can use the opposite side.
6. Once outside report to the designated assembly area or move far away from the building. Do not obstruct the exit doors at street level. Clear the area.
7. Remain in the assigned assembly area until instructed by the appropriate authority to return to the building or to move to a safer location.
8. Do not re-enter the building until the Charlotte Fire Department or the PSCPD gives an "All Clear" signal.
9. Obey the directions of the PSCPD Officers at all times.

### Students with Accessibility Needs

At the beginning of each semester, the Office of Student Accessibility Services shall provide the PSCPD

with a comprehensive list of all students with Accessibility issues and the type of Accessibility issue in order to enable the department plan for eventual evacuation. Faculty, staff, and students are encouraged to communicate to PSCPD or Fire Officials, as they exit, the location of any disabled person within the building.

**In the event of a fire:**

1. Disabled persons are to be evacuated by the stairwells with the assistance of PSCPD or the Charlotte Fire Department personnel.
2. Generally, wheelchairs should not be carried down the stairs; a person who, for reasons of personal health or safety, may not be removed from his or her wheelchair must so inform the fire or police officials.
3. Evacuation chairs, if available, should be brought to assist the non-ambulatory.

**Notes: Overall Annual Security & Fire Safety Report**

We urge members of the University community to use this report as a guide for safe practices on and off-campus. The PSCPD sends an e-mail to every enrolled student and current employee on an annual basis to notify them that the report is available to be viewed. The email includes a brief summary of the contents of this report and the web address for the PSCPD website where the Annual Security and Fire Safety Report can be found. This report may be found at the Public Safety and Campus Police website at:

[Queens University of Charlotte Annual Security Report](#)

A copy of the report will be mailed to anyone requesting a copy. Anyone may obtain a copy at the PSCPD.

**Queens University of Charlotte  
Public Safety and Campus Police Department  
Watkins Hall  
2222 Radcliffe Avenue  
Charlotte, NC 28274  
704-337-2306**

