YOUR GUIDE TO SAFETY ON CAMPUS

2019 Annual Security and Fire Report
Durham Tech Police and Public Safety
September 2019
919-536-7255
durhamtech.edu
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Message from the President

Thank you for your interest in Durham Technical Community College – the community college of the City of Medicine in the Research Triangle Park region and the first-choice higher education institution of Durham and Orange counties.

Durham Tech values our students and our community. One of our founding core values is to provide "a welcoming, vibrant, and safe campus environment." We continuously work to make sure our campus community has access to safety resources and that students have a welcoming and safe campus to access greater learning.

The following Annual Security and Fire Report is one of those resources, providing our students with information about campus locations and safety alerts, the College's requirements, incident reporting and response, and specific crime statistics relevant to our campus community.

In recent years, the College has prioritized campus safety with additional resources including the formation of the Emergency Preparedness Committee and the installation of 28 new blue light emergency call boxes on Main Campus and three at the Northern Durham Center and an emergency speaker on Main Campus. The College conducts emergency response exercises each year that are designed to evaluate our campus emergency plans.

As you review this report, I invite you to explore other safety resources on the Police and Public Safety and Office of Institutional Equity and Inclusion web pages. Thank you again for being a part of our commitment to campus safety.

Dr. William G. Ingram
OUR PURPOSE
Durham Tech, a comprehensive community college serving Durham and Orange counties, follows an open door with guided placement admissions policy to provide older teenagers and adults an opportunity to better themselves through education and training. We offer technical and occupational programs leading to a degree, diploma, or certificate; the first two years of a four-year degree; general education and corporate and continuing education courses for workforce preparation and personal growth and development; and adult basic skills instruction that includes high school equivalency preparation, the Adult High School diploma, and English as a Second Language classes.

OUR MISSION
Durham Tech champions learning and success, delivers outstanding teaching and service, and develops career skills for today and tomorrow.

KEEPING THE COLLEGE SAFE AND SECURE
Durham Tech values the safety, welfare, and protection of all students, faculty, staff, visitors, and college property. The College is committed to providing a safe and secure environment for everyone. The information contained in this document is prepared to increase awareness of the current programs that exist to assist in protecting the safety and well-being of all individuals. A college community, like any other community, experiences accidents, crimes, and injuries. Unfortunately, absolute safety cannot be guaranteed to anyone. Therefore, students, staff, and visitors are also responsible for taking measures to protect themselves and their possessions. Durham Tech has been fortunate in experiencing few crimes but such incidents can occur. We treat all incidents seriously. This document is provided as a part of the College’s commitment to safety and security and is in compliance with federal law, specifically The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, also known as The Clery Act.

THE JEANNE CLERY DISCLOSURE OF CAMPUS SECURITY POLICY AND CAMPUS CRIME STATISTICS ACT
The Clery Act and the United States Department of Education’s regulations require Title IV-participating institutions to publish an annual security report containing safety- and security-related policy statements and crime statistics and distribute it to all current students and employees. Institutions must also inform prospective students and employees about the availability of the report.

The Clery Act requires colleges and universities to publish an annual report every year by Oct. 1 that contains three years of campus crime statistics and certain campus security policy statements. This report must:

- 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 College officials who have “significant responsibility for student and campus activities.”

- Provide “timely warning” notices of those crimes that have occurred and pose an ongoing threat to students and employees.
• 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.”

• Prohibit the institution or an officer, employee, or agent of the institution participating in any program under this title from retaliating, intimidating, threatening, coercing, or otherwise discriminating against any individual with respect to the implementation of any provision of the Clery Act.

The entire Clery Act report is found on the U.S. Department of Education Campus Safety and Security website.

This report is prepared to fulfill the requirements of Title IV of the Higher Education Act of 1965, as amended in 1998, the provision of an Annual Security Report as described under §668.46. This report can be found on the Durham Tech Police and Public Safety department web page. Each member of the college community receives notification that describes the report and provides its web address. Anyone wishing to obtain a paper copy of the report can contact Durham Tech Police and Public Safety at 1637 Lawson St., Durham, N.C., 27703, or call 919-536-7255.

Durham Tech values a welcoming, vibrant, and safe campus environment. We encourage you to read this document and utilize the safety and security information to sustain and protect our most valuable resource – our community.

For questions about this document or campus security, please contact Dawn Tevepaugh, Chief/Director of Police and Public Safety, at tevepaugha@durhamtech.edu or 919-536-7200, ext. 5555. Our security and police personnel are available to assist and help address campus safety concerns on Durham Tech campuses.
For purposes of reporting Clery statistics, the College must distinguish criminal offenses based on where they occur. Statistics are separated into geographic categories including: On Campus, Non-Campus, and Public Property.

GEOGRAPHY CATEGORIES AND DEFINITIONS

ON CAMPUS

1. Any building or property owned or controlled by an institution within the core campus (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:
   1. That is owned by the institution but controlled by another person.
   2. Is frequently used by students.
   3. Supports institutional purposes (such as food or retail vendor).

NON-CAMPUS

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
All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the core campus or immediately adjacent to and accessible from the core campus. This also extends into public parks immediately adjacent to and accessible from campus.

MAIN CAMPUS CLERY MAP

View printable version (pdf)
OVERVIEW OF THE DURHAM TECH POLICE AND PUBLIC SAFETY

The Police and Public Safety office operates 24 hours a day, 365 days a year. The primary Police and Public Safety office is located on the Main Campus in Building 8. Secondary security stations are located at the Northern Durham Center and the Orange County Campus.

ENFORCEMENT OF AUTHORITY

Durham Tech Police and Public Safety department employs officers that are commissioned as sworn law enforcement officers by the North Carolina Department of Justice, Criminal Justice Standards Division. Police officers must meet minimum certification standards for police officers in the State of North Carolina. Officers have the authority to make arrests and are sworn to enforce statutes of North Carolina. Campus police officers are armed and must qualify annually to carry a firearm. Additionally, every law enforcement officer certified by the Criminal Justice Education and Training Standards Commission must annually receive at least 24 hours of in-service training. The training areas included in this requirement are outlined by the Criminal Justice Education and Training Standards Commission. Results are reported to the North Carolina Department of Justice, Criminal Justice Education, and Training Standards Commission.

The territorial jurisdiction of the department includes all property owned or leased by the college and the portion of any public road or highway passing through such property and immediately adjoining it wherever located within the State of North Carolina.

Durham Tech police officers are responsible for a full range of public safety services, including investigation and reporting of all crimes committed on campus, responding to medical and fire emergencies, and enforcing state and local laws regarding the use of controlled substances, alcohol, and weapons as well as enforcing college policies. A daily crime log is kept in the Police and Public Safety office on Main Campus for review by the general public.

Durham Tech non-sworn security officers do not have powers of arrest. They are responsible for patrolling campus property for the safety and welfare of students, faculty, staff, visitors, and their belongings. They also provide security to campus property including buildings, vehicles, equipment, and land. They enforce college rules and regulations pertaining to students, faculty, staff, and visitors while on college property and assist students, faculty, and staff whenever practicable to provide for their safety and welfare.

The Durham Tech Police and Public Safety officers provide additional services to the college community including, but not limited to, the following: personal assistance, assistance with vehicle jump starts, and escorts upon request for individuals going between locations or to their vehicles.

Durham Tech recognizes it is vital to maintain a close working relationship with all local police, state agencies, and other emergency response agencies, specifically those with joint or mutual jurisdiction considerations and responsibilities. The Durham Tech Police and Public Safety department has written memoranda of understanding with the local police department, Durham City Police, regarding the investigation of alleged criminal offenses. There is also a written memoranda of understanding with the Durham County Sheriff’s Office and the North Carolina Central University Police Department regarding the
CAMPUS SECURITY AUTHORITIES

Campus security authorities include any Durham Tech official who has a significant responsibility for campus security and for certain student and campus activities. More specifically, they include the following:

- Durham Tech Police and Public Safety;

- Any individuals not employed by Durham Tech Police and Public Safety department but having responsibility for monitoring entrance into institutional property (e.g., security officers employed for special events on institutional property);

- Personnel responsible for counseling and student development, academic and personal counseling, and disability services.

INCIDENT REPORTING AND RESPONSE

Campus community members — students, faculty, staff, and guests — are encouraged to report all criminal actions, emergencies, and other public safety-related incidents occurring within the College’s Clery geography to the Durham Tech Police and Public Safety department in an accurate and prompt manner. The College’s Clery geography includes on-campus property including campus 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.

Durham Tech Police and Public Safety has been designated as the official office for campus crime reporting and strongly encourages the accurate and prompt reporting of crimes. Accurate and prompt reporting ensures Durham Tech Police and Public Safety personnel are able to evaluate, consider, and send timely warning reports and accurately document reportable crimes in the annual statistical disclosure.

Durham Tech further encourages accurate and prompt reporting to Durham Tech Police and Public Safety department and/or the local police when the victim of a crime elects to, or is unable to, make such a report. This publication focuses on Durham Tech Police and Public Safety department because they have the primary responsibility for patrolling Durham Tech properties. However, criminal incidents or incidents off campus can be reported to the Durham City Police Department.

Durham Tech encourages pastoral and professional counselors, if and when they deem appropriate, to inform the persons they are counseling of any procedures to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics.

Community members, students, faculty, staff, and guests should report criminal offenses. With such information, the college can keep an accurate record of the number of incidents involving students, faculty, staff, and visitors; 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 college’s annual crime statistics and for making timely warning reports. Reports of all crimes and public safety-related incidents can be made to the Durham Tech Police and Public Safety department as follows:
• To report a crime or an emergency at the Durham Tech Main Campus, call Police and Public Safety at 911 or extension 5555 or, from outside the college phone system, call 919-536-7255, ext. 5555.

• To report a crime or an emergency at the Durham Tech Northern Durham Center, call Police and Public Safety at 911 or extension 5555 or, from outside the college phone system, call 919-536-7255, ext. 5555.

• To report a crime or an emergency at the Durham Tech Orange County Campus, call Police and Public Safety at 911 or extension 5555 or, from outside the college phone system, call 919-536-7255, ext. 5555, or 919-732-4185. You may also report a crime to the Hillsborough Police Department at 911 or 919-296-9500.

• To report a crime or an emergency at the Duke Street North Campus, call Police and Public Safety at 911 or extension 5555 or, from outside the college phone system, call 919-536-7255, ext. 5555. You may also report a crime to the Durham City Police Department at 911 or 919-560-4427.

• To report a non-emergency security or public safety-related matter or to request non-emergency assistance, call Police and Public Safety at extension 5555 or, from outside the college phone system, call 919-536-7255.

Durham Tech Police and Public Safety dispatchers are available 24 hours a day to answer campus community calls. Durham Tech Police and Public Safety procedures require an immediate response to emergency calls. The department’s personnel work closely with a full range of city and county resources to assure a complete and timely response to all emergency calls. Priority response is given to crimes against persons and personal injuries. The Durham Tech Police and Public Safety office responds to all reports of crimes and/or emergencies that occur on campus, adjacent to campus within its public property reporting area, or within a campus-controlled, -owned, -operated, and/or -recognized facility, building, or area.

Durham Tech Police and Public Safety personnel can notify Durham City Police emergency dispatchers of emergency situations occurring on campus via portable, mobile, and fixed two-way radio communications systems and by transferring telephone calls to the 911 emergency center. This system allows Durham Tech Police and Public Safety personnel to summon assistance from emergency responders if deemed necessary and appropriate. Incidents occurring on campus, in non-campus buildings, or on recognized property adjacent to or contiguous to college-owned, -controlled, -operated, or -recognized facilities, buildings, or areas are documented and processed for further investigation and reviewed by the chief/director of Police and Public Safety.

To obtain information or request any public safety or safety escort services, community members should call 919-536-7255, ext. 5555, when dialing outside the college system. Located throughout campus are well-marked red phones. These red phones access the campus phone system and can be used like any campus extension. For example, call ext. 5555 to obtain emergency assistance. When placing an emergency call, callers should stay on the line and wait for the dispatcher to end the call. These phones should be used when seeking information and/or reporting activities – including criminal incidents. If a member of the community finds any of these phones inoperative or vandalized, they should call the Durham Tech Police and Public Safety department so that the phone can
be repaired or replaced as quickly as possible. If assistance is required from the Durham City Police or Durham Fire Department, Durham Tech Police and Public Safety Department personnel will contact the appropriate unit.

The chief/director of Police and Public Safety office reviews all incident reports and, when appropriate, forwards reports to the executive vice president and vice president of Student Engagement, Development, and Support for potential action. The Durham Tech Police and Public Safety personnel investigates a report when it is deemed appropriate. Additional information obtained via the investigation will also be forwarded to the executive vice president and vice president of Student Engagement, Development, and Support. If assistance is required from additional local law enforcement, the Durham Tech Police and Public Safety personnel will contact the appropriate unit. Reports of sexual misconduct are reported to the Durham Tech Title IX coordinator for further investigation.

If a sexual assault or rape should occur, staff on the scene, including security officers, will offer the victim a wide variety of services. Durham Tech is a partner with the local Sexual Assault Response Team (SART) and has trained members who are available to assist a victim. This annual security report contains information about on- and off-campus resources and services and is made available to the Durham Tech community. The information regarding “resources” is not provided to infer that those resources are “crime reporting entities” for Durham Tech.

Emergency Phones

There are 28 blue light call boxes on Main Campus and three blue light call boxes on the North Durham Campus. Anyone using a call box is directly connected to the Durham Tech Police and Public Safety Department Communications Center. Police and/or security officers are dispatched to an activated call box and can, if necessary, speak directly with the person using the call box via the officer’s portable radio. Durham Tech Police and Public Safety personnel routinely check call boxes and campus lighting. Repair requests are made to Facility Services and Information Technology Services.

The college does not have off-campus student organizations. On-campus student organizations and classes that engage in off-campus activities should report crime incidents to the local law enforcement agency where the incident occurred and to the Durham Tech Police and Public Safety department. The Durham Tech Police and Public Safety personnel monitors and records crimes reported through local police agencies of criminal activity by students at non-campus locations of student organizations officially recognized by the institution. Durham Tech does not have any student organizations with non-campus housing facilities.

Employees participating in college-sponsored off-campus activities should report crime incidents to the local law enforcement agency where the incident occurred and to the Durham Tech Police and Public Safety office.

CONFIDENTIAL AND ANONYMOUS REPORTING PROCEDURES

If an individual is the victim of a crime at Durham Tech or while participating in a college-sponsored off-campus activity and does not want to pursue action through the college or the criminal justice system, they may still want to consider making a confidential report. With their permission, the chief/director of Police and Public Safety or one of the Durham
Tech Police and Public Safety personnel can file a report with the details of the incident without revealing their identity. The purpose of a confidential report is to comply with their wish to keep the matter confidential while taking steps to ensure the future safety of themselves and others. With such information, the College can keep an accurate record of the number of incidents involving students, faculty, staff, and visitors; 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 college’s annual crime statistics.

Confidential reports can be made to the Durham Tech Police and Public Safety department where the name of the victim will not appear in the report. The Title IX Office will also take private reports in compliance with applicable laws and regulations. The College will take precautions to protect the privacy of both the victim and the suspect. However, students should understand that, under conditions of imminent harm to the community, the College is required by federal law to inform the community of the occurrence for the protection of all community members. In addition, the College cannot guarantee confidentiality by other students who may be involved as witnesses.

**Limited Voluntary Confidential Reporting Procedures**

When a complainant does not consent to the disclosure of his or her name or other identifiable information to the alleged perpetrator, the college’s ability to respond to the complaint may be limited.

Additionally, personally identifiable information about the victim will be treated as confidential and shared only with persons with a specific need to know, who are investigating or 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, the College 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 the institution to provide the accommodations or protective measures.

Reports of crimes can also be made anonymously to Durham CrimeStoppers by calling 919-683-1200. CrimeStoppers will keep the caller’s identity confidential and will refer crimes that occur on campus to the Durham Tech Police and Public Safety department. All reports are investigated, and the perpetrators are either prosecuted, referred to the vice president of Student Engagement, Development, and Support for discipline under the Student Code of Conduct, or both. Campus police officers prepare cases and testify in court or disciplinary hearings as necessary.

This publication contains information about on-campus and off-campus resources. The information is made available to provide the Durham Tech community with specific information about the resources that are available in the event that they become the victim of a crime, sexual harassment, domestic violence, or dating violence. The information about resources is not provided to infer that those resources are "reporting entities" for Durham Tech. Crimes should be reported to the Durham Tech Police and Public Safety department to ensure inclusion in the annual crime statistics and to aid in providing timely warning notices to the community, when appropriate.
REPORTING A CRIME TO THE DURHAM CITY POLICE DEPARTMENT

A person reporting a crime to Durham Tech Police and Public Safety has the right to report the crime to the Durham City Police Department and/or Durham County Sheriff’s Office by calling 911. Durham Tech officers regularly discuss this option with the victim of a crime and will assist the victim with that process.

OFF-CAMPUS CRIME

Durham Tech does not have any campus housing or off-campus student organization facilities but does have a variety of non-campus facilities located away from the Main Campus.

Durham Tech Police and Public Safety personnel handle criminal matters at all college-owned facilities located within a reasonable distance from Main Campus. Situations occurring at properties that are more distant from the Main Campus are handled either entirely by the local law enforcement agency with jurisdiction (i.e., Durham City Police or Durham County Sheriff’s Department) or handled by such agencies in conjunction with Durham Tech Police and Public Safety department.

If one of the local law enforcement agencies responds or is contacted about criminal activity occurring off campus involving Durham Tech students, they may notify Durham Tech Police and Public Safety. However, there are no official agency policies requiring such notification. Students in these cases may be subject to arrest by the local agencies. Students who exhibit behavior that persistently or grossly disrupts the educational process or functioning of the college may result in disciplinary action whether it occurs on campus, online, or at a college-sponsored activity. Off-campus behavior that may indicate an articulable, imminent, and significant safety threat to the college may also be considered in applying sanctions based on the Student Code of Conduct. Violations of this code of conduct may result in immediate sanctions, including probation, suspension, or expulsion from the college. Additionally, the College may defer imposition of sanctions pending the outcome of an investigation.

Durham Tech Police and Public Safety personnel monitors off-campus criminal activity that may affect the college community so that the college can provide timely warnings and advisories. Durham Tech Police and Public Safety personnel disseminates this information via campus media, email, and posted bulletins. Although the department does not routinely record statistics on crimes that occur outside its legal jurisdiction, it does collect and publish statistics for select crimes occurring on public streets immediately adjacent to college property.

In general, prospective students, employees, and visitors to Durham Tech should know that, as with any campus, there is crime both on and off campus and that it is important to take reasonable precautions at all times. The Durham Tech Police and Public Safety department can assist any member of the Durham Tech community in determining an appropriate point of contact for police matters falling outside of the college department’s jurisdiction. Contact Durham Tech Police and Public Safety at 919-536-7255, ext. 5500, for assistance. For additional local, off-campus information, individuals can contact the Durham City Police Department and the Durham County Sheriff’s Office.
PREPARATION OF ANNUAL CRIME STATISTICS & CLERY COMPLIANCE

The following information provides context for the crime statistics reported as part of compliance with the Clery Act. The Durham Tech Police and Public Safety department is primarily responsible for preparing the Annual Security and Fire Safety Report. This responsibility resides with the director of Public Safety or designee. The procedures for preparing the annual disclosure of crime statistics include reporting statistics to the College community obtained from the following sources: the Durham Tech Police and Public Safety department, the Durham City Police Department, the Durham County Sheriff’s Office, the Orange County Sheriff’s Office, the Hillsborough Police Department, the NC Highway Patrol, and non-police or public safety personnel who have been designated as campus security authorities or CSAs. The Student Engagement, Development, and Support and the Human Resources departments are key offices from which drug, liquor, and weapon offense referral data is obtained. For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year the crime was reported.

The director of Durham Tech Police and Public Safety coordinates final report preparation with Human Resources and Student Engagement, Development, and Support personnel and the Title IX coordinator.

A written request for statistical information is made at least on an annual basis to all CSAs (as defined by federal law). CSAs are also informed in writing and through training to report crimes to Durham Tech Police and Public Safety in a timely manner, so those crimes can be evaluated for timely warning purposes. CSA is a Clery-specific term that encompasses four groups of individuals and organizations associated with an institution:

- A campus police department or a campus security department of an institution;
- Any individual or individuals who has or 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 an institutional property);
- 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;
- 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.

Statistical information is not requested from, nor is it provided by, certified counselors of the counseling center or pastoral counselors. Certified counselors and pastoral counselors are not required by law to provide statistics for this compliance document. Counseling and pastoral professionals, as defined by the federal law, who act in such capacities, have been advised that, while they are not obligated to report crimes for the purpose of compiling these statistics, they are encouraged, when they deem it appropriate, to inform the persons they are counseling of their ability to report any crimes to Durham Tech Police and Public Safety for inclusion in the annual statistics. The counseling staff facilitate anonymous reporting, as outlined earlier in this Annual Security and Fire Safety Report.
Anonymous reports of Clery Act crimes received by a CSA and reported to Public Safety are included in the College’s annual crime statistics.

All statistics are gathered, compiled, and reported to the college community via this report, entitled the Annual Security and Fire Safety Report, which is published by the Durham Tech Police and Public Safety department. The department’s personnel submits the annual crime statistics published in this publication to the Department of Education. The statistical information gathered by the Department of Education is available to the public through its website.

Durham Tech Police and Public Safety personnel emails about the availability of the Annual Security and Fire Safety Report. The email includes a brief summary of the report’s contents. The email also includes a link to the Durham Tech Police and Public Safety department’s web page, where the Annual Security and Fire Safety Report can be found, and notice that a physical copy can be obtained by making a request to Durham Tech Police and Public Safety by calling 919-536-7255 or in person at the department’s office at 1637 E. Lawson St., Building 8.

SPECIFIC INFORMATION ABOUT CLASSIFYING CRIME STATISTICS

The statistics in this document are published in accordance with the standards and guidelines used by the FBI Uniform Crime Reporting Handbook and National Incident-Based Reporting System (NIBRS), relevant federal law (the Clery Act), and applicable state law (the North Carolina Uniform Crime Reporting Act).

UNFOUNDED CRIMES

If a crime is reported as occurring on campus, in or on non-campus buildings or property, or on public property and the reported crime is investigated by law enforcement authorities and found to be false or baseless, the crime is considered to be "unfounded." Only sworn or commissioned law enforcement personnel may “unfound” a crime.

DAILY CRIME LOG

A daily crime log is available for review in the Police and Public Safety department in Building 8 on Main Campus during normal business hours Monday through Friday, excluding holidays. The information in the daily crime log includes the nature, date, time, general location, and disposition of each crime. Information may be withheld if release of the information may jeopardize an ongoing investigation.

ANNUAL FIRE SAFETY REPORT AND MISSING STUDENT POLICY

Durham Tech is a non-residential institution of higher education. Therefore, the college is not required by the Clery Act to maintain a fire report or to have a missing student policy.

FIRE PREVENTION INFORMATION

All campus buildings have smoke detectors, and some are equipped with sprinkler systems. All buildings have a fire alarm control panel, which identifies the area of the building that is under alarm. Newer buildings have alarm panels, which automatically call the fire-monitoring agency when activated. Officers respond to all alarms, assist in the evacuation of the building, and direct responding emergency services personnel to the scene.
Students and employees are directed to report all fires to Durham Tech Police and Public Safety by calling 919-536-7255 or 911 if there is an active fire occurring.

The safety compliance officer conducts periodic fire drills (evacuations) on all campuses during the academic year. The College requires complete evacuation of buildings during a fire alarm. Ignoring fire alarms is a violation of fire codes and could result in appropriate action against the responsible person. Since false alarms may lower the evacuation response from the college community, the safety compliance officer, with the help of Facility Services, will investigate the cause or causes of false alarms and work to reduce their occurrence. By reducing the number of false alarms, the Durham Tech police department hopes to maintain everyone’s diligence in responding. Durham Tech Police and Public Safety personnel, the safety compliance officer, and Facility Services work jointly to determine when applicable improvements in fire safety are necessary for the institution per National Fire Prevention Act codes.

The fire alarms alert individuals to a potential hazard. Members of our campus community are directed to familiarize themselves with the evacuation routes and exits in each building, heed the alarms, and use the nearest fire exit to leave the building immediately. Evacuation signage is posted in each campus building. The city fire marshal can levy a penalty for those failing to evacuate the building promptly with a more positive reason for compliance being safety.

Durham Tech Police and Public Safety personnel, jointly with the safety compliance officer, provide a two-hour training class through the Durham Tech Professional Development program several times annually for employees. This training covers medical emergencies, weather-related emergencies, evacuations, fires, use of fire extinguishers, emergency communications, and active shooter situations. This class is also taught to students at the specific request of instructors.

More information for fire prevention and response can be found in the Health and Safety Manual, which contains the College’s Emergency Response Plan.

The following fire drills were conducted during 2018:

<table>
<thead>
<tr>
<th>Date</th>
<th>Time</th>
<th>Building</th>
<th>Note</th>
<th>Pre-Notification</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mon., 3/05/18</td>
<td>9:05 a.m.</td>
<td>BLD-5-ERC</td>
<td>Main panel activation</td>
<td>No</td>
</tr>
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<td>Mon., 3/05/18</td>
<td>9:25 a.m.</td>
<td>BLD-6-CEC</td>
<td>Main panel activation</td>
<td>Essential staff</td>
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<td>9:40 a.m.</td>
<td>BLD-3-Phillips</td>
<td>Main panel activation</td>
<td>Essential staff</td>
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<td>Mon., 3/05/18</td>
<td>9:51 a.m.</td>
<td>BLD-1-White</td>
<td>Pull station activation</td>
<td>No</td>
</tr>
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<td>Mon., 3/05/18</td>
<td>10:17 a.m.</td>
<td>BLD-2-Collins</td>
<td>Main panel activation</td>
<td>Essential staff</td>
</tr>
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<td>Mon., 3/05/18</td>
<td>10:37 a.m.</td>
<td>BLD-7-FS</td>
<td>Conducted using air horn</td>
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<td>10:55 a.m.</td>
<td>BLD-20-BaconSt</td>
<td>Main panel activation</td>
<td>Essential staff</td>
</tr>
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<td>11:25 a.m.</td>
<td>BLD-8</td>
<td>Main panel activation</td>
<td>Essential staff</td>
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<td>12:35 p.m.</td>
<td>BLD-9-Tech</td>
<td>Main panel activation</td>
<td>Essential staff</td>
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<td>12:45 p.m.</td>
<td>BLD-4-Newton</td>
<td>Main panel activation</td>
<td>Essential staff</td>
</tr>
<tr>
<td>Mon., 3/05/18</td>
<td>2:15 p.m.</td>
<td>BLD-10-Wynn</td>
<td>Main panel activation</td>
<td>Essential staff</td>
</tr>
</tbody>
</table>
ACCESS TO CAMPUS FACILITIES

Most college facilities are open to the public during the day and evening hours when classes are in session. During times that the college is officially closed, college buildings are locked. Authorized personnel may be admitted to campus facilities after signing in at the Police and Public Safety office and must present a valid college identification card prior to admittance. When buildings are locked, students are admitted only when accompanied by a faculty or staff member.

MAINTENANCE OF CAMPUS FACILITIES

Facilities and landscaping are maintained in a manner that minimizes hazardous conditions. Durham Tech Police and Public Safety personnel regularly patrol the campuses and report malfunctioning lights and other unsafe physical conditions to the college’s Facility Services department for correction and/or repair. Other members of the college community are encouraged to report equipment problems or safety hazards to the Police and Public Safety office or to the Facility Services department at 919-536-7200, ext. 6205. Visit the Durham Tech website for more information on submitting a work order.

CAMPUS TIMELY WARNING PROCEDURES

Durham Tech will without delay, taking into account the safety of the community, determine the content of the notification and initiate the notification system unless, in the professional judgment of responsible authorities, issuing a notification will compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency. The campus police chief or designee will determine the content of notification and initiate the notification process in a timely manner that withholds the names of victims as confidential and that will aid in the prevention of similar occurrences.

TIMELY WARNING NOTICES

In the event that a situation arises involving Clery Act crimes or other emergency situations, either on or off campus, which, in the judgment of the chief of police or their designee, constitutes an ongoing or continuing threat to health or safety, a campus-wide “timely warning” will be issued. Timely warnings will be issued based on the nature of the crime or emergency, if the crime or emergency is a continuing danger to the college community, and if the notification does not pose a risk to law enforcement efforts.

The College does not publish the name of crime victims nor house identifiable information regarding victims in the Durham Tech Police and Public Safety department daily crime log, in the annual crime statistics, or online. Furthermore, if a timely warning notice is issued on the basis of a report involving 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 visiting the Student Information and Records Office in the Phail Wynn, Jr. Student Services Center, room 10-201, by calling 919-536-7200, ext. 1800, or by completing the online form found in the Family Educational Rights and Privacy Act policy.

Generally, Durham Tech Police and Public Safety dispatchers will send out the first message. Additional messages are then created, reviewed, and published by the Durham Tech public information officer (PIO), executive vice president, or other designee. Follow
up messages are also created, reviewed, and published by the Durham Tech PIO, executive vice president, or other designee.

Members of the college who know of a crime or other serious incidents are directed to immediately report the incident by calling Durham Tech Police and Public Safety at 919-536-7255 so that a Campus Safety Alert can be issued, if warranted. All available methods of emergency communication, via electronic and cellular communications, will be utilized should such an event arise. Warnings may be disseminated to all Durham Tech students and employees through an email blast through the college email system; by fliers or posters; and by notices posted on the college website. We ask that students and employees take responsibility for checking their email accounts frequently.

IMMEDIATE NOTIFICATION

Upon notification of a crisis, emergency, or disaster, the Durham Tech Police and Public Safety personnel will dispatch police officers to confirm the validity and significance of the situation. Upon confirmation of a true emergency, Durham Tech will immediately, and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless, in the professional judgment of responsible authorities, issuing a notification will compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency. The Campus Police chief, the Durham Tech PIO, executive vice president, or other designee will determine the content of notification and initiate the notification process. Generally, Durham Tech Police and Public Safety dispatchers will send out the first message, and then additional messages will be created, reviewed, and published by the Durham Tech PIO, executive vice president, or other designee.

Should such an event arise, all available methods of emergency communication via electronic and cellular communications will be utilized. Notifications may be disseminated through the college email system; by fliers or posters; and by notices posted on the College website. The Durham Tech Campus Police will send emergency text messages and telephone notification to all students and employees, and there will be postings on the college website for all students and employees.

COMMUNITY ALERTS

Campus alerts are issued to notify the college community of imminent or ongoing threats to safety, security, or health. The college will immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students and/or staff on campus. The campus alert will result in a notification that is disseminated with the goal of notifying as many people as possible, as rapidly as possible. Examples of these include, but are not limited to, active shooter, tornado, and dangerous chemical release. Alerts may include any or all of the following:

- Mass email,
- Outdoor siren,
- Phone,
- Text messages,
- Desktop alert,
- Call center/phone bank set up.
Depending on the nature and location of the emergency situation, the Campus Police chief, the Durham Tech PIO, executive vice president, or other designee will determine the content of notification and initiate the notification process to send a message to all students, faculty, and staff through their Outlook or ConnectMail email accounts.

Durham Tech may send messages to larger communities within and surrounding the campuses via other means such as ALERT DURHAM and OC ALERTS:

- **ALERT DURHAM Emergency Notification**
  ALERT DURHAM is an emergency notification system used to alert residents about various events ranging from severe weather, fires, floods, and other emergencies to more routine announcements such as road closures and water utility maintenance. Messages are sent through the preferred contact paths selected during the sign-up process — cell phone, SMS, home phone, email, fax, pager, and more — to ensure real-time access to potentially life-saving information. Additionally, residents have the option to “opt-in” to receive specific alerts they are interested in.

  See the [Emergency web page](#) for further information and to sign up for the ALERT DURHAM emergency notification system.

- **OC ALERTS Emergency Notification for Orange County**
  This system allows emergency communications officials to telephone either all subscribers or geographically targeted areas of Orange County in case of an emergency situation requiring immediate action.

  See the Durham Tech Emergency web page or the [OC ALERTS website](#) for more information and to sign up for OC ALERTS emergency notification system.

- Durham Tech [Emergency web page](#)
- Vehicle and other portable public announcement devices
- Local media

**EMERGENCY RESPONSE AND EVACUATION PROCEDURES**

An Emergency Response Plan and Evacuation Procedures policy has been established to cope with major incidents that may endanger the safety and well-being of our students, staff, faculty, and visitors. These procedures are intended as a guide for our college and cannot address every conceivable situation. However, they do provide the basic administrative guidelines necessary to identify and ensure continuous leadership to cope with most campus emergencies throughout their duration. The evacuation plan has been established to cope with crises and emergencies that may endanger health, safety, property, or the ability of the college to function. A crisis, emergency, or disaster is any event that adversely affects the College’s normal operations. Disasters can affect operations in various ways. Different sites maintained by the College may or may not be affected by a particular event.

Durham Tech has a standing Emergency Management Team comprising members from numerous areas of the College to facilitate activation of the College Business Continuity plan in the event of an emergency affecting the health and safety of the college community. The Durham Tech Emergency Management Team follows the FEMA Incident Command Structure and has designated persons to serve in every capacity of the
structure. Members also follow the FEMA Unified Command structure upon arrival of assisting agencies. The Health and Safety Manual contains the College’s Emergency Response Plan.

Campus alerts are issued to notify the college community of imminent or ongoing threats to safety, security, or health. The College will immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students and/or staff on campus. The campus alert will result in a notification that is disseminated with the goal of notifying as many people as possible, as rapidly as possible.

When Durham Tech Police and Public Safety personnel have confirmed that there is a significant emergency or dangerous situation, all available methods of emergency communication will be utilized to notify the Durham Tech community.

Durham Tech will without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system unless, in the professional judgment of responsible authorities, issuing a notification will compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency. The campus police chief or designee will determine the content of notification and initiate the notification process in a timely manner that withholds the names of victims as confidential and will aid in the prevention of similar occurrences.

The college police chief or designee will determine the notification’s content and the appropriate segment or segments of the campus community to receive the notification and will initiate the notification process in a timely manner so that warnings can be disseminated promptly. Notifications will be delivered through electronic and cellular communication tools, as appropriate, such as the college email system; fliers or posters; and notices posted on the College website.

If there is an immediate threat to the health and/or safety of students and/or employees occurring on campus, Durham Tech will provide updated follow up information to the community through electronic and cellular communication tools including any or all of the following:

- Mass email,
- Outdoor siren,
- Phone,
- Text messages,
- Desktop alert,
- Press release.

Evacuation procedures are included in the Employee Health and Safety Manual with the Emergency Response Plan. The Emergency Response Checklist is posted in every classroom and office suite throughout all campuses. The checklist includes evacuation procedures for fire, bomb threats, earthquake, tornado, and active threats. These procedures are disseminated annually and documented in every test’s after-action report with a description of the test or exercise, the date and time, and whether they were announced or unannounced.
Various tests of the emergency plan and evacuation procedures such as active threat, fire, bomb threats, earthquake, gas leak, shelter-in-place, and tornado drills are conducted annually on all campuses and may be announced or unannounced.

The Durham Tech community must be prepared to take self-protection measures appropriate to the emergency such as, but not limited to, shelter-in-place or evacuation depending upon the circumstances or incident.

For further information, refer to the College’s Health and Safety Manual.

For questions or concerns related to any of the posted warnings or alerts, individuals may contact the chief/director of Police and Public Safety at 919-536-7255 or by email at tevepaugh@durhamtech.edu.

EVACUATION PROCEDURES
1. Anyone observing smoke or fire in a building should activate the fire alarm.
2. When an alarm sounds, all occupants are required by law to evacuate the building. Alarms may be activated manually at pull stations or automatically through sensors. Orders to evacuate may also be given verbally for emergencies such as bomb threats or gas leaks in order to ensure a safe egress.
3. The following guidelines should be followed for evacuations:
   a. Occupants should move quickly and quietly a safe distance from the building and emergency vehicle access areas.
   b. Staff and faculty members have the duty and responsibility of directing students and visitors a safe distance from the building.
   c. Take the shortest route to an exit except when it is blocked by fire, debris, or other hazards.
   d. DO NOT use elevators when evacuating.
   e. If the building is consumed by smoke, evacuees should get as close to the floor as possible and crawl to the nearest exit.
   f. All personal belongings should be taken if time permits.
   g. All doors should be closed upon exiting the room/building.

EVACUATION PROCEDURES FOR PEOPLE WITH DISABILITIES
1. Some people have conditions that can be aggravated or triggered if they are moved incorrectly. Emergency conditions such as fire, smoke, and loss of electricity must be considered in evacuation decisions. If people with mobility impairments cannot exit, they should be moved to a safer area, e.g., most enclosed stairwells.
2. Attempt a rescue evacuation only when the disabled person is in immediate danger and cannot wait for professional assistance.
3. In some multistory buildings, the disabled person may be moved to the Area of Rescue located in the stairwells to await rescue by emergency personnel. For buildings that do not have an Area of Rescue, the disabled must be moved to the nearest stairwell to await rescue.
4. Notify campus police or fire personnel immediately about any people waiting to be rescued.
5. Two physically capable occupants should be invited to volunteer to assist the disabled to evacuate. If a volunteer is not available, designate two people to assist who are willing to accept the responsibility. Ask the disabled person how he or she can best be assisted or moved and whether any special considerations or items are required to come with the person.

6. DO NOT use elevators unless authorized to do so by fire department personnel. Elevators could fail during a fire or other disaster.

7. If disabled people are in immediate danger and cannot be moved to a safer area to wait for assistance, it may be necessary to evacuate them using a carry technique. Proper lifting techniques (e.g., bending the knees, keeping the back straight, holding the person close before lifting, and using leg muscles to lift) should be used to avoid injury to the rescuers. Certain lifts may need to be modified depending on the person's disability. Remember that two-people rescues are preferable.

8. DO NOT evacuate disabled people in their wheelchairs. This is standard practice to ensure the safety of disabled people and volunteers. Wheelchairs will be evacuated later if possible.

EVACUATION PROCEDURES FOR PEOPLE WITH VISUAL IMPAIRMENT
1. Give verbal instructions to advise about the safest exit route, direction, and distance using words such as right, left, forward, backwards, and turn around. Allow the visually impaired individual to use their cane as you talk them through evacuation. Provide other verbal instructions or information such as “elevators cannot be used.”

2. DO NOT grasp a visually impaired person's arm. Ask if he or she would like to hold onto your arm as you exit, especially if there is debris or a crowd.

3. Give other verbal instructions or information (e.g., “elevators cannot be used”).

EVACUATION PROCEDURES FOR PEOPLE WITH HEARING IMPAIRMENT
1. Get the attention of the person with the hearing impairment by touch and eye contact. Clearly state the problem. Gestures and pointing are helpful, but be prepared to write a brief statement if the person does not seem to understand.

2. Offer visual instructions to advise the safest route or direction by pointing toward exits or evacuation maps.

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 air outdoors 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 in an interior room until you are told it is safe to come out. If your building is damaged, take your
personal belongings, and follow the evacuation procedures for your building (close your
door, proceed to the nearest exit, and use the stairs instead of the elevators). Once you
have evacuated, quickly seek shelter at the nearest college building. 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 can come from several sources, including Durham Tech
Police and Public Safety personnel, other Durham Tech officials, or other authorities
utilizing the College’s emergency communications tools.

How to shelter–in-place
No matter where you are, the basic steps of shelter-in-place generally will 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 the case of an emergency. If you are
outdoors, proceed into the closest building quickly, or follow instructions from
emergency personnel on the scene.

2. Locate a room to shelter inside. It should be:
   a. An interior room
   b. Without windows or with the least number of windows. If there is a large
   group of people inside a particular building, several rooms may be
   necessary.

3. Shut and lock all windows, and close exterior doors.

4. Turn off air conditioners, heaters, and fans, so you can hear what is happening
around you.

5. Make a list of the people with you, and ask someone to call the Durham Tech
Police and Public Safety department. Provide the list, so authorities and first
responders know where and with whom you are sheltering. If only students are
present, one of the students should call Durham Tech Police and Public Safety
and provide the list.


Durham Tech is concerned about the safety, welfare, and protection of all students,
faculty, staff, visitors, and college property. The College is committed to providing a safe
and secure environment to everyone. If you have questions or concerns, please feel free
to contact Durham Tech Police and Public Safety.

OFF-CAMPUS EMERGENCIES
Durham Tech officials often receive emergency information from the Durham 911 and
Orange County 911 centers regarding incidents in Durham and Orange counties that could
imminently affect the safety of the Durham Tech community. When appropriate, Durham
Tech Police and Public Safety personnel notifies the campus community of off-campus
threats that could also represent a serious or continuing threat to students, employees,
and visitors.
RESPONSIBILITIES OF THE DURHAM TECH COMMUNITY FOR ITS OWN PERSONAL SAFETY

Members of the Durham Tech community must assume responsibility for their own personal safety and the security of their personal property. The following precautions provide guidance:

- Report all suspicious activity to Durham Tech Police and Public Safety immediately.
- Never take personal safety for granted.
- Try to avoid walking alone at night. Use the Durham Tech Police and Public Safety escort service by dialing 5500 from an on-campus phone or 919-536-7255.
- Limit your alcohol consumption, and leave social functions that get too loud or too crowded or that have too many people drinking excessively. Remember to call Durham Tech Police and Public Safety or Durham City Police for help at the first sign of trouble.
- Carry only small amounts of cash.
- Never leave valuables (wallets, purses, books, phones, etc.) unattended.
- Carry your keys at all times, and do not lend them to anyone.
- Lock up bicycles and motorcycles. Lock car doors and close windows when leaving your car.
- Always lock the door to your residence hall room whether or not you are there.
- Be certain that your door is locked when you go to sleep, and keep windows closed and locked when you are not at home. DO NOT PROP INTERIOR OR EXTERIOR DOORS.
- Do not leave valuables in your car, especially if they can be easily noticed.
- Engrave serial numbers or owner’s recognized numbers, such as a driver’s license number, on items of value.
- Inventory your personal property, and insure it appropriately with personal insurance coverage.

CRIME PREVENTION EDUCATION AND AWARENESS

PREVENTING CRIME THROUGH COLLABORATION AND COOPERATION

Crime prevention is a top priority of the Durham Tech Police and Public Safety department. Together with other campus offices, the department provides programs to enhance personal safety, teach proactive crime reduction strategies, and help community members develop self-esteem, which contributes to a healthy community. The campus’s crime-prevention strategy rests on a multilayered foundation involving a proactive area patrol of campus buildings and parking lots, crime prevention education, and identification of potential criminal activity. This approach relies on the dual concepts of eliminating or minimizing criminal opportunities whenever possible and encouraging students and employees to take responsibility of their own security and the security of others. The College police chief is available to assist any individual or group in planning, presenting, and coordinating programs of interest or concern.

Durham Tech has programs to prevent dating violence, domestic violence, stalking, and sexual assault. These programs are comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault, and stalking that are:
A. 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

B. Considered environmental risk and protective factors as they occur on the individual, relationship, institutional, community, and societal levels.

The Durham Tech Police and Public Safety department promotes prompt reporting of all crimes to all appropriate law enforcement agencies. Several policies and programs are used to encourage and promote safety.

Programs to prevent dating violence, domestic violence, sexual assault, and stalking for both primary prevention and awareness programs are directed at incoming students and new employees during student and employee orientations (which are open to all members of the college community) and are provided at the beginning of each semester. Student and employees are encouraged to be responsible for their own security and the security of others.

The educational programming at Durham Tech consists of primary prevention and awareness programs for all incoming students and new employees and ongoing awareness and prevention campaigns for students that:

   A. Clearly communicate that the institution prohibits the crimes of domestic violence, dating violence, sexual assault, and stalking (as defined by the Clery Act);

   B. Provide the definitions of domestic violence, dating violence, sexual assault, and stalking according to any applicable jurisdictional definitions of these terms;

   C. Define consent and describe what behaviors and actions constitute consent, in reference to sexual activity as defined by the Title IX Sexual Misconduct policy;

   D. Provide 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;

   E. Provide 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;

   F. Provides an overview of information contained in the Annual Security and Fire Safety Report in compliance with the Clery Act;

   G. Provide information regarding:

      1. procedures victims should follow if a crime of domestic violence, dating violence, sexual assault, and stalking occurs (as described in the “Procedures Victims Should Follow if a Crime of Domestic Violence, Dating Violence, Sexual Assault, and Stalking Occurs” section elsewhere in this Annual Report);
2. how the institution will protect the confidentiality of victims and other necessary parties (as described in the “Assistance for Victims: Rights and Options” section elsewhere in this document);

3. existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both in the institution and in the community (as described in the “Assistance for Victims: Rights and Options” section); and

4. 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” section);

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

PRIMARY PREVENTION AND AWARENESS PROGRAMS
The College provides primary prevention and awareness programs to all incoming students and employees that involve distributing educational materials to new students, participating in and presenting information and materials during new student and employee orientations, providing programs by invitation at staff meetings or academic programs, and requiring incoming first-year students and returning upper-class students to take online courses related to sexual assault and high-risk drinking awareness and education.

ONGOING PREVENTION AND AWARENESS CAMPAIGNS
The College provides an annual educational campaign for all students and employees designed to provide ongoing education and programming around issues of sexual violence, including sexual assault, domestic violence, dating violence, and stalking. Campaign strategies employed include face-to-face presentations, online training programs, printed materials, and related lectures.

Ongoing prevention and awareness campaigns include self-defense programming, Domestic Violence Awareness Month events and activities, Sexual Assault Awareness Month activities including presentations and the annual Take Back the Night event, programming related to bystander intervention, programming specific to developing healthy relationships, the National Night Out event, and regular student conversations related to sexual assault and relationship violence.

The following are some specific examples of annual programs currently offered by the College. This list is not all-inclusive:

1. Online education
   a. There are numerous online courses available to all students to learn effective ways to prevent and report sexual assault on our campus. Employees also receive online education through SafeColleges.

2. Orientation programming
   a. Incoming first-year students participate in a series of information sessions about the Clery Act and Title IX information. This is in addition to Durham Tech Police and Public Safety personnel also conducting crime prevention
presentations when requested by various community groups, including Durham Tech students and employees. Programs and information offered include general crime prevention tips, statistics on crime at Durham Tech, and programs and discussions on topics such as alcohol abuse, gangs, domestic violence, self-awareness/self-defense, fire safety, and theft prevention. Participants are encouraged to be responsible for their own security and others’ security on campus.

Crime prevention brochures that include requests to immediately report all crimes or suspicious activity to the Durham Tech Police and Public Safety department are regularly distributed during programs.

Durham Tech Police and Public Safety personnel perform security audits and surveys for employees, students, and departments upon request. Recommendations for crime prevention steps or actions, access and surveillance systems, and alarm needs are provided.

PROGRAMS TO PREVENT DATING VIOLENCE, DOMESTIC VIOLENCE, SEXUAL ASSAULT, AND STALKING

Students: The SaVE Act requires all higher education students to receive training on responding to situations of sexual assault, dating violence, domestic violence, and stalking. Title IX training is also required of all institutions receiving federal funding for educational programs or activities. To comply with this requirement, Durham Tech uses an online course developed for the college by SafeColleges, which has been customized with North Carolina laws to educate students on Title IX and on how to respond to sex discrimination and to protect against sexual violence. It explains how the SaVE Act protects students, as it applies, and sends a strong message that Durham Tech prohibits sex discrimination and violence. A link to the course is emailed to all enrolled students during the first couple of weeks of the term. Continuing campaigns to raise awareness of sexual assault, domestic violence, dating violence, and stalking include lanyards and bracelets given out to students, faculty, and staff signifying the issue of sexual violence and interactions of setting up booths and providing literature at campus events, film viewing, and panel discussions and support on the subject.

Employees: The College mandates training on the provisions under Title IX for all employees. The training is provided through an interactive module through SafeColleges. The modules in the training are: EEO Laws and Discrimination Prevention for Higher Education, EEO Laws and Discrimination Prevention for Higher Education Supervisor Supplement, Preventing Discrimination and Sexual Violence: Title IX, VAWA, and Clery Act.

CRIME PREVENTION AND PERSONAL SAFETY TIPS

Learn and follow all the Durham Tech safety and security procedures. They have been created out of concern for your welfare and in consideration for everyone’s rights in the campus community.

When walking or jogging:

- Go with someone.
- Stay away from isolated areas.
• Try to stay near streetlights.
• Dress sensibly. Tight pants, clogs, and high-heel shoes make movement difficult.
• Carry a whistle or noisemaker. Do not be afraid to scream if you need help.
• Be aware of your surroundings.

If you think you are being followed:
• Cross the street, or change directions.
• Keep looking back, so the person will know you cannot be surprised.
• Go to a brightly lit area. Enter a store, house, or any populated building.
• Remember as much as possible about the person, so you can describe him/her.

If you are held up:
• Do not resist. No amount of money is worth the risk of your life.
• Notify campus police or Durham City Police immediately.
• Try to give a specific description of the person: height, weight, approximate age, hair color and length, clothing jewelry, scars, etc.

Where you live:
• Keep all doors locked, day and night. This is the single best deterrent to a would-be thief.
• Do not let strangers in. If someone needs assistance, offer to make a call for them.
• Do not let them in to use your telephone.
• Do not leave a door unlocked to anticipate a friend’s arrival.
• Keep all windows locked or install hardware that prevents them from being opened far enough to allow entry from the outside.

To protect your property:
• Lock your door every time you leave.
• Record the serial numbers of your valuables.
• Engrave expensive equipment and valuables with your driver’s license number.
• Do not store your purse or wallet in an unlocked desk drawer.
• Do not leave your belongings unattended in the library, student lounge, classroom, lobby, or any public area. Many thefts occur while the owner is in the general area but has left for just a minute to visit a restroom or another room or to talk to a friend across the room.
• Do not leave laptop computers unattended.

In your car:
• Always lock your car, and take the keys.
• Consider installing anti-theft or alarm devices on your vehicle.
• Lock valuables in the trunk or out of sight.
• Park in a brightly lit area.
• If you have a phone, call the police, or raise the hood and stay in your car if it breaks down. If people stop to assist, ask them to call the police.
To protect your keys:

- Do not loan your keys to anyone. Someone else’s carelessness may lead to your key loss.
- If college keys or your access card is stolen or lost, notify Police and Public Safety immediately.

When you park:

- Close and lock windows and doors.
- When returning to your car, have the keys ready in hand, and check the interior before entering.

When working late in campus buildings:

- Avoid working or studying alone at night in a building. Notify Police and Public Safety whenever you must work in a building during the hours it is closed.
- Keep the work area door locked.
- Do not take shortcuts when walking alone at night. Use the “buddy system.” Call Police and Public Safety for escorts during hours of darkness.
- Note locations of the nearest telephone and fire extinguisher in case of an emergency.
- Be aware of your personal surroundings, and report suspicious people to Police and Public Safety immediately.
- Do not leave personal items unattended.

**EMERGENCY CALL TELEPHONES**

Main Campus, Orange County Campus, and North Durham Center campus are equipped with non-dial outdoor emergency telephones located at strategic points on the campus. Their yellow columns topped with blue lights easily identify these phones. When the red button is pushed, the caller is put immediately in contact with the Durham Tech Campus Police Dispatch Center. In addition to providing contact with campus police, the dispatcher is also able to pinpoint the caller’s location. These phones are for emergency use only. In the event of an emergency, the phones have the ability to broadcast messages to the community via their speakers.

**SEXUAL ASSAULT, DATING VIOLENCE, DOMESTIC VIOLENCE, AND STALKING**

Durham Tech does not discriminate on the basis of sex in its educational programs; sexual harassment and sexual violence are types of sex discrimination. Other acts can also be forms of sex-based discrimination, which are also prohibited whether sexually based or not, and include dating violence, domestic violence, and stalking. This statement of policy is to inform the community of the College’s plan addressing sexual misconduct, educational programs, and procedures that address sexual assault, domestic violence, dating violence, and stalking, whether the incident occurs on or off campus and when it is reported to a college official. In this context, Durham Tech prohibits the offenses of domestic violence, dating violence, sexual assault, and stalking and reaffirms its commitment to maintain a campus environment emphasizing the dignity and worth of all members of the college community. Durham Tech is responsible for overseeing the prompt, fair, and impartial investigation and resolution of reports of sexual assault,
domestic violence, dating violence, and stalking, from the initial investigation to the final result being consistent and transparent with Durham Tech policies.

TITLE IX
Durham Tech does not discriminate on the basis of sex, gender, or sexual orientation in the education programs or activities it conducts. The College is committed to fostering a learning environment that is safe, conducive to academic success, and supportive of healthy personal development for all members of our campus community.

Title IX of the Education Amendments of 1972 states: “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.” In accordance with Title IX and consistent with the College’s commitment to uphold the highest standards of human respect and dignity, any form of sexual discrimination is taken seriously and will be investigated.

SEXUAL MISCONDUCT POLICY
Durham Tech does not tolerate sexual harassment in any form and restricts intimate relationships between faculty and staff members and students over whom the college employee has control or influence. The College further prohibits internal interference, coercion, restraint, or reprisal against any student or employee who files a grievance concerning an occurrence of alleged sexual harassment.

The Sexual Misconduct/Title IX policy at Durham Tech and accompanying procedures apply to any allegation of sexual misconduct made by or against a student, employee, or third party, regardless of where the alleged sexual harassment occurred, if the conduct giving rise to the complaint is related to the College’s academic, educational, or extracurricular programs or activities. (The College’s disciplinary authority, however, may not extend to third parties who are not students or employees of the College.) In the case of allegations of sexual harassment, these procedures supersede all procedures and policies set forth in other college documents or policies.

PURPOSE/DEFINITIONS
Durham Tech endeavors to create and sustain a positive, responsive, and safe learning environment and workplace. To do so, the College has established a policy that defines “sexual harassment,” prohibits behaviors that constitute sexual harassment, and details the procedure for students and employees to follow in reporting allegations of sexual harassment. Further, while the College recognizes that consenting adults should be free to enter into relationships with other consenting adults without restriction, Durham Tech maintains an interest in limiting circumstances under which the degree of such consent can be called into question. Therefore, a second purpose of this policy is to discourage intimate relationships between college employees and students and to restrict such relationships when the employee may have academic or supervisory control or influence over the student. Such relationships raise the specter of exploitation and/or sexual harassment. A college employee has a responsibility to avoid any appearance of impropriety and/or any apparent or actual conflict between the employee’s professional responsibilities and personal interests in dealings or in relationships with students.
**Sexual Misconduct** is any unwelcome conduct of a sexual nature, including any conduct or act of a sexual nature perpetrated against an individual without consent. Sexual misconduct can occur between strangers or acquaintances, including people involved in an intimate or sexual relationship. It can be committed by men or women and can occur between people of the same or different sex. Sexual misconduct also includes complicity in the sexual misconduct. The College encourages reporting of all sexual misconduct. Sexual misconduct includes, but is not limited to, dating violence, domestic violence, non-forcible sex acts, sexual assault, sexual exploitation, sexual harassment, sexual discrimination, and stalking.

The College’s **Title IX procedure** applies to any incidences of sexual discrimination made by or against a student or an employee of the college. If the conduct-giving rise to the complaint is related to the College’s academic, educational, or extracurricular programs or activities, it will also apply to a third party, regardless of where the alleged sexual discrimination occurred. The procedure provides information and guidance related to steps for the investigation and resolution of sexual discrimination allegations and includes possible sanctions that may be assigned when the findings involve a Title IX violation and/or a false report.

The following definitions shall apply to these procedures:

**Reporting Party** – An individual who reports alleged discriminatory conduct that is sexual or sex/gender based. An alleged victim of sexual misconduct who files a complaint or on whose behalf a complaint is filed or initiated.

**Discrimination** – Any act or failure to act that unreasonably and unfavorably differentiates treatment of others based solely on their race, religion, ethnicity, national origin, gender, sex, age, disability, genetic information, and veteran status. Discrimination may be intentional or unintentional.

**Respondent/Responding Party** – An individual alleged to have engaged in discriminatory conduct that is sexual or sex/gender based. An individual who has been accused in a complaint of committing sexual misconduct.

**SafeColleges** – Durham Tech’s provider of online student and employee Title IX training.

**Sexual Discrimination** - Includes, but is not limited to, gender inequity, sexual assault, and other acts of sexual violence, such as sexual harassment.

**Sexual Harassment** – Any unwelcome and/or uninvited verbal or physical conduct directed towards a person because of his or her sex. Physical contact and/or conduct that creates an unwelcome or hostile environment, including unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, written, electronic, or physical contact of a sexual nature when submission to the conduct is made a term or condition of an individual's employment or academic performance (either implicitly or explicitly), when submission to or rejection of the conduct is used as the basis for employment or educational decisions affecting the individual, or when the conduct is sufficiently severe, persistent, or pervasive to interfere with an individual's work or academic performance, or to create an intimidating, hostile, or offensive working or learning environment. Sexual harassment also includes acts of intimidation, bullying, aggression, or hostility based on gender or gender stereotyping, even if the acts do not involve conduct of a sexual nature.
Occasional compliments of a socially acceptable nature do not constitute sexual harassment.

Sexual harassment may include but is not limited to:

- Physical assault, including rape, or any coerced sexual relations;
- Subtle pressure for sexual activity or for a relationship that takes on sexual or romantic coloring, thereby exceeding the limits of healthy relation;
- Any demeaning sexual propositions;
- Unnecessary touching in any form;
- Sexually explicit or suggestive remarks about a person’s physical attributes, clothing, or behavior;
- Sexually stereotyped or sexually charged insults, humor, verbal abuse, or graffiti;
- One or more instances of sexual assault;
- Persistent unwelcomed efforts to develop a romantic or sexual relationship;
- Unwelcomed sexual advances or requests for sexual favors;
- Unwelcomed commentary about an individual's body or sexual activities;
- Repeated and unwelcomed sexually oriented teasing, joking, or flirting;
- Verbal abuse of a sexual nature;
- Any sexually inappropriate behavior that prevents an individual from participating in their employment, academic performance, or in any functions of the College;
- Pressuring an individual to engage in sexual behavior for some educational or employment benefit;
- Making a real or perceived threat that rejecting sexual behavior will carry a negative educational or employment consequence for the individual.

**Title IX Coordinator** – The employee responsible for coordinating the College’s efforts to comply with and carry out its responsibilities under Title IX, which prohibits sexual discrimination in all operations, as well as prohibiting retaliation for the purpose of interfering with any right or privilege secured by Title IX. The Title IX coordinator oversees the College’s response to reports and complaints that involve possible sexual discrimination to monitor outcomes, identify and address any patterns, and assess effects on the campus climate, so the College can address issues that affect the wider community. The coordinator also develops sexual misconduct-related education and training programs.

**ADDITIONAL DEFINITIONS FOR REFERENCE**

a. **Actionable Sexual Misconduct** – Sexual misconduct that, taking into account the totality of the circumstances, is sufficiently serious that it interferes with or limits an individual’s ability to participate in or benefit from Durham Tech programs and therefore warrants adjudication under, and discipline pursuant to, these procedures. Specifically, to determine whether sexual misconduct rises to the level of actionable sexual misconduct, consideration will be given to the following criteria:

1. The type, frequency, and duration of the conduct (the more severe the conduct, the less the need to show a repetitive series of incidents, particularly if the harassment is physical);

2. The identity of and relationship between the alleged harasser and the alleged victim;
3. The number of individuals involved;
4. The age and sex of the alleged harasser and the alleged victim;
5. The location of the incidents and the context in which they occurred; and
6. Whether there have been similar incidents.


c. **Complaint** – An allegation of sexual misconduct asserted against another party.

d. **Consent** – Informed, freely, and actively given and mutually understandable words or actions that indicate a willingness to participate in mutually agreed-upon 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:

1. Silence, passivity, or lack of resistance alone;
2. A current or previous dating or sexual relationship alone (or the existence of such a relationship with anyone else);
3. Attire;
4. The buying of dinner or the spending of money on a date; or
5. Consent previously given (for example, 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, intimidation, coercion, or the threat, expressed or implied, of bodily injury. Whether a party used intimidation or coercion to obtain consent will be determined by reference to the perception of a reasonable person found in the same or similar circumstances. Consent can never be given by:

1. Minors, even if the other participant did not know the minor’s age;
2. Mentally disabled persons, if their disability was reasonably knowable to a sexual partner who is not mentally disabled; or
3. 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 sexual misconduct under these procedures.

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 to continue and capacity to consent. Neither party should make assumptions about the other's willingness to continue.

e. **Dating Violence** – Violence committed by a person who is, or has been, in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

f. **Day** – A business day or calendar day, as specified in each instance by these procedures. In the case of a calendar day specified by these procedures that falls on a Saturday, Sunday, or other day on which the College is closed, then the calendar day specified will be interpreted to mean the immediately preceding business day (whether or not classes are in session).

g. **Domestic Violence** – Includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the State of North Carolina, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the State of North Carolina.

h. **FERPA** – The Family Educational Rights and Privacy Act (FERPA) is a federal statute codified at 20 U.S.C. § 1232g, with implementing regulations in the U.S. Code of Federal Regulations at 34 C.F.R. § 99. It protects the privacy of student education records. FERPA grants to parents or eligible students the right to access, inspect, and review education records, the right to challenge the content of education records, and the right to consent to the disclosure of education records.

i. **Incapacitated** – 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.

j. **Notice of Title IX Coordinator's Determination** – The Title IX coordinator’s official written determination as to whether it is more likely than not that the evidence (i.e., facts, opinions, and circumstances) establishes a violation of the Title IX policy.

k. **Office of Institutional Equity and Inclusion at Durham Tech** — Located in room 5-213, Educational Resources Center (Building 5), Main Campus. The office can be
reached by calling 919-536-7200, ext. 5108, or emailing title9coordinator@durhamtech.edu.

l. **Personally Identifiable Information** — As defined by FERPA, personally identifiable information includes, but is not limited, to:

1. A student's name;
2. The name of a student's parent(s) or other family members;
3. The address of a student or a student's family;
4. A personal identifier, such as a student's social security number, student number, or biometric record;
5. Other indirect identifiers, such as a student's date of birth, place of birth, or mother's maiden name;
6. Other information that, alone or in combination, is linked or linkable to a specific student and that would allow a reasonable person in the Durham Tech community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or
7. Information requested by a person whom the College reasonably believes knows the identity of the student to whom the education record relates.

m. **Preponderance of the Evidence** – More likely than not that the violation occurred.

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

o. **Responsible Employee** – An employee of the College who has an obligation to report to the Title IX coordinator any complaints or allegations of sexual misconduct of which he or she becomes aware. The College’s Responsible Employees are all non-student college employees not designated as “strictly confidential resources” in the “Strict Confidentiality” section of this policy.

p. **Retaliation** – Any adverse action threatened or taken against a person because he or she has filed, supported, or provided information in connection with a complaint of sexual misconduct, including but not limited to, direct and indirect intimidation, threats, and harassment.

q. **Sexual Assault** – Any actual, attempted, or threatened sexual act with another person without that person’s consent. Sexual assault includes but is not limited to:

1. Fondling — The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances in which the victim is incapable of giving consent because of his or her age or because he or she is temporarily or permanently incapacitated;
2. Rape and attempted rape;
3. Statutory Rape — Sexual intercourse with an individual under the statutory age of consent as defined by North Carolina law;

4. Incest — Sexual intercourse between persons who are related to each other within degrees wherein marriage is prohibited by North Carolina law;

5. Intentional and unwelcome sexual touching (including disrobing or exposure), however slight, with any body part or any object by a man or a woman upon a man or a woman, without effective consent, of a person’s breasts, buttocks, groin, or genitals (or clothing covering such areas), or coercing, forcing, or attempting to coerce or force another to touch you, themselves, or a third party with any of these body parts or areas when such touching would be reasonably and objectively offensive; and

6. Any sexual act in which there is force, violence, or use of duress or deception upon the victim.

r. Sexual Exploitation — Any act of taking non-consensual, unjust, or abusive sexual advantage of another person for one’s own advantage or benefit or to benefit or advantage anyone other than the person being exploited. Sexual exploitation includes but is not limited to:

1. Causing or attempting to cause another person to be incapacitated in order to gain a sexual advantage over such person;

2. Prostituting another person (i.e., personally gaining money, privilege, or power from the sexual activities of another);

3. Non-consensual videotaping, photographing, or audiotaping of sexual activity and/or distribution of these materials via media such as but not limited to the internet;

4. Exceeding the boundaries of consent (e.g., allowing another person to observe consensual sex without the knowledge of, or consent from, all participants);

5. Voyeurism; and

6. Knowingly or recklessly transmitting a sexually transmitted disease (including HIV) to another individual.

s. Sexual Intimidation — Includes but is not limited to:

1. Threatening, expressly or impliedly, to commit a sexual act upon another person without his or her consent;

2. Stalking or cyber-stalking; and

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

t. **Strictly Confidential Resources** – Durham Tech employees, such as counselors, who are not Responsible Employees and therefore are not required to, and will not, absent direction from the disclosing individual to do so, report incidents of alleged sexual misconduct to the Title IX coordinator.

u. **Title IX Coordinator** – The Title IX coordinator at Durham Tech is Angela Davis, whose office is Room 5-213 of the Educational Resources Center on Main Campus and who may be contacted by calling 919-536-7250, ext. 5108, or emailing davisa@durhamtech.edu.

The Title IX coordinator has ultimate oversight responsibility for handling Title IX-related complaints and for identifying and addressing any patterns or systemic problems involving sexual misconduct. The Title IX coordinator is available to meet with individuals who are involved with or concerned about issues, college processes, incidents, patterns, or problems related to sexual misconduct on campus or in college programs. All allegations involving sexual misconduct should be directed to the Title IX coordinator or other designated Durham Tech individuals or offices as outlined in this policy.

v. **Title IX Investigator** – The person appointed by the Title IX coordinator to conduct a prompt, equitable, and impartial administrative investigation into complaints including identifying and interviewing parties and identifying, gathering, and assessing information relevant to the investigation, to apply relevant policies, and to make finding of fact in individual cases.

**VIOLENCE AGAINST WOMEN ACT (VAWA) REPORTABLE OFFENSE DEFINITIONS**

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

The existence of such a relationship shall be 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.

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 34 CFR 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

In North Carolina, dating violence includes the criminal offense of Violation of a Domestic Violence Protection Order (NCGS 50B-4.1).

**Domestic Violence** – Domestic violence means:

A felony or misdemeanor crimes 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 34 CFR 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

In North Carolina, domestic violence includes the following criminal offenses: simple assault (NCGS 14-33(a)), assault inflicting serious injury (NCGS 14-33(c)(1), assault on a female (NCGS 14-33(c)(2), assault by pointing a gun (NCGS 14-34), and violation of a domestic violence protection order (NCGS 50B-4.1).

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

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

Sexual assault in the State of North Carolina includes the following criminal offenses: forcible rape (NCGS 14-27.2/NCGS 14-27.3); statutory rape, (NCGS 14-27.2(a)(1)/NCGS 14-27.7A); forcible sexual offense (NCGS 14-27.4/NCGS 14-27.5); statutory sexual...
offense (NCGS 14-27.4 (a)(1) NCGS 14-27.7A(a)); sexual activity by a substitute parent/by a custodian/with a student (NCGS 14-27.7); indecent liberties with a child/between children/with a student (NCGS 14-202.1/NCGS 14-202.2/NCGS 14-202.4); sexual battery (NCGS 14-27.5A); and solicitation of a child by computer to commit an unlawful sex act (NCGS 14-202.3).

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

- Fear for the person’s safety or the safety of others; or
- Suffer substantial emotional distress

For the purposes of this definition:

a. “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.

b. “Reasonable person” means a reasonable person under similar circumstances and with similar identities to the victim.

c. “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 34 CFR 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

In North Carolina, stalking includes the following criminal offenses: stalking (NCGS 14-277.3); cyberstalking (NCGS 14-196.3); and violation of a domestic violence protective order (NCGS 50B-4.1).

REPORTING

Parties who believe they have been or are being sexually discriminated against are encouraged to formally report occurrences of sexual misconduct to the College’s Title IX officials. Alternatively, reporting parties may make reports to other college officials (trusted faculty or staff members, campus police or safety officers, Human Resources personnel, etc.). Disclosure of information regarding an allegation of sexual discrimination to any college employee is official notice to the institution and should be submitted to the Title IX coordinator.
REQUESTS NOT TO INVESTIGATE AND REFUSALS TO FILE A COMPLAINT OR TO COOPERATE

Alleged victims may request that the College not investigate the information or allegation(s) reported, refuse to file a complaint, and/or refuse to cooperate in the investigation and/or resolution of allegation(s). Such requests and decisions may limit the College’s ability to investigate and take reasonable action in response to a complaint. The College will evaluate such requests and decisions in the context of the College’s commitment to provide a reasonably safe and non-discriminatory environment.

To make such an evaluation, the Title IX coordinator may conduct a preliminary investigation into the allegation and may weigh such requests and decisions against the following factors:

(i) The seriousness of the alleged sexual misconduct;
(ii) The alleged victim’s age;
(iii) Whether there have been other complaints of sexual misconduct against the respondent;
(iv) The respondent’s right to receive information about the allegation(s) if the information is maintained by the College as an "education record" under FERPA; and
(v) The applicability of any laws mandating disclosure.

The Title IX coordinator will inform the requester if the College intends to conduct further investigation and/or seek resolution in spite of the person’s request or refusal.

Regardless of an individual’s request, Title IX requires the College to take reasonable action in response to the information known to it. Thus, the College may take such measures as are deemed necessary by the Title IX coordinator. Additionally, even if the College cannot take disciplinary action against the respondent because of a refusal to file a complaint or participate in the investigation and/or resolution of allegations, to the extent practicable and appropriate, the College will take prompt action to limit the effects of the alleged sexual misconduct and prevent its recurrence. For instance, the College may issue a no-contact order or take other appropriate nonpunitive interim measures to ensure an individual’s safety even in the absence of a formal proceeding.

The complaint and other information regarding alleged sexual misconduct may also be used as an anonymous report for data collection purposes under the Clery Act.

REPORTING TO LOCAL LAW ENFORCEMENT

Individuals may report sexual misconduct directly to local law enforcement agencies by dialing 911. Individuals who make a criminal complaint may also choose to simultaneously pursue a College complaint. A criminal investigation into the matter does not release the College from its obligation to conduct its own investigation (nor is a criminal investigation determinative of whether actionable sexual misconduct has occurred). However, the College’s investigation may be delayed temporarily while criminal investigators are gathering evidence. In the event of such a delay, the College may enforce nonpunitive interim measures when necessary to protect the alleged victim and/or the college community.
Individuals may choose not to report alleged sexual misconduct to law enforcement authorities. The College respects and supports individuals’ decisions with respect to reporting. Nevertheless, the College may notify appropriate law enforcement authorities if required or warranted by the nature of the allegations at issue.

REPORTING TO THE COLLEGE
Once a complaint has been filed, the report will be shared confidentially with the college’s highly trained Title IX investigators. They will immediately begin and conduct a thorough investigation. The College will make reasonable efforts to preserve the reporting party (complainant’s) and respondent’s privacy. Although all reports will be treated with sensitivity when a report is made to college officials, the College may be required to act on those reports with external agencies.

Anyone wishing to report sexual misconduct to the College should contact any one of the following individuals or entities:

i. Durham Tech Police and Public Safety Department – Durham Tech Police and Public Safety officers are available on each campus and can be reached by calling 919-536-7255, ext. 5555. Campus security officers are available 24 hours a day, seven days a week.
ii. Maxient - Durham Tech uses an online reporting software to share a story, report an incident, or communicate a concern.
iii. Durham Tech Title IX Coordinator - Angela Davis; Room 5-213, Building 5, Main Campus; 919-536-7200, ext. 5108, or title9coordinator@durhamtech.edu
iv. Title IX Anonymous Complaint Line - 919-536-7200, ext. 5108

If an employee of Durham Tech Police and Public Safety, Human Resources, or the College at large receives a report of alleged sexual misconduct, he or she must notify the College’s Title IX coordinator.

If a student wishes to speak confidentially to a campus official about alleged sexual misconduct, the student can report to a counselor at Durham Tech by contacting Counseling Services. Information that a student discusses confidentially with a licensed counselor will not be reported to the Title IX coordinator or other campus officials without the expressed consent of the student.

Individuals may also file anonymous reports by calling the Title IX Complaint Line at 919-536-7244, ext. 5108. It may be very difficult for the College to follow up or take action on anonymous reports where corroborating information is limited. Anonymous reports may be used for Clery Act data collection purposes.

No member of the Durham Tech community may discourage an individual from reporting alleged incidents of sexual misconduct. As such, an individual may report alleged sexual misconduct to a faculty or staff member other than those referenced above. With the exception of counselors in the Counseling and Student Development department who receive confidential information, a faculty or staff member with any knowledge about a known or suspected incident of sexual misconduct must report the incident to the College’s Title IX coordinator. Excluded from this requirement are student employees and employees who are statutorily barred from reporting. No employee is authorized to investigate or resolve complaints without the involvement of the College’s Title IX
The Title IX coordinator will appoint Title IX investigators who will be required to attend quarterly training on issues related to sexual misconduct, how to properly conduct an investigation, and the adjudication process that protects the safety of all parties and promotes overall accountability.

CONFIDENTIALITY

The College will make every reasonable effort to properly preserve the reporting party’s and respondent’s privacy and protect the confidentiality of information received and identities shared in connection with a report of alleged sexual misconduct and any related investigation. All individuals receiving a report understand the desire to keep the information confidential. In particular situations where privacy cannot be strictly kept, the information will only be shared on a need-to-know basis. College administrators will, however, share information regarding alleged sexual misconduct, as appropriate and necessary, in order to address and resolve the complaint at issue, prevent the recurrence of similar sexual misconduct, and address the effects of the sexual misconduct. Dissemination of information and/or written materials to persons not involved in the complaint procedure is strictly prohibited. The College will treat information that it receives in a manner that respects both the sensitivities and rights of both the reporting party and the respondent. State and federal regulations may dictate a course of action that will require making portions or all of a report known to others, possibly including the respondent, during the course of the investigation. Additionally, there may be instances where it is the college’s ethical and legal responsibility to disclose information regarding the circumstances related to a specific complaint, depending on the nature of the allegation. Should this be the case, the reporting party will be notified prior to the information being released. If the reporting party is a minor (under 18 years old) or the alleged incident took place while the reporting party was a minor, the law requires disclosure to law enforcement authorities.

In keeping with this respect for confidentiality, information regarding alleged sexual misconduct will generally only be disclosed by College personnel as follows:

1. The College’s Responsible Employees are obligated to report information regarding alleged sexual misconduct to the Title IX coordinator.
2. College staff are obligated to handle information regarding alleged sexual misconduct in accordance with applicable local, state, and federal laws. For example, the College may be required by federal law to inform the community of the occurrence of the alleged incident(s) of sexual misconduct. Information regarding the alleged sexual misconduct may be used as an anonymous report for data collection purposes under the Clery Act.
3. College staff may be obligated to report alleged sexual misconduct to local law enforcement.
4. College administrators will share information regarding alleged sexual misconduct, as appropriate and necessary, in order to address and resolve the complaint at issue, prevent the recurrence of similar sexual misconduct, and address the effects of the sexual misconduct.

Please note that the College cannot control disclosures by students or third parties.
STRICT CONFIDENTIALITY

Individuals may discuss alleged sexual misconduct in strict confidence with college employees who are licensed counselors working in Counseling Services located on all campuses (“Strictly Confidential Resources”). This means that personally identifiable information shared with Strictly Confidential Resources is not part of students’ or employees’ college records and will not be reported to other college personnel, the respondent, or others unless the disclosing individual gives his or her consent to the disclosure or the law requires it (as may be the case with alleged sexual misconduct involving a minor or under conditions of imminent physical harm, for example).

Strictly Confidential Resources are not Responsible Employees and therefore are not required to, and will not, absent direction from the disclosing individual to do so, report incidents of alleged sexual misconduct to the Title IX coordinator.

For purposes of clarity, understand that non-student college employees who are not Strictly Confidential Resources are Responsible Employees. Communications made to Responsible Employees (and others) are not entitled to the same confidentiality protections as those made to Strictly Confidential Resources.

INDIVIDUALS WITH DISABILITIES

The College will make arrangements to ensure that individuals with disabilities are provided appropriate accommodations, to the extent necessary and available, to participate in the steps and procedures outlined here. Employees seeking accommodations can contact Human Resources. Students requesting accommodations can contact the coordinator of Disability Services.

OVERSIGHT

The Title IX coordinator will be responsible for overseeing the prompt, fair, and impartial investigation and resolution of reports of sexual misconduct to the College, from the initial investigation to the final result.

CONFLICTS

If any administrator designated by these procedures to participate in the investigation or resolution of a complaint is the respondent (including but not limited to the Title IX coordinator), then the executive vice president will appoint another college administrator to perform such person’s duties under these procedures. (If the executive vice president is the respondent, then the Title IX coordinator will appoint another college administrator to perform the duties of the executive vice president under these procedures.)

Officials who, at a minimum, receive annual training on the issue related to dating violence, domestic violence, sexual assault, and stalking and on how to conduct an investigation and hearing process that protects the safety of the victims and promotes accountability will conduct the investigation. No employee is authorized to investigate or resolve complaints without the involvement of the College’s Title IX coordinator. The Title IX coordinator will appoint Title IX investigators, who will be required to attend quarterly training on issues related to sexual misconduct, how to properly conduct an investigation, and the adjudication process that protects the safety of all parties and promotes overall accountability.
The respective investigators shall interview the complainant and the respondent and give each party an equal opportunity to provide evidence, including informing the investigators of any potential witnesses. Both parties will be provided access to any information provided by the other in accordance with any federal and/or state confidentiality laws. If potential witnesses are identified, they will be interviewed by investigators and invited to provide any supporting evidence.

**SUPPORT PERSONS**

Both the reporting party and the respondent may have one support person present to support and assist them throughout the complaint and investigative and adjudicatory processes (including, but not limited to, during related meetings, investigative interviews, and the adjudicatory and, if applicable, appeal meetings and proceedings). The reporting party and the respondent are not limited in their choice of support person. Support persons may be friends, victim advocates, lawyers, or others. The reporting party and the respondent may consult with their respective support persons during meetings, interviews, and proceedings, provided that such consultation is not disruptive. Support persons may not, however, have a speaking role during any meeting, interview, or proceeding. In addition, the support person’s attendance may be disallowed if such support person’s presence would be obstructive or would otherwise warrant his or her removal. Absent accommodation for disability, the reporting party and the respondent may not be accompanied by more than one support person or by other individuals during meetings, interviews, and/or proceedings.

**TIME FRAME**

The College will make every reasonable effort to ensure that the investigation and resolution of a complaint occurs in as timely and efficient a manner as possible. The College’s investigation and resolution of a complaint (excluding appeal) will be completed within sixty (60) calendar days of the receipt of the complaint, whether informal or formal, absent unforeseen extenuating circumstances.

Any party may request an extension of any deadline by providing the Title IX coordinator with a written request that includes the duration of the proposed extension and the justification for the request. The Title IX coordinator or investigator may also modify any deadline contained in these procedures for good cause, if necessary. The Title IX coordinator or investigator will concurrently inform the reporting party and the respondent of any deadline that has been extended and the reason(s) for the extension.

**DUE PROCESS RIGHTS**

The following due process rights apply to all involved parties in any case:

a) Each party has a right to have legal counsel and/or an advocate present during any interview with investigators or the Title IX coordinator. The role of the legal counsel or advocate is solely to advise the individual. The legal counsel or advocate shall not have the right to address the investigator or coordinator.

b) Each party has the right to produce witnesses on their behalf.

c) Each party has the right to present evidence.

d) Each party has the right to actively participate in the investigation or to refuse to participate, without such refusal being detrimental.
Should either party believe exceptional circumstances exist that require an attorney or advocate to be given the opportunity to address the investigator or coordinator or participate in a more substantial role during the course of the investigation, such request must be made in writing to the Title IX coordinator. If the Title IX coordinator approves the request based on exceptional circumstances, an attorney or advocate may be given the right to address the investigators or coordinator or to conduct such additional work as is approved by the Title IX coordinator. At no time may an attorney or advocate cross-examine the other party. The attorney or advocate may request, and the Title IX coordinator will consider, any additional due process or procedure requests prior to concluding the investigation.

NONPUNITIVE INTERIM MEASURES
At any point during the complaint, investigative, or adjudicatory processes, when warranted to ensure the safety and well-being of the reporting party, the Title IX coordinator and/or the director of Human Resources and vice president of Student Engagement, Development, and Support may implement one or more interim measures, if appropriate and/or reasonably available, including but not limited to those listed below. When determining appropriate nonpunitive interim measures, the Title IX coordinator and/or director of Human Resources and vice president of Student Engagement, Development, and Support will consider input from the reporting party if he or she wishes to provide such input. The Title IX coordinator will notify the reporting party and the respondent, respectively, of the imposition of nonpunitive interim measure(s) that are applicable to him or her. These measures include:

(i) Issuing no-contact orders to prevent any contact between the reporting party, the respondent, witnesses, and/or third parties;

(ii) Changing a reporting party’s or a respondent’s work arrangements or schedules;

(iii) Changing a reporting party’s or a respondent’s academic schedules (including, but not limited to, moving the reporting party or the respondent from one class section to another or, when feasible, permitting the reporting party or the respondent to complete course work online or through independent study);

(iv) Taking such steps as are reasonable, appropriate, and necessary to restrict the party’s movement on college property and/or use of college facilities (including areas controlled, leased, or used by the College);

(v) Taking such steps as are reasonable, appropriate, and necessary to adjust the job duties of such party or place him or her on administrative leave; and

(vi) Suspending the respondent (where the decision to suspend a respondent will be made on an individualized basis and with due consideration given to other available interim measures).

PROCEDURAL STEPS
1. Individual Files Complaint (“Reporting Party”). Reporting parties are encouraged to report allegations of sexual discrimination to the Title IX coordinator in writing as
soon as possible following the incident(s). This expediency will help preserve
evidence for potential legal and/or disciplinary proceedings. Reporting parties
should recognize that delays in reporting may significantly impair the ability of
college Title IX officials to investigate and respond to such complaints. The Title IX
coordinator or investigator may, in his or her discretion, involve other college
administrators in the investigation as necessary to conduct and finalize the
investigation and/or to make a final determination regarding responsibility and/or
assigned sanctions. Upon making the complaint, reporting parties alleging sexual
harassment and sexual-based violence will be immediately notified that they have
the right to seek additional assistance from law enforcement and have the right to
seek, among other things, judicial no-contact, restraining, and protective orders.
Reporting parties will also be notified of available counseling services and their
options for changing academic situations.

2. Initial Assessment. The Title IX coordinator will complete an initial fact-finding
assessment within five business days of the original complaint to determine whether
or not a formal Title IX investigation will be conducted under this procedure. If not,
the Title IX coordinator will make a determination about the complaint and notify the
reporting party of the decision in writing within 10 business days of original receipt
of the complaint.

3. Assigning an Investigator. When a determination is made to proceed with a formal
Title IX investigation, the Title IX coordinator will assign the complaint to a Title IX
investigator(s) within five business days of the determination to proceed with a
formal investigation.

4. Notice of Allegation. At the onset of an investigation and within five business days of
the complaint being assigned to an investigator(s), the Title IX coordinator will
advise the respondent of the allegations against him or her in writing and a copy of
the notice of allegation will be provided to the reporting party.

5. Commence Investigation. The Title IX investigation will serve the purpose of
determining the following:

   a. Whether sexual or sex/gender based discrimination has occurred;
   b. Whether there is an ongoing risk of harm resulting from or related to the
      sexual or sex/gender based discrimination (and if so, what steps should be
      taken to prevent its recurrence);
   c. Whether accommodations for the reporting party need to be put in place to
      redress the effects of the sexual or sex/gender based discrimination; and
   d. Whether accommodations or safety measures should be put in place to
      ensure the safety of members of the Durham Tech community.

The standard of review for determining findings of fact will be the “preponderance of the
evidence” standard (i.e., it is more likely than not that the Title IX violation occurred).

6. Conduct Interviews and Gather Evidence. During the investigation, the respective
investigator(s) shall interview the reporting party and the respondent and give each
party an equal opportunity to provide evidence, including informing the
investigator(s) of any potential witnesses. Both parties will be provided access to
any information provided by the other in accordance with any federal and/or state confidentiality laws. If potential witnesses are identified, they will be interviewed by investigators and invited to provide any supporting evidence.

7. Determination of Nonpunitive Interim Measures. During the investigation process, the Title IX coordinator may put temporary measures in place in order to facilitate an efficient and thorough investigation process as well as to protect the rights of all parties involved. The temporary measures may include, but are not limited to, reassignment of class schedules, temporary suspension from campus (but be allowed to complete course work), or directives that include no contact between the involved parties.

8. Conclusion of Investigation. Investigator(s) shall make every effort to conclude the investigation as soon as possible but no later than 35 calendar days from receipt of the original complaint. If the nature of the investigation requires additional time, investigators may have an additional 10 calendar days to complete the investigation. The Title IX coordinator shall notify the parties of this extension. The investigator(s) will provide a written report to the Title IX coordinator along with any supporting evidence that includes recommendations for the final decision and any accompanying sanctions.

9. Title IX Coordinator Review. The Title IX coordinator will review the report from the investigators. The coordinator may request further review from the investigator(s) or may ask for additional information directly from involved parties or witnesses.

10. Final Decision. Upon completion of the investigation and review of all materials, the Title IX coordinator is responsible for determining whether evidence establishes that it is more likely than not (i.e., a preponderance of the evidence) that the respondent engaged in sexually discriminatory conduct. The Title IX coordinator will prepare written findings of fact in support of his or her decision and will render a finding of “responsible” or “not responsible” for Title IX violations. If a respondent is found “responsible,” the Title IX coordinator will specify the specific type(s), if any, of sexual discrimination for which the respondent is being held responsible. If the Title IX coordinator determines the respondent is “not responsible,” the Title IX coordinator will close the complaint and document such closure. The Title IX coordinator will then issue each party a written decision letter including findings(s) of fact, and if applicable, any actions the College will take to provide accommodations to the reporting party and/or any sanctions to the respondent to ensure the safety of the college community. The Title IX coordinator shall make every effort to conclude the investigation as soon as possible but no later than 60 calendar days from receipt of the original complaint.

11. Sanctions. The Title IX Coordinator will partner with the director of Human Resources regarding the appropriate sanctions to be enforced if the respondent is an employee. The Title IX coordinator will partner with the vice president of Student Engagement, Development, and Support regarding appropriate sanctions to be enforced if the respondent is a student.

The following section describes sanctions available to designated college officials in response to employees violating Durham Tech policies and procedures in regard to
dating violence, domestic violence, sexual assault, and/or stalking. The listing is not inclusive of all options officials may choose to exercise, and more than one sanction may be imposed for a single act of misconduct. The director of Human Resources and the Title IX coordinator will maintain the record regarding any sanctions imposed. (Please see the Disciplinary Actions, Suspension, and Termination of Employment policy for additional information.)

a. Disciplinary Demotions – An involuntary disciplinary personnel action that reduces an employee’s salary within their current pay grade or places the employee in a position at a lower pay grade with or without lowering the employee’s salary.

b. Involuntary Transfer – An involuntary transfer to another department. This could result in a demotion or lateral transfer.

c. Disciplinary Suspension without Pay – The temporary removal of an employee from work for disciplinary reasons during which time he or she will not receive pay.

d. Disciplinary Suspension with Pay – The temporary removal of an employee for disciplinary reasons or to investigate an allegation during which time he or she will receive pay.

e. Termination – The involuntary dismissal of an employee for disciplinary reasons, unsatisfactory job performance, or failure to obtain or maintain necessary job-related credentials. This sanction may be imposed only by the college president. As outlined in the current Due Process policy, the employee may appeal termination to the Policies and Personnel Committee of the Durham Tech Board of Trustees.

The following section describes sanctions available to designated college officials in response to violations of the Student Code of Conduct. The listing is not inclusive of all options officials may choose to exercise, and more than one sanction may be imposed for a single act of misconduct. The vice president of Student Engagement, Development, and Support (hereafter referred to as “vice president”) will maintain the record regarding any sanctions imposed.

a. Reprimand — A written or oral communication which gives official notice to the student that any subsequent offense against the Student Code of Conduct will carry heavier penalties because of this prior infraction.

b. General Probation — General probation has two important implications: the individual is given a chance to show capability and willingness to observe the Student Code of Conduct without further penalty, and, if the individual errs again, further action will be taken. Continued enrollment of a student on probation may be conditioned upon adherence to specified terms.

c. Restrictive Probation — Restrictive probation results in loss of good standing and becomes a matter of record in the student’s file. Restrictive conditions may limit activity in the college community, including possible exclusion from classes, programs, and/or specific
campus locations. Generally, the individual will not be eligible for initiation into any local or national organization sanctioned by the College and may not receive any college award or other honorary recognition. The individual may not occupy a position of leadership or responsibility with any College or student organization, publication, or activity. Any violation of restrictive probation may result in immediate suspension.

d. Reduction in Grade — Imposed as a result of academic dishonesty. The College’s policy is that students who engage in any form of academic misconduct receive a zero on the assignment. A second occurrence of academic misconduct will result in the dismissal of the student from the class with a failing grade. A third occurrence of academic misconduct may result in a recommendation of suspension or expulsion from the College. See the Academic Integrity and Plagiarism policy for more detail.

e. Withholding Transcript, Diploma, or Right to Register or Participate in Graduation Ceremonies — Imposed when financial obligations are not met. The student will not be allowed to register until all financial obligations are met.

f. Group Probation — This sanction is given to a College organization for a specified period. If group violations are repeated while probation is in effect, the charter may be revoked or activities restricted.

g. Group Charter Revocation — Removal of College recognition for a group, club, society, or other organization for a minimum of two years. Recharter after that time must be approved by the College president.

h. Loss of Technology Privileges — Exclusion from all privileges associated with college technology access including, but not limited to, email and network access and storage.

i. Interim Suspension — As a general rule, the status of a student accused of violations of the Student Code of Conduct should not be altered until a final determination is made regarding the charges against him or her. However, interim suspension may be imposed upon a finding that the continued presence of the accused student on campus constitutes a threat to the safety and well-being of the accused student or any other member of the College community or its guests or that the continued presence of the student on campus creates a risk of disruption of classroom or other College-related activities. Interim suspension may result in exclusion from class and/or other privileges including presence on college property or at College-sponsored activities until a final decision has been made concerning the alleged violation.

Upon invoking interim suspension, the College official will file a written report to the vice president of Student Engagement, Development,
and Support including the individual(s) involved and the nature of the infraction(s). This report should be filed as soon as possible but no more than two working days following the incident. Consult the procedures below for details on subsequent steps in the process.

In the event an investigation is conducted that leads to a conclusion that a student’s continued presence on campus is not a threat to self or others or in the event the investigation does not lead to a conclusion that a violation has in fact occurred, the College will implement a plan for the suspended student to make up missed academic work, and the student will not be penalized for absences in class. The College accepts no responsibility for the actions of partner organizations that may host or deliver instructional activities. Partner organizations (e.g., clinical sites) have the full and exclusive right to deny access to any individual for violations of their particular rules and regulations. In the event a student is denied access to a location where instructional activity is scheduled, the College is under no obligation to make alternate arrangements for that student.

j. Suspension — Exclusion from all college privileges and activities for a specified period of time. This sanction is reserved for offenses warranting discipline more severe than probation or for repeated misconduct. This sanction may be imposed only by the vice president of Student Engagement, Development, and Support. Students who receive this sanction may also be prohibited from returning to campus property without specific written permission from the vice president.

k. Expulsion — Removing student status and dismissing a student from the college permanently. This sanction may be imposed only by the College president.

12. Record Maintenance. A confidential file regarding the complaint shall be maintained by the Title IX coordinator. To the extent possible, the College will keep all information relating to the complaint and investigations confidential. However, to maintain compliance with the Clery Act, both parties will be informed of the outcome of any institutional proceeding alleging sexual harassment or sexual-based violence.

VOLUNTARY RESOLUTION

At any point in time, the parties involved may elect to resolve the dispute through voluntary resolution, subject to approval by the Title IX coordinator. Certain types of offenses may not be resolved voluntarily, in particular instances of sexual assault and/or instances where the reporting party is a student and the respondent is a faculty member.

The College will not require any party to seek or undergo voluntary resolution. If one party requests voluntary resolution, the other party will be notified of the request. If both parties agree to a voluntary resolution, the Title IX coordinator will consider whether the matter is appropriate for a voluntary resolution. Should both parties agree to voluntary resolution and the Title IX coordinator agrees that voluntary resolution is appropriate, the parties can
elect to attempt to voluntarily resolve the dispute. Any voluntary resolution reached by the parties will terminate the process.

**APPEALS**

If a student or employee believes that exceptional circumstances justify reconsideration of a decision related to a complaint in which they were the Reporting Party or Respondent, the individual may request an appeal. The appeal must be requested in writing to the appeal officer (Title IX coordinator) within seven (7) calendar days of receipt of the decision letter. The written request must state the grounds for the appeal and must include supporting evidence.

**GROUNDS FOR AN APPEAL**

An appeal will not be considered if an involved party simply disagrees with the final decision. The grounds for an appeal will be limited to the following:

a. Introduction of new, compelling evidence that was not available at the time of the initial assessment or during the investigation, which may have impacted the final decision;

b. False, misleading, or extraneous facts or criteria brought to bear that substantially affected the final decision to the detriment of the reporting party or respondent;

c. Lack of adherence to established procedures or procedural irregularities that substantially affected the outcome of the matter to the detriment of the reporting party or respondent;

d. The final decision included a sanction that was especially egregious, arbitrary, and/or capricious;

e. The reporting party or respondent believes that his or her due process rights were violated at some point during the process;

f. The Title IX investigator(s) failed to follow the established Title IX procedures.

The appeal officer (Title IX coordinator) will acknowledge receipt of the appeal request within two business days. If the request does not effectively articulate/demonstrate an appropriate grounds for appeal, the letter of acknowledgement will indicate that the request for appeal will receive no further consideration as it does not meet the criteria.

If the request does effectively articulate/demonstrate an appropriate ground for appeal, the appeal officer (Title IX coordinator) will then review all documentation, which may include a request for additional information from the investigator(s), and make a decision regarding the appeal request. The officer (Title IX coordinator) will render a finding of “approved” or “denied.” The appeal officer (Title IX coordinator) will select Title IX investigators that were not a part of the original investigation to serve on an appeal committee to review all documentation, which may include a request for additional information from the investigator(s). The appeal committee will make a recommendation regarding the finding. The appeal officer (Title IX coordinator) will then issue each party a written appeal decision letter, conveying the finding. The officer (Title IX coordinator) shall make every effort to conclude the review as soon as possible but no later than 14 calendar days from receipt of the original appeal request.
**FOLLOW-UP CARE**

After an incident of dating violence, domestic violence, or sexual assault, you should consider seeking medical attention. For immediate and urgent medical concerns, go directly to the emergency department of your local hospital. If on campus, you can call the Campus Police department (919-536-7255 or ext. 5555) for transportation without having to make a report. For less immediate medical concerns, schedule an appointment with your primary care physician or at an urgent care facility.

It is crucial that individuals seek medical attention as soon as possible, and Student Health Service staff and emergency room personnel at both local hospitals are trained to respond sensitively to individuals who have experienced violence.

- It is important to try to preserve all physical evidence to maintain all of the available legal options. For incidents of sexual, dating, or domestic violence, having an evidence collection kit completed at a local hospital within 96 hours will assist an investigation should an individual decide now (or later) that they want to pursue prosecution. For individuals impacted by stalking, keep a log of all dates, times, witnesses, and incidents that have occurred.

- A medical professional can also determine the possibilities and any required treatment for physical injury, sexually transmitted infections/diseases, or pregnancy.

- Seek support. There are many professional resources on campus or within the community that are available to support individuals through the healing process. Individuals may also choose to seek support in family or friends.

**EVIDENCE PRESERVATION**

In North Carolina, evidence may be collected even if you choose not to make a report to law enforcement. If you do not wish to make a report to law enforcement, please notify the sexual assault nurse examiner at the medical facility. It is important that victims 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 may be preserved that may assist in proving that the alleged criminal offense occurred/or is occurring or may be helpful in obtaining a protection order. 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.

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, and other communications and keeping pictures, logs, or other copies of documents if they have any that would be useful to college disciplinary proceedings or police investigations.

Individuals who experience stalking have the right to apply for a civil order of protection. Individuals should contact the Durham County Clerk of Court at 510 South Dillard St. in Durham, or call 919-808-3076 for assistance in applying for such an order.

Durham Tech will comply with all such orders, and Durham Tech Police and Public Safety personnel shall assist with enforcement of such orders. If you obtain a civil protection
order, please bring the order to Title IX Coordinator Angela Davis on Main Campus, Building 5, room 5-213, or call 919-536-7200, ext. 5108.

Alternatively, you may also bring a copy to the Durham Tech Police and Public Safety department located in Building 8 on Main Campus at 1637 East Lawson St., Durham, to ensure a copy of the order is on file with the campus.

To enforce your order of protection, please contact Durham Tech Police and Public Safety at 919-536-7255 or 911 for all reports of violations of your order of protection.

Although the College strongly encourages all members of its community to report violations of this policy to law enforcement, it is the victim’s choice whether or not to make such a report, and victims have the right to decline involvement with the police. College officials such as the Title IX coordinator and Counseling office will assist any victim with notifying local police if they so desire.

If an individual has been the victim of domestic violence, dating violence, sexual assault, or stalking, they should report the incident promptly to:

- Angela Davis, Special Assistant for Equity and Inclusion, Room 5-213, Continuing Educations Building, 919-536-7200, ext. 6002, davisa@durhamtech.edu by calling, writing, or coming into the office to report in person and to the Campus Police (if the victim so desires.)

- The Durham Tech Police and Public Safety department can also be reached directly by calling 919-536-7255 or in person at its office in Building 8. More information about the department can be found on the Durham Tech website.

Durham Tech offers on-campus resources and/or referrals to off-campus providers for persons who have been victims of sexual assault, domestic violence, dating violence, or stalking. These resources include counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, and student financial aid.

The College applies appropriate disciplinary procedures to those who violate the college’s Title IX policy. The College’s procedures are intended to afford a prompt response to charges of sexual assault, domestic or dating violence, and stalking, to maintain confidentiality and fairness consistent with applicable legal requirements, and to impose appropriate sanctions on violators of this policy.

As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, or 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 Campus Police or other law enforcement to preserve evidence in the event that the victim changes her/his mind at a later date.

If a report of domestic violence, dating violence, sexual assault, or stalking is reported to the College, below are the procedures that the College will follow as well as a statement of the standard of evidence that will be used during any disciplinary action on campus arising from such a report.
Depending on when and where reported, Durham Tech will:

- Assist the complainant with access to medical care;
- Assess immediate safety needs of the complainant;
- Assist the complainant in contacting Campus Police or local police if complainant requests and provides contact information for police;
- Provide the complainant with referrals to on and off campus mental health providers;
- Assess need to implement interim or long-term protective measures, such as office changes, change in class or work schedule, and “no contact” directive between both parties;
- Provide a “no trespass” directive to accused party, if deemed appropriate;
- Provide resources for victims to apply for a protective order;
- Provide a copy of the college policy to the complainant and inform the complainant regarding timeframes for inquiry, investigation, and resolution;
- Inform the complainant of the outcome of the investigation, whether or not the accused will be administratively charged, and the outcome of the disciplinary action;
- Upon written request, Durham Tech will 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 the College 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 the victim shall be treated as the alleged victim for purposes of this paragraph; and
- Enforce the anti-retaliation policy and take immediate and separate action against parties that retaliate against a person for complaining of sex-based discrimination or for assisting in the investigation.

BYSTANDER INTERVENTION
The Clery Act defines bystander intervention as "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." (34 CFR 668.46(j)(2)(ii)).

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.” 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 of strategies. If a student or employee is in immediate danger, call 911 or Campus Police at 919-536-7255. 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 friends and fellow students/employees. If a student or employee sees 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 for support in health or counseling or with legal assistance

RISK REDUCTION
With no intent to victim blame and recognizing that only abusers are responsible for their abuse, the following are some strategies to reduce one’s risk of sexual assault or harassment (taken from Rape, Abuse, & Incest National Network).

- Student and employees should be aware of their surroundings. Knowing where they are and who is around them may help them to find a way to get out of a bad situation.
- Try to avoid isolated areas. It is more difficult to get help if no one is around.
- Walk with purpose. Even if students or employees don’t know where they are going, act like they do.
- Trust instincts. If a situation or location feels unsafe or uncomfortable, it probably isn’t the best place to be.
- Try not to be loaded down with packages or bags as this can make people appear more vulnerable.
- Make sure cell phones are charged.
- Don't allow anyone to be isolated with someone they don't trust or someone they don't know.
- Avoid putting music headphones in both ears to be more aware of the surroundings, especially if the person is walking alone.
- When going 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 everyone is and who is around may help everyone find a way out of a bad situation.
- Trust instincts. If anyone feels unsafe in any situation, go with their gut. If someone sees something suspicious, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.).
- Don't leave any drinks unattended while talking, dancing, using the restroom, or making a phone call. If a drink is left alone, just get a new one.
- Don't accept drinks from unknown people. If anyone accepts a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don’t drink from the punch bowls or other large, common open containers.
- Watch out for friends and vice versa. If a friend seems out of it, is way too intoxicated for the amount of alcohol they’ve had, or is acting out of character, get them to a safe place immediately.
- If anyone suspects someone 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 the victim the correct tests (they will need a urine test and possibly others).
If needing to get out of an uncomfortable or scary situation, here are some things that can be attempted:

- 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.
- Be true to yourself. Don't feel obligated to do anything you don't 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.
- Have a code word with your friends or family, so that if you don't feel comfortable, you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.
- Lie. If you don't 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.

- 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?
- If you and/or the other person have been drinking, you can say that you would rather wait until you both have your full judgment before doing anything you may regret later.

RESOURCES FOR SURVIVORS OF DOMESTIC VIOLANCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING

This may be a time in which an individual will have to make many decisions and may feel a variety of emotions that might make it difficult to cope alone. Durham Tech and our local community are both well-equipped to assist individuals who have experienced sexual violence, relationship violence, or stalking, whether through having individuals to talk to and support them, obtaining medical attention, planning for their physical and emotional safety, making adjustments to their housing or class schedule, visiting a counselor or seeking support, engaging with legal authorities, and/or engaging with the Durham Tech Title IX sexual misconduct process.

If an individual has experienced sexual assault, dating or domestic violence, or stalking: It is not their fault. They are not alone. On-campus resources are available to help.

- For emergency needs, call 911. This notification activates resources to provide emergency medical or safety care.
- Durham Tech Police and Public Safety: 919-536-7255, ext. 5555.
- Durham Tech Title IX Coordinator: Angela Davis at Room 5-213, Building 5, Main Campus, 919-536-7200, ext. 5108, or title9coordinator@durhamtech.edu.
- Durham Tech counseling support at 919-536-7207, ext. 1413. All services are confidential and do not require making a formal report to the police.
- Employee Assistance Program (EAP): A professional, confidential counseling service available to assist employees and their immediate family members in solving personal issues and problems before they affect health, family relationships, and/or job performance. To contact the EAP counselor, call 1-800-435-1986.
Additional information is available on the Employee Benefits and Retirement section of the Employee Handbook.

**Local Resources:**
- Durham City Police Department: 911 or 919-560-4322
- Durham County Sheriff’s Office: 919-560-0897
- Durham Crisis Response Center: Offers a 24-hour, confidential crisis line for victims of domestic and sexual violence. Provides short-term emergency shelter, hospital and court accompaniment, legal clinics with local attorneys, support groups, counseling, and referrals for job training, housing, child care, and other community services. All direct services offered to the community free of charge. 919-403-6562 or durhamcrisisresponse.org
- NC Victim’s Compensation Services: 1-800-826-6200
- Rape Victim Assistance Program: 1-800-826-6200
- SAVAN (Statewide Automated Victim Assistance & Notification): 1-877-627-2826
- RAINN (Rape, Abuse, & Incest National Network): 1-800-656-HOPE (4673), rainn.org

More information about prevention, intervention, and education programs specifically addressing sexual assault as well as legislation relating to sexual assault on college campuses can be found at Security on Campus/Campus Security and Crime Victim Resources.

**CAMPUS SEX CRIMES PREVENTION ACT**

**OBTAINING INFORMATION ON REGISTERED SEX OFFENDERS**

The North Carolina Sex Offender and Public Protection Registry was established in January 1996 with the General Assembly’s enactment of Article 27A of Chapter 14 of the North Carolina General Statutes (NCGS 14-208.5).

In accordance to the Campus Sex Crimes Prevention Act (CSCPA) of 2000, which amends the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act and the Jeanne Clery Act, Durham Tech Police and Public Safety is providing a link to the North Carolina Sex Offender and Public Protection Registry. This act requires institutions of higher education to issue a statement advising the campus community where law enforcement information, provided by a state, concerning registered sex offenders may be obtained.

It also requires sex offenders already required to register in a state to provide notice of each institution of higher education in that state at which the person is employed, carries a vocation, or is a student. North Carolina law requires sex offenders who have been convicted of certain offenses to register with their county sheriff. Information about offenders is then entered into the registry database by the sheriff’s office and transmitted to the North Carolina State Bureau of Investigation, which collects information submitted by sheriffs in all 100 counties in the state and makes it available to the public via the Sex Offender and Public Protection Registry website.

In compliance with the Adam Walsh Child Protection and Safety Act of 2006, the State of North Carolina provides a list of registered sexual offenders that is made available to the public. This information is accessible at the following web addresses.
The website for North Carolina and websites for other state registries are listed below:

1. Sex offender registry websites by state
2. National Sex Offender Public Registry
3. N.C. Sex Offender and Public Protection Registry

DRUG AND ALCOHOL AWARENESS PREVENTION POLICY


The College promotes a drug-free and alcohol-free workplace for employees and students. This Drug and Alcohol Policy is distributed to all employees and students. North Carolina law makes it a crime to possess, sell, deliver, or manufacture those drugs designated as controlled substances. Persons who violate this law are subject to punishment and prosecution by federal and state drug laws and civil authorities as well as disciplinary action by Durham Tech. View the Drug and Alcohol policy for students and the policy for employees.

Problems with substance abuse are extremely complex. Substance abuse on campus can impact the safety and well-being of faculty, staff, and students. Therefore, it is the policy of Durham Tech that the unlawful manufacture, distribution, dispensation, possession, sale, or use of alcohol or a controlled substance is prohibited on college premises and is prohibited as part of college-sponsored activities. Any student violating this policy will be subject to disciplinary action. The specifics of this policy are outlined as follows:

1. Any employee or student who possesses, uses, sells, manufactures, gives, or in any way transfers a controlled substance or alcoholic beverage to another person on college premises or as part of any college-sponsored activity will be subject to disciplinary action up to and including expulsion and referral for prosecution.

2. The term “controlled substance” means any drug listed in 21 CFR Part 1308 and other federal regulations as well as those listed in Article V, Chapter 90, of the North Carolina General Statutes. Generally, these are drugs which have a high potential for abuse. They include but are not limited to cocaine, heroin, marijuana, PCP, and “crack.” They also include any legal drugs that have not been prescribed specifically by a licensed physician.

3. If any student is convicted of violating any criminal drug or alcoholic beverage control statute while on college premises, in the workplace, or as part of any college-sponsored activity, he or she will be subject to disciplinary action up to and including expulsion. Alternatively, the College may require the student to successfully complete drug abuse program sponsored by an approved private or governmental institution as a precondition of continued enrollment at the college.

4. Each student is required to inform the College in writing within five days after he or she is convicted for violation of any federal, state, or local criminal drug or alcoholic beverage control statute where such violation occurred while on college premises or in the workplace or as part of any college-sponsored activity. A conviction means a finding of guilt (including a plea of nolo contendre) or the imposition of a sentence by a judge or jury in any federal or state court.
5. All employees directly engaged in performance of work pursuant to the provisions of a federal grant or a federal contract in excess of $25,000 must notify the College in writing of any drug-related criminal conviction for a violation occurring on or off college premises while conducting college business or activities no later than five calendar days following the conviction. The College shall, within 10 days after receiving such notice, inform the federal agency providing the grant or contract of such conviction. Within thirty (30) days following the notification of the conviction, appropriate disciplinary action shall be taken against such employees. Employees may be required at their own expense to participate satisfactorily in a substance abuse assistance or rehabilitation program.

6. Students employed under the college’s work-study program are considered college employees if the work is performed for the college where the student is enrolled. For work performed for a federal, state, or local public agency, a private nonprofit, or a private for-profit agency, students are considered college employees unless the agreement between the college and the other organization specifies that the organization is considered the employer.

Possible disciplinary action for students violating this policy may include probation, suspension, expulsion, denial of participation in college activities, denial of opportunity to represent the college, required completion of a drug or alcohol rehabilitation program, termination of College Work-Study employment, and/or referral for prosecution.

NORTH CAROLINA STATE LAWS REGARDING ALCOHOL

The unlawful manufacture, distribution, possession, and/or use of a controlled substance or alcohol is regulated by a number of federal, state, and local laws. These laws impose sanctions for both misdemeanor and felony convictions. A summary of North Carolina alcohol and drug laws is available in the chart below. This information is not an exhaustive or definitive statement of all applicable laws but rather illustrates the range of legal sanctions that can be imposed for violating these state statutes.

For complete information regarding North Carolina state laws governing alcohol, consult the North Carolina General Statutes, Chapter 18B. Some highlights are excerpted below. Of particular note are the provisions of §18B-302: Sale to or purchase by underage persons.

DEFINITIONS

**Alcoholic Beverage** – Any beverage containing at least one-half of one percent (0.5%) alcohol by volume, including beer, wine, liquor, and mixed beverages.

**Malt Beverage** – Beverage containing at least one-half of one percent (0.5%) and no more than six percent alcohol by volume.

**Sale of Alcohol** – Any transfer, trade, exchange, or barter in any manner or by any means for consideration of alcohol (e.g., cover charges, mug/T-shirt sales, etc.).

**Spiritusous Liquor or Liquor** – Distilled spirits or other alcohol and mixtures of cordials and premixed cocktails in closed containers for beverage use regardless of their dilution.

**Unfortified Wine** – Wine with an alcohol content of no more than 17 percent.
**Use of Alcoholic Beverages** – Possession, consumption, distribution, purchase, sale, or transfer of alcoholic beverages.

**DRUGS AND DRUG PARAPHERNALIA**

North Carolina state law prohibits the manufacture, sale, delivery, possession, or use of a controlled substance without legal authorization. A controlled substance includes any drug, substance, or immediate precursor covered under the North Carolina Controlled Substances Act, which includes but is not limited to opiates, barbiturates, amphetamines, marijuana, and hallucinogens. The possession of drug paraphernalia is also prohibited under North Carolina state law and Durham Tech policy. Drug paraphernalia includes all equipment, products, and material of any kind that are used to facilitate, or intended or designed to facilitate, violations of the North Carolina Controlled Substances Act. Alleged violations of this policy may result in criminal charges and will also be adjudicated through the College’s disciplinary procedure.

**RESOURCES**

- Counseling, Student Development and Activities: 919-536-7207, ext.1413, or email counseling@durhamtech.edu.
- Employee Assistance Program: 1-800-435-1986

**LAWS RELATED TO THE UNLAWFUL POSSESSION OR DISTRIBUTION OF ILLEGAL DRUGS AND ALCOHOL**

The unlawful manufacture, distribution, possession, and/or use of a controlled substance or alcohol is regulated by a number of federal, state, and local laws. These laws impose sanctions for both misdemeanor and felony convictions. A summary of North Carolina alcohol and drug laws is available in the chart below. This information is not an exhaustive or definitive statement of all applicable laws but rather illustrates the range of legal sanctions that can be imposed for violating these state statutes.
## N.C. DRUG LAWS

<table>
<thead>
<tr>
<th>Types of Drugs</th>
<th>Possession</th>
<th>Possession with intent to Sell or Deliver; To Manufacture; or to Sell and/or Deliver</th>
<th>North Carolina Statute</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Schedule I: Heroin, LSD, peyote, mescaline, psilocybin (shrooms), other hallucinogens, methaqualone (quaaludes), phencyclidine (PCP), and MDA</strong></td>
<td>Maximum Penalty: Five years in prison and/or fine (felony)</td>
<td>Maximum Penalty: 10 years in prison and/or fine (felony)</td>
<td>§90-89</td>
</tr>
<tr>
<td><strong>Schedule II: Morphine, Demerol, codeine, Percodan, Percocet, fentanyl, Dilaudid, secodnal, Nembutal, cocaine, amphetamines, and other opium and opium extracts and narcotics</strong></td>
<td>Maximum Penalty: Two years in prison and/or $2,000 fine (misdemeanor)</td>
<td>Maximum Penalty: 10 years in prison and/or fine (felony)</td>
<td>§90-90</td>
</tr>
<tr>
<td><strong>Schedule III: Certain barbiturates such as amobarbital and codeine containing medicine such as Fiorinal #3, Doriden, Tylenol #3, Empirin #3, and codeine-based cough suppressants such as Tussionex and Hycomine, and all anabolic steroids</strong></td>
<td>Maximum Penalty: Possession of less than 100 tablets, capsules, other dosage units or equivalent quantity: Two years in prison and/or fine (misdemeanor)</td>
<td>Maximum Penalty: Five years in prison and/or fine (felony)</td>
<td>§90-91</td>
</tr>
<tr>
<td><strong>Schedule IV: Barbiturates, narcotics, and stimulants including Valium, Talwin, Librium, Equanil, Darvon, Darvocet, Placidyl, Tranzene, Serax, Ionamin (yellow jackets)</strong></td>
<td>Maximum Penalty: Same as Schedule III</td>
<td>Maximum Penalty: Five years in prison and/or fine (felony)</td>
<td>§90-92</td>
</tr>
<tr>
<td><strong>Schedule VI: Marijuana, THC, hashish, hash oil, tetrahydrocannabinol</strong></td>
<td>Maximum Penalty: Possession of less than 1/2 ounce of marijuana or 1/20 ounce hashish: 30 days in prison and/or $100 fine (misdemeanor)</td>
<td>Maximum Penalty: Five years in prison and/or fine (felony)</td>
<td>§90-94</td>
</tr>
</tbody>
</table>
### Federal and North Carolina Drug-Related Offenses

#### Federal Illegal Drug Laws
Federal law penalizes the manufacture, distribution, possession with intent to manufacture or distribute, and simple possession of drugs ("controlled substances"). Federal penalties and sanctions for the simple possession of a controlled substance are quite severe. The law sets forth sentences and fines that include the following:

1. **First conviction:** Up to one-year imprisonment, a fine of at least $1,000, or both. After one prior drug conviction: At least 15 days in prison, not to exceed two years, and a fine of at least $2,500.

   After two or more prior drug convictions: At least 90 days in prison, not to exceed three years, and a fine of at least $5,000. A special, harsher sentencing provision applies for possession of flunitrazepam (Rohypnol). (21 U.S.C. §844(a))

2. **Forfeiture of personal and real property used to possess or to facilitate possession of a controlled substance if that offense is punishable by more than one-year imprisonment as well as forfeiture of vehicles, boats, aircraft, or any other conveyance used to transport or conceal a controlled substance.** (21 U.S.C. §§853(a) & 881(a))

3. **Denial of federal benefits, such as student loans, grants, contracts, and professional and commercial licenses, up to five years for the first offense, up to 10 years for the second offense, and permanently upon the third offense.** (21 U.S.C. §862)

4. **Ineligibility to receive or purchase a firearm.** (18 U.S.C. §922(g))

Moreover, revocation of certain federal licenses and benefits (e.g., pilot licenses, public housing tenancy) are vested within the authorities of individual federal agencies. These penalties may be doubled, however, when a person at least 18 years old: (1) distributes a controlled substance to a person under 21 years of age (a term of imprisonment for this

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<table>
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<tr>
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<th>North Carolina Statute</th>
</tr>
</thead>
<tbody>
<tr>
<td>Drug paraphernalia</td>
<td>Maximum Penalty: 120 days in prison and/or fine. (misdemeanor)</td>
<td>Maximum Penalty: 120 days in prison and/or fine. (misdemeanor). However, delivery of drug paraphernalia by a person over 18 years of age to someone under 18 years of age who is at least three years younger: One year in prison and/or fin (felony). It is unlawful for any person to purchase or otherwise procure an advertisement in any newspaper, magazine, handbill, or other publication, or purchase or otherwise procure an advertisement on a billboard, sign, or other outdoor display, when he know that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia. 60 days in prison and/or fine (misdemeanor).</td>
<td>§90-90</td>
</tr>
</tbody>
</table>
offense shall not be less than one year), and/or (2) distributes, possesses with intent to distribute, or manufactures a controlled substance in, on, or within 1,000 feet of the real property comprising a public or private elementary or secondary school or a public or private college. (21 U.S.C. §§859 & 860)

Federal penalties and sanctions for trafficking in controlled substances are considerably more severe than those outlined previously for simple possession. The Drug Enforcement Agency outlined the federal drug trafficking penalties covered under the [Controlled Substance Act web page](https://www.deadiversion.usdoj.gov/).

### N.C. ALCOHOL LAWS

<table>
<thead>
<tr>
<th>State Law</th>
<th>Penalty</th>
<th>North Carolina Statute</th>
</tr>
</thead>
<tbody>
<tr>
<td>To possess, attempt to purchase or purchase, sell or give beer, wine,</td>
<td>Maximum Penalty: Imprisonment for a term up to 120 days and/or community service and fines up to $1,000 (Class 1 misdemeanor)</td>
<td>§18B-302-18B302.1</td>
</tr>
<tr>
<td>liquor, or mixed beverages to anyone under the age of 21.</td>
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<tr>
<td>A person under 21 years of age who aids and abets to purchase or to</td>
<td>Maximum Penalty: Imprisonment for a term up to 60 days and/or community service and fines (Class 2 misdemeanor)</td>
<td>§18B-302-18B302.1</td>
</tr>
<tr>
<td>attempt to purchase, purchase or to possess, sell or give alcohol to a</td>
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<tr>
<td>person who is under 21 years of age.</td>
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</tr>
<tr>
<td>A person over 21 years of age who aids and abets to purchase or to</td>
<td>Maximum Penalty: Imprisonment for a term up to 120 days and/or community service and fines up to $1,000 (Class 1 misdemeanor)</td>
<td>§18B-302-18B302.1</td>
</tr>
<tr>
<td>attempt to purchase, purchase or to possess, sell or give alcohol to a</td>
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<tr>
<td>person who is under 21 years of age.</td>
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<tr>
<td>Operating a motor vehicle upon any highway, street, or public vehicular</td>
<td>First Offense: Jail, 24 hours; Fine, $200; License suspension, 60 days to one year.</td>
<td>§20-138.1</td>
</tr>
<tr>
<td>area within this state: while under the influence of an impairing</td>
<td>Second Offense: Jail, four days; Fine, varies; License suspension, one to four years.</td>
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<tr>
<td>substance; after having consumed sufficient alcohol that he has, at any</td>
<td>Third Offense: Jail, 14 days to two years; Fine, varies; License Suspension, one year to</td>
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<td>relevant time after the driving, an alcohol concentration of 0.08 or</td>
<td>permanent.</td>
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<tr>
<td>more; or with any amount of a Schedule I controlled substance.</td>
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<tr>
<td>Operating a motor vehicle on a highway or public vehicular area by a</td>
<td>Maximum of 20 days in jail and $200. If driving while impaired offense is also</td>
<td>§20-138.1 &amp; 20-138.3</td>
</tr>
<tr>
<td>person less than 21 years old while consuming alcohol or at any time</td>
<td>charged then:</td>
<td></td>
</tr>
<tr>
<td>while he has remaining in his body any alcohol or controlled substance</td>
<td>First Offense: Jail, 24 hours; Fine, $200; License suspended, 60 days to one year.</td>
<td></td>
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<tr>
<td>previously consumed.</td>
<td>Second Offense: Jail, four days; Fine, varies; License Suspension, one to four years.</td>
<td></td>
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<tr>
<td></td>
<td>Third Offense: Jail, 14 days to two years; Fine, varies; License Suspension, one year to</td>
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<tr>
<td></td>
<td>permanent.</td>
<td></td>
</tr>
<tr>
<td>State Law</td>
<td>Penalty</td>
<td>North Carolina Statute</td>
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</tr>
<tr>
<td>Possessing an alcoholic beverage other than in the unopened manufacturer’s original container or consume an alcoholic beverage in the passenger area of a motor vehicle while the motor vehicle is on a highway or the right-of-way of a highway.</td>
<td>Maximum Penalty: Imprisonment for a term up to 60 days and/or community service and fines up to $1,000 (Class 2 or 3 misdemeanor based on number of offenses).</td>
<td>§18B-301; §18B-401; §20-138.7</td>
</tr>
</tbody>
</table>

**ALCOHOL AND DRUGS HEALTH RISKS**

**Alcohol** – This depressant slows down your heart, nervous system, and brain, and high doses of alcohol can cause you to stop breathing. Prolonged immoderate use can cause artery disease, heart failure, and liver damage including cancer, cirrhosis, and hepatitis. Women may develop alcohol-related health problems sooner than men and from drinking less alcohol than men. Because alcohol affects nearly every organ in the body, long-term heavy drinking increases the risk for many serious health problems.

**Marijuana** – Because it damages short-term memory and decreases concentration and learning abilities, marijuana is particularly detrimental to students. It contains more than 400 chemicals and has two-and-a-half times as much tar as tobacco. Extensive research has been devoted to studying the dangers and potential harm associated with the use of this drug. Research shows that marijuana users experience the same health problems as tobacco smokers, such as bronchitis, emphysema, bronchial asthma, and throat and lung cancer; tend to have more chest colds than non-users; and are at greater risk of getting lung infections like pneumonia. Studies show that someone who smokes five joints per day may be taking in as many cancer-causing chemicals as someone who smokes a full pack of cigarettes every day. Effects also include increased heart rate, dryness of the mouth, reddening of the eyes, and impaired motor skills and concentration.

**Anabolic Steroids** – Steroids have side effects ranging from insomnia to death. Using them increases your risk of cancer and cardiovascular, kidney, and liver disease. Users may exhibit aggressive, combative behavior and use may cause impotence, sterility, or fetal damage.

**Amphetamines** – These drugs cause acute psychoses and malnutrition. They also can make you nervous, hyperactive, and sleepless and can elevate your pulse rate and blood pressure.

**Methamphetamines** – Meth is a highly addictive drug that targets the functioning of the central nervous system. Short-term effects include increased wakefulness, increased physical activity, decreased appetite, increased respiration, rapid heartbeat, irregular heartbeat, increased blood pressure, hypothermia, irritability, paranoia, insomnia, confusion, tremors, and aggressiveness. Long-term health effects include irreversible damage to blood vessels in the brain, stroke, severe reduction in motor skills with symptoms similar to those of Parkinson's disease, impaired verbal learning, memory impairment, and decreased ability to regulate emotions. Many of the long-term effects persist after use of the drug is discontinued.

**Barbiturates** – Both physiologically and psychologically addictive, these drugs can cause death in high doses. Infants born to barbiturate users may suffer congenital deformities. Other effects include nausea, dizziness, lethargy, allergic reactions, and possible breathing difficulties.
Cocaine – Anyone who uses cocaine, even a first-time user, may have seizures, heart fibrillation, and strokes that can result in death. Habitual users experience irritability, paranoia, and hallucinations. Use causes tumors, chronic fatigue, dangerous weight loss, sexual impotence, and insomnia and affects respiration, blood pressure, and blood sugar levels.

Heroin and Opium – An overdose of these psychologically and physiologically addictive drugs can cause death. Users feel sluggish and fall asleep at inappropriate and dangerous times. Intravenous users risk contracting hepatitis, HIV/AIDS, and other infections.

LSD – LSD causes hallucinations, perception distortions, and anxiety. Users cannot function normally and are accident-prone. LSD also can cause elevated body temperature, respiration, and a rapid heartbeat.

MDMA (Ecstasy) – This drug produces both stimulant and psychedelic effects including increased heart rate, elevated blood pressure, nervousness, and hyperactivity. Because users may experience feelings of increased confidence, sensitivity, arousal, and confusion, use of ecstasy makes them more vulnerable to crime, especially robbery, sexual assault, and other unwanted sexual encounters.

Oxycodone and other Narcotics – These are safe and effective treatments for pain when prescribed by a doctor and used as directed. However, they are opioids, and therefore are psychologically and physiologically addictive. They can cause death by stopping breathing. Because of their medical uses, these drugs are frequently manufactured in a time-release (sustained-release, long-acting, extended-release) form. If users circumvent the time-release formulation, they may take a larger dose than intended, overdose, and suffer serious complications or death. Combining narcotics with alcohol or other drugs significantly increases the risk to life and well-being.

Psilocybin – This substance, found in certain mushrooms, causes hallucinations and perception distortions. Users cannot function normally and are accident-prone. This drug also can produce anxiety, elevated body temperature, rapid heartbeat, and elevated respiration.

DRUG AND ALCOHOL ABUSE ONLINE RESOURCES
For more information regarding drug abuse, visit these online resources:

- National Institute on Drug Abuse
- Substance Abuse and Mental Health Services Administration
- Insight Human Services
- STOP Underage Drinking
- National Institute on Alcohol Abuse and Alcoholism
- College Drinking Prevention Program

DRUG AND ALCOHOL ABUSE EDUCATION PROGRAMS
Below is a list of some of the programs Durham Tech conducts annually to keep students informed about drug and alcohol abuse:

RESOURCES FOR STUDENTS

- Wellness programming including:
  - Al-Anon (Family Group)
- Group meetings for family members of substance abusers held various times and locations weekly.
- Automated information line for meeting information/volunteer services: 1-800-425-2666, or visit Al-Anon.
- Drug and alcohol treatment and prevention network

- To find mental health and substance abuse resources, including providers:
  - Durham Tech Counseling Services can provide substance abuse referrals.
  - Alcoholics Anonymous International: 1-800-527-5344
  - Durham Center Access (Freedom House Recovery Center): 919-560-7305
  - Duke Health Addictions & Substance Abuse: 919-626-3835
  - Narcotics Anonymous: 1-800-365-1036

**RESOURCES FOR FACULTY AND STAFF**

Durham Tech employees are encouraged to use the Employee Assistance Program offered by the College at no cost. These professional counseling services are available as needed through Beacon Health Options at 1-800-435-1986.

Durham Tech employees also are encouraged to use the North Carolina State Health plan for various services. Call 855-859-0966 for more information.

To find mental health and substance abuse resources, including providers, employees may contact:
  - UNC Alcohol and Substance Abuse Outpatient Treatment Program: 984-974-6320
  - Duke Health Addictions & Substance Abuse: 919-626-3835

**LAWS ON WEAPONS**

North Carolina law (N.C.G.S. § 14-269.2) generally prohibits carrying a "weapon" either openly or concealed on community college property. A "weapon" includes firearms, explosives, BB guns, stun guns, air rifle or pistol, and certain types of knives or other sharp instruments. However, the General Assembly has enacted a limited exception to that general prohibition (S.L. 2013-369, sec. 2; HB 937; N.C.G.S. § 14-269.2(k)).

A firearm is permissible on a community college campus only under the following limited circumstances:

1. The firearm is a handgun; and
2. The individual has a valid concealed handgun permit or is exempt from the law requiring a permit; and
3. The handgun remains in either a closed compartment or container within the individual with the permit's locked vehicle; or a locked container securely affixed to the individual with the permit's locked vehicle; and
4. The vehicle is only unlocked when the individual with the permit is entering or exiting the vehicle; and

5. The firearm remains in the closed compartment at all times.

This law does not permit the concealed carry permit holder to carry the handgun around campus. While on campus, the handgun must remain in the closed compartment or container within the locked vehicle or within a locked container securely affixed to the vehicle.

If you have any questions relating to weapons on campus, contact the chief/director of Police and Public Safety at 919-536-7255, ext. 5504. It is our desire to provide a safe environment for our faculty, staff, student, and visitors.

**CRIME VICTIMS’ RIGHTS**

The Crime Victims’ Rights law took effect on July 1, 1999, establishing specific responsibilities for many different criminal justice agencies in regard to the notification of victims of certain crimes. The law was passed in an effort to educate victims and keep them informed of court proceedings; victim restitution; information of the crime itself and how the criminal justice system works; conviction or final disposition and sentencing; notification of escape, release, or proposed parole proceedings; and many other rights.

For certain crimes, the Durham Tech Police and Public Safety office is required to provide the victim with information concerning the availability of medical services, crime victims’ compensation fund, the address and telephone number of the district attorney’s office, name and telephone number of the investigating law enforcement agency officer whom the victim may contact, information about an accused’s opportunity for pre-trial release, and the name and telephone number of the investigating law enforcement officer whom the victim may contact to find out whether the accused has been released from custody. There are also notification requirements placed upon the district attorney’s office, correctional facilities, and attorney general’s office as well as probation and parole.

Crimes covered under this law include many serious felonies such as murder, voluntary manslaughter, assault with a deadly weapon, rape, and armed robbery.

The following are websites to the N.C. General Statutes that relate to the rights, treatment, and compensation of crime victims.

- [Crime Victims’ Rights Act](#)
- [Fair Treatment For Certain Victims And Witnesses](#)
- [Victims Compensation Act](#)
- [N.C. Bar Association – Crime Survivors Booklet](#)
CRIME STATISTICS DEFINITIONS OF TERMS
VIOLENCE AGAINST WOMEN ACT (VAWA) REPORTABLE OFFENSE DEFINITIONS

Dating Violence:
Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be 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.

For the purposes of this definition:
- Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- Dating violence does not include acts covered under the definition of domestic violence.

For the purposes of complying with the requirements of this section and 34 CFR 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

In North Carolina, dating violence includes the criminal offense of Violation of a Domestic Violence Protection Order (NCGS 50B-4.1).

Domestic Violence:
Domestic violence means:

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

For the purposes of complying with the requirements of this section and 34 CFR 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

In North Carolina, domestic violence includes the following criminal offenses: simple assault (NCGS 14-33(a)); assault inflicting serious injury (NCGS 14-33(c)(1)); assault on a female (NCGS 14-33(c)(2)); assault by pointing a gun (NCGS 14-34); or violation of a domestic violence protection order (NCGS 50B-4.1).
Sexual Assault

- Sexual assault means an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI’s Uniform Crime Reporting system. A sex offense is any act directed against another person without the victim’s consent, including instances where the victim is incapable of giving consent.

- Rape is defined as 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 victim’s consent.

- Fondling is defined as the touching of the private parts of another person for the purposes of sexual gratification without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

- Incest is defined as non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

- Statutory rape is defined as a non-forcible sexual intercourse with a person who is under the statutory age of consent.

NORTH CAROLINA STATE LAW SEXUAL ASSAULT DEFINITIONS

G. S. 14-27.2. First Degree Rape. A person is guilty of rape in the first degree if the person engages in vaginal intercourse with a victim who is 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 with another person by force and against the will of the other person and employs or displays a dangerous or deadly weapon or an article which the other person reasonably believes to be a dangerous or deadly weapon; inflicts serious personal injury upon the victim or another person; or the person commits the offense aided and abetted by one or more other persons.

G. S. 14-27.3. Second-Degree Rape. A person is guilty of rape in the second degree if the person engages in vaginal intercourse with another person by force and against the will of the other person; or 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.

G. S. 14-27.4. First-Degree Sexual Offense. A person is guilty of a sexual offense in the first degree if the person engages in sexual act with a victim who is under the age of 13 and the defendant is at least 12 years old and is at least four years older than the victim; or with another person by force and against the will of the other person and employs or displays a dangerous or deadly weapon or article which the other person reasonably believes to be a dangerous or deadly weapon; inflicts serious personal injury upon the victim or another person; or the person commits the offense aided and abetted by one or more other persons.

G. S. 14-27.5. Second-Degree Sexual Offense. A person is guilty of a sexual offense in the second degree if the person engages in sexual act with another person by force and against the will of the other person; or 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.
NOTE: for G. S. 14-27.4 and 14.27.5, sexual act means cunnilingus, fellatio, analingus, 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.

G.S. 14-27.5A. Sexual Battery. 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 by force or against the will of the other person; or who is mentally disabled, mentally incapacitated, or physically helpless and the person performing the act knows or should reasonable know that the other person is mentally disabled, mentally incapacitated, or physically helpless.

G. S. 14-178. Incest. A person commits the offense of incest if the person engages in carnal intercourse with the person’s grandparent or grandchild, parent, child, stepchild, or legally adopted child, brother or sister of half or whole blood, or uncle, aunt, nephew, or niece.

G. S. 14-27.7A. Statutory Rape. 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 15 years of age or younger 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 15 years of age or younger 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.

Stalking:

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

- Fear for the person’s safety or the safety of others; or
- Suffer substantial emotional distress. For the purposes of this definition:
  a. 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.
  b. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
  c. 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 34 CFR 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

In North Carolina, stalking includes the following criminal offenses: stalking (NCGS 14-277.3), cyberstalking (NCGS 14-196.3), and violation of a domestic violence protective order (NCGS 50B-4.1).
DEFINITIONS OF CLERY REPORTABLE CRIMES

Criminal Homicide:

- **Murder/Non-Negligent Manslaughter**: The willful (non-negligent) killing of a human being by another. Please note that deaths caused by negligence, attempted murder, suicides, accidental deaths, and justifiable homicides are excluded.

- **Manslaughter**: The killing of another person through gross negligence. Gross negligence is the intentional failure to perform a manifest duty in reckless disregard of the consequences as affecting the life or property of another.

Robbery:

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

Aggravated Assault:

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

Burglary:

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

Motor Vehicle Theft:

The theft or attempted theft of a motor vehicle. (All cases where automobiles are taken by persons who don’t have lawful access, even though the vehicles are later abandoned including joy riding, should be classified as motor vehicle theft.)

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 of another, etc.

Hate Crimes

Commission of the crimes listed above as well as larceny-theft, simple assault, intimidation, and destruction, damage, or vandalism of property, and of other crimes involving bodily injury to any person that manifests evidence that the victim was intentionally selected because of the perpetrator’s bias. The categories of bias are:

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

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

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

- **Sexual orientation.** A preformed negative opinion or attitude toward a group of persons based on their sexual attraction toward, and responsiveness to, members of their own sex or members of the opposite sex (e.g., gays, lesbians, heterosexuals).

- **Ethnicity/national origin.** A preformed negative opinion or attitude toward a group of persons of the same race or national origin who share common or similar traits, languages, customs, and traditions (e.g., Arabs, Hispanics).

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

**Larceny/Theft:**
The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Attempted larcenies are included. Embezzlement, confidence games, forgery, worthless checks, etc., are excluded. Motor vehicle is also excluded.

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

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

**Destruction/Damage/Vandalism of Property:**
To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

**ARRESTS AND DISCIPLINARY REFERRALS**
For weapons, drug, and liquor law violations, Clery reportable crimes are those incidents only where arrests or disciplinary referrals occur. Arrests include not only physical arrests but issued North Carolina state citations that require a court appearance.
OTHER OFFENSES

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

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

- Drug Law Violation. The violation of state and local laws relating to the unlawful cultivation, manufacturing, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance. It is also illegal for the production, distribution, and/or use of drug paraphernalia.

- Weapon Law Violations. The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: the manufacture, sale, or possession of deadly weapons; the carrying of deadly weapons, concealed or openly; the furnishing of deadly weapons to minors; aliens possessing deadly weapons; and all attempts to commit any of the aforementioned acts.

LOCATION DEFINITIONS FROM THE JEANNE CLERY DISCLOSURE OF CAMPUS SECURITY POLICY AND CAMPUS CRIME STATISTICS ACT

On Campus:
Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of or in a manner related to the institution’s educational purposes, including residence halls; and any building or property that is within or reasonably contiguous to the area identified in the prior point 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).

Durham Tech has no residence halls or housing facilities.

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

Durham Tech has no off-campus housing or student organization facilities.
Public Property:
All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus or immediately adjacent to and accessible from the campus.

*The Durham Tech crime statistics do not include crimes that occur in privately owned homes or businesses on or adjacent to the campus, buildings, or property of Durham Tech.*

CRIME STATISTICS TABLES
The included tables reflect crime statistics mandated by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act and have been compiled by the Durham Tech Police and Public Safety office.

These tables include all reports made to Durham Tech Police and Public Safety as well as college officials who have significant responsibility for student and campus activities. The Public Property portion of the tables reflect the statistics provided by the Durham Police Department and Hillsborough Police Department.

Durham Tech has identified four campuses mandated for reporting:

- Main Campus: 1637 East Lawson St., Durham
- Northern Durham Center: 2401 Snow Hill Road, Durham
- Orange County Campus: 525 College Park Road, Hillsborough
- Duke Street North: 3404 N. Duke St., Durham

Non-campus buildings or property: Includes the Corporate Education and Small Business Center at Southbank Building, 400 W. Main St., 3rd floor, Durham; Durham Tech Community College at Northgate Mall, Lower Level, Office Area #6, 1058 West Club Blvd., Durham; and Orange County Skills Development Center, 503 West Franklin St., Chapel Hill.

Public Property: Includes public streets passing through the campus and public property and streets immediately adjacent to and accessible from the campus as reported to Durham Tech Police and Public Safety, Durham Police Department, and Hillsborough Police Department.
### MAIN CAMPUS STATISTICS MANDATED BY THE JEANNE CLERY ACT

NOTE: All numbers listed include attempted as well as completed crimes.

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### HATE CRIMES (by Prejudice)

NOTE: All numbers listed include attempted as well as completed crimes.

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Durham Tech Northern Durham Center is a full-service college campus that makes education even more convenient to residents of northern Durham and Orange counties. With state-of-the-art labs, a library, and comfortable classrooms, the campus is like having a college right in your backyard.

The main phone number for the Northern Durham Center is 919-536-7240. Other contact information is available in the Employee Directory.

The Northern Durham Center located at 2401 Snow Hill Road, Durham. For purposes of reporting Clery statistics, the College must distinguish criminal offenses based on where they occur. Statistics are separated into geographic categories including: on campus, non-campus, and public property.

**CLERY GEOGRAPHY CATEGORIES AND DEFINITIONS**

**ON CAMPUS**

1. Any building or property owned or controlled by an institution within the core campus (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:
   a. That is owned by the institution but controlled by another person;
   b. Is frequently used by students;
   c. Supports institutional purposes (such as food or retail vendor).

**NON-CAMPUS**

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
All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the core campus or immediately adjacent to and accessible from the core campus. This also extends into public parks immediately adjacent to and accessible from campus.

NORTHERN DURHAM CENTER CAMPUS CLERY MAP

View printable map (pdf)
DURHAM TECH POLICE AND PUBLIC SAFETY DEPARTMENT
The Durham Tech Police and Public Safety department has jurisdiction on the campus. The department has a working relationship with the Durham County Sheriff’s Office and has a Memorandum of Understanding with the Durham County Sheriff’s Office regarding the investigation of crimes that occur at this location. Criminal acts should be reported to the Durham Tech Police and Public Safety department or the Durham County Sheriff’s Office.

EDUCATIONAL PROGRAMS AND ASSISTANCE AVAILABLE
See page 24.

FIRE PREVENTION INFORMATION
The campus buildings have smoke detectors and are equipped with sprinkler systems. The buildings have a fire alarm control panel, which identifies the area of the building that is in alarm. Newer buildings have alarm panels that automatically call the fire-monitoring agency when activated. Officers respond to all alarms, assist in the evacuation of the building, and direct responding emergency services personnel to the scene.

Students and employees should report all fires to the Durham Tech Police and Public Safety department by calling 919-536-7255 or 911 if there is an active fire occurring. Durham County fire officials responds to the campus as the first responding unit and can be reached by calling 911.

The safety compliance officer conducts periodic fire drills (evacuations) on all campuses during the academic year. The College requires complete evacuation of buildings during a fire alarm. Ignoring fire alarms is a violation of fire codes and could result in appropriate action against the responsible person. Since false alarms may lower the evacuation response from the college community, the safety compliance officer, with the help of Facility Services, will investigate the cause or causes of false alarms and work to reduce their occurrence. By reducing the number of false alarms, we hope to maintain everyone’s diligence in responding. Campus Police, the safety compliance officer, and Facility Services work jointly to determine when applicable improvements in fire safety are necessary for the institution per NFPA codes.

The fire alarms alert you to a potential hazard. Please heed their warning. Use the nearest fire exit to leave the building immediately. Evacuation signage is posted in each campus building. Familiarize yourself with the evacuation routes and exits in your building. The city fire marshal can levy a penalty for those failing to evacuate the building promptly, but a more positive reason for compliance is your own safety.

Durham Tech Police and Public Safety personnel work jointly with the safety compliance officer to provide a two-hour training class through the College’s Professional Development program several times a year for employees. This training covers medical emergencies, weather-related emergencies, evacuations, fires, use of fire extinguishers, emergency communications, and active shooter situations. This class is also taught to students at the specific request of instructors.

More information on fire prevention and response can be found in the Health and Safety Manual, which contains the College’s Emergency Response Plan.
The following fire drills were conducted during 2018:

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<th>Date</th>
<th>Time</th>
<th>Building</th>
<th>Note</th>
<th>Pre-Notification</th>
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<td>3:35 p.m.</td>
<td>NDC</td>
<td>Station activation main panel</td>
<td>Essential staff</td>
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**MONITORING CRIMES AT OFF-CAMPUS ORGANIZATIONS**
There are no off-campus organizations at the Northern Durham campus.

**COLLEGE POLICY ON VIOLATION OF ALCOHOL AND DRUG ABUSE LAWS**
Intoxication on the North Durham campus is prohibited. Violation of any local or state law regarding alcohol is prohibited. Use, possession, manufacture, sale, distribution, and transportation of illegal drugs and drug paraphernalia are prohibited. Students found to be involved in illegal drugs, either on or off campus, will be subject to disciplinary action, which may include dismissal from the College.

Refer to the Drug and Alcohol Abuse policy in the Student Code of Conduct for a complete description of Durham Tech policies. Information on drug or alcohol-abuse programs required by section 120(a) through (d) of HEA can be found in the Drug and Alcohol policy.

**ACCESS TO CAMPUS FACILITIES**
Most college facilities are open to the public during the day and evening hours when classes are in session. During times that the College is officially closed, college buildings are locked. Authorized personnel may be admitted to campus facilities after signing in at the front desk in Building 1. Authorized personnel must present a valid college identification card prior to admittance. When buildings are locked, students are admitted only when accompanied by a faculty or staff member.

**MAINTENANCE OF CAMPUS FACILITIES**
Facilities and landscaping are maintained in a manner that minimizes hazardous conditions. Durham Tech Police and Public Safety personnel regularly patrol the campuses and report malfunctioning lights and other unsafe physical conditions to the Facility Services department for correction and/or repair. Other members of the college community are encouraged to report equipment problems or safety hazards to the Durham Tech Police and Public Safety department or to the Facility Services department at 919-536-7200, ext. 6205. A work order can be submitted by sending an email to the Building Coordinator who will submit a work order request.

**VICTIM COUNSELING**
The Durham Tech Counseling Center offers short-term individual counseling to students, when the student is on Main Campus, to help with victimization and a wide variety of other issues including adjustment to college life. Referrals are also available. All services are confidential and free to students. The Counseling Center is located in the Phail Wynn, Jr., Student Services Center, room 10-209 and is open from 8:30 a.m. to 5 p.m. weekdays. After-hour emergency counseling is available through NC Victims Assistance Network.

**SEXUAL ASSAULT**
See page 27.
REGISTERED SEX OFFENDERS
North Carolina Sex Offender and Public Protection Registry

TITLE IX AND SEXUAL HARASSMENT POLICY
See page 28.

CONFIDENTIALITY
See page 40.

CHANGE IN VICTIM’S ACADEMIC AND LIVING SITUATION
There is no housing at the Northern Durham campus.

CAMPUS DISCIPLINARY ACTIONS
A victim has the option of filing criminal charges with the Durham County Sheriff’s Office, refer the case to the campus judicial system, or both. The director of the Northern Durham Center or designee will assist the victim with filing a report with the Durham County Sheriff’s Office upon request. In the event a case is heard through the campus judicial system, both the victim and accused have the same right to have others at the hearing, and both the accused and complainant will be notified of the outcome of the proceedings. In addition, Durham Tech will, upon written request, disclose to the alleged victim of a crime of violence or a non-forcible sex offense the results of any disciplinary hearing conducted by the College against the student who is the alleged perpetrator of the crime or offense. If the alleged victim is deceased as a result of the crime or offense, Durham Tech will provide the results of the disciplinary hearing to the victim's next of kin, if so requested.

MISSING STUDENT PROCEDURE
There is no housing on the Northern Durham campus. The missing student procedure does not apply.

EMERGENCY NOTIFICATION AND EVACUATION PROCEDURES
Durham Tech has a standing Emergency Management Team comprising members from numerous areas of the college to facilitate activation of the College Business Continuity plan in the event of an emergency affecting the health and safety of the college community. The Durham Tech Emergency Management Team follows the FEMA Incident Command Structure and has designated persons to serve in each capacity of the structure. Members will also follow the FEMA Unified Command structure upon arrival of assisting agencies. The Health and Safety Manual contains the College’s Emergency Response Plan.

CAMPUS TIMELY WARNING PROCEDURES
Durham Tech will without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, response to, or otherwise mitigate the emergency. The Campus Police chief or designee will determine the content of notification and initiate the notification process in a timely manner,
withholding the names of victims as confidential and which will aid in the prevention of similar occurrences.

TIMELY WARNING
In the event of an imminent threat or danger to student health or safety, the Northern Durham Center director or designee will notify the students at that campus. They will not notify a particular segment of the community. If an emergency affects this location, all students will be notified. If follow-up information needs to be provided, the director of campus police or designee will make the notification. The Northern Durham Center director or designee will confirm the emergency with local police, fire, or medical authorities. This confirmation may take place after the notification so as to not delay the alert. In the event it is necessary to evacuate the Northern Durham Center, everyone will meet in the parking lot in front of the center.

The director or designee will, without delay, and taking into account the safety of the community, notify the community, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

IMMEDIATE NOTIFICATION
Upon notification of a crisis, emergency, or disaster, the Durham Tech Police and Public Safety department will dispatch police officers to confirm the validity and significance of the situation. Upon confirmation of a true emergency, Durham Tech will immediately, and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, response to, or otherwise mitigate the emergency. The Campus Police chief, the Durham Tech PIO, executive vice president, or other designee will determine the content of notification and initiate the notification process. Generally, Durham Tech Police and Public Safety dispatchers will send out the first message. Then additional messages will be created, reviewed, and published by the Durham Tech PIO, executive vice president, or other designee.

All available methods of emergency communication will be utilized should such an event arise via electronic and cellular communications. Notifications may be disseminated through the college email system, by fliers or posters, and by notices posted on the College website. The Durham Tech Campus Police department will send emergency text messages and telephone notification to all students and employees and will make sure there are postings on the college website for all students and employees.

IMPORTANT PHONE NUMBERS
Durham County Sheriff’s Office: 919-560-0897
Durham Tech Police and Public Safety department: 911 or extension 5555

VAWA CRIME DEFINITIONS
See page 66.

NORTH CAROLINA STATE LAW SEXUAL ASSAULT DEFINITIONS
See page 67.
CLERY REPORTABLE CRIME DEFINITIONS
See page 69.

CLERY CRIME LOCATION DEFINITIONS
See page 71.

NORTHERN DURHAM CENTER CAMPUS STATISTICS MANDATED BY THE JEANNE CLERY ACT

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NOTE: All numbers listed include attempted as well as completed crimes.
## HATE CRIMES (by Prejudice)

**NOTE:** All numbers listed include attempted as well as completed crimes.

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### LIQUOR, DRUG, and WEAPONS VIOLATIONS – NUMBER OF ARRESTS / REFERRALS

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The Orange County Campus (OCC) at Durham Tech is a 20-acre campus centrally located in Orange County. The purpose of the campus is to better serve Orange County residents as they pursue their education, workforce training, and lifelong learning. The 40,000-square-foot brick structure, located in the Waterstone Development outside of Hillsborough, holds 22 instructional spaces, including classrooms, computer and science labs, a library, flexible-use space, instructional and student support services areas, and faculty and student lounges.

This facility also has many “green” building features, including aluminum light shelves, photovoltaic systems for solar-assisted water heating, rainwater collection and reuse, waterless urinals, and operable window vents in all classroom areas. These features contribute to energy efficiency and cost savings.

The Orange County Campus located at 525 College Park Drive, Hillsborough. For purposes of reporting Clery statistics, the College must distinguish criminal offenses based on where they occur. Statistics are separated into geographic categories including: on campus, non-campus, and public property.

**CLERY GEOGRAPHY CATEGORIES AND DEFINITIONS**

**ON CAMPUS**

1. Any building or property owned or controlled by an institution within the core campus (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:
   a. That is owned by the institution but controlled by another person;
   b. Is frequently used by students;
   c. Supports institutional purposes (such as food or retail vendor).
NON-CAMPUS

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

All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the core campus or immediately adjacent to and accessible from the core campus. This also extends into public parks immediately adjacent to and accessible from campus.
ORANGE COUNTY CAMPUS CLERY MAP

View printable version (pdf)
DURHAM TECH POLICE AND PUBLIC SAFETY DEPARTMENT
The Durham Tech Police and Public Safety department has jurisdiction on the campus. The department’s personnel has a working relationship with the Hillsborough Police Department but does not have a Memorandum of Understanding with the Hillsborough Police Department regarding the investigation of crimes that occur at this location. Criminal acts should be reported to the Hillsborough Police Department or the Durham Tech Police and Public Safety department.

EDUCATIONAL PROGRAMS AND ASSISTANCE AVAILABLE
See page 22.

ANNUAL FIRE SAFETY REPORT AND MISSING STUDENT POLICY
Durham Tech is a non-residential institution of higher education. Therefore, the college is not required by the Clery Act to maintain a fire report or to have a missing student policy.

FIRE PREVENTION INFORMATION
The campus building has smoke detectors, a sprinkler system, and a fire alarm control panel that identifies the area of the building that is in alarm. Newer buildings have alarm panels that automatically call the fire-monitoring agency when activated. Officers respond to all alarms, assist in the evacuation of the building, and direct responding emergency services personnel to the scene.

Students and employees should report all fires to the Durham Tech Police and Public Safety department by calling 919-536-7255 or 911 if there is an active fire occurring. Hillsborough Fire officials respond to the campus as the first responding unit and can be reached by calling 911 or 919-732-7911.

The safety compliance officer conducts periodic fire drills (evacuations) on all campuses during the academic year. The College requires complete evacuation of buildings during a fire alarm. Ignoring fire alarms is a violation of fire codes and could result in appropriate action against the responsible person. Since false alarms may lower the evacuation response from the college community, the safety compliance officer, with the help of Facility Services, will investigate the cause or causes of false alarms and work to reduce their occurrence. By reducing the number of false alarms, we hope to maintain everyone’s diligence in responding. Campus Police, the safety compliance officer, and Facility Services work jointly to determine when applicable improvements in fire safety are necessary for the institution per NFPA codes.

The fire alarms alert you to a potential hazard. Please heed their warning. Use the nearest fire exit to leave the building immediately. Evacuation signage is posted in each campus building. Familiarize yourself with the evacuation routes and exits in your building. The city fire marshal can levy a penalty for those failing to evacuate the building promptly, but a more positive reason for compliance is your own safety.

Durham Tech Police and Public Safety personnel work jointly with the safety compliance officer to provide a two-hour training class through the Professional Development program at Durham Tech several times a year for employees. This training covers medical emergencies, weather-related emergencies, evacuations, fires, use of fire extinguishers,
emergency communications, and active shooter situations. This class is also taught to students at the specific request of instructors.

More information on fire prevention and response can be found in the Health and Safety Manual, which contains the College’s Emergency Response Plan.

The following fire drills were conducted during 2018:

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<tr>
<th>Date</th>
<th>Time</th>
<th>Building</th>
<th>Note</th>
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</thead>
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<td>Essential staff</td>
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**MONITORING CRIMES AT OFF-CAMPUS ORGANIZATIONS**

There are no off-campus organizations at the Orange County Campus.

**COLLEGE POLICY ON VIOLATION OF ALCOHOL AND DRUG ABUSE LAWS**

Intoxication on the Orange County Campus is prohibited. Violation of any local or state law regarding alcohol is prohibited. Use, possession, manufacture, sale, distribution, and transportation of illegal drugs and drug paraphernalia are prohibited. Students found to be involved in illegal drugs, either on or off campus, will be subject to disciplinary action, which may include dismissal from the College.

Please refer to the Drug and Alcohol Abuse policy in the Student Code of Conduct for a complete description of Durham Tech policies. Information on drug or alcohol-abuse programs required by section 120(a) through (d) of HEA can be found in the Drug and Alcohol policy.

**ACCESS TO CAMPUS FACILITIES**

Most college facilities are open to the public during the day and evening hours when classes are in session. During times that the College is officially closed, college buildings are locked. Authorized personnel may be admitted to campus facilities after signing in at the security desk. Authorized personnel must present a valid college identification card prior to admittance. When buildings are locked, students are admitted only when accompanied by a faculty or staff member.

**MAINTENANCE OF CAMPUS FACILITIES**

Facilities and landscaping are maintained in a manner that minimizes hazardous conditions. Durham Tech Police and Public Safety personnel regularly patrol the campuses and report malfunctioning lights and other unsafe physical conditions to the Facility Services department for correction and/or repair. Other members of the college community are encouraged to report equipment problems or safety hazards to the Durham Tech Police and Public Safety department or to the Facility Services department at 919-536-7200, ext. 6205. A work order can be submitted by sending an email to the Building Coordinator who will submit a work order request.

**VICTIM COUNSELING**

The Durham Tech Counseling Center offers short-term individual counseling to students, when the student is on Main Campus, to help with victimization and various other issues including adjustment to college life. Referrals are also available. All services are confidential and free to students. The Center is located in the Phail Wynn, Jr. Student
Services Center, room 10-209, and is open from 8:30 a.m. to 5 p.m. weekdays. After-hour emergency counseling is available through NC Victims Assistance Network.

SEXUAL ASSAULT
See page 29.

REGISTERED SEX OFFENDERS
North Carolina Sex Offender and Public Protection Registry

TITLE IX (SEXUAL MISCONDUCT) POLICY
See page 28.

CONFIDENTIALITY
See page 40.

CHANGE IN VICTIM’S ACADEMIC AND LIVING SITUATION
There are no housing units on the Orange County Campus.

CAMPUS DISCIPLINARY ACTIONS
A victim has the option of filing criminal charges with the Hillsborough Police Department, refer the case to the campus judicial system, or both. The Orange County Campus director or designee will assist the victim with filing a report with the Hillsborough Police Department, upon request. In the event a case is heard through the campus judicial system, both the victim and accused have the same right to have others at the hearing, and both the accused and complainant will be notified of the outcome of the proceedings. In addition, Durham Tech will, upon written request, disclose to the alleged victim of a crime of violence or a non-forcible sex offense the results of any disciplinary hearing conducted by the College against the student who is the alleged perpetrator of the crime or offense. If the alleged victim is deceased as a result of the crime or offense, Durham Tech will provide the results of the disciplinary hearing to the victim's next of kin, if so requested.

MISSING STUDENT PROCEDURE
There is no housing on the Orange County Campus. The missing student procedure does not apply.

EMERGENCY NOTIFICATION AND EVACUATION PROCEDURES
Durham Tech has a standing Emergency Management Team comprising members from numerous areas of the College to facilitate activation of the College Business Continuity plan in the event of an emergency affecting the health and safety of the college community. The Durham Tech Emergency Management Team will follow the FEMA Incident Command Structure and has designated persons to serve in each capacity of the structure. Members will also follow the FEMA Unified Command structure upon arrival of assisting agencies. The Health and Safety Manual contains the College’s Emergency Response Plan.

CAMPUS TIMELY WARNING PROCEDURES
Durham Tech will immediately without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system,
unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, response to, or otherwise mitigate the emergency. The Campus Police chief or designee will determine the content of notification and initiate the notification process in a timely manner, while withholding the names of victims as confidential and which will aid in the prevention of similar occurrences.

TIMELY WARNING
In the event of an imminent threat or danger to student health or safety, the Orange County Campus director or designee will notify the students at the Orange County Campus. They will not notify a particular segment of the community. If an emergency affects this location, all students will be notified. If follow-up information needs to be provided, the director of Campus Police or designee will make the notification. The Orange County Campus director or designee will confirm the emergency with local police, fire, or medical authorities. This confirmation may take place after the notification so as to not delay the alert. In the event it is necessary to evacuate the Orange County Campus, everyone will meet in the parking lot in front of the building.

The director or designee will, without delay and taking into account the safety of the community, notify the community unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

IMMEDIATE NOTIFICATION
Upon notification of a crisis, emergency, or disaster, the Durham Tech Police and Public Safety department will dispatch personnel to confirm the validity and significance of the situation. Upon confirmation of a true emergency, Durham Tech will immediately without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, response to, or otherwise mitigate the emergency. The Campus Police chief, the Durham Tech PIO, executive vice president, or other designee will determine the content of notification and initiate the notification process. Generally, Durham Tech Police and Public Safety dispatchers will send out the first message. Then additional messages will be created, reviewed, and published by the Durham Tech PIO, executive vice president, or other designee.

All available methods of emergency communication, via electronic and cellular communications, will be utilized should such an event. Notifications may be disseminated through the college email system; by fliers or posters, and by notices posted on the College website. The Durham Tech Police and Public Safety department will send emergency text messages and telephone notification to all students and employees and make sure there are postings on the college website for all students and employees.
IMPORTANT PHONE NUMBERS
Hillsborough Police Department: 911 or 919-296-9500.
Durham Tech Police and Public Safety department: 911 or 919-536-7200, ext. 5555.

VAWA CRIME DEFINITIONS
See page 66.

NORTH CAROLINA STATE LAW SEXUAL ASSAULT DEFINITIONS
See page 67.

CLERY REPORTABLE CRIME DEFINITIONS
See page 69.

CLERY CRIME LOCATION DEFINITIONS
See page 71.

ORANGE COUNTY CAMPUS STATISTICS MANDATED BY THE JEANNE CLERY ACT

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NOTE: All numbers listed include attempted as well as completed crimes.
HATE CRIMES (by Prejudice)

NOTE: All numbers listed include attempted as well as completed crimes.

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LIQUOR, DRUG, and WEAPONS VIOLATIONS – NUMBER OF ARRESTS / REFERRALS

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DUKE STREET NORTH CAMPUS

A newer addition to the Durham County campuses, Duke Street North began offering classes in February 2018. Dialysis Tech, Central Sterile Processing, EKG, Esthetician Technology, Massage Therapy, Phlebotomy, and START Careers in Hotel and Lodging are among some of the programs and courses that are available at this location.

The Duke Street North campus is located at 3404 N. Duke St., Durham. The main telephone number is 919-536-7222, ext. 4313. For purposes of reporting Clery statistics, the College must distinguish criminal offenses based on where they occur. Statistics are separated into geographic categories including: on campus, non-campus, and public property.

CLERY GEOGRAPHY CATEGORIES AND DEFINITIONS

ON CAMPUS

1. Any building or property owned or controlled by an institution within the core campus (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:

   a) That is owned by the institution but controlled by another person;
   b) Is frequently used by students;
   c) Supports institutional purposes (such as food or retail vendor).
NON-CAMPUS

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

All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the core campus or immediately adjacent to and accessible from the core campus. This also extends into public parks immediately adjacent to and accessible from campus.
DUKE STREET NORTH CAMPUS CLERY MAP

DURHAM TECHNICAL COMMUNITY COLLEGE
DUKE STREET NORTH CLERY MAP / 2018

DUKE STREET NORTH
1 Building 1

- Property Line
- Academic Building
- Non-campus Building
- College Parking Lot
- College Sidewalk
- College Driveway/Street
- Public Street/Highway
- Non-affiliated Business Building
- Residential Building (non-student)
DURHAM TECH POLICE AND PUBLIC SAFETY DEPARTMENT

The Durham Tech Police and Public Safety department has jurisdiction on the campus. Durham Tech Police and Public Safety personnel have a working relationship with the Durham Police Department but does not have a Memorandum of Understanding with the Durham Police Department regarding the investigation of crimes that occur at this location. Criminal acts should be reported to the Durham Police department or the Durham Tech Police and Public Safety department.

EDUCATIONAL PROGRAMS AND ASSISTANCE AVAILABLE

See page 25.

ANNUAL FIRE SAFETY REPORT AND MISSING STUDENT POLICY

Durham Tech is a non-residential institution of higher education. Therefore, the college is not required by the Clery Act to maintain a fire report or to have a missing student policy.

FIRE PREVENTION INFORMATION

The campus building has smoke detectors and is equipped with a sprinkler system and a fire alarm control panel, which identifies the area of the building that is in alarm. Newer buildings have alarm panels, which automatically call the fire-monitoring agency when activated. Officers respond to all alarms, assist in the evacuation of the building, and direct responding emergency services personnel to the scene.

Students and employees should report all fires to the Durham Tech Police and Public Safety department by calling 919-536-7255 or 911 if there is an active fire occurring. Durham fire officials responds to the campus as the first responding unit and can be reached by calling 911 or 919-732-7911.

The safety compliance officer conducts periodic fire drills (evacuations) on all campuses during the academic year. The College requires complete evacuation of buildings during a fire alarm. Ignoring fire alarms is a violation of fire codes and could result in appropriate action against the responsible person. Since false alarms may lower the evacuation response from the college community, the safety compliance officer, with the help of Facility Services, will investigate the cause or causes of false alarms and work to reduce their occurrence. By reducing the number of false alarms, we hope to maintain everyone’s diligence in responding. Campus Police, the safety compliance officer, and Facility Services work jointly to determine when applicable improvements in fire safety are necessary for the institution per NFPA codes.

The fire alarms alert you to a potential hazard. Please heed their warning. Use the nearest fire exit to leave the building immediately. Evacuation signage is posted in each campus building. Familiarize yourself with the evacuation routes and exits in your building. The city fire marshal can levy a penalty for those failing to evacuate the building promptly, but a more positive reason for compliance is your own safety.

Durham Tech Police and Public Safety personnel work jointly with the safety compliance officer to provide a two-hour training class through the Professional Development program at Durham Tech several times a year for employees. This training covers medical emergencies, weather-related emergencies, evacuations, fires, use of fire extinguishers,
emergency communications, and active shooter situations. This class is also taught to students at the specific request of instructors.

More information for fire prevention and response can be found in the Health and Safety Manual contains the College’s Emergency Response Plan.

The following fire drills were conducted during 2018:

<table>
<thead>
<tr>
<th>Date</th>
<th>Time</th>
<th>Building</th>
<th>Note</th>
<th>Pre-Notification</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wed., 11/21/18</td>
<td>5 p.m.</td>
<td>DSN</td>
<td>Main panel activation</td>
<td>Essential staff</td>
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**MONITORING CRIMES AT OFF-CAMPUS ORGANIZATIONS**
There are no off-campus organizations at the Duke Street North campus.

**COLLEGE POLICY ON VIOLATION OF ALCOHOL AND DRUG ABUSE LAWS**
Intoxication on the Duke Street North campus is prohibited. Violation of any local or state law regarding alcohol is prohibited. Use, possession, manufacture, sale, distribution, and transportation of illegal drugs and drug paraphernalia are prohibited. Students found to be involved in illegal drugs, either on or off campus, will be subject to disciplinary action, which may include dismissal from the College.

Please refer to the Drug and Alcohol Abuse policy in the Student Code of Conduct in the Durham Tech College Catalog and Student Handbook for Durham Tech policies. Information on drug or alcohol-abuse programs required by section 120(a) through (d) of HEA can be found in the Drug and Alcohol policy.

**ACCESS TO CAMPUS FACILITIES**
Most college facilities are open to the public during the day and evening hours when classes are in session. During times that the college is officially closed, college buildings are locked. Authorized personnel may be admitted to campus facilities after signing in at the security desk. Authorized personnel must present a valid college identification card prior to admittance. When buildings are locked, students are admitted only when accompanied by a faculty or staff member.

**MAINTENANCE OF CAMPUS FACILITIES**
Facilities and landscaping are maintained in a manner that minimizes hazardous conditions. Durham Tech Police and Public Safety personnel regularly patrol the campuses and report malfunctioning lights and other unsafe physical conditions to the Facility Services department for correction and/or repair. Other members of the college community are encouraged to report equipment problems or safety hazards to the Durham Tech Police and Public Safety department or to the Facility Services department at 919-536-7200, ext. 6205. A work order can be submitted by sending an email to the Building Coordinator who will submit a work order request.

**VICTIM COUNSELING**
The Durham Tech Counseling Center offers short-term individual counseling to students, when the student is on the Main Campus, to help with victimization and various other issues including adjustment to college life. Referrals are also available. All services are confidential and free to students. The Center is located in the Phail Wynn, Jr., Student
Services Center, room 10-209, and is open from 8:30 a.m. to 5 p.m. weekdays. After-hour emergency counseling is available through NC Victims Assistance Network.

**SEXUAL ASSAULT**
See page 29.

**REGISTERED SEX OFFENDERS**
North Carolina Sex Offender and Public Protection Registry

**TITLE IX (SEXUAL MISCONDUCT) POLICY**
See page 28.

**CONFIDENTIALITY**
See page 40.

**CHANGE IN VICTIM’S ACADEMIC AND LIVING SITUATION**
There are no housing units on the Duke Street North campus.

**CAMPUS DISCIPLINARY ACTIONS**
A victim has the option of filing criminal charges with the Durham City Police Department, refer the case to the campus judicial system, or both. The director of the Duke Street North campus or designee will assist the victim with filing a report with the Durham City Police Department, upon request. In the event a case is heard through the campus judicial system, both the victim and accused have the same right to have others at the hearing, and both the accused and complainant will be notified of the outcome of the proceedings. In addition, Durham Tech will, upon written request, disclose to the alleged victim of a crime of violence or a non-forcible sex offense the results of any disciplinary hearing conducted by the College against the student who is the alleged perpetrator of the crime or offense. If the alleged victim is deceased as a result of the crime or offense, Durham Tech will provide the results of the disciplinary hearing to the victim's next of kin, if so requested.

**MISSING STUDENT PROCEDURE**
There is no housing on the Duke Street North campus. The missing student procedure does not apply.

**EMERGENCY NOTIFICATION AND EVACUATION PROCEDURES**
Durham Tech has a standing Emergency Management Team comprising members from numerous areas of the College to facilitate activation of the College Business Continuity plan in the event of an emergency that affects the health and safety of the college community. The Durham Tech Emergency Management Team will follow the FEMA Incident Command Structure and has designated persons to serve in each capacity of the structure. Members will also follow the FEMA Unified Command structure upon arrival of assisting agencies. The Health and Safety Manual contains the College’s Emergency Response Plan.
CAMPUS TIMELY WARNING PROCEDURES
Durham Tech will immediately without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, response to, or otherwise mitigate the emergency. The Campus Police chief or designee will determine the content of notification and initiate the notification process in a timely manner that withholds the names of victims as confidential and will aid in the prevention of similar occurrences.

TIMELY WARNING
In the event of an imminent threat or danger to student health or safety, the Duke Street North campus director or designee will notify the students at the Duke Street North campus. They will not notify a particular segment of the community. If an emergency affects this location, all students will be notified. If follow-up information needs to be provided, the director of Campus Police or designee will make the notification. The Duke Street North campus director or designee will confirm the emergency with local police, fire, or medical authorities. This confirmation may take place after the notification so as to not delay the alert. In the event it is necessary to evacuate the Duke Street North campus, everyone will meet in the parking lot in front of the building.

The director or designee will, without delay and taking into account the safety of the community, notify the community unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

IMMEDIATE NOTIFICATION
Upon notification of a crisis, emergency, or disaster, the Durham Tech Police and Public Safety department will dispatch personnel to confirm the validity and significance of the situation. Upon confirmation of a true emergency, Durham Tech will immediately, and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, response to, or otherwise mitigate the emergency. The Campus Police chief, the Durham Tech PIO, executive vice president, or other designee will determine the content of notification and initiate the notification process. Generally, Durham Tech Police and Public Safety dispatchers will send out the first message. Then additional messages will be created, reviewed, and published by the Durham Tech PIO, executive vice president, or other designee.

All available methods of emergency communication, via electronic and cellular communications, will be utilized should such an event arise. Notifications may be disseminated through the college email system, by fliers or posters, and by notices posted on the College website. The Durham Tech Police and Public Safety department will send emergency text messages and telephone notification to all students and employees and ensure there are postings on the College website for all students and employees.

IMPORTANT PHONE NUMBERS
Durham City Police Department: 911 or 919-560-4427.
Durham Tech Police and Public Safety department: 911 or 919-536-7200, ext. 5555.
DUKE STREET NORTH STATISTICS MANDATED BY THE JEANNE CLERY ACT

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<tr>
<th>OFFENSE</th>
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<td>2018</td>
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<td>Sex Offenses, Forcible</td>
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NOTE: All numbers listed include attempted as well as completed crimes.
HATE CRIMES (by Prejudice)

NOTE: All numbers listed include attempted as well as completed crimes.

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LIQUOR, DRUG, and WEAPONS VIOLATIONS – NUMBER OF ARRESTS / REFERRALS

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