



# **Your Guide To Safety On Campus**

## **2025 Annual Security and Fire Report**

Information for the 2025-2026 Academic Year

This report is for the following locations:

Durham Tech Main Campus, Northern Durham Center, Orange County Campus, Duke Street North, and Chesterfield

September 2025

919-536-7255

[durhamtech.edu](http://durhamtech.edu)

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## **Message from the President**

Thank you for your interest in Durham Technical Community College. The College serves nearly 18,000 students annually across multiple locations in Durham and Orange counties. Since 1961, Durham Tech has provided high-quality, affordable, and accessible education as an open-door institution. We offer a pathway to success for thousands of Triangle residents and have helped power the economy by educating skilled workers for employers across the region.

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 ensure our campus community has access to safety resources, including the following Annual Security and Fire Report. The report provides 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, adding enhanced safety features in the past year that include a new emergency notification system that can email, call and text alerts to employees and students; new building exterior campus surveillance systems; and lockdown access capability. These are improvements in our system over the blue lights and sirens previously used. In addition, 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 Campus Police and Public Safety web pages. Thank you again for being a part of our commitment to campus safety.

J.B. Buxton  
President, Durham Technical Community College

## **Our Mission**

Durham Tech ensures that all students develop the knowledge, skills and networks needed to be successful in college, work, and life.

## **Keeping The College Safe And Secure**

Durham Technical Community College values the safety, welfare and protection of all students, employees, 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 and presented to increase awareness of the programs that 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. Therefore, students, employees and visitors are also responsible for taking measures to protect themselves and their possessions. Durham Tech has experienced few crimes but such incidents can occur, and 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 by October 1 that contains three years of campus crime statistics and certain campus security policy statements. The 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 [Campus Police and Public Safety Department](#) web page. Each member of the College community receives a notification that describes the report and provides its web address. Anyone wishing to obtain a paper copy of the report may contact Durham Tech Campus Police and Public Safety at Building 8, Main Campus; at 1637 E. Lawson Street, Durham, NC 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 Jamaal Walker, Chief/Director of Campus Police and Public Safety, at [walkerj@durhamtech.edu](mailto:walkerj@durhamtech.edu) or 919536-7200, ext. 5555.

## **Durham Tech – Main Campus**



Durham Technical Community College, Main Campus  
1637 East Lawson Street  
Durham, NC 27703  
919-536-7200

For the purpose 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:
  - a. That is owned by the institution but controlled by another person.
  - b. That is frequently used by students.
  - c. Supports institutional purposes (such as food or retail vendors).

### ***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***

"Public property" is defined as 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

### DURHAM TECH - MAIN CAMPUS



#### MAIN CAMPUS BUILDINGS

- |   |   |
|---|---|
| 1 Nathaniel B. White Building                                     | 7 Facility Services Building                                    |
| 2 Harold K. Collins Building                                      | 8 Building 8  |
| 3 Edward L. Phillips Building                                     | 9 GlaxoSmithKline Technology Center                             |
| 4 George W. Newton Industrial and Engineering Technologies Center | 10 Phail Wynn, Jr. Student Services Center                      |
| 5 Educational Resources Center                                    | 11 William G. Ingram Center for Applied Learning and Technology |
| 6 Building 6  | 20 807 Bacon Street   |

- Property Line
- Academic Building
- Non-campus Building
- College Parking Lot
- College Sidewalk
- College Driveway/Street
- Public Sidewalk
- Public Street/Highway
- Non-affiliated Business Building
- Residential Building (non-student)

[View printable version \(pdf\)](#)

## **Overview of the Durham Tech Campus Police and Public Safety Department**

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

### **Enforcement of Authority**

The Durham Tech Campus 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 North Carolina statutes. 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 receive at least 24 hours of in-service training annually. 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 enforcement authority for enforcing state and local laws regarding the use of controlled substances, alcohol, and weapons; and enforcing College policies; investigating and reporting of all crimes committed on campus; responding to medical and fire emergencies. A daily crime log is maintained in the Campus Police and Public Safety office on Main Campus for review by the general public.

The sworn police officer's territorial jurisdiction 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 non-sworn security officers do not have the authority to make arrests. They are responsible for patrolling campus property for the safety and welfare of students, employees, 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, employees, and visitors while on College property and assist students, employees, and visitors whenever practicable to provide for their safety and welfare. The non-sworn security officer's territorial jurisdiction includes all property owned or leased by the College.

Durham Tech Campus 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 that it is vital to maintain a close working relationship with local police, state agencies, and other emergency response agencies, specifically those with joint or mutual jurisdiction considerations and responsibilities. The Durham Tech Campus Police and Public Safety department has a written memorandum of understanding with the local police department, Durham City Police, regarding the investigation of alleged criminal offenses. The department also has written memoranda of understanding with the Durham County Sheriff's Office and the North Carolina Central University Police Department regarding the investigation of alleged criminal offenses such as sexual assaults, crimes of violence resulting in serious bodily injury or death, stalking, dating violence, domestic violence, and stalking.

## **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 Campus Police and Public Safety officers;
- Any individuals not employed by Durham Tech Campus Police and Public Safety department but who have responsibility for monitoring entrance into College property (e.g., security officers employed for special events on College property);
- Personnel responsible for counseling and student development, academic and personal counseling, and accessibility services.

## **Incident Reporting and Response**

Students, employees, and visitors 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 Campus Police and Public Safety department in an accurate and prompt manner. The College's Clery geography includes on-campus property (e.g., 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 Campus 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 that Campus 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 Campus Police and Public Safety 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 Campus 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 it 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.

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

With the information it receives from reports about criminal offenses, the College can keep an accurate record of the number of incidents involving students, employees, and visitors; determine where there is a pattern of crime with regard to a particular location, method, or assailant; and alert the campus community to potential danger. For the purpose of making timely warning reports and the annual statistical disclosure, students and employees should report criminal offenses to and public safety-related incidents to our College primary campus security authorities' as follows:

- To report a crime or an emergency on Main Campus, call Campus Police and Public Safety at 911 or extension 5555. If calling from outside of the College phone system, dial 919-536-7255, ext. 5555.
- To report a crime or an emergency at Northern Durham Center, call Campus Police and Public Safety at 911 or extension 5555. If calling from outside of the College phone system, dial 919-536-7255, ext. 5555.
- To report a crime or an emergency at the Orange County Campus, call Campus Police and Public Safety at 911 or extension 5555. If calling from outside of the College phone system, dial 919-536-7255, ext. 5555 or 919-732-4185. You may also report a crime to the Hillsborough Police Department by calling 911 or 919-296-9500.
- To report a crime or an emergency at Duke Street North, call Campus Police and Public Safety at 911 or extension 5555. If calling from outside of the College phone system, dial 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 Campus Police and Public Safety at extension 5555 or 919-536-7255.
- Durham Tech Title IX Coordinator – may be contacted in person (Main Campus, Phillips Building (Building 3), room 3-101B, by phone (919-536-7250, ext. 6002), or by email ([title9coordinator@durhamtech.edu](mailto:title9coordinator@durhamtech.edu) or [bowens@durhamtech.edu](mailto:bowens@durhamtech.edu)). Office hours are 9 a.m. to 5 p.m. Monday through Friday. During Emergency Operations, messages will be retrieved daily, Monday through Friday.
- Vice President, Chief Student Service Officer, Dr. Abraham Dones may be contacted in person (Main Campus, Wynn Center (Building 10), room 10-307D, by phone (919-536-7200, ext. 1805), or by email ([dones@durhamtech.edu](mailto:dones@durhamtech.edu)).



Campus Police and Public Safety dispatchers are available 24 hours a day to answer calls from the campus community. Campus 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 Campus 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 College-controlled, -owned, -operated, and/or -recognized facility, building, or area.

Campus Police and Public Safety personnel also have the ability to notify Durham City Police emergency dispatchers of emergency situations occurring on campus via portable, and fixed two-way radio communications systems; and via the transfer of telephone calls to the 911 emergency center. This system allows Campus Police and Public Safety personnel to summon assistance from emergency responders if 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 Campus Police and Public Safety.

To obtain information or request public safety or safety escort services, community members should call 919-536-7255, ext. 5555. Community members may also use one of the red phones located throughout campus. These red phones access the College phone system and can be used like any campus extension (i.e., callers can dial ext. 5555 to request emergency assistance). When placing an emergency call, callers should stay on the line and wait for the dispatcher to end the call. Red phones can 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 Campus Police and Public Safety 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, Campus Police and Public Safety personnel will contact the appropriate unit.

The Chief/Director of Campus Police and Public Safety reviews all incident reports and, when appropriate, forwards report to the Vice President, Chief Student Service Officer for potential action. Campus Police and Public Safety personnel investigate a report when it is deemed appropriate. Additional information obtained during the investigation will also be forwarded to the Vice President, Chief Student Services Officer. If assistance is required from additional local law enforcement, Campus Police and Public Safety personnel will contact the appropriate unit. Reports of sexual misconduct are reported to the College's Title IX Coordinator for further investigation.

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

## **Confidential 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 Campus Police and Public Safety or another Campus Police and Public Safety officer can file a report with the details of the incident without revealing their identity. The purpose of a confidential report is to comply with the individual's wish to keep the matter confidential while taking steps to ensure their future safety and the safety of others. With such information, the College can keep an accurate record of the number of incidents involving students, employees, and visitors; determine where there is a pattern of crime with regard to a particular location, method, or assailant; and 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 Campus Police and Public Safety, and the name of the victim will not appear in the report. The Title IX Coordinator will take also confidential 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 their name or other identifiable information to the alleged perpetrator, the College's ability to respond to the complaint may be limited.

Personally identifiable information about the victim will be treated as confidential and shared only with individuals with a specific need to know, who are investigating or adjudicating the complaint, or who are delivering resources or support services to the complainant. For example, publicly available recordkeeping 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 College's ability to provide the accommodations or protective measures.

## **Anonymous Reporting Procedures**

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 report crimes that occur on campus to Campus Police and Public Safety. All reports are investigated, and the perpetrators are either prosecuted, referred to the Vice President, Chief Student Services Officer for discipline under the [Student Code of Conduct](#), or both. Campus police officers prepare cases and testify in court or disciplinary hearings as necessary



## **Reporting a Crime to the Durham City Police Department**

An individual reporting a crime to Durham Tech Campus Police and Public Safety has the right to report the crime to the Durham City Police Department and/or the Durham County Sheriff's Office by calling 911. Durham Tech officers regularly discuss this option with crime victims and assist them with that process.

### **Off-Campus Crime**

Durham Tech has a variety of non-campus facilities located away from Main Campus. Durham Tech does not have off-campus student organizations or student organizations with non-campus housing facilities. 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 Campus Police and Public Safety. Campus Police and Public Safety personnel monitor and record reports made to local police agencies of criminal activity by students at non-campus locations or involving student organizations officially recognized by the College.

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

Campus 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 Main Campus are handled either entirely by the local law enforcement agency with jurisdiction (e.g., Durham City Police or the Durham County Sheriff's Department) or are handled by such agencies in conjunction with Campus Police and Public Safety.

If a local law enforcement agency responds or is contacted about criminal activity occurring off campus and involving Durham Tech students, they may notify Campus Police and Public Safety. However, there are no official agency policies requiring such notification. In these cases, students may be subject to arrest by the local agency.

Students who exhibit behavior that persistently or grossly disrupts the educational process or functioning of the College may be subject to disciplinary action whether it occurs on campus, online, or at a College-sponsored activity. Off-campus behavior that may pose 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. The College reserves the right to defer imposition of sanctions pending the outcome of an investigation.

Campus Police and Public Safety personnel monitor off-campus criminal activity that may affect the campus community so that the College can provide timely warnings and advisories. Campus Police and Public Safety personnel disseminate 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. Campus Police and Public Safety personnel can assist any member of the Durham Tech community in determining an appropriate point of contact for police matters falling outside of the department's jurisdiction. Contact Durham Tech Campus 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 and Clery Compliance**

The following information provides context for the crime statistics reported as part of the College's compliance with the Clery Act. Durham Tech's Campus Police and Public Safety department is primarily responsible for preparing the Annual Security and Fire Safety Report. This responsibility resides with the Chief/Director of Campus Police and Public Safety or their 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 Campus 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 North Carolina Highway Patrol, and nonpolice or public safety personnel who have been designated as campus security authorities or CSAs. Student Engagement, Development, and Support and Human Resources are key areas 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 Chief/Director of Campus Police and Public Safety coordinates final report preparation with Student Engagement, Development, and Support; Human Resources; 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 Campus Police and Public Safety in a timely manner so the 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 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 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 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 individuals they are counseling of their ability to report any crimes to Campus Police and Public Safety for inclusion in the annual statistics. 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 Campus Police and Public Safety are included in the College's annual crime statistics.

All statistics are gathered, compiled, and reported to the College community via this Annual Security and Fire Safety Report, which is published by the Durham Tech Campus Police and Public Safety department. The department submits the annual crime statistics published in this report to the Department of Education. The statistical information gathered by the Department of Education is available to the public through its website. Campus Police and Public Safety notifies the College via email about the availability of the Annual Security and Fire Safety Report. The email includes a brief summary of the report's contents, a link to the Campus Police and Public Safety web page where the report can be viewed, and notice that a physical copy of the report can be requested by contacting Campus Police and Public Safety at Building 8, Main Campus; at 1637 E. Lawson Street, Durham, NC 27703, or call 919-536-7255).

## **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 Campus Police and Public Safety office in Building 8 on Main Campus when the College is open and operating under a normal schedule. This excludes weekends, closings due to adverse conditions, and 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. Durham Tech Campus Police and Public Safety officers respond to all alarms, assist in evacuations, and direct responding emergency services personnel to the scene.

Individuals are directed to report all fires to Campus Police and Public Safety by calling 919-536-7255 or 911.

The Safety Compliance Officer conducts periodic fire drills (evacuations) on all locations during the academic year. The College requires complete evacuation of buildings when a fire alarm sounds. Ignoring fire alarms is a violation of fire codes and could result in appropriate action against the responsible individual, including penalties levied by the city fire marshal. Since false alarms may lower the evacuation response from the College community, the Safety Compliance Officer and Facility Services will investigate the cause of false alarms and work to reduce their occurrence. By reducing the number of false alarms, Campus Police and Public Safety hopes to maintain everyone's diligence in responding. Campus Police and Public Safety, the Safety Compliance Officer, and Facility Services work jointly to determine when applicable improvements in fire safety are necessary in accordance with the National Fire Prevention Act codes.

Fire alarms alert individuals to a potential hazard. Members of the 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.

In collaboration with the Safety Compliance Officer, Campus Police and Public Safety personnel provide a two-hour employee training classes several times annually. The 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 upon instructor request.

Additional 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 2024:

Date	Time	Building	Note	Pre-Notification
Wed. 8/21/2024	8:00 a.m.	BLD-1-White	Pull Station Activation	YES – Essential staff
Wed. 8/21/2024	8:00 a.m.	BLD-2-Collins	Pull station activation	YES – Essential staff
Wed. 8/21/2024	8:00 a.m.	BLD-3-Phillips	Pull Station Activation	YES – Essential staff
Wed. 8/21/2024	8:00 a.m.	BLD-4-Newton	Pull Station Activation	YES – Essential staff

Wed. 8/21/2024	8:00 a.m.	BLD-5-ERC	Pull Station Activation	YES – Essential staff
Wed. 8/21/2024	8:00 a.m.	BLD-6	Pull Station Activation	YES – Essential staff
Wed. 8/21/2024	8:00 a.m.	BLD-7-FS	Pull station activation	YES – Essential staff
Wed. 8/21/2024	8:00 a.m.	BLD-8	Pull Station Activation	YES – Essential staff
Wed. 8/21/2024	8:00 a.m.	BLD-9-Tech	Pull Station Activation	YES – Essential staff
Wed. 8/21/2024	8:00 a.m.	BLD-10-Wynn	Pull Station Activation	YES – Essential staff
Wed. 8/21/2024	8:00 a.m.	BLD-11-Ingram	Pull Station Activation	YES – Essential staff
Wed. 8/21/2024	8:00 a.m.	BLD-20-Bacon	Pull Station Activation	YES – Essential staff

## **Access to Campus Facilities**

Most College facilities are open to the public during the day and evening hours when classes are in session. When the College is officially closed, buildings are locked. Authorized personnel may be admitted to closed campus facilities after signing in at the Campus 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 an employee.

## **Maintenance of Campus Facilities**

Facilities and landscaping are maintained in a manner that minimizes hazardous conditions. Campus 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 Campus 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](#).

## **Emergency Response and Evacuation Procedures**

An emergency response plan and evacuation procedures have been established to respond to 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.

These procedures are intended as a guide 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.

Durham Tech has a standing Emergency Management Team composed of members from various areas of the College. The Emergency Management Team facilitates the activation of the College's Business Continuity Plan in the event of an emergency affecting the health and safety of the College community. The Emergency Management Team follows the FEMA Incident Command Structure and has designated individuals to serve in every capacity of the structure. Members also follow the FEMA Unified Command structure upon

the arrival of assisting agencies. The [Health and Safety Manual](#) contains the College's [emergency response plan](#).

Campus Safety Alerts are issued to notify the campus community of imminent or ongoing threats to safety, security or health. Once confirmed by trained emergency personnel, the College will immediately notify the campus community of a significant emergency or dangerous situation (e.g., active shooter, tornado, dangerous chemical release, etc.) involving an immediate threat to the health or safety of students and employees. Alerts are disseminated with the goal of notifying as many people as possible, as rapidly as possible.

When Campus 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 campus community. The College will without delay, and considering 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 Chief/Director of Campus Police and Public Safety, PIO, or a designee will determine the content of notifications and initiate the notification process to send a message to all students and employees through their Outlook email accounts.

The Chief/Director of Campus Police and Public Safety, under the guidance of the PIO, 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 disseminated to all students and employees via College-wide emails, fliers or posters, and notices posted on the [Alert Notifications webpage](#). Campus Police will also send emergency text messages and telephone notifications to all students and employees who have been enrolled to receive such notifications.

If there is an immediate threat to the health and 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 emails;
- Outdoor siren;
- Phone notifications (voice and text);
- Computer desktop alerts; and
- Call center/phone bank set-up
- Durham Tech's [Student Resource Center](#)

Evacuation procedures are included in Emergency Response section of the College's [Health and Safety Manual](#). An emergency response checklist is posted in every classroom and office suite throughout all campus locations. The checklist includes evacuation procedures, which are disseminated annually, for fires, bomb threats, earthquakes, tornados, and active threats.

To help ensure that the College community is prepared to take self-protection measures, a various test of the emergency plan and evacuation procedures is conducted annually and



may be announced or unannounced. The procedures are documented in every test's after action report with a description of the exercise, the date and time, and whether the exercise was 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 additional information, refer to the college's [Health and Safety Manual](#).

For questions or concerns related to any of posted warnings or alerts, individuals may contact the director of campus police and public safety at 919-536-7255 or by email at [walkerj@durhamtech.edu](mailto:walkerj@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. Evacuees should move quickly and quietly to a safe distance from the building and emergency vehicle access areas.
  - b. Employees have the duty and responsibility to direct students and visitors to a safe distance from the building.
  - c. Evacuees should take the shortest route to an exit except when it is blocked by fire, debris, or other hazards.
  - d. Evacuees should NOT use elevators when evacuating. Elevators could fail during a fire or other disaster.
  - 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 Individuals With Disabilities**

1. Some individuals 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 individuals with mobility issues cannot exit, they should be moved to a safer area (e.g., most enclosed stairwells).
2. Attempt a rescue evacuation only when the individual with a disability is in immediate danger and cannot wait for assistance.
3. In some multistory buildings, the individual with a disability may be moved to an Area of Rescue located in the stairwells to await rescue by emergency personnel. For buildings that do not have an Area of Rescue, the individual must be moved to the nearest stairwell to await rescue.

4. Notify Campus Police and Public Safety or fire personnel immediately about any individuals waiting to be evacuated.
5. Two physically capable occupants should be asked to volunteer to assist in evacuating individuals with disabilities. If volunteers are not available, designate two people who are willing to accept the responsibility. Ask the individual with a disability how they can best be assisted or moved and whether any special considerations or items are required.
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 individuals with disabilities 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. Certain lifts may need to be modified depending on the individual's disability. Remember that two-person 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 Individuals with Visual Impairment**

1. Give verbal instructions to advise individuals about the safest exit route, direction, and distance using terms such as “right”, “left”, “forward”, “backward”, and “turn around”. Allow individuals with visual impairment to use their canes as you talk them through the 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 they would like to hold onto your arm as you exit, especially if there is debris or a crowd.

### **Evacuation Procedures for Individuals with Hearing Impairment**

1. Get the attention of the individual with a 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 individuals about the safest exit 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 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 Campus Police and Public Safety personnel, other Durham Tech officials, and 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 will generally remain the same. Should the need ever arise, follow these steps, unless instructed otherwise by local emergency personnel:

1. If you are inside, stay where you are. Collect any emergency shelter-in-place supplies and a telephone to be used in the case of an emergency. If you are outdoors, proceed to the closest building quickly or follow instructions from the emergency personnel on the scene.
2. Locate a room to shelter inside. It should be:
  - a. An interior room; and
  - 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 Campus Police and Public Safety. 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 Campus Police and Public Safety and provide the list.
6. Make yourself comfortable

### **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 College community. When appropriate, Campus Police

and Public Safety personnel will notify the campus community of off-campus threats that could also represent a serious or continuing threat to students, employees, and visitors.

## **Campus Timely Warning Procedures**

Durham Tech will without delay, considering 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 Chief/Director of Campus Police and Public Safety or their 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.

Notifications will be made using mass emails, outdoor siren, phone notifications (voice and text); and/or computer desktop alerts.

## **Timely Warning Notices**

In the event that a situation arises involving Clery Act crimes or other emergency situations, either on or within our Clery geography, which, reported within ten (10) days and in the judgment of the Chief/Director of Campus Police and Public Safety or their designee, constitutes an ongoing or continuing threat to health or safety, a campus-wide “timely warning” will be issued. Timely warnings, that withholds the names of victims as confidential, 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 that will aid in the prevention of similar occurrences.

The College is not required to issue a timely warning with respect to crimes reported to a pastoral or profession counselor.

The College does not publish the name of crime victims nor house identifiable information regarding victims in the Campus Police and Public Safety 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 Admissions, Registration, and Records office in the Phail Wynn, Jr. Student Services Center (Building 10, room 10-201, Main Campus), calling 919-536-7200, ext. 1800, or completing the [Request for FERPA Information Disclosure Restriction form](#). Refer to the [Family Educational Rights and Privacy Act \(FERPA\)](#) policy for additional information.

Generally, Campus Police and Public Safety dispatchers will issue or send out the first timely warning message. Additional messages are then developed or written, reviewed, and published by the College’s Public Information Officer (PIO) or a designee. Follow-up messages are also developed or written, and published by the PIO or designee.

Members of the College community are directed to immediately report crimes or other serious incidents the by calling Campus 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 to disseminate information should such an event arise. Warnings may be disseminated to students and

employees through College-wide emails, fliers or posters, and notices posted on the [Alert Notifications webpage](#). Students and employees are responsible for checking their email accounts frequently. Campus Police will also send emergency text messages and telephone notifications to students and employees who have been enrolled to receive such notifications.

### **Immediate Notification**

Upon notification of a crisis, emergency, or disaster, Campus Police and Public Safety will dispatch police officers to confirm the validity and significance of the situation. Upon confirmation of a true emergency, the College 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 Chief/Director of Campus Police and Public Safety, PIO or a designee will determine the content of the notification and will initiate the notification process. Generally, Campus Police and Public Safety dispatchers will issue or send out the first immediate notification message. Additional messages are then developed or written, reviewed, and published by the College's Public Information Officer (PIO), or a designee. Follow-up messages are also developed or written, and published by the PIO or designee.

All available methods of emergency communication, via electronic and cellular communications, will be utilized to disseminate information should such an event arise. Notifications will be disseminated to all students and employees through College-wide emails, fliers or posters, and notices posted on the [Alert Notifications webpage](#). Campus Police will also send emergency text messages and telephone notifications to students and employees who have been enrolled to receive such notifications.

### **Community Alerts**

Campus Safety Alerts are issued to notify the campus 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 (e.g., active shooter, tornado, dangerous chemical release, etc.) involving an immediate threat to the health or safety of students and employees. Alerts are disseminated with the goal of notifying as many people as possible, as rapidly as possible. Alerts may include any or all of the following:

- Mass emails;
- Outdoor siren;
- Phone notifications (voice and text);
- Computer desktop alerts; and
- Call center/phone bank set-up.
- Durham Tech's [Student Resource Center](#).

Depending on the nature and location of the emergency, the Chief/Director of Campus Police and Public Safety, PIO or a designee will determine the content of notifications and initiate the notification process to send a message to all students and employees through their Outlook or Student Email accounts.

Durham Tech may send messages to the larger communities within and surrounding its campuses via other means, including the following:

- AlertDurham – AlertDurham 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 (e.g., cell phone, SMS, home phone, email, fax, pager, etc.) to ensure real-time access to potentially life-saving information. Residents also have the option to opt-in to receive the specific alerts they are interested in. See the [College's Emergency Procedures webpage](#) for further information and to sign up for the [AlertDurham](#) emergency notification system.
- OC Alerts – 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 webpage or the [OC Alerts website](#) for more information and to sign up for OC Alerts emergency notification system.
- Durham Tech [Alert Notification webpage](#)
- Vehicle and other portable public announcement devices
- Local media

## **Crime Prevention Education and Awareness**

### **Preventing Crime Through Collaboration and Cooperation**

Crime prevention is a top priority for the Durham Tech Campus Police and Public Safety department. Together with other College offices, the department offers programs that enhance personal safety, teach proactive crime reduction strategies, and help individuals develop self-esteem, all of which contribute to a healthy community. Durham Tech's crime-prevention strategy rests on a multilayered foundation involving proactive area patrols 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 for their own security and the security of others. The Chief/Director of Campus Police and Public Safety is available to assist any individual or group in planning, presenting, and coordinating programs of interest or concern.

Durham Tech has programs aimed at preventing 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:

- 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

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

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

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

The educational programming at Durham Tech consists of primary and ongoing 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 [Sexual Misconduct policy](#);
- D. Provide a description of safe and positive options for bystander intervention. Bystander intervention means the safe and positive options that may be carried out by an individual or individuals to prevent harm or to 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. Provide 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 of this document);

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 of 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 of this document);
4. Options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures (as described in the “Assistance for Victims: Rights and Options” section of this document);
5. Procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking (as described in the “Adjudication of Violations” section of this document).

### **Primary Prevention and Awareness Programs**

Durham Tech offers primary prevention and awareness programming to all incoming students and employees. These efforts involve distributing educational materials to new students, participating in and presenting information and materials during new student and employee orientations, offering programming at employee meetings and academic programs, and requiring all students to take online courses related to sexual assault and high-risk drinking awareness and education.

### **Ongoing Prevention and Awareness Campaigns**

Durham Tech 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 – There are numerous online courses available for students to learn effective ways to prevent and report sexual assault on campus. Employees receive online education through Vector Training.

2. Orientation Programming – Incoming students participate in a series of information sessions about the Clery Act and Title IX. This is in addition to Campus Police and Public Safety’s crime prevention presentations, which are offered by request to 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 safety and the safety of others.

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

Campus Police and Public Safety personnel perform security audits and surveys for students, employees, 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 by Vector Training, which has been customized with North Carolina laws to educate students on Title IX, how to respond to sex discrimination, and how to protect against sexual violence. It explains how the SaVE Act protects students, 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. Ongoing campaigns to raise awareness of sexual assault, domestic violence, dating violence, and stalking include giving students and employees lanyards and bracelets signifying the issue of sexual violence, setting up booths and providing literature at campus events, and hosting film viewings and panel discussions 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 Vector Training. 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.

### **Responsibilities of the Durham Tech Community for their 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 Campus Police and Public Safety immediately.

- Never take personal safety for granted.
- Limit your alcohol consumption and leave social functions that get too loud, are too crowded, or that have too many people drinking excessively. Remember to call Campus 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.
- Do not leave valuables in your car, especially if they can be easily noticed.
- 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.
- 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 open interior or exterior doors.**
- Inventory your personal property and insure it appropriately with personal insurance coverage.

### **Crime Prevention and Personal Safety Tips**

Students and employees are encouraged to learn and follow all Durham Tech safety and security procedures. These procedures were created out of concern for the campus community's welfare and in consideration of everyone's rights.

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 that 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 them.

If you are robbed:

- Do not resist. No amount of money is worth risking 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 against 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 the 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.
- Close and lock your car windows and doors.
- When returning to your car, have the keys ready in hand, and check the interior before entering.
- 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 your College keys or access card are stolen or lost, notify Campus Police and Public Safety immediately.

When working late in campus buildings:

- Avoid working or studying alone at night in a building. Notify Campus 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 Campus Police and Public Safety for escorts during hours of darkness.
- Note the locations of the nearest telephone and fire extinguisher in case of an emergency.
- Be aware of your personal surroundings and report suspicious people to Campus Police and Public Safety immediately.
- Do not leave personal items unattended.

## **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 and are also prohibited, whether sexually based or not. These acts include dating violence, domestic violence, and stalking. This statement of policy is to inform the community of the College's educational programs, plan for addressing sexual misconduct, 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.

### **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 the 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 employees and students over whom the 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.

Durham Tech's [Sexual Misconduct/Title IX policy](#) 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.

On May 19, 2020, the U.S. Department of Education issued a Final Rule under Title IX of the Education Amendments of 1972 that accomplishes the following:

- Defines the meaning of “sexual harassment” (including forms of sex-based violence);
- Addresses how Durham Tech must respond to reports of misconduct falling within that definition of sexual harassment; and
- Mandates a grievance process that Durham Tech must follow to comply with the law in these specific covered cases before issuing a disciplinary sanction against a person accused of sexual harassment.

The Title IX Coordinator will determine whether Sexual Misconduct policy 4.7 or Sexual Misconduct policy 4.7a should apply to a formal complaint.

The process under Sexual Misconduct policy 4.7a will apply when all of the following elements are met, in the reasonable determination of the Title IX Coordinator:

1. The conduct is alleged to have occurred on or after August 14, 2020;
2. The conduct is alleged to have occurred in the United States;
3. The conduct is alleged to have occurred in or during a Durham Tech education program or activity; and
4. The alleged conduct, if true, would constitute covered sexual harassment as defined in the policy.

Section 1 addresses reports of Sexual Misconduct that reportedly occurred prior to August 14, 2020 (Sexual Misconduct policy 4.7).

Section 2 addresses formal complaints of sexual harassment brought on or after August 14, 2020 (Sexual Misconduct policy 4.7a) *Please see page 58.*

Durham Tech uses [Title IX training materials provided by SUNY](https://system.suny.edu/sci/postedtraining/) and [ATIXA](#), which are available for review.

***Section 1 – For reports of sexual misconduct that reportedly occurred prior to August 14, 2020 ([Sexual Misconduct policy 4.7](#))***

**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 by 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.

**Vector Training** – 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 their 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;
- Unwelcome sexual advances or requests for sexual favors;
- Unwelcome commentary about an individual's body or sexual activities;
- Repeated and unwelcome 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; and
- 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 Title IX Coordinator also develops sexual misconduct-related education and training programs.

The following definitions are provided for reference:

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, the procedures supporting the Sexual

Misconduct policy. Specifically, to determine whether sexual misconduct rises to the level of actionable sexual misconduct, consideration will be given to the following criteria:

- 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);
- The identity of and relationship between the alleged harasser and the alleged victim;
- The number of individuals involved;
- The age and sex of the alleged harasser and the alleged victim; • The location of the incidents and the context in which they occurred; and
- Whether there have been similar incidents.

Clery Act – The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the “Clery Act”) is a federal statute codified at 20 U.S.C. § 1092(f), with implementing regulations in the U.S. Code of Federal Regulations at 34 C.F.R. 668.46. The Clery Act requires all colleges and universities that participate in federal financial aid programs to keep and disclose information about crime on and near their respective campuses.

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

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:

- Silence, passivity, or lack of resistance alone;
- A current or previous dating or sexual relationship alone (or the existence of such a relationship with anyone else);
- Attire;
- The buying of dinner or the spending of money on a date; or
- Consent previously given (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 may never be given by:

- Minors, even if the other participant did not know the minor’s age;
- Mentally disabled persons, if their disability was reasonably knowable to a sexual partner who is not mentally disabled; or

- Persons who are incapacitated.

The use of alcohol or drugs does not diminish one's responsibility to obtain consent and does not excuse conduct that constitutes sexual misconduct.

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.

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.

Day – A business day or calendar day, as specified in each instance by the procedures supporting the Sexual Misconduct policy. In the case of a calendar day specified by the 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).

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.

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.

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.

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.

Personally Identifiable Information – As defined by FERPA, personally identifiable information includes, but is not limited, to:

- A student's name;
- The name of a student's parent(s) or other family members;
- The address of a student or a student's family;
- A personal identifier, such as a student's social security number, student number, or biometric record;
- Other indirect identifiers, such as a student's date of birth, place of birth, or mother's maiden name;
- 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
- Information requested by a person whom the College reasonably believes knows the identity of the student to whom the education record relates.

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

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.

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 they become aware. The College's Responsible Employees are all non-student employees not designated as "strictly confidential resources" in the "Strict Confidentiality" section of the Sexual Misconduct policy.

Retaliation – Any adverse action threatened or taken against a person because they have 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.

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:

- 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 their age or because they are temporarily or permanently incapacitated;
- Rape and attempted rape;
- Statutory Rape – Sexual intercourse with an individual under the statutory age of consent, as defined by North Carolina law;
- Incest – Sexual intercourse between persons who are related to each other within degrees wherein marriage is prohibited by North Carolina law;
- 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

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

**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:

- Causing or attempting to cause another person to be incapacitated in order to gain a sexual advantage over such person;
- Prostituting another person (i.e., personally gaining money, privilege, or power from the sexual activities of another);
- Non-consensual videotaping, photographing, or audiotaping of sexual activity and/or distribution of these materials via media such as the internet;
- Exceeding the boundaries of consent (e.g., allowing another person to observe consensual sex without the knowledge or consent of all participants);
- Voyeurism; and
- Knowingly or recklessly transmitting a sexually transmitted disease (including HIV) to another individual.

**Sexual Intimidation** – Includes but is not limited to:

- Threatening, expressly or impliedly, to commit a sexual act upon another person without his or her consent;
- Stalking or cyber-stalking; and
- Engaging in indecent exposure with the intention of alarming, distressing, and/or offending others.

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

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; and "reasonable person" means a reasonable person under similar circumstances and with similar identities to the victim.

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.

Title IX Coordinator – 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 the Sexual Misconduct policy.

Title IX Investigator – The person(s) 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 make finding of fact in individual cases.

Title IX Office – Located on the Main Campus, Phillips Building (Building 3), room 3-101B. The Title IX Coordinator may be contacted by calling 919-536-7200, ext. 6013 or email [title9coordinator@durhamtech.edu](mailto:title9coordinator@durhamtech.edu).

#### 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 crime of violence committed:

- By a current or former spouse or intimate partner of the victim;
- By a person with whom the victim shares a child in common;
- By a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;
- By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; 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), 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:

- 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.
- Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
- Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

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 Coordinator. Reporting parties may also make reports to other College officials such as employees, Campus Police and Public Safety officers, and Human Resources personnel. If an employee receives a report of alleged sexual misconduct, they must notify the Title IX Coordinator immediately. Disclosure of information regarding an allegation of sexual discrimination to any College employee is official notice to the institution; such information 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:

- The seriousness of the alleged sexual misconduct;
- The alleged victim's age;
- Whether there have been other complaints of sexual misconduct against the respondent;
- 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
- 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 individual'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 an alleged victim's 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. However, the College may be required to coordinate with external agencies during its investigation.

The College recognizes that COVID-19 and the resulting change in operations at the college may affect physical access. Complainants were given the opportunity and information needed to contact the Title IX coordinator by phone or email if they had difficulty accessing campus due to COVID-19 operations campus closure or limited access. There was also a secondary contact listed for assistance.

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

- Durham Tech Campus Police and Public Safety Department – 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. Durham Tech's Campus Police and Public Safety Department office is located on Main Campus in Building 8.
- Online - Durham Tech uses an online reporting software (Maxient) to share a story, report an incident, or communicate a concern. View [instructions for filing a complaint online and the link to the online reporting form](#).
- Durham Tech Title IX Coordinator – Victoria Deaton, Title IX Coordinator/ Compliance Officer, may be contacted in person (Main Campus, Phillips Building (Building 3), room 3-103C by phone (919-536-7200, ext. 6013), or by email ([title9coordinator@durhamtech.edu](mailto:title9coordinator@durhamtech.edu) or [deatonv@durhamtech.edu](mailto:deatonv@durhamtech.edu)). Office hours are 9 a.m. to 5 p.m. Monday through Friday. During Emergency Operations, messages will be retrieved daily, Monday through Friday.
- Title IX Anonymous Complaint Line – 919-536-7200, ext. 5108. During Emergency Operations, messages will be retrieved daily, Monday through Friday.
- If a student wishes to speak confidentially about alleged sexual misconduct, the student may contact [Counseling Services](#) at 919-536-7200, ext. 1408 or email [counseling@durhamtech.edu](mailto:counseling@durhamtech.edu). 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 shall discourage an individual from reporting alleged incidents of sexual misconduct. As such, an individual may report alleged sexual misconduct to employees other than those referenced above. With the exception of counselors in Counseling Services who receive confidential information, an employee with

any knowledge about a known or suspected incident of sexual misconduct must report the incident to the 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 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, including 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 privacy of the reporting party and the respondent and to 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. Employees 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. Employees 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 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 their 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*

Per the [Accommodations for Students with Disabilities](#) and [Accommodations for Employees with Disabilities](#) policies, 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 related to sexual misconduct reporting. Employees seeking accommodations should contact Human Resources. Students requesting accommodations should contact [Accessibility Services](#).

### *Oversight*

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

### *Conflicts*

If any administrator designated to participate in the investigation or resolution of a complaint is the respondent (including but not limited to the Title IX Coordinator), then the **VP, Chief Campus Operations Officer** will appoint another College administrator to perform such person’s duties. If the VP, Chief Campus Operations Officer is the respondent, then the Title IX Coordinator will appoint another College administrator to perform the duties of the VP, Chief Campus Operations Officer.

Investigations will be conducted by officials who, at a minimum, receive annual training on issues related to dating violence, domestic violence, sexual assault, and stalking and on how to conduct an investigation and hearing process that protects the safety of the victims and promotes accountability. No employee is authorized to investigate or resolve



complaints without the involvement of the 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.

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 their removal. Absent an 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 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 an investigator may also modify any deadline contained in these procedures for good cause, if necessary. The Title IX Coordinator or an 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:

- 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 investigators or the Title IX Coordinator.

- Each party has the right to produce witnesses on their behalf.
- Each party has the right to present evidence.
- 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 investigators or the Title IX 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 investigators or the Title IX 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 Executive Director of Human Resources and the Vice President, Chief Student Service Officer 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 Executive Director of Human Resources and the Vice President, Chief Student Services

Officer will consider input from the reporting party if they wish to provide such input. The Title IX Coordinator will notify the reporting party and the respondent, respectively, of the imposition of applicable nonpunitive interim measures. These measures include:

- Issuing no-contact orders to prevent any contact between the reporting party, the respondent, witnesses, and/or third parties;
- Changing a reporting party's or a respondent's work arrangements or schedules;
- 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);
- 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);
- Taking such steps as are reasonable, appropriate, and necessary to adjust the job duties of such party or place them on administrative leave; and
- 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 an investigator may, in their 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 sex-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. 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 them 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 Title IX 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 their 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 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 Executive Director of Human Resources regarding the appropriate sanctions to be enforced if the respondent is an employee. If the respondent is a student, the Title IX Coordinator will partner with the Vice President, Chief Student Services Officer regarding appropriate sanctions. 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 Executive 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 they 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 they 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’s President.

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, Chief Student Services Officer 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. Re-charter after that time must be approved by the College's 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 them. 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 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, Chief Student Services Officer that includes

the names of 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.

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 class absences. 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 Chief Student Service Officer. Students who receive this sanction may also be prohibited from returning to College 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's 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 Appeals Officer (Title IX Coordinator) within seven 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:

- 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;
- 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;
- 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;
- The final decision included a sanction that was especially egregious, arbitrary, and/or capricious;
- The reporting party or respondent believes that their due process rights were violated at some point during the process; and
- 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 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 appropriate grounds 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 Appeal 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 appeals 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 Appeal 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, victims should consider seeking medical attention as soon as possible. For immediate and urgent medical concerns, individuals should go directly to the emergency department of their local hospital. If on campus, they can call Campus Police and Public Safety (919-536-7255 or ext. 5555) for transportation without having to make a report. For less immediate medical concerns, individuals should schedule an appointment with their primary care physician or at an urgent care facility.

It is crucial that individuals seek medical attention as soon as possible. Emergency room personnel 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. Individuals impacted by stalking should 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. There are also many other professional resources on campus and within the community available to support individuals through the healing process. Individuals may also choose to seek support from family or friends.

### *Evidence Preservation*

In North Carolina, evidence may be collected even if an individual chooses not to make a report to law enforcement. If an individual does not wish to make a report to law enforcement, they should notify the sexual assault nurse examiner at a 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, 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 Street, Durham, or call 919-808-3076 for assistance in applying for such an order. Durham Tech will comply with all such orders, and Campus Police and Public Safety personnel will assist with the enforcement of such orders. To ensure that a copy of their order is on file with the College, individuals should bring or forward a copy of the order to one of the following individuals/entities:

- Title IX Coordinator – Victoria Deaton; Phillips (Building 3), room 3-103C, Main Campus); <mailto:title9coordinator@durhamtech.edu> or [deatonv@durhamtech.edu](mailto:deatonv@durhamtech.edu) or
- Campus Police and Public Safety – Building 8, Main Campus

Individuals who need assistance related to the enforcement of their order of protection or who need to report violations of the order should contact Campus Police and Public Safety at 919-536-7255 or 911.

Although the College strongly encourages individuals to report violations of the Sexual Misconduct 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 police involvement. College personnel, such as the Title IX Coordinator and Counseling Services staff, 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 one or both of the following:

- Durham Tech Title IX Coordinator – Victoria Deaton Title IX Coordinator/Compliance Officer, may be contacted in person (Main Campus, Phillips (Building 3), room 3-103C, by phone (919-536-7200, ext. 6013), or by email ([title9coordinator@durhamtech.edu](mailto:title9coordinator@durhamtech.edu) or [deatonv@durhamtech.edu](mailto:deatonv@durhamtech.edu)).
- Durham Tech Campus Police and Public Safety Department – 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.

Durham Tech offers 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 Sexual Misconduct/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 the 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, they nevertheless should consider speaking with Campus Police or other law enforcement to preserve evidence in the event that the victim changes their mind at a later date.

When an incidence of domestic violence, dating violence, sexual assault, or stalking is reported.

Durham Tech will do the following, depending on when and where the incident was reported:

- Assist the complainant with access to medical care;

- Assess the immediate safety needs of the complainant;
- Assist the complainant in contacting Campus Police or local police, if the 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, changes in class or work schedules, and “no contact” directives between both parties;
- Provide “no trespass” directives to accused parties, if deemed appropriate;
- Provide resources for victims to apply for protective orders;
- Provide a copy of the College policy to the complainant and inform the complainant of 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 College disciplinary proceeding against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of the victim shall be treated as the alleged victim for the 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.

***Section 2 – For reports of sexual misconduct that reportedly occurred on or after August 14, 2020 ([Sexual Misconduct policy 4.7a](#))***

[Title IX of the Educational Amendments of 1972](#) prohibits any person in the United States from being discriminated against on the basis of sex in seeking access to any educational program or activity receiving federal financial assistance. The U.S. Department of Education, which enforces Title IX, has long defined the meaning of Title IX’s prohibition on sex discrimination broadly to include various forms of sexual harassment and sexual violence that interfere with a student’s ability to equally access educational programs and opportunities.

On May 19, 2020, the U.S. Department of Education issued a [Final Rule](#) under Title IX of the Education Amendments of 1972 that accomplishes the following:

- Defines the meaning of “sexual harassment” (including forms of sex-based violence)
- Addresses how Durham Tech must respond to reports of misconduct falling within that definition of sexual harassment; and

- Mandates a grievance process that Durham Tech must follow to comply with the law in these specific covered cases before issuing a disciplinary sanction against a person accused of sexual harassment.

How does the Sexual Misconduct policy impact other College disciplinary policies? In recent years, Title IX cases have become a short-hand for any campus disciplinary process involving sex discrimination, including those arising from sexual harassment and sexual assault. But under the Final Rule, Durham Tech must narrow both the geographic scope of its authority to act under Title IX and the types of sexual harassment that it must subject to its Title IX investigation and adjudication process. Only incidents falling within the Final Rule's definition of sexual harassment will be investigated and, if appropriate, brought to a live hearing.

Durham Tech remains committed to addressing any violations of its policies, even those not meeting the narrow standards defined under the Title IX Final Rule. Specifically, the College's [Student Code of Conduct](#) defines certain behaviors as violations of College policy, and an earlier version of its [Sexual Misconduct policy \(4.7\)](#) addresses the types of sex-based offenses constituting a violation of College policy and the procedures for investigating and adjudicating those sex-based offenses.

To the extent that alleged misconduct falls outside the Sexual Misconduct policy, or misconduct falling outside the Sexual Misconduct policy is discovered in the course of investigating covered Title IX misconduct, Durham Tech retains authority to investigate and adjudicate the allegations under the policies and procedures defined within the Student Code of Conduct through a separate grievance proceeding.

The elements established in the Sexual Misconduct policy under the Final Rule have no effect and are not transferable to any other College policy for any violation of the Student Code of Conduct, employment policies, or any civil rights violation except as narrowly defined in the policy. The policy does not set a precedent for other College policies or procedures and may not be cited for or against any right or aspect of any other policy or procedure.

## **Procedure**

### *General Rules of Application*

#### **Effective Date**

This Sexual Misconduct policy (4.7a) became effective on August 14, 2020, and only applies to formal complaints of sexual harassment brought on or after August 14, 2020. Complaints brought prior to August 14, 2020 will be investigated and adjudicated according to the College's [Sexual Misconduct policy 4.7](#) if a case is not complete by that date.

### *Revocation by Operation of Law*

Should any portion of the Title IX Final Rule be stayed or held invalid by a court of law, or should the Title IX Final Rule be withdrawn or modified to not require the elements of this policy, this policy, or the invalidated elements of this policy, will be deemed revoked as of the publication date of the opinion or order and for all reports after that date, as well as any elements of the process that occur after that date if a case is not complete by that date of opinion or order publication. Should this Sexual Misconduct policy be revoked in this

manner, any conduct covered under the policy shall be investigated and adjudicated under Sexual Misconduct policy 4.7.

### *Non-Discrimination in Application*

The requirements and protections of this policy apply equally regardless of sex, sexual orientation, gender identity, gender expression, or other protected classes covered by federal or state law. All requirements and protections are equitably provided to individuals regardless of such status or status as a complainant, respondent, or witness. Individuals who wish to file a complaint about Durham Tech's policy or process may contact the [Department of Education's Office for Civil Rights](#).

### **Definitions**

*(Please see also the Additional Definitions section.)*

**Advisor** – A person chosen by a party or appointed by the institution to accompany the party to meetings related to the resolution process, to advise the party on that process, and to conduct cross-examination for the party at the hearing, if any.

**Covered Sexual Harassment** – For the purposes of this policy, “covered sexual harassment” includes any conduct on the basis of sex that satisfies one or more of the following:

- An employee conditioning educational benefits on participation in unwelcome sexual conduct (i.e., quid pro quo);
- Unwelcome conduct that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the education program or activity;
- Sexual assault (as defined in the Clery Act), which includes any sexual act directed against another person, without the consent of the victim including instances where the victim is incapable of giving consent;
- Dating violence (as defined in the Violence Against Women Act (VAWA) amendments to the Clery Act), which includes any violence committed by a person: (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) The length of the relationship; (ii) The type of relationship; and (iii) The frequency of interaction between the persons involved in the relationship.
- Domestic violence (as defined in the VAWA amendments to the Clery Act), which includes any 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 North Carolina's domestic or family violence laws 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 North Carolina.

- Stalking (as defined in the VAWA amendments to the Clery Act), meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (A) fear for their safety or the safety of others; or (B) suffer substantial emotional distress.

Please Note: Conduct that does not meet one or more of these criteria may still be prohibited under the Student Code of Conduct.

Consent – For the purposes of this policy, “consent” means 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:

- Silence, passivity, or lack of resistance alone;
- A current or previous dating or sexual relationship alone (or the existence of such a relationship with anyone else);
- Attire;
- The buying of dinner or the spending of money on a date; or
- Consent previously given (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 may never be given by:

- Minors, even if the other participant did not know the minor’s age;
- Mentally disabled persons, if their disability was reasonably knowable to a sexual partner who is not mentally disabled; or
- Persons who are incapacitated.

The use of alcohol or drugs does not diminish one's responsibility to obtain consent and does not excuse conduct that constitutes 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.

Education Program or Activity – For the purposes of this policy, “education program or activity” includes:

- Any College program or activity that occurs on-campus premises;
- Any College program or activity that occurs on off-campus premises that Durham Tech has substantial control over. This includes buildings or property owned or controlled by a recognized student organization; and

- Activity occurring within computer and internet networks, digital platforms, and computer hardware or software owned or operated by, or used in the operations of Durham Tech's programs and activities over which Durham Tech has substantial control.

**Formal Complaint** – For the purposes of this policy, “formal complaint” means a document, including electronic submissions, filed by a complainant with a signature or other indication that the complainant is the person filing the formal complaint, or signed by the Title IX Coordinator, alleging sexual harassment against a respondent about conduct within a Durham Tech education program or activity and requesting initiation of the procedures consistent with the Sexual Misconduct policy to investigate the allegation of sexual harassment.

**Complainant** – For the purposes of this policy, “complainant” means any individual who has reported being or is alleged to be the victim of conduct that could constitute covered sexual harassment as defined under this policy.

**Relevant Evidence and Questions** – “Relevant evidence and questions” refers to any questions and evidence that tend to make an allegation of sexual harassment more or less likely to be true. “Relevant” evidence and questions do not include the following types of evidence and questions, which are deemed “irrelevant” at all stages of the sexual misconduct grievance process:

1. Evidence and questions about the complainant's sexual predisposition or prior sexual behavior unless:
  - a. They are offered to prove that someone other than the respondent committed the conduct alleged by the complainant; or
  - b. They concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.
2. Evidence and questions that constitute, or seek disclosure of, information protected under a legally-recognized privilege.
3. Any party's medical, psychological, and similar records unless the party has given voluntary, written consent.

**Respondent** – For the purposes of this policy, “respondent” means any individual who has been reported to be the perpetrator of conduct that could constitute covered sexual harassment as defined under this policy.

**Privacy vs. Confidentiality** – References made to confidentiality refer to the ability of identified confidential resources to not report crimes and violations to law enforcement or College officials without permission, except for extreme circumstances, such as a health and/or safety emergency or child abuse. References made to privacy mean Durham Tech offices and employees who cannot guarantee confidentiality will maintain privacy to the greatest extent possible, and information disclosed will be relayed only as necessary to investigate and/or seek a resolution and to notify the Title IX Coordinator or designee, who is responsible for tracking patterns and spotting systemic issues. Durham Tech will limit the disclosure as much as practicable, even if the Title IX Coordinator determines that the request for confidentiality cannot be honored.

Accessibility Accommodations – This policy does not alter any of Durham Tech’s obligations under federal disability laws including the Americans with Disabilities Act of 1990 and Section 504 of the Rehabilitation Act of 1973. Parties may request reasonable accommodations for disclosed disabilities to the Title IX Coordinator at any point before or during the sexual misconduct grievance process that do not fundamentally alter the process. The Title IX Coordinator will not affirmatively provide accessibility accommodations that have not been specifically requested by the parties, even where the parties may be receiving accommodations in other Durham Tech programs and activities.

### **Making a Report Regarding Covered Sexual Harassment to Durham Tech**

Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, telephone, or electronic mail, using the contact information listed below, or by any other means that results in the Title IX Coordinator receiving the person’s verbal or written report. Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by sending mail to the office address listed.

#### **Title IX Coordinator Contact Information:**

Victoria Deaton

Title IX Coordinator/Compliance Officer

Phillips (Building 3), room 3-103C, Main Campus 1637

Lawson Street Durham, North Carolina 27703

[title9coordinator@durhamtech.edu](mailto:title9coordinator@durhamtech.edu) or [bowens@durhamtech.edu](mailto:bowens@durhamtech.edu); 919-536-7200, ext. 6013

#### ***Confidential Reporting***

The College will make every reasonable effort possible to preserve an individual’s privacy and protect the confidentiality of information that it receives in connection with a report of sexual misconduct. All individuals receiving a report understand the desire to keep the information confidential. In particular situations where privacy cannot be strictly kept, it will still be tightly controlled on a need-to-know basis. Dissemination of information and/or written materials to persons not involved in the complaint procedure is not permitted. The College will treat information that it receives in a manner that respects both the sensitivities and rights of the complainant and the respondent.

State and federal regulations may dictate a course of action that will require making portions or all of the report known to others, including possibly the alleged offender, during the course of the investigation. Additionally, recognizing that sexual misconduct undermines the safety and freedom of an educational environment and could be criminal behavior, depending on the nature of the incident, there may be instances where it is the College’s ethical and legal responsibility to disclose information regarding the circumstances related to a specific incident. Should this be the case, the victim will be notified prior to the information being released. If the complainant is a minor (under 18 years old), or if the alleged incident took place while the complainant was a minor, the law requires disclosure to law enforcement authorities.



The following personnel will provide privacy, but not confidentiality, upon receiving a report of conduct prohibited under this policy:

- Title IX Coordinator or designee;
- Campus Police and Public Safety
- Human Resources

If an employee of Campus Police and Public Safety, Human Resources, or the College at large receives a report of alleged sexual misconduct, they must notify the Title IX Coordinator unless they are a licensed counselor. If a student wishes to speak confidentially about sexual misconduct, they may report to a counselor in [Counseling Services](#). Information that a student discusses confidentially with a licensed counselor will not be reported to the Title IX Coordinator or other College officials without the expressed consent of the student.

#### *Non-Investigatory Measures Available Under the Sexual Misconduct Policy*

##### **Supportive Measures**

Complainants (as defined above) who report allegations that could constitute covered sexual harassment under this policy have the right to receive supportive measures regardless of whether they desire to file a complaint. Supportive measures are nondisciplinary and non-punitive.

As appropriate, supportive measures may include but are not limited to the following:

- Counseling;
- Extensions of deadlines or other course-related adjustments;
- Modifications of work or class schedules;
- Campus escort services;
- Restrictions on contact between the parties (no-contact orders);
- Changes in work or class locations;
- Leaves of absence; and
- Increased security and monitoring of certain areas of the campus.

##### **Emergency Removal**

Durham Tech retains the authority to remove a respondent from programs and activities on an emergency basis, where Durham Tech (1) undertakes an individualized safety and threat analysis and (2) determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of covered sexual harassment justifies a removal.

If Durham Tech determines such removal is necessary, the respondent will be provided notice and an opportunity to challenge the decision immediately following the removal. The individual who hears the challenge to the removal determination shall not be an individual involved in any decision regarding responsibility or appeal of that decision regarding responsibility.

## **Threat Assessment Team**

A Threat Assessment Team is called together whenever a member of the College community reports a potential threat to the safety of members of the College community. The team's ideal composition should be limited to a few individuals to protect confidential information yet ensure a diverse and informed assessment. The Threat Assessment Team typically consists of three or four individuals, depending on the nature of the perceived threat, with one representative from each of the following areas:

- Student Conduct – This representative is normally the Vice President Chief Student Service Officer. In their absence, another student services employee (e.g., Dean of Student Services) may serve.
- Public Safety – This representative is normally the Chief/Director of Campus Police and Public Safety. In their absence, another public safety employee (e.g., Sergeant, Security Supervisor, or Police Officer) may serve.
- Division Head – This representative is normally the appropriate division head (e.g., Vice President/Chief Academic Officer) related to the academic area(s) for the student(s) involved.
- Title IX Coordinator – If the perceived threat is related to sexual misconduct or a Title IX-related concern, the Title IX Coordinator should be involved.

The Threat Assessment Team's charge is to consult on, as needed, and review student behavior perceived to be potentially dangerous to self or others or that poses a safety concern within the campus community and recommend appropriate action.

The Threat Assessment Team may decide to take any of the following actions:

- Refer the matter to the Care Team, if they determine such a referral is more appropriate;
- Monitor the student's behavior;
- Direct the student to meet with the Vice President of Student Engagement, Development, and Support;
- Consult with the College's legal advisor, if necessary;
- Recommend to the Vice President/Chief Student Services Officer that the student be required to obtain a current psychological assessment from a mental health provider;
- Recommend to the Chief/Director of Campus Police and Public Safety that criminal charges be considered; or
- Recommend a sanction listed in the Student Code of Conduct to the Vice President/Chief Student Services Officer or President.

## **Administrative Leave**

Durham Tech retains the authority to place a non-student employee respondent on administrative leave during the sexual misconduct grievance process, consistent with the Disciplinary Actions, Suspension, and Termination of Employment policy.

## ***Sexual Misconduct Grievance Process***

### **Filing a Formal Complaint**

The timeframe for the sexual misconduct grievance process begins with the filing of a formal complaint. The grievance process will be concluded in a reasonably prompt manner, and no longer than 90 calendar days after the filing of the formal complaint, provided that the process may be extended for a good reason, including but not limited to the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities. The procedure for applying for extensions is described below.

To file a formal complaint, a complainant must provide the Title IX Coordinator with a written, signed complaint describing the facts alleged. Complainants are only able to file a formal complaint under this policy if they are currently participating in, or attempting to participate in, College education programs or activities including as an employee. For complainants who do not meet this criterion, the College will utilize the Student Code of Conduct.

If a complainant does not wish to make a formal complaint, the Title IX Coordinator may determine whether a formal complaint is necessary. The Title IX Coordinator will inform the complainant of this decision in writing, and the complainant need not participate in the process further but will receive all notices issued under this policy and procedure.

Nothing in this policy prevents a complainant from seeking the assistance of state or local law enforcement alongside the appropriate College personnel.

### **Informal Resolution Statement**

In appropriate cases, Durham Tech may choose to pursue informal resolution with the written consent of all parties at any point in the investigation process. Informal resolution options can include mediation, specific action plans, voluntary agreements, or agreed upon sanctions. Under any informal resolution, the complainant will not be required to resolve the problem directly with the respondent, unless desired by the complainant.

All parties must be notified of their right to end the informal resolution process at any time and resume the formal process. Mediation shall not be used in cases involving sexual violence. The investigator will document the outcome of any informal resolution and share with the parties and the Title IX Coordinator.

In cases where the facts are generally not in dispute, and the respondent expresses a willingness to accept responsibility for all charges in a case, with the informed consent of the complainant and the College, the hearing procedure will be waived. The parties will be provided the opportunity to submit a written statement to the Title IX Coordinator, who will share this information with appropriate supervisory personnel for employee respondents or the Vice President of Student Engagement, Development, and Support for student respondents for consideration in determining appropriate sanctions.

The sanction decision will be made based on investigation information and the written statements, as well as any conduct history on the part of the respondent. Any appeal in an acceptance of responsibility resolution will be limited to the grounds that the sanction provided by the College is grossly inappropriate in light of the violations committed, or relevant aggravating and mitigating factors, and in consideration of applicable policy. Both the complainant and the respondent shall have the same right of appeal.

### **Multi-Party Situations**

Durham Tech may consolidate formal complaints alleging covered sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of covered sexual harassment arise out of the same facts or circumstances.

### **Determining Jurisdiction**

The Title IX Coordinator will determine whether Sexual Misconduct policy 4.7 or Sexual Misconduct policy 4.7a should apply to a formal complaint. The process will apply when all of the following elements are met, in the reasonable determination of the Title IX Coordinator:

1. The conduct is alleged to have occurred on or after August 14, 2020;
2. The conduct is alleged to have occurred in the United States;
3. The conduct is alleged to have occurred in or during a Durham Tech education program or activity; and
4. The alleged conduct, if true, would constitute covered sexual harassment as defined in this policy.

If all of the elements are met, Durham Tech will investigate the allegations according to the grievance process.

### **Allegations Potentially Falling Under Two Policies**

If the alleged conduct, if true, includes conduct that would constitute covered sexual harassment and conduct that would not constitute covered sexual harassment, the sexual misconduct grievance process will be applied to the investigation and adjudication of only the allegations that constitute covered sexual harassment.

### **Mandatory Dismissal**

If any one of these elements are not met, the Title IX Coordinator will notify the parties that the formal complaint is being dismissed for the purposes of this policy. Each party may appeal this dismissal using the procedure outlined in the Appeals section below.

### **Discretionary Dismissal**

The Title IX Coordinator may dismiss a formal complaint brought under this policy, or any specific allegations raised within that formal complaint, at any time during the investigation or hearing, if:

- A complainant notifies the Title IX Coordinator in writing that they would like to withdraw the formal complaint or any allegations raised in the formal complaint;
- The respondent is no longer enrolled or employed by Durham Tech; or

- If specific circumstances prevent Durham Tech from gathering evidence sufficient to reach a determination regarding the formal complaint or allegations within the formal complaint.

Any party may appeal a dismissal determination using the process set forth in the Appeals section below.

### **Notice of Dismissal**

Upon reaching a decision that the formal complaint will be dismissed, Durham Tech will promptly send written notice of the dismissal of the formal complaint or any specific allegation within the formal complaint, and the reason for the dismissal, simultaneously to the parties through their Durham Tech email accounts. It is the responsibility of the parties to maintain and regularly check their email accounts.

### **Notice of Removal**

Upon dismissal for the purposes of Title IX, Durham Tech retains discretion to utilize the Student Code of Conduct to determine if a violation of the Student Code of Conduct has occurred. If so, Durham Tech will promptly send written notice of the dismissal of the formal complaint under the sexual misconduct grievance process and transfer of the allegations to the conduct process.

### **Notice of Allegations**

The Title IX Coordinator will draft and provide the Notice of Allegations to any party to the allegations of sexual harassment. Such notice will occur as soon as practicable, but no more than five working days after Durham Tech receives a formal complaint of the allegations, and the complaint has been assigned to an investigator(s) if there are no extenuating circumstances.

The parties will be notified via their Durham Tech email accounts if they are a student or employee, and by other reasonable means if they are neither. Durham Tech will provide sufficient time for the parties to review the Notice of Allegations and prepare a response before any initial interview.

The Title IX Coordinator may determine that the formal complaint must be dismissed on the mandatory grounds identified above and will issue a Notice of Dismissal. If such a determination is made, any party to the allegations of sexual harassment identified in the formal complaint will receive the Notice of Dismissal in conjunction with, or in separate correspondence after, the Notice of Allegations.

### **Contents of Notice**

The Notice of Allegations will include the following information:

- Notice of Durham Tech's sexual misconduct process, including the College's informal resolution process, and a hyperlink to a copy of the process.
- Notice of the allegations potentially constituting covered sexual harassment and sufficient details known at the time the notice is issued, such as the identities of the parties involved in the incident, if known, including the complainant; the conduct allegedly constituting covered sexual harassment; and the date and location of the alleged incident, if known.

- A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process.
- A statement that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney, as required under 34 C.F.R. § 106.45(b)(5)(iv);
- A statement that before the conclusion of the investigation, the parties may inspect and review evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint, including the evidence upon which Durham Tech does not intend to rely in reaching a determination regarding responsibility, and evidence that both tends to prove or disprove the allegations, whether obtained from a party or other source, as required under 34 C.F.R. § 106.45(b)(5)(vi);
- Prohibition on Providing False Information: Durham Tech places great importance on the integrity of its policies and procedures. False complaints can cause irreparable harm to the College community, regardless of the outcome of an investigation. Accordingly, any individual who knowingly files a false report or complaint, knowingly provides false information, or intentionally misleads College officials will be subject to disciplinary action.

### **Ongoing Notice**

If, in the course of an investigation, Durham Tech decides to investigate allegations about the complainant or respondent that are not included in the Notice of Allegations and are otherwise covered sexual harassment falling within this policy, the College will notify the parties whose identities are known of the additional allegations via their Durham Tech email accounts or other reasonable means.

The parties will be provided sufficient time to review the additional allegations to prepare a response before any initial interview regarding those additional charges.

### **Advisor of Choice and Participation of Advisor of Choice**

Durham Tech will provide the parties equal access to advisors and support persons; any restrictions on advisor participation will be applied equally.

Durham Tech has a long-standing practice of requiring students to participate in the process directly and not through an advocate or representative. Students participating as a complainant or as a respondent in this process may be accompanied by an Advisor of Choice to any meeting or hearing to which they are required or are eligible to attend. The Advisor of Choice is not an advocate. Except where explicitly stated in this policy, as consistent with the Final Rule, Advisors of Choice shall not participate directly in the process as per standard College policy and practice.

Durham Tech will not intentionally schedule meetings or hearings on dates when the Advisors of Choice for all parties are not available, provided that the Advisors act reasonably in providing available dates and work collegially to find dates and times that meet all schedules.

Durham Tech's obligations to investigate and adjudicate in a prompt timeframe under Title IX and other College policies apply to matters governed under this policy, and Durham

Tech cannot agree to extensive delays solely to accommodate the schedule of an Advisor of Choice. The determination of what is reasonable shall be made by the Title IX Coordinator or designee. Durham Tech will not be obligated to delay a meeting or hearing under this process more than five days due to the unavailability of an Advisor of Choice, and may offer the party the opportunity to obtain a different Advisor of Choice or utilize one provided by the College.

### **Notice of Meetings and Interviews**

Durham Tech will provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings with a party, with sufficient time for the party to prepare to participate.

### **Delays**

Each party may request a one-time delay in the grievance process of up to five days for good cause (granted or denied in the sole judgment of the Title IX Coordinator; Vice President of Student Engagement, Development, and Support; or designee) provided that the requestor provides reasonable notice, and the delay does not overly inconvenience other parties. For example, a request to take a five-day pause made an hour before a hearing for which multiple parties and their advisors have traveled to and prepared for shall generally not be granted, while a request for a five-day pause in the middle of investigation interviews to allow a party to obtain certain documentary evidence shall generally be granted. The Title IX Coordinator or designee shall have sole judgment to grant further pauses in the process.

### *Investigations*

#### **General Rules of Investigations**

The Title IX Coordinator and/or an investigator designated by the Title IX Coordinator will conduct an investigation under a reasonably prompt timeframe of the conduct alleged to constitute covered sexual harassment after issuing the Notice of Allegations. Durham Tech, and not the parties, has the burden of proof and the burden of gathering evidence (i.e., the responsibility of showing a violation of this policy has occurred). This burden does not rest with either party, and either party may decide not to share their account of what occurred or may decide not to participate in an investigation or hearing. This does not shift the burden of proof away from Durham Tech and does not indicate responsibility.

Durham Tech cannot access, consider, or disclose medical records without a waiver from the party (or parent, if applicable) to whom the records belong or of whom the records include information. Durham Tech will provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence, as described below.

#### **Inspection and Review of Evidence**

Prior to the completion of the investigation, the parties will have an equal opportunity to inspect and review the evidence obtained through the investigation. The purpose of the inspection and review process is to allow each party the equal opportunity to meaningfully respond to the evidence prior to the conclusion of the investigation.

Evidence that will be available for inspection and review by the parties will be any evidence that is directly related to the allegations raised in the formal complaint. It will include any of the following:

1. Evidence that is relevant, even if that evidence does not end up being relied upon by Durham Tech in making a determination regarding responsibility; and
2. Inculpatory or exculpatory evidence (i.e., evidence that tends to prove or disprove the allegations) that is directly related to the allegations, whether obtained from a party or other source.

All parties must submit any evidence they would like the investigator to consider prior to when the parties' time to inspect and review evidence begins.

Durham Tech will send the evidence made available for each party and each party's Advisor of Choice, if any, to inspect and review through an electronic format or hard copy. Durham Tech is not under any obligation to use any specific process or technology to provide the evidence and shall have sole discretion in terms of determining format and any restrictions or limitations on access.

The parties will have 10 calendar days to inspect and review the evidence and submit a written response by email to the investigator. The investigator will consider the parties' written responses before completing the Investigative Report.

Any evidence subject to inspection and review will be available at any hearing, including for purposes of cross-examination.

The parties and their advisors must sign an agreement not to disseminate any of the evidence subject to inspection and review or use such evidence for any purpose unrelated to the sexual misconduct grievance process. Once signed, this agreement may not be withdrawn. The parties and their advisors agree not to photograph or otherwise copy the evidence.

### **Inclusion of Evidence Not Directly Related to the Allegations**

Evidence obtained in the investigation that is determined in the reasoned judgment of the investigator not to be directly related to the allegations in the formal complaint will not be disclosed or may be appropriately redacted before the parties' inspection to avoid disclosure of a student's personally identifiable information. Any evidence obtained in the investigation that is kept from disclosure or appropriately redacted will be documented in a privilege log that may be reviewed by the parties and their advisors, if any.

### ***Investigative Report***

The Title IX Coordinator and/or an investigator designated by the Title IX Coordinator will create an investigative report that fairly summarizes relevant evidence and will provide the report to the parties at least 10 calendar days prior the hearing for each party's review and written response.

The investigative report is not intended to catalog all evidence obtained by the investigator, but is meant only to provide a fair summary of the evidence. Only relevant evidence (including both inculpatory and exculpatory evidence) will be referenced in the investigative



report. The investigator may redact irrelevant information when that information is contained in documents or evidence that are otherwise relevant.

## *Hearings*

### **General Rules of Hearings**

Durham Tech will not issue a disciplinary sanction arising from an allegation of covered sexual harassment without holding a live hearing unless it is otherwise resolved through an informal resolution process.

The live hearing may be conducted with all parties physically present in the same geographic location, or, at Durham Tech's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually through a remote video conferencing option. This technology will enable participants to simultaneously see and hear each other. At its discretion, Durham Tech may delay or adjourn a hearing based on technological errors not within a party's control.

All proceedings will be captured via an audiovisual recording. The recording or transcript will be made available to the parties for inspection and review.

Prior to obtaining access to any evidence, the parties and their advisors must sign an agreement not to disseminate any of the testimony heard or evidence obtained in the hearing or use such testimony or evidence for any purpose unrelated to the sexual misconduct grievance process. Once signed, this agreement may not be withdrawn.

### **Continuances or Granting Extensions**

Durham Tech may determine that multiple sessions or a continuance (i.e., a pause on the proceedings until a later date or time) is needed to complete a hearing. If so, Durham Tech will notify all participants and endeavor to accommodate all participants' schedules and complete the hearing as promptly as practicable.

### **Newly-Discovered Evidence**

As a general rule, no new evidence or witnesses may be submitted during the live hearing. If a party identifies new evidence or witnesses that were not reasonably available prior to the live hearing and could affect the outcome of the matter, the party may request that such evidence or witnesses be considered at the live hearing.

The decision-maker will consider this request and make a determination regarding (1) whether such evidence or witness testimony was actually unavailable by reasonable effort prior to the hearing, and (2) whether such evidence or witness testimony could affect the outcome of the matter. The party offering the newly-discovered evidence or witness has the burden of establishing these questions by the preponderance of the evidence.

If the decision-maker answers in the affirmative to both questions, then the parties will be granted a reasonable pause in the hearing to review the evidence or prepare for questioning of the witness.

### **Participants in the Live Hearing**

Live hearings are not public, and the only individuals permitted to participate in the hearing are as follows:

Complainant and Respondent (The Parties)

- The parties cannot waive the right to a live hearing.
- Durham Tech may still proceed with the live hearing in the absence of a party, and may reach a determination of responsibility in their absence, including through any evidence gathered that does not constitute a “statement” by that party. For example, a verbal or written statement constituting part or all of the sexual harassment itself is not a “prior statement” that must be excluded if the maker of the statement does not submit to cross-examination about that statement. In other words, a prior statement would not include a document, audio recording, audiovisual recording, and digital media, including but not limited to text messages, emails, and social media postings, that constitute the conduct alleged to have been the act of sexual harassment under the formal complaint.
- Durham Tech will not threaten, coerce, intimidate or discriminate against the party in an attempt to secure the party’s participation.
- If a party does not submit to cross-examination, the decision-maker cannot rely on any prior statements made by that party in reaching a determination regarding responsibility, but may reach a determination regarding responsibility based on evidence that does not constitute a “statement” by that party.
- The decision-maker cannot draw an inference about the determination regarding responsibility based solely on a party’s absence from the live hearing or refusal to answer cross-examination or other questions.
- The parties shall be subject to Durham Tech’s Rules of Decorum (see below).

#### The Decision-Maker

- The hearing body will consist of a panel of two decision-makers.
- No member of the hearing body will also have served as the Title IX Coordinator, Title IX investigator, or advisor to any party in the case, nor may any member of the hearing body serve on the appeals body in the case.
- No member of the hearing body will have a conflict of interest or bias in favor of or against complainants or respondents generally, or in favor or against the parties to the particular case.
- The hearing body will be trained on topics including how to serve impartially; issues of relevance, including how to apply the rape shield protections provided for complainants; and any technology to be used at the hearing.
- The parties will have an opportunity to raise any objections regarding a decisionmaker’s actual or perceived conflicts of interest or bias at the commencement of the live hearing.

#### Advisor of Choice

- The parties have the right to select an advisor of their choice, who may be, but does not have to be, an attorney.

- The Advisor of Choice may accompany the parties to any meeting or hearing they are permitted to attend, but may not speak for the party, except for the purpose of cross-examination.
- In addition to selecting an advisor to conduct cross-examination, the parties may select an advisor who may accompany the parties to any meeting or hearing they are permitted to attend, but may not speak for the party.
- The parties are not permitted to conduct cross-examination; it must be conducted by the Advisor of Choice. As a result, if a party does not select an advisor, Durham Tech will select an individual to serve in this role for the limited purpose of conducting the cross-examination at no fee or charge to the party.
- The advisor is not prohibited from having a conflict of interest or bias in favor of or against complainants or respondents generally, or in favor or against the parties to the particular case.
- The advisor is not prohibited from being a witness in the matter.
- If a party does not attend the live hearing, the party's advisor may appear and conduct cross-examination on their behalf.
- If neither a party nor their advisor appear at the hearing, Durham Tech will provide an advisor to appear on behalf of the non-appearing party.
- Advisors shall be subject to Durham Tech's Rules of Decorum and may be removed upon violation of those rules.

### **Witnesses**

- Witnesses cannot be compelled to participate in the live hearing and have the right not to participate in the hearing free from retaliation. See 85 Fed. Reg. 30026, 30360 (May 19, 2020).
- If a witness does not submit to cross-examination, as described below, the decisionmaker cannot rely on any statements made by that witness in reaching a determination regarding responsibility, including any statement relayed by the absent witness to a witness or party who testifies at the live hearing. See 85 Fed. Reg. 30026, 30347 (May 19, 2020).
- Witnesses shall be subject to Durham Tech's Rules of Decorum and may be removed upon violation of those rules.

### **Hearing Procedures**

The live hearing procedure will be as follows:

- A hearing panel will open and establish rules and expectations for the hearing;
- The parties will each be given the opportunity to provide opening statements;
- The hearing panel officers will ask questions of the parties and witnesses;
- Parties will be given the opportunity for live cross-examination after the hearing panel conducts its initial round of questioning;

- During the parties' cross-examination, the hearing panel will have the authority to pause cross-examination at any time for the purposes of asking the hearing panel's own follow-up questions and to take any time necessary in order to enforce the established rules of decorum.

Should a party or the party's advisor choose not to cross-examine a party or witness, the party shall affirmatively waive cross-examination through a written or oral statement to the hearing panel. A party's waiver of cross-examination does not eliminate the ability of the hearing panel to use statements made by the party.

### **Live Cross-Examination Procedure**

Each party's advisor will conduct live cross-examination of the other party or parties and witnesses. During this live-cross examination, the advisor will ask the other party or parties and witnesses relevant questions and follow-up questions, including those challenging credibility directly, orally, and in real time.

Before any cross-examination question is answered, the hearing panel will determine if the question is relevant. Cross-examination questions that are duplicative of those already asked, including by the hearing panel, may be deemed irrelevant if they have been asked and answered.

### **Review of Recording**

The recording of the hearing will be available for review by the parties within 10 working days unless there are any extenuating circumstances. The recording of the hearing will not be provided to parties or advisors.

## ***DETERMINATION REGARDING RESPONSIBILITY***

### **Standard of Proof**

Durham Tech uses the preponderance of the evidence standard for investigations and determinations regarding responsibility of formal complaints covered under this policy. This means that the investigation and hearing determines whether it is more likely than not that a policy violation occurred.

### **General Considerations for Evaluating Testimony and Evidence**

While the opportunity for cross-examination is required in all sexual misconduct hearings, determinations regarding responsibility may be based in part, or entirely, on documentary, audiovisual, and digital evidence, as warranted in the reasoned judgment of the decisionmaker.

Decision-makers shall not draw inferences regarding the credibility of a party or witness based on their status as a complainant, respondent, or witness, nor shall decision-makers base their judgments on stereotypes about how a party or witness would or should act under the circumstances.

Generally, credibility judgments should rest on the demeanor of the party or witness, the plausibility of their testimony, the consistency of their testimony and its reliability in light of corroborating or conflicting testimony or evidence.

Still, credibility judgments should not rest on whether testimony is non-linear or incomplete, or if the party or witness is displaying stress or anxiety.

Decision-makers will afford the highest weight relative to first-hand testimony by parties and witnesses regarding their own memory of specific facts that occurred. Both inculpatory and exculpatory evidence will be weighed in equal fashion.

Except where specifically barred by the Title IX Final Rule, a witness's testimony regarding third-party knowledge of the facts at issue will be allowed, but will generally be accorded lower weight than testimony regarding direct knowledge of specific facts that occurred. The Final Rule requires that Durham Tech allow parties to call expert witnesses for direct and cross examination. Durham Tech does not provide for expert witnesses in other proceedings. While the expert witness will be allowed to testify and be crossed as required by the Final Rule, the decision-maker will be instructed to afford lower weight to nonfactual testimony of the expert relative to fact witnesses, and any expert testimony that is not directed to the specific facts that occurred in the case will be afforded lower weight relative to fact witnesses, regardless of whether the expert witness testimony is the subject of cross-examination and regardless of whether all parties present experts as witnesses.

The Final Rule requires that Durham Tech allow parties to call character witnesses to testify. Durham Tech does not provide for character witnesses in other proceedings. While the character witnesses will be allowed to testify and be crossed as required by the Final Rule, the decision-maker will be instructed to afford very low weight to any non-factual character testimony of any witness.

The Final Rule requires that Durham Tech admit and allow testimony regarding polygraph tests (i.e., lie detector tests) and other procedures that are outside of standard use in academic and non-academic conduct processes. While the processes and testimony about them will be allowed for testimonial purposes as required by the Final Rule, the decision-maker will be instructed to afford lower weight to such processes relative to the testimony of fact witnesses.

Where a party or witness's conduct or statements demonstrate that the party or witness is engaging in retaliatory conduct, including but not limited to witness tampering and intimidation, the decision-maker may draw an adverse inference as to that party's or witness's credibility.

### **Components of the Determination Regarding Responsibility**

The written Determination Regarding Responsibility will be issued simultaneously to all parties through their Durham Tech email accounts, or other reasonable means as necessary. The Determination will include the following:

- Identification of the allegations potentially constituting covered sexual harassment;
- A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- Findings of fact supporting the determination;
- Conclusions regarding which section of the Student Code of Conduct, if any, the respondent has or has not violated;
- For each allegation:
  - A statement of, and rationale for, a determination regarding responsibility; ○ A statement of, and rationale for, any disciplinary sanctions the recipient imposes on the respondent; and
  - A statement of, and rationale for, whether remedies designed to restore or preserve equal access to the recipient's education program or activity will be provided by the recipient to the complainant; and
- The recipient's procedures and the permitted reasons for the complainant and respondent to appeal (described below in the Appeals section).

### **Timeline of Determination Regarding Responsibility**

If there are no extenuating circumstances, the Determination Regarding Responsibility will be issued by Durham Tech within 10 calendar days of the completion of the hearing.

### **Finality**

The Determination Regarding Responsibility becomes final either on the date that Durham Tech provides the parties with the written determination of the result of the appeal, if an appeal is filed consistent with the procedures and timeline outlined in the Appeals section below, or if an appeal is not filed, the date on which the opportunity to appeal expires.

### **APPEALS**

Each party may appeal (1) the dismissal of a formal complaint or any included allegations and/or (2) a Determination Regarding Responsibility. The appeal must be requested in writing to the Appeal Officer (Title IX Coordinator) within seven calendar days of receipt of the Decision Letter. The written request must state the grounds for the appeal and must include supporting evidence.

The limited grounds for appeal available are as follows:

- Procedural irregularities that affected the outcome of the matter (i.e., a failure to follow Durham Tech's own procedures);
- New evidence that was not reasonably available at the time the Determination Regarding Responsibility or dismissal was made, that could affect the outcome of the matter;

- The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against an individual party, or for or against complainants or respondents in general, that affected the outcome of the matter.
- 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.

The submission of an appeal stays any sanctions for the pendency of an appeal. Supportive measures and remote learning opportunities remain available during the pendency of the appeal.

If a party appeals, Durham Tech will as soon as is practicable notify the other party in writing of the appeal; however the time for appeal shall be offered equitably to all parties and shall not be extended for any party solely because the other party filed an appeal. Appeals may be no longer than 2,000 characters or eight pages, including attachments. Appeals should be submitted in electronic form using 12-point Arial or Times New Roman font and should be single-spaced. Appeals should use footnotes, not endnotes. Appeals that do not meet these standards may be returned to the party for correction, but the time for appeal will not be extended unless there is evidence that a technical malfunction caused the appeal document not to meet these standards.

Appeals will be decided by an appeals committee that will be free of conflict of interest and bias. The Title IX investigator, the Title IX Coordinator, and the hearing decision-maker may not serve as members of the appeals committee.

The outcome of the appeal will be provided in writing simultaneously to both parties and will include the rationale for the decision.

### *RETALIATION*

Durham Tech will maintain the confidentiality of any parties involved in, or subject to, a Title IX complaint.

No person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX of the Education Amendments of 1972 or its implementing regulations. No person may intimidate, threaten, coerce, or discriminate against any individual because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding or hearing under this policy.

Any intimidation, threats, coercion, or discrimination, for the purpose of interfering with any right or privilege secured by Title IX or its implementing regulations constitutes retaliation. This includes any charges filed against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but that arise from the same facts or circumstances as a report or complaint of sex discrimination or a report or formal complaint of sexual harassment.

## *ADDITIONAL DEFINITIONS*

**Actual Knowledge** – Notice of sexual harassment or allegations of sexual harassment to Durham Tech's Title IX Coordinator or any official of Durham Tech who has authority to institute corrective measures on behalf of the College. Notice is not limited to a report of sexual harassment to the Title IX Coordinator. An individual is thought to have actual knowledge of a complaint upon receiving notice from the Title IX Coordinator.

**Calendar Days** – Durham Tech holidays (i.e., days when the College is officially closed) are excluded from the computation of time. If a duration of time ends on a Saturday or Sunday, the deadline is extended to the following College working day.

**Clery Act** – The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act is a federal statute codified at 20 U.S.C. § 1092(f), with implementing regulations in the U.S. Code of Federal Regulations at 34 C.F.R. 668.46. The Clery Act requires all colleges and universities that participate in federal financial aid programs to keep and disclose information about crime on and near their respective campuses.

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

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

**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. 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.

**Day** – A working 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 working day (whether or not classes are in session).

**Discrimination** – Any act or failure to act that unreasonably and unfavorably differentiates the 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.

**Domestic Violence** – Domestic violence is 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; and/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.

To categorize an incident as domestic violence, the relationship between the perpetrator and the victim must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have an intimate relationship.

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. FERPA 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.

Fondling – The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity.

Formal Complaint – A document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that Durham Tech investigate the allegation of sexual harassment. A complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail.

- The Title IX Coordinator will accept a document or electronic submission that contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint.
- Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a complainant or otherwise a party and must otherwise comply with their regulatory duties.

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.

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

**Inculpatory and Exculpatory Evidence** – Inculpatory evidence is evidence that shows, or tends to show, a person's involvement in an act, or evidence that can establish guilt. Evidence that tends to show a person's innocence is considered exculpatory evidence.

**Informal Resolution Process** – Informal resolution options can include mediation, specific action plans, voluntary agreements, or agreed-upon sanctions. Under any informal resolution, the complainant will not be required to resolve the problem directly with the respondent, unless desired by the complainant.

**Minors** – The North Carolina General Assembly defines minors as persons who have not reached the age of 18 years.

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

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

Rape occurs regardless of the age of the victim, if the victim did not consent or if the victim was incapable of giving consent. If the victim consented, the offender did not force or threaten the victim, and the victim was under the statutory age of consent, define as statutory rape.

**Relevant** – The Department of Education encourages institutions to apply the “plain and ordinary meaning” of relevance in their determinations. Basically, a relevant question will ask whether the facts material to the allegations under investigation are more or less likely to be true. A question not directly related to the allegations will generally be irrelevant.

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

**Retaliation** – Any adverse action threatened or taken against a person because they have 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.

**Sexual Assault** – Any attempted or actual sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent.

**Sexual Harassment** – Conduct on the basis of sex that satisfies one or more of the following:

- An employee of Durham Tech conditioning the provision of an aid, benefit, or service of Durham Tech on an individual's participation in unwelcome sexual conduct.
- Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to a Durham Tech education program or activity.

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 which is defined as significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

For the 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.

"Reasonable person" means a reasonable person under similar circumstances and with similar identities to the victim.

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

Supportive Measures – Non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. These measures are designed to restore or preserve equal access to Durham Tech's education programs or activities without unreasonably burdening the other party, including measures designed to protect the safety of all parties or Durham Tech's educational environment, or to deter sexual harassment.

Supportive measures may include:

- Counseling;
- Extensions of deadlines or other course-related adjustments;
- Modifications of work or class schedules;
- Campus escort services;
- Restrictions on contact between the parties (no-contact orders);
- Changes in work or class locations;
- Leaves of absence; and
- Increased security and monitoring of certain areas of the campus.

Durham Tech will maintain as confidential any supportive measures provided to the complainant or respondent to the extent that maintaining such confidentiality would not impair the ability of Durham Tech to provide the supportive measures.

The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

**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; and develops sexual misconduct-related education and training programs.

**Title IX Investigator** – The employee appointed by the Title IX Coordinator to conduct prompt, equitable, and impartial administrative investigations into complaints including identifying and interviewing parties; identifying, gathering, and assessing information relevant to the investigation; applying relevant policies; and making findings of fact in individual cases.

**Working Days** – Days when the College is open and operating under a normal schedule. This excludes weekends, closings due to adverse conditions, and holidays.

## ***CAMPUS AND COMMUNITY RESOURCES***

For emergency assistance:

Durham Tech Campus Police and Public Safety: 919-536-7255, ext. 5555

Durham Police Department: 911

### **Campus Resources**

#### **[Sexual Misconduct Policy](#)**

Victoria Deaton

Title IX Coordinator/Compliance Officer

Campus Operations

Main Campus, Phillips Building (Building 3), room 3-103C

919-536-7200, ext. 6013; [title9coordinator@durhamtech.edu](mailto:title9coordinator@durhamtech.edu)

Title IX Anonymous Complaint Line: 919-536-7200, ext. 5108

#### **[Sexual Misconduct Online Reporting Form](#)**

#### **[Campus Police and Public Safety](#)**

All Campuses, 24 hours a day, seven days a week

919-536-7255 or ext. 5555

### Counseling Services

Main Campus, Wynn Center (Building 10), room 10-209 919-536-7200, ext. 1408; [counseling@durhamtech.edu](mailto:counseling@durhamtech.edu).

### **Community Resources**

National Domestic Violence Hotline: 1- 800-799-7233

National Suicide Prevention Lifeline: 1-800-273-TALK (8255)

[Lifeline Chat](#) (online live messaging)

[Durham Crisis Response Center](#) (Emergency Shelters): 919-403-6562

Durham City Police Department: 911 or 919-560-4322

Durham County Sheriff's Office: 919-560-0897

Durham Crisis Response Center: 919-403-6562

North Carolina Victim's Compensation Services: 1-800-826-6200

[North Carolina Coalition Against Sexual Assault](#): 919-871-1015

[Nursing Home Abuse Center](#)

Orange County Rape Crisis Center: 1-866-WE-LISTEN (866-935-4783; 24-hour Help Line)

[RAINN](#) (Rape, Abuse, & Incest National Network): 1-800-656-HOPE (1-800-656-4673)

Rape Victim Assistance Program: 1-800-826-6200

SAVAN (Statewide Automated Victim Assistance & Notification): 1-877-627-2826

### **Rules of Decorum**

Title IX hearings are not civil or criminal proceedings and are not designed to mimic formal trial proceedings. They are primarily educational in nature, and the U.S. Department of Education, writing about Title IX in the Final Rule "purposefully designed these final regulations to allow recipients to retain flexibility to adopt rules of decorum that prohibit any party advisor or decision-maker from questioning witnesses in an abusive, intimidating, or disrespectful manner." See 85 Fed. Reg. 30026, 30319 (May 19, 2020). The Department of Education has determined that institutions "are in a better position than the Department to craft rules of decorum best suited to their educational environment" and build a hearing process that will reassure the parties that the institution "is not throwing a party to the proverbial wolves." *Id.*

To achieve this purpose, institutions may provide for reasonable rules of order and decorum, which may be enforced through the removal of an advisor who refuses to comply with the rules. *Id.*, at 30320. As the Department of Education explains, the removal process "incentivizes a party to work with an [A]dvisor of [C]hoice in a manner that complies with a recipient's rules that govern the conduct of a hearing, and incentivizes colleges and universities to appoint advisors who also will comply with such rules, so that hearings are conducted with respect for all participants." *Id.*

At base, these Rules of Decorum require that all parties, Advisors of Choice, and institutional staff treat others who are engaged in the process with respect.

The rules and standards apply equally to all parties and their advisors regardless of sex, gender, or other protected class, and regardless of whether they are in the role of complainant or respondent.

The following Rules of Decorum are to be observed in the hearing and applied equally to all parties (meaning the complainant and respondent) and advisors:

- Questions must be conveyed in a neutral tone.
- Parties and advisors will refer to other parties, witnesses, advisors, and institutional staff using the name and gender used by the person and shall not intentionally misname or mis-gender that person in communication or questioning.
- No party may act abusively or disrespectfully during the hearing toward any other party or to witnesses, advisors, or decision-makers.
- While an advisor may be an attorney, no duty of zealous advocacy should be inferred or enforced within this forum.
- The advisor may not yell, scream, badger, or physically “lean in” to a party or witness’s personal space. Advisors may not approach the other party or witnesses without obtaining permission from the hearing panel.
- The advisor may not use profanity or make irrelevant ad hominem attacks upon a party or witness. Questions are meant to be interrogative statements used to test knowledge or understand a fact; they may not include accusations within the text of the question.
- The advisor may not ask repetitive questions. This includes questions that have already been asked by the hearing panel, the advisor in cross-examination, or the party or advisor in direct testimony. When the hearing panel determines a question has been “asked and answered” or is otherwise not relevant, the advisor must move on.
- Parties and advisors may take no action at the hearing that a reasonable person in the shoes of the affected party would see as intended to intimidate that person (whether party, witness, or official) into not participating in the process or meaningfully modifying their participation in the process.

#### *Warning and Removal Process*

The hearing panel shall have sole discretion to determine if the Rules of Decorum have been violated. The hearing panel will notify the offending person of any violation of the Rules.

Upon a second or further violation of the Rules, the decision-maker shall have discretion to remove the offending person or allow them to continue participating in the hearing or other part of the process.

Where the hearing panel removes a party’s advisor, the party may select a different advisor of their choice, or accept an advisor provided by the institution for the limited purpose of cross-examination at the hearing. Reasonable delays, including the temporary

adjournment of the hearing, may be anticipated should an advisor be removed. A party cannot serve as their own advisor in this circumstance.

The hearing panel shall document any decision to remove an advisor in the written Determination Regarding Responsibility.

For flagrant, multiple, or continual violations of this Rule, in one or more proceedings, advisors may be prohibited from participating in future proceedings at the institution in the advisor role on a temporary or permanent basis. Evidence of violation(s) of this agreement will be gathered by the Title IX Coordinator, or a designee of either and presented to the Vice President of Student Engagement, Development, and Support for cases involving students or the Executive Director of Human Resources and Talent Management for cases involving employees. The Advisor of Choice accused may provide an explanation or alternative evidence in writing for consideration by the Vice President of Student Engagement, Development, and Support or the Executive Director of Human Resources and Talent Management. Such evidence or explanation is due within 15 calendar days of receipt of a notice of a charge of re-disclosure or improper access to records. There shall be no right to a live hearing, oral testimony, or cross-examination. The Vice President of Student Engagement, Development, and Support or the Executive Director of Human Resources will consider the evidence under the preponderance of the evidence standard and will issue a finding in writing and, if the finding is "responsible", shall include a sanction. The finding shall be issued in writing to all parties and advisors (if there is a current case pending) within 30 days unless extended for good cause. There is no appeal of this finding. Sanctions shall be higher for intentional redisclosure of records than for negligent re-discourse. In the event that an Advisor of Choice is barred permanently or for a term from serving in the role in the future, they may request a review of that barring from the Vice President of Student Engagement, Development, and Support or the Executive Director of Human Resources no earlier than 365 days after the date of the findings letter.

#### *Relevant Questions Asked in Violation of the Rules of Decorum*

Where an advisor asks a relevant question in a manner that violates the Rules, such as yelling, screaming, badgering, or leaning in to the witness or party's personal space, the question may not be deemed irrelevant by the decision-maker simply because of the manner it was delivered. Under that circumstance, the decision-maker will notify the advisor of the violation of the Rules, and, if the question is relevant, will allow the question to be re-asked in a respectful, non-abusive manner by the advisor (or a replacement advisor, should the advisor be removed for violation of the Rules). See 85 Fed. Reg. 30331.

#### **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.” Durham Tech seeks to promote a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm.

### *Bystander Intervention Strategies*

- If a member of the College community becomes aware that a student or employee is in immediate danger, they should call 911 or Campus Police and Public Safety at 919-536-7255.
- Members of the College community should watch out for friends and fellow students and employees. If a student or employee sees someone who looks like they may be in trouble or need help, they should ask if they are okay.
- Members of the College community should confront people who seclude, proposition, or attempt to assault people who are incapacitated.
- Members of the College community should speak up when someone discusses plans to take sexual advantage of another person.
- Members of the College community should believe someone who discloses sexual assault, abusive behavior, or stalking.
- Members of the College community should refer individuals to on- or off-campus health, counseling, and resources.

### **Risk Reduction**

With no intent to victim blame and recognizing that only abusers are responsible for their abuse, the following [Rape, Abuse, & Incest National Network \(RAINN\)](#) strategies are provided to assist individuals with reducing their risk of sexual assault or harassment:

- Be aware of your surroundings. Knowing where you are and who is around you may help you find a way 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 you do not know where you are going, act like you do.
- Try not to be loaded down with packages or bags as this can make you appear more vulnerable.
- Make sure your cell phone is charged.
- Do not allow anyone to be isolated with someone they do not trust or someone they do not know.
- Avoid putting headphones in/over both ears especially if walking alone.
- When going to a social gathering, go with a group of friends and arrive together. Check in with each other throughout the event, and leave together. Knowing where everyone is and who is around may help everyone find a way out of a bad situation.



- Trust your instincts. If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.).
- Do not leave any drinks unattended while talking, dancing, using the restroom, or making a phone call. If you leave a drink unattended, get a new one when you return.
- Do not accept drinks from unknown people. If you wish to accept a drink offer, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, do not drink from the punch bowls or other large, common open containers.
- Watch out for friends and vice versa. If a friend seems out of it, is way too intoxicated for the amount of alcohol they have consumed, or is acting out of character, get them to a safe place immediately.
- If you suspect that 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 you need to get out of an uncomfortable or scary situation, consider the following:
  - 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. Do not feel obligated to do anything you do not want to do. "I don't want to" is always a good enough reason. Do what feels right to you and what you are comfortable with.
  - Have a code word with your friends or family; if you feel uncomfortable, you can then call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.
  - Lie. If you do not want to hurt the person's feelings, 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, or having somewhere else that you need to be.
  - 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 Violence, 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. The College and community offer services including counseling support, assistance with obtaining medical attention and planning for their physical and emotional safety, assistance with making adjustments to class schedules, assistance with engaging with legal authorities, and/or assistance with the 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.

### *Campus and Local Resources*

For emergency assistance:

Durham Tech Campus Police and Public Safety: 919-536-7255, ext. 5555

Durham City Police Department: 911 or 919-560-4322 Durham

County Sheriff's Office: 919-560-0897

### *Campus Resources*

#### [Sexual Misconduct Policy](#)

Victoria Deaton

Title IX Coordinator/Compliance Officer

Campus Operations

Main Campus, Phillips (Building 3), room 3-103C

919-536-7200 ext. 6013; [title9coordinator@durhamtech.edu](mailto:title9coordinator@durhamtech.edu)

Title IX Anonymous Complaint Line: 919-536-7200, ext. 5108

#### [Sexual Misconduct Online Reporting Form](#)

#### [Campus Police and Public Safety](#)

All Campuses, 24 hours a day, seven days a week

919-536-7255 or ext. 5555

#### [Counseling Services](#)

Main Campus, Wynn Center (Building 10), room 10-209 919-536-7200, ext. 1408; [counseling@durhamtech.edu](mailto:counseling@durhamtech.edu).

[Employee Assistance Program \(EAP\)](#): 1-800-435-1986. 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.

### *Local Resources*

National Domestic Violence Hotline: 1- 800-799-7233

National Suicide Prevention Lifeline: 1-800-273-TALK (8255)

[Lifeline Chat](#) (online live messaging)

[Durham Crisis Response Center](#) (Emergency Shelters): 919-403-6562

Durham City Police Department: 911 or 919-560-4322

Durham County Sheriff's Office: 919-560-0897

[Durham Crisis Response Center](#): 919-403-6562. 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.

North Carolina Victim's Compensation Services: 1-800-826-6200

[North Carolina Coalition Against Sexual Assault](#): 919-871-1015

[Nursing Home Abuse Center](#)

Orange County Rape Crisis Center: 1-866-WE-LISTEN (866-935-4783; 24-hour Help Line)

[RAINN](#) (Rape, Abuse, & Incest National Network): 1-800-656-HOPE (1-800-656-4673)

Rape Victim Assistance Program: 1-800-826-6200

SAVAN (Statewide Automated Victim Assistance & Notification): 1-877-627-2826

Additional information about prevention, intervention, and education programs specifically addressing sexual assault as well as legislation related 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 with 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 Campus 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:

1. [Sex offender registry websites by state](#)
2. [National Sex Offender Public Registry](#)
3. [North Carolina Sex Offender and Public Protection Registry](#)

## Anti-Hazing Policy

The college's core values include providing a welcoming and supportive environment that supports students through goal achievement. Consistent with that value, the college is dedicated to creating an environment that is free from hazing. Durham Tech prohibits hazing and any conduct that aids, abets, assists, or supports another in hazing. The college's [Anti-Hazing Policy \(1.20.1\) can be found here](#).

### Procedure

Hazing is a violation of Durham Tech's [Student Code of Conduct](#) and is also prohibited by state and federal law.

#### 1. Description

Hazing is defined by North Carolina State law [N.C. Gen. Stat. § 14-35](#) as "to subject another student to physical injury as part of an initiation, or as a prerequisite to membership, into any organized school group, including any society, athletic team, fraternity or sorority, or other similar group." Persons who cause physical injury by hazing, or who aid or abet others in physical injury by hazing, are also subject to arrest and criminal liability.

For the purposes of this policy, the college acknowledges that both **physical and psychological injury** by hazing is possible. Injury is defined by the [Stop Campus Hazing Act](#). It defines hazing as "any intentional, knowing, or reckless act committed by a person (whether individually or in concert with other persons) against another person or persons regardless of the willingness of such other person or persons to participate, that:

- is committed in the course of an initiation into, an affiliation with, or the maintenance of membership in, a student organization; and
- causes or creates a risk, above the reasonable risk encountered in the course of participation in the institution of higher education or the organization (such as the physical preparation necessary for participation in an athletic team), of **physical or psychological injury**, which includes:
  - whipping, beating, striking, electronic shocking, placing of a harmful substance on someone's body, or similar activity;
  - causing, coercing, or otherwise inducing sleep deprivation, exposure to the elements, confinement in a small space, extreme calisthenics, or other similar activity;
  - causing, coercing, or otherwise inducing another person to consume food, liquid, alcohol, drugs, or other substances;
  - causing, coercing, or otherwise inducing another person to perform sexual acts; any activity that places another person in reasonable fear of bodily harm through the use of threatening words or conduct;

- any activity against another person that includes a criminal violation of local, State, Tribal, or Federal law; and
- any activity that induces, causes, or requires another person to perform a duty or task that involves a criminal violation of local, State, Tribal, or Federal law."

In addition to being a violation of state and federal law, the college considers hazing to be a form of "Verbal or physical harassment, assault, or battery of a college employee, student, or visitor" which is considered a disruptive behavior under the college's Student Code of Conduct. Disruptive behavior, including hazing, is adjudicated through the college's [Student Conduct](#) process, which includes an appeals process.

## 2. Reporting

The college encourages reports of hazing and provides several methods. A report can be made by:

- The college's [Caring for our Campus Community web page](#) using the [Hazing Reporting Form](#). This form is available 24/7.
- Anonymous reporting is permitted, but anonymous reports severely limit the college's ability to understand the scope of the incident, take action, or hold the perpetrator accountable.
- Contacting the Dean of Student Services at 919-536-7200, ext. 8091.
- Contacting [Campus Police and Public Safety](#) by phone or in person.
- Contacting any **Campus Security Authority (CSA)**.

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 Campus Police and Public Safety officers;
- Any individuals not employed by Durham Tech Campus Police and Public Safety department but who have responsibility for monitoring entrance into College property (e.g., security officers employed for special events on College property); and
- Personnel responsible for counseling and student development, academic and personal counseling, and accessibility services.

## 3. Student Conduct Process

The Student Conduct Office will coordinate hazing investigations according to the college's [Student Code of Conduct](#) procedure, which includes an appeals process. Violations of the code of conduct may result in immediate sanctions, including probation, suspension, or

expulsion from the College.

Disciplinary sanctions may be instituted against a student charged with violation of a law that is also a violation of the [Student Code of Conduct](#) if both violations result from the same factual situation, without regard to criminal arrest and/or prosecution. Proceedings under the [Student Code of Conduct](#) may be carried out prior to, simultaneously with, or following criminal proceedings. The College will cooperate fully with law enforcement and other agencies in the enforcement of criminal law on campus and in the conditions imposed by criminal courts for the rehabilitation of student violators.

**Student groups or organizations** involved with hazing may be sanctioned by withholding of college funds, suspension of the club or organization's status or charter, and disqualification from recognition and awards.

#### **4. Retaliation**

The college prohibits retaliation against any person who acts in good faith to stop, prevent, or report potential hazing activity, or who participates in an investigation involving hazing allegations.

#### **5. Awareness and Prevention**

The College provides annual online training for students and employees that focuses on recognizing hazing, prevention, and bystander strategies. This training is part of the college's annual requirement for compliance for both students and employees. Prevention resources can be [found here](#).

#### **6. Campus Hazing Transparency Report**

The college publishes a hazing transparency report that summarizes findings concerning any student organization found to be in violation of the college's standards of conduct related to hazing. Hazing reports are [published here](#) and are updated twice each year. Reports include:

- The name of the student organization;
- A general description of the violation that resulted in a finding of responsibility; and
- Related dates (the date of the alleged incident, the date of the initiation of the investigation, the date the investigation ended with a finding, and the date the institution provided notice to the organization of the finding).

#### **7. Annual Security Report (ASR)**

Clery Act crime statistics within the ASR represent reports of Clery Act crimes occurring within **Clery Act defined geography** that are made to **campus security authorities (CSAs)** or to local police agencies. The ASR crime statistics are reported by type of crime and according to specific **Clery Act defined geography** which can include:

- On-campus
- On-campus student housing (if an institution has such properties)

- Public property within campus bounds
- Public property immediately adjacent to and accessible from on-campus locations
- Noncampus: Buildings and property owned or controlled by the institution that are used for educational purposes and frequently used by students but not a part of the core campus, or those owned or controlled by a student organization officially recognized by the institution
- In addition to the locations above, areas within the patrol jurisdiction of the campus police or campus security department.

As a result, hazing incidents are included in the ASR:

- When reported by a CSA or to local police agencies;
- The incident occurred within **Clery Act geography**; and
- The incident meets the SCHA definition of hazing.

Anti-Hazing Resources can be found [here](#). They include information about hazing, hazing studies, how to report hazing at the college.

## Definitions

**Annual Security Report (ASR)** – The report, which you are reading, is also called the [Guide to Campus Safety \(pdf\)](#), and it provides information about safety and security on Durham Tech campuses. Information on Clery reporting and Durham Tech's ASR can be [found here](#).

**Campus Security Authorities (CSAs)** – Campus security authorities include any Durham Tech official who has a significant responsibility for campus security and for certain student and campus activities. They include

- Durham Tech Campus Police and Public Safety officers;
- Any individuals not employed by Durham Tech Campus Police and Public Safety department but who have responsibility for monitoring entrance into College property (e.g., security officers employed for special events on College property); and
- Personnel responsible for counseling and student development, academic and personal counseling, and accessibility services.

**Clery Act** – The [Jeanne Clery Campus Safety Act](#)

is a consumer protection law that requires colleges and universities receiving federal funding to prepare, disclose and publish campus crime statistics, security policies and safety information communicated to students, faculty, staff and visitors.



**Clery Act Geography** – Clery Act reporting is based on where the incident occurred. The college’s listing of Clery Act Geography can be [found here](#).

**Physical or psychological injury** – The [Stop Campus Hazing Act](#)

defines this as “including whipping, beating, striking, electronic shocking, placing of a harmful substance on someone's body, or similar activity; causing, coercing, or otherwise inducing sleep deprivation, exposure to the elements, confinement in a small space, extreme calisthenics, or other similar activity; causing, coercing, or otherwise inducing another person to consume food, liquid, alcohol, drugs, or other substances; causing, coercing, or otherwise inducing another person to perform sexual acts; any activity that places another person in reasonable fear of bodily harm through the use of threatening words or conduct; any activity against another person that includes a criminal violation of local, State, Tribal, or Federal law; and any activity that induces, causes, or requires another person to perform a duty or task that involves a criminal violation of local, State, Tribal, or Federal law.”

**Student Group or Organization** – an organization at an institution of higher education (such as a club, society, association, varsity or junior varsity athletic team, club sports team, fraternity, sorority, band, or student government) in which two or more of the members are students enrolled at the institution of higher education, whether or not the organization is established or recognized by the institution.

## **Drug and Alcohol Awareness Prevention Policy**

Durham Tech’s drug and alcohol policies comply with [N.C. General Statutes 90-95](#) and the [Drug-Free School and Communities Act of 1989](#).

Durham Tech promotes a drug- and alcohol-free environment and distributes its drug and alcohol policies to all students and employees. North Carolina law makes it a crime to possess, sell, deliver, or manufacture 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 Drug and Alcohol 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 controlled substances 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 student or employee who unlawfully 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/termination 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 or employee 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, they will be subject to disciplinary action up to and including expulsion/termination. Alternatively, the College may require the student or employee to successfully complete drug abuse program sponsored by an approved private or governmental institution as a precondition of continued enrollment or employment at the College.
4. Each student is required to inform the College in writing within five days after they are 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 contendere) 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 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.).

**Spirituosous 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 Services](#): Main Campus, Wynn Center (Building 10), room 10-209; 919-5367200, ext. 1408; [counseling@durhamtech.edu](mailto:counseling@durhamtech.edu).

[Employee Assistance Program \(EAP\)](#): 1-800-435-1986. 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.

### **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

Types of Drugs	Possession	Possession with intent to Sell or Deliver; To Manufacture; or to Sell and/or Deliver	North Carolina Statute
Schedule I: Heroin, LSD, peyote, mescaline, psilocybin (shrooms), other hallucinogens, methaqualone (quaaludes), phencyclidine (PCP), and MDA	Maximum Penalty: Five years in prison and/or fine (felony)	Maximum Penalty: 10 years in prison and/or fine (felony)	§90-89
Types of Drugs	Possession	Possession with intent to Sell or Deliver; To Manufacture; or to Sell and/or Deliver	North Carolina Statute
Schedule II: Morphine, Demerol, codeine, Percodan, Percocet, fentanyl, Dilaudid, secondal, Nembutal, cocaine, amphetamines, and other opium and opium extracts and narcotics	Maximum Penalty: Two years in prison and/or \$2,000 fine (misdemeanor) UNLESS: <ul style="list-style-type: none"> <li>Exceeds four tablets, capsules, other dosage units, or equivalent quantity of Hydromorphone.</li> <li>Exceeds 100 tablets, capsules, other dosage units, or equivalent quantity. • One gram or more of Cocaine</li> </ul> and/or fine (felony) Maximum Penalty: Five years in prison	Maximum Penalty: 10 years in prison and/or fine (felony)	§90-90

Types of Drugs	Possession	Possession with intent to Sell or Deliver; To Manufacture; or to Sell and/or Deliver	North Carolina Statute
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	<p>Maximum Penalty: Possession of less than 100 tablets, capsules, other dosage units or equivalent quantity: Two years in prison and/or fine (misdemeanor)</p> <p>To possess more than 100 tablets, capsules, other dosage units or equivalent quantity: Five years in prison and/or fine (felony)</p>	Maximum Penalty: Five years in prison and/or fine (felony)	§90-91
Schedule IV: Barbiturates, narcotics, and stimulants including Valium, Talwin, Librium, Equanil, Darvon, Darvocet, Placidyl, Tranzene, Serax, Ionamin (yellow jackets)	Maximum Penalty: Same as Schedule III	Maximum Penalty: Five years in prison and/or fine (felony)	§90-92
Schedule VI: Marijuana, THC, hashish, hash oil, tetrahydrocannabinol	<p>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)</p> <p>Possession of more than 1/2 ounce of marijuana or 1/20 ounce hashish: Two years in prison and/or fine (misdemeanor)</p> <p>Possession of more than 1 1/2 ounce of marijuana or 3/20 ounce of hashish or consists of any quantity of synthetic tetrahydrocannabinols or tetrahydrocannabinols isolated from the resin of marijuana: Five years in prison and/or fine (felony)</p>	Maximum Penalty: Five years in prison and/or fine (felony)	§90-94

Drug paraphernalia	Maximum Penalty: 120 days in prison and/or fine. (misdemeanor)	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 fine (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).	§90-90
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## **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). (21U.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 a one-year imprisonment as well as forfeiture of vehicles, boats, aircraft, or any other conveyance used to transport or conceal a controlled substance. (21 U.S.C. §§853(a) & 881(a))
3. Denial of federal benefits, such as student loans, grants, contracts, and professional and commercial licenses, up to five years for the first offense, up to 10 years for the second offense, and permanently upon the third offense. (21 U.S.C. §862)
4. Ineligibility to receive or purchase a firearm. (18 U.S.C. §922(g))

Moreover, revocation of certain federal licenses and benefits (e.g., pilot licenses, public housing tenancy) are vested within the authorities of individual federal agencies. These penalties may be doubled, however, when a person at least 18 years old: (1) distributes a controlled substance to a person under 21 years of age (a term of imprisonment for this offense shall not be less than one year), and/or (2) distributes, possesses with intent to distribute, or manufactures a controlled substance in, 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 outlines the federal drug trafficking penalties covered under the [Controlled Substances Act](#).

## N.C. Alcohol Laws

State Law	Penalty	North Carolina Statute
To possess, attempt to purchase or purchase, sell or give beer, wine, liquor, or mixed beverages to anyone under the age of 21.	Maximum Penalty: Imprisonment for a term up to 120 days and/or community service and fines up to \$1,000 (Class 1 misdemeanor)	§18B-302- 18B302.1
A person under 21 years of age who aids and abets to purchase or to attempt to purchase, purchase or to possess, sell or give alcohol to a person who is under 21 years of age	Maximum Penalty: Imprisonment for a term up to 60 days and/or community service and fines (Class 2 misdemeanor)	§18B-302 - 18B-302.1
A person over 21 years of age who aids and abets to purchase or to attempt to purchase, purchase or to possess, sell or give alcohol to a person who is under 21 years of age	Maximum Penalty: Imprisonment for a term up to 120 days and/or community service and fines up to \$1,000 (Class 1 misdemeanor)	§18B-302- 18B302.1
Operating a motor vehicle upon any highway, street, or public vehicular area within this state: while under the influence of an impairing substance; after having consumed sufficient alcohol that he has, at any relevant time after the driving, an alcohol concentration of 0.08 or more; or with any amount of a Schedule I controlled substance.	First Offense: Jail, 24 hours; Fine, \$200; License suspension, 60 days to one year. Second Offense: Jail, four days; Fine, varies; License suspension, one to four years. Third Offense: Jail, 14 days to two years; Fine, varies; License Suspension, one year to permanent.	§20-138.1
Operating a motor vehicle on a highway or public vehicular area by a person less than 21 years old while consuming alcohol or at any time while he has remaining in his body any alcohol or controlled substance previously consumed.	Maximum of 20 days in jail and \$200. If driving while impaired offense is also charged then: First Offense: Jail, 24 hours; Fine, \$200; License suspended, 60 days to one year. Second Offense: Jail, four days; Fine, varies; License Suspension, one to four years. Third Offense: Jail, 14 days to two years; Fine, varies; License Suspension, one year to permanent.	§20-138.1 & 20-138.3
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.	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).	§18B-301; §18B-401; §20- 138.7

## **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, may overdose, and may 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 can also 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 Resources**

Below is a list of some of the programs Durham Tech conducts annually to keep students and employees informed about drug and alcohol abuse:

#### ***Resources For Students***

- Wellness programming including:
  - [Al-Anon](#) (Family Group)
    - Weekly group meetings for family members of substance abusers held at various times and locations
    - Automated information line for meeting information/volunteer services: 1-800-425-2666



## □ 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](#): 919-804-0190 ○ [Narcotics Anonymous](#): 1-800-365-1036

### **Resources for Employees**

Durham Tech employees are encouraged to use the [Employee Assistance Program \(EAP\)](#) offered by the College at no cost. These professional counseling services are available as needed through NexGen (1-800-435-1986).

Durham Tech employees are also 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 Substance Treatment and Recover \(STAR\)](#): 984-974-6320;
- [Duke Center for Adolescent and Young Adult Substance Use Treatment](#): 919-7946748

### **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 rifles or pistols, 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:

- The firearm is a handgun; and
- The individual has a valid concealed handgun permit or is exempt from the law requiring a permit; and
- 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
- The vehicle is only unlocked when the individual with the permit is entering or exiting the vehicle; and
- 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 Campus Police and Public Safety at 919-536-7255, ext. 5504.

## **Crime Victims' Rights**

The Crime Victims' Rights Act 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 on 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 Campus Police and Public Safety department is required to provide the victim with information concerning the availability of medical services, crime victims' compensation funds, the address and telephone number of the district attorney's office, the 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 North Carolina 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](#)

## **Durham Tech – Northern Durham Center**



Durham Tech's [Northern Durham Center \(NDC\)](#) is a full-service 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 Northern Durham Center is located at 2401 Snow Hill Road, Durham. The main phone number for the Northern Durham Center is 919-536-7240. Additional contact information is available via the [Employee Directory](#).

For the purpose 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. That is frequently used by students.
  - c. Supports institutional purposes (such as food or retail vendors).

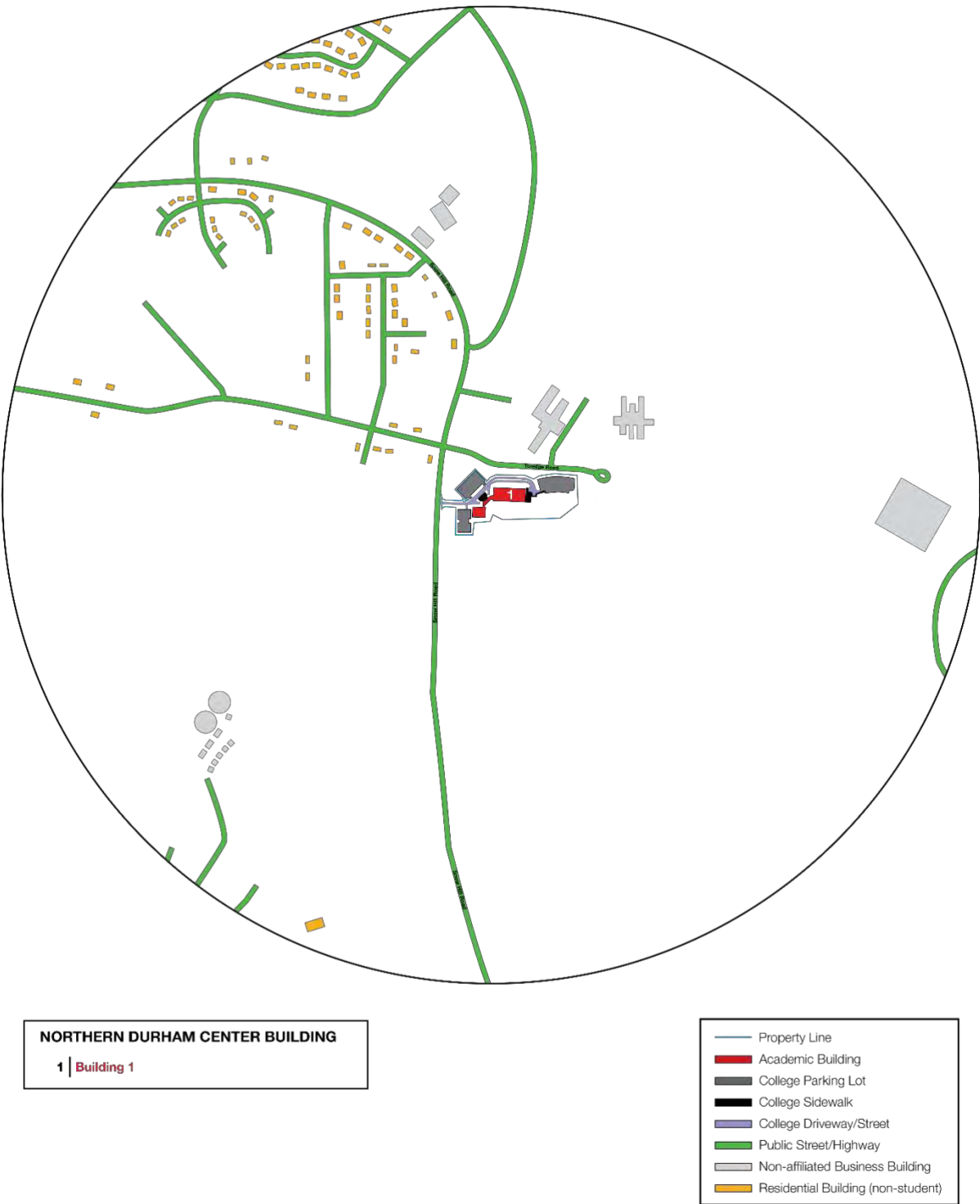
### ***Non-Campus***

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***

"Public property" is defined as 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

DURHAM TECH - NORTHERN DURHAM CENTER



## Durham Tech Campus Police and Public Safety Department

The Durham Tech Campus 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 Campus Police and Public Safety or the Durham County Sheriff's Office.

**Educational Programs and Assistance Available** See [page 28](#).

### 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. Durham Tech Campus Police and Public Safety officers respond to all alarms, assist in evacuations, and direct responding emergency services personnel to the scene.

Individuals are directed to report all fires to Campus Police and Public Safety by calling 919-536-7255 or 911.

The Safety Compliance Officer conducts periodic fire drills (evacuations) on all locations during the academic year. The College requires complete evacuation of buildings when a fire alarm sounds. Ignoring fire alarms is a violation of fire codes and could result in appropriate action against the responsible individual, including penalties levied by the city fire marshal. Since false alarms may lower the evacuation response from the College community, the Safety Compliance Officer and Facility Services will investigate the cause of false alarms and work to reduce their occurrence. By reducing the number of false alarms, Campus Police and Public Safety hopes to maintain everyone's diligence in responding. Campus Police and Public Safety, the Safety Compliance Officer, and Facility Services work jointly to determine when applicable improvements in fire safety are necessary in accordance with the National Fire Prevention Act codes.

Fire alarms alert individuals to a potential hazard. Members of the 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.

In collaboration with the Safety Compliance Officer, Campus Police and Public Safety personnel provide a two-hour employee training classes several times annually. The 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 upon instructor request.

Additional 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 in 2024:

Date	Time	Building	Note	Pre-Notification
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Wed. 8/21/2024	10:00 a.m.	NDC	Station activation main panel	YES – Essential staff
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### **Monitoring Crimes at Off-Campus Organizations**

There are no off-campus organizations at the Northern Durham Center.

### **College Policy on Violation of Alcohol and Drug Abuse Laws**

Intoxication on the Northern Durham Center 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 with illegal drugs, either on or off campus, will be subject to disciplinary action, which may include dismissal from the College.

Students should refer to the [Drug and Alcohol policy](#) for additional information, including information on drug or alcohol abuse programs as required by section 120(a) through (d) of the [Higher Education Act of 1965 \(HEA\)](#).

### **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 when 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 an employee.

### **Maintenance of Campus Facilities**

Facilities and landscaping are maintained in a manner that minimizes hazardous conditions. Campus Police and Public Safety personnel regularly patrol campuses and report malfunctioning lights and other unsafe physical conditions to Facility Services for correction and/or repair. Other members of the College community are encouraged to report equipment problems or safety hazards to Campus Police and Public Safety or to Facility Services at 919-536-7200, ext. 6205. Facility-related issues and maintenance or repair requests may also be reported to the appropriate [Building Coordinator](#).

### **Victim Counseling**

[Counseling Services](#) offers short-term individual counseling to students 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. Counseling Services is located in the Phail Wynn, Jr., Student Services Center (Building 10), room 10209 and is open from 8 a.m. to 5 p.m. weekdays. After-hours emergency counseling is available through [Lifeline Chat](#).

**Sexual Assault** See [page 33](#).

### **Registered Sex Offenders**

[North Carolina Sex Offender and Public Protection Registry](#)

**Sexual Misconduct/Title IX Policy** See [page 33](#).

**Confidentiality** See [page 46](#).

**Change in Victim's Academic and Living Situation** There is no housing at the Northern Durham Center.

### **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 that a case is heard through the campus judicial system, both the alleged victim and the accused have the same right to have others at the hearing, and both the accused and the 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 alleged perpetrator. 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 comprised of members from various areas of the College. The Emergency Management Team facilitates the activation of the College's Business Continuity Plan in the event of an emergency affecting the health and safety of the College community. The Emergency Management Team follows the FEMA Incident Command Structure and has designated individuals to serve in every capacity of the structure. Members also follow the FEMA Unified Command structure upon the 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, 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 Chief/Director of Campus Police and Public Safety or their 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/Director of Campus Police and Public Safety 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 Campus Police and Public Safety 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 Admissions, Registration, and Records office in the Phail Wynn, Jr. Student Services Center (Building 10, room 10-201, Main Campus), calling 919-536-7200, ext. 1800, or completing the [Request for FERPA Information Disclosure Restriction form](#). Refer to the [Family Educational Rights and Privacy Act \(FERPA\)](#) policy for additional information.

Generally, Campus Police and Public Safety dispatchers will send out the first timely warning message. Additional messages are then created, reviewed, and published by the College’s Public Information Officer (PIO) or a designee. Follow-up messages are also created, reviewed, and published by the PIO or designee.

Members of the College community are directed to immediately report crimes or other serious incidents the by calling Campus 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 students and employees through College-wide emails, fliers or posters, and notices posted on the [Alert Notifications webpage](#). Students and employees are responsible for checking their email accounts frequently.

### ***Immediate Notification***

Upon notification of a crisis, emergency, or disaster, Campus Police and Public Safety will dispatch police officers to confirm the validity and significance of the situation. Upon confirmation of a true emergency, the College 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 Chief/Director of Campus Police and Public Safety, PIO or a designee will determine the content of the notification and will initiate the notification process. Generally, Campus Police and Public Safety dispatchers will send out the first timely warning message. Additional messages are then created, reviewed, and published by the College’s Public Information Officer (PIO) or a designee. Follow-up messages are also created, reviewed, and published by the PIO or designee. All available methods of emergency communication, via electronic and cellular communications, will be



utilized should such an event arise. Warnings will be disseminated to all students and employees through College-wide emails, fliers or posters, and notices posted on the [Alert Notifications webpage](#). Campus Police will also send emergency text messages and telephone notifications to all students and employees who have been enrolled to receive such notifications.

### **Community Alerts**

Campus Safety Alerts are issued to notify the campus 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 (e.g., active shooter, tornado, dangerous chemical release, etc.) involving an immediate threat to the health or safety of students and employees. Alerts are disseminated with the goal of notifying as many people as possible, as rapidly as possible. Alerts may include any or all of the following:

- Mass emails;
- Outdoor siren;
- Phone notifications (voice and text);
- Computer desktop alerts; and
- Call center/phone bank set-up.
- Durham Tech's [Student Resource Center](#).

Depending on the nature and location of the emergency, the Chief/Director of Campus Police and Public Safety, PIO, or a designee will determine the content of notifications and initiate the notification process to send a message to all students and employees through their Outlook or Student Email accounts.

Durham Tech may send messages to the larger communities within and surrounding its campuses via other means, including the following:

- AlertDurham – AlertDurham 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 (e.g., cell phone, SMS, home phone, email, fax, pager, etc.) to ensure real-time access to potentially life-saving information. Residents also have the option to opt-in to receive the specific alerts they are interested in. See the [College's Emergency Procedures webpage](#) for further information and to sign up for the [AlertDurham](#) emergency notification system.
- OC Alerts – 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 webpage or the [OC Alerts website](#) for more information and to sign up for OC Alerts emergency notification system.
- Durham Tech [Alert Notification webpage](#)
- Vehicle and other portable public announcement devices

- Local media

### **Important Phone Numbers**

Durham County Sheriff's Office: 919-560-0897

Durham Tech Campus Police and Public Safety: x5555 or 919-536-7255

### **Durham Tech – Orange County Campus**



Durham Tech's [Orange County Campus \(OCC\)](#) 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 educational, workforce training, and lifelong learning goals. The 40,000square-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 student and employee lounges.

The Orange County Campus is located at 525 College Park Drive, Hillsborough. The main phone number is 919-536-7238. Additional contact information is available via the [Employee Directory](#).

For the 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. That is frequently used by students.
  - c. Supports institutional purposes (such as food or retail vendors).

### ***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***

"Public property" is defined as 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.

**DURHAM TECH - ORANGE COUNTY CAMPUS**



**ORANGE COUNTY CAMPUS BUILDING**

**1 | Building 1**

- Property Line
- Academic Building
- College Parking Lot
- College Sidewalk
- College Driveway/Street
- Public Street/Highway
- Non-affiliated Business Building
- Residential Building (non-student)

## **Durham Tech Campus Police and Public Safety Department**

The Durham Tech Campus Police and Public Safety department has jurisdiction on the campus. The department 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 Campus Police and Public Safety.

**Educational Programs And Assistance Available** See [page 29](#).

## **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. Durham Tech Campus Police and Public Safety officers respond to all alarms, assist in evacuations, and direct responding emergency services personnel to the scene.

Individuals are directed to report all fires to Campus Police and Public Safety by calling 919-536-7255 or 911.

The Safety Compliance Officer conducts periodic fire drills (evacuations) on all locations during the academic year. The College requires complete evacuation of buildings when a fire alarm sounds. Ignoring fire alarms is a violation of fire codes and could result in appropriate action against the responsible individual, including penalties levied by the city fire marshal. Since false alarms may lower the evacuation response from the College community, the Safety Compliance Officer and Facility Services will investigate the cause of false alarms and work to reduce their occurrence. By reducing the number of false alarms, Campus Police and Public Safety hopes to maintain everyone's diligence in responding. Campus Police and Public Safety, the Safety Compliance Officer, and Facility Services work jointly to determine when applicable improvements in fire safety are necessary in accordance with the National Fire Prevention Act codes.

Fire alarms alert individuals to a potential hazard. Members of the 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.

In collaboration with the Safety Compliance Officer, Campus Police and Public Safety personnel provide a two-hour employee training classes several times annually. The 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 upon instructor request.

Additional 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 in 2024:

Date	Time	Building	Note	Pre-Notification
Wed. 8/21/2024	10:30 a.m.	OCC	Main panel activation	YES – Essential staff

### **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 with illegal drugs, either on or off campus, will be subject to disciplinary action, which may include dismissal from the College.

Students should refer to the [Drug and Alcohol policy](#) for additional information, including information on drug or alcohol abuse programs as required by section 120(a) through (d) of the [Higher Education Act of 1965 \(HEA\)](#).

### **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 when 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 an employee.

### **Maintenance of Campus Facilities**

Facilities and landscaping are maintained in a manner that minimizes hazardous conditions. Campus Police and Public Safety personnel regularly patrol campuses and report malfunctioning lights and other unsafe physical conditions to Facility Services for correction and/or repair. Other members of the College community are encouraged to report equipment problems or safety hazards to Campus Police and Public Safety or to Facility Services at 919-536-7200, ext. 6205. Facility-related issues and maintenance or repair requests may also be reported to the appropriate [Building Coordinator](#).

### **Victim Counseling**

[Counseling Services](#) offers short-term individual counseling to students 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. Counseling Services is located in the Phail Wynn, Jr., Student Services Center (Building 10), room 10209 and is open from 8 a.m. to 5 p.m. weekdays. After-hours emergency counseling is available through [Lifeline Chat](#).

**Sexual Assault** See

[page 33.](#)

**Registered Sex Offenders**

[North Carolina Sex Offender and Public Protection Registry](#)

**Sexual Misconduct/Title IX Policy** See

[page 33.](#)

**Confidentiality** See

[page 46.](#)

**Change in Victim's Academic and Living Situation** There are no housing 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 Executive Director of Orange County Services and Operations or designee will assist the victim with filing a report with the Hillsborough Police Department, upon request. In the event that a case is heard through the campus judicial system, both the alleged victim and the accused have the same right to have others at the hearing, and both the accused and the 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 alleged perpetrator. 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 comprised of members from various areas of the College. The Emergency Management Team facilitates the activation of the College's Business Continuity Plan in the event of an emergency affecting the health and safety of the College community. The Emergency Management Team follows the FEMA Incident Command Structure and has designated individuals to serve in every capacity of the structure. Members also follow the FEMA Unified Command structure upon the 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, 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 Chief/Director



of Campus Police and Public Safety or their 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/Director of Campus Police and Public Safety 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 Campus Police and Public Safety 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 Admissions, Registration, and Records office in the Phail Wynn, Jr. Student Services Center (Building 10, room 10-201, Main Campus), calling 919-536-7200, ext. 1800, or completing the [Request for FERPA Information Disclosure Restriction form](#). Refer to the [Family Educational Rights and Privacy Act \(FERPA\)](#) policy for additional information.

Generally, Campus Police and Public Safety dispatchers will send out the first timely warning message. Additional messages are then created, reviewed, and published by the College’s Public Information Officer (PIO), or a designee. Follow-up messages are also created, reviewed, and published by the PIO, or designee.

Members of the College community are directed to immediately report crimes or other serious incidents the by calling Campus 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 students and employees through College-wide emails, fliers or posters, and notices posted on the [Alert Notifications webpage](#). Students and employees are responsible for checking their email accounts frequently.

### ***Immediate Notification***

Upon notification of a crisis, emergency, or disaster, Campus Police and Public Safety will dispatch police officers to confirm the validity and significance of the situation. Upon confirmation of a true emergency, the College 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 Chief/Director of Campus Police and Public Safety, PIO or a designee will determine the content of the notification and will initiate the notification process. Generally, Campus Police and Public Safety dispatchers will send out



the first timely warning message. Additional messages are then created, reviewed, and published by the College's Public Information Officer (PIO) or a designee. Follow-up messages are also created, reviewed, and published by the PIO or designee.

All available methods of emergency communication, via electronic and cellular communications, will be utilized should such an event arise. Warnings will be disseminated to all students and employees through College-wide emails, fliers or posters, and notices posted on the [Alert Notifications webpage](#). Campus Police will also send emergency text messages and telephone notifications to all students and employees who have been enrolled to receive such notifications.

### **Community Alerts**

Campus Safety Alerts are issued to notify the campus 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 (e.g., active shooter, tornado, dangerous chemical release, etc.) involving an immediate threat to the health or safety of students and employees. Alerts are disseminated with the goal of notifying as many people as possible, as rapidly as possible. Alerts may include any or all of the following:

- Mass emails;
- Outdoor siren;
- Phone notifications (voice and text);
- Computer desktop alerts; and
- Call center/phone bank set-up.
- Durham Tech's [Student Resource Center](#).

Depending on the nature and location of the emergency, the Chief/Director of Campus Police and Public Safety, PIO or a designee will determine the content of notifications and initiate the notification process to send a message to all students and employees through their Outlook or Student Email accounts.

Durham Tech may send messages to the larger communities within and surrounding its campuses via other means, including the following:

- **AlertDurham** – AlertDurham 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 (e.g., cell phone, SMS, home phone, email, fax, pager, etc.) to ensure real-time access to potentially life-saving information. Residents also have the option to opt-in to receive the specific alerts they are interested in. See the [College's Emergency Procedures webpage](#) for further information and to sign up for the [AlertDurham](#) emergency notification system.
- **OC Alerts** – 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 webpage or the [OC Alerts website](#) for more information and to sign up for OC Alerts emergency notification system.

- Durham Tech [Alert Notification webpage](#)
- Vehicle and other portable public announcement devices
- Local media

### **Important Phone Numbers**

Hillsborough Police Department: 911 or 919-296-9500.

Durham Tech Campus Police and Public Safety: x5555 or 919-536-7255

### **Durham Tech – Duke Street North**



Durham Tech began offering classes at its [Duke Street North \(DSN\)](#) location 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.

Duke Street North is located at 3404 N. Duke Street, Durham. The phone number is 919536-7222, 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***

"Public property" is defined as 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.

DURHAM TECH - DUKE STREET NORTH



**DUKE STREET NORTH BUILDING**  
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 Campus Police and Public Safety Department**

The Durham Tech Campus Police and Public Safety department has jurisdiction at Duke Street North. Campus Police and Public Safety personnel have a working relationship with the Durham City Police Department but does not have a memorandum of understanding with the Durham City Police Department regarding the investigation of crimes that occur at Duke Street North. Criminal acts should be reported to the Durham City Police department or Campus Police and Public Safety department.

**Educational Programs And Assistance Available** See [page 29](#).

## **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. Durham Tech Campus Police and Public Safety officers respond to all alarms, assist in evacuations, and direct responding emergency services personnel to the scene.

Individuals are directed to report all fires to Campus Police and Public Safety by calling 919-536-7255 or 911.

Fire alarms alert individuals to a potential hazard. Members of the 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.

In collaboration with the Safety Compliance Officer, Campus Police and Public Safety personnel provide a two-hour employee training classes several times annually. The 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 upon instructor request.

Additional information on fire prevention and response can be found in the [Health and Safety Manual](#), which contains the College's [emergency response plan](#).

## **Monitoring Crimes at Off-Campus Organizations**

There are no off-campus organizations at Duke Street North.

## **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 with illegal drugs, either on or off campus, will be subject to disciplinary action, which may include dismissal from the College.

Students should refer to the [Drug and Alcohol policy](#) for additional information, including information on drug or alcohol abuse programs as required by section 120(a) through (d) of the [Higher Education Act of 1965 \(HEA\)](#).

### **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 an employee.

### **Maintenance of Campus Facilities**

Facilities and landscaping are maintained in a manner that minimizes hazardous conditions. Campus Police and Public Safety personnel regularly patrol campuses and report malfunctioning lights and other unsafe physical conditions to Facility Services for correction and/or repair. Other members of the College community are encouraged to report equipment problems or safety hazards to Campus Police and Public Safety or to Facility Services at 919-536-7200, ext. 6205. Facility-related issues and maintenance or repair requests may also be reported to the appropriate [Building Coordinator](#).

### **Victim Counseling**

[Counseling Services](#) offers short-term individual counseling to students 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. Counseling Services is located in the Phail Wynn, Jr., Student Services Center (Building 10), room 10209 and is open from 8 a.m. to 5 p.m. weekdays. After-hours emergency counseling is available through [Lifeline Chat](#).

**Sexual Assault** See [page 33](#).

### **Registered Sex Offenders**

[North Carolina Sex Offender and Public Protection Registry](#)

**Sexual Misconduct/Title IX Policy** See [page 33](#).

**Confidentiality** See [page 46](#).

**Change in Victim's Academic and Living Situation** There is no housing at Duke Street North.



## **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 Duke Street North or designee will assist the victim with filing a report with the Durham City Police Department, upon request. In the event that a case is heard through the campus judicial system, both the alleged victim and the accused have the same right to have others at the hearing, and both the accused and the 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 alleged perpetrator. 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 at Duke Street North. The missing student procedure does not apply.

## **Emergency Notification And Evacuation Procedures**

Durham Tech has a standing Emergency Management Team comprised of members from various areas of the College. The Emergency Management Team facilitates the activation of the College's Business Continuity Plan in the event of an emergency affecting the health and safety of the College community. The Emergency Management Team follows the FEMA Incident Command Structure and has designated individuals to serve in every capacity of the structure. Members also follow the FEMA Unified Command structure upon the 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, 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 Chief/Director of Campus Police and Public Safety or their 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/Director of Campus Police and Public Safety 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 Campus Police and Public Safety 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 Admissions, Registration, and Records office in the Phail Wynn, Jr. Student Services Center (Building 10, room 10-201, Main Campus), calling 919-536-7200, ext. 1800, or completing the [Request for FERPA Information Disclosure Restriction form](#). Refer to the [Family Educational Rights and Privacy Act \(FERPA\)](#) policy for additional information.

Generally, Campus Police and Public Safety dispatchers will send out the first timely warning message. Additional messages are then created, reviewed, and published by the College's Public Information Officer (PIO) or a designee. Follow-up messages are also created, reviewed, and published by the PIO, or designee.

Members of the College community are directed to immediately report crimes or other serious incidents the by calling Campus 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 students and employees through College-wide emails, fliers or posters, and notices posted on the [Alert Notifications webpage](#). Students and employees are responsible for checking their email accounts frequently.

### ***Immediate Notification***

Upon notification of a crisis, emergency, or disaster, Campus Police and Public Safety will dispatch police officers to confirm the validity and significance of the situation. Upon confirmation of a true emergency, the College 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 Chief/Director of Campus Police and Public Safety, PIO or a designee will determine the content of the notification and will initiate the notification process. Generally, Campus Police and Public Safety dispatchers will send out the first timely warning message. Additional messages are then created, reviewed, and published by the College's Public Information Officer (PIO) or a designee. Follow-up messages are also created, reviewed, and published by the PIO or designee.

All available methods of emergency communication, via electronic and cellular communications, will be utilized should such an event arise. Warnings will be disseminated to all students and employees through College-wide emails, fliers or posters, and notices posted on the [Alert Notifications webpage](#). Campus Police will also send emergency text messages and telephone notifications to all students and employees who have been enrolled to receive such notifications.

### **Community Alerts**

Campus Safety Alerts are issued to notify the campus 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 (e.g., active shooter, tornado, dangerous chemical release, etc.) involving an immediate threat to



the health or safety of students and employees. Alerts are disseminated with the goal of notifying as many people as possible, as rapidly as possible. Alerts may include any or all of the following:

- Mass emails;
- Outdoor siren;
- Phone notifications (voice and text);
- Computer desktop alerts; and
- Call center/phone bank set-up.
- Durham Tech's [Student Resource Center](#).

Depending on the nature and location of the emergency, the Chief/Director of Campus Police and Public Safety, PIO or a designee will determine the content of notifications and initiate the notification process to send a message to all students and employees through their Outlook or Student Email accounts.

Durham Tech may send messages to the larger communities within and surrounding its campuses via other means, including the following:

- **AlertDurham** – AlertDurham 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 (e.g., cell phone, SMS, home phone, email, fax, pager, etc.) to ensure real-time access to potentially life-saving information. Residents also have the option to opt-in to receive the specific alerts they are interested in. See the [College's Emergency Procedures webpage](#) for further information and to sign up for the [AlertDurham](#) emergency notification system.
- **OC Alerts** – 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 webpage or the [OC Alerts website](#) for more information and to sign up for OC Alerts emergency notification system.
- Durham Tech [Alert Notification webpage](#)
- Vehicle and other portable public announcement devices
- Local media

### **Important Phone Numbers**

Durham City Police Department: 911 or 919-560-4427.

Durham Tech Campus Police and Public Safety department: x5555 or 919-536-7255.

## Durham Tech – Chesterfield Campus



Durham Tech began offering classes at its Chesterfield location in September 2018. Departments located here are Corporate Services and the Small Business Center. We also house a system office employee, regional consultant for ApprenticeshipNC

Located at: The Chesterfield, 701 W. Main Street, Suite 203, Durham, NC 27701 Main Telephone: 919-536-7241, ext. 4505.

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:
  - d. That is owned by the institution but controlled by another person;
  - e. Is frequently used by students;

- f. Supports institutional purposes (such as food or retail vendor).

### ***Non-Campus***

3. Any building or property owned or controlled by a student organization that is officially recognized by the institution; or
4. 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***

"Public property" is defined as 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.

## DURHAM TECH - THE CHESTERFIELD BUILDING



### THE CHESTERFIELD BUILDING

1 | Building 1

- Academic Building
- Shared Parking Lot
- Public Sidewalk
- Public Street/Highway
- Non-affiliated Business Building
- Residential Building (non-student)

## **Durham Tech Campus Police and Public Safety Department**

The Durham Tech Campus Police and Public Safety department has jurisdiction at the Chesterfield Campus. Campus Police and Public Safety personnel have a working relationship with the Durham City Police Department but does not have a memorandum of understanding with the Durham City Police Department regarding the investigation of crimes that occur at Chesterfield Campus. Criminal acts should be reported to the Durham City Police department or Campus Police and Public Safety department.

**Educational Programs and Assistance Available** See [page 29](#).

## **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. Durham Tech Campus Police and Public Safety officers respond to all alarms, assist in evacuations, and direct responding emergency services personnel to the scene.

Individuals are directed to report all fires to Campus Police and Public Safety by calling 919-536-7255 or 911.

Fire alarms alert individuals to a potential hazard. Members of the 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.

In collaboration with the Safety Compliance Officer, Campus Police and Public Safety personnel provide a two-hour employee training classes several times annually. The 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 upon instructor request.

Additional information on fire prevention and response can be found in the [Health and Safety Manual](#), which contains the College's [emergency response plan](#).

## **Monitoring Crimes at Off-Campus Organizations**

There are no off-campus organizations at Duke Street North.

## **College Policy on Violation of Alcohol and Drug Abuse Laws**

Intoxication on the Chesterfield 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 with illegal drugs, either on or off campus, will be subject to disciplinary action, which may include dismissal from the College.

Students should refer to the [Drug and Alcohol policy](#) for additional information, including information on drug or alcohol abuse programs as required by section 120(a) through (d) of the [Higher Education Act of 1965 \(HEA\)](#).

### **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 an employee.

### **Maintenance Of Campus Facilities**

Facilities and landscaping are maintained in a manner that minimizes hazardous conditions. Campus Police and Public Safety personnel regularly patrol campuses and report malfunctioning lights and other unsafe physical conditions to Facility Services for correction and/or repair. Other members of the College community are encouraged to report equipment problems or safety hazards to Campus Police and Public Safety or to Facility Services at 919-536-7200, ext. 6205. Facility-related issues and maintenance or repair requests may also be reported to the appropriate [Building Coordinator](#).

### **Victim Counseling**

[Counseling Services](#) offers short-term individual counseling to students 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. Counseling Services is located in the Phail Wynn, Jr., Student Services Center (Building 10), room 10209 and is open from 8 a.m. to 5 p.m. weekdays. After-hours emergency counseling is available through [Lifeline Chat](#).

**Sexual Assault See**  
[page 33](#).

### **Registered Sex Offenders**

[North Carolina Sex Offender and Public Protection Registry](#)

**Sexual Misconduct/Title IX Policy See**  
[page 33](#).

**Confidentiality See**  
[page 46](#).

**Change in Victim's Academic and Living Situation** There is no housing at Duke Street North.

### **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 Chesterfield or



designee will assist the victim with filing a report with the Durham City Police Department, upon request. In the event that a case is heard through the campus judicial system, both the alleged victim and the accused have the same right to have others at the hearing, and both the accused and the 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 alleged perpetrator. 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 at Chesterfield. The missing student procedure does not apply.

### **Emergency Notification and Evacuation Procedures**

Durham Tech has a standing Emergency Management Team comprised of members from various areas of the College. The Emergency Management Team facilitates the activation of the College's Business Continuity Plan in the event of an emergency affecting the health and safety of the College community. The Emergency Management Team follows the FEMA Incident Command Structure and has designated individuals to serve in every capacity of the structure. Members also follow the FEMA Unified Command structure upon the 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, 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 Chief/Director of Campus Police and Public Safety or their 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/Director of Campus Police and Public Safety 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 Campus Police and Public Safety 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 Admissions, Registration, and Records office in the Phail Wynn, Jr. Student Services Center (Building 10, room 10-201, Main Campus), calling 919-536-7200, ext. 1800, or completing the [Request for FERPA Information Disclosure Restriction form](#). Refer to the [Family Educational Rights and Privacy Act \(FERPA\)](#) policy for additional information.

Generally, Campus Police and Public Safety dispatchers will send out the first timely warning message. Additional messages are then created, reviewed, and published by the College's Public Information Officer (PIO) or a designee. Follow-up messages are also created, reviewed, and published by the PIO or designee.

Members of the College community are directed to immediately report crimes or other serious incidents by calling Campus 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 students and employees through College-wide emails, fliers or posters, and notices posted on the [Alert Notifications webpage](#). Students and employees are responsible for checking their email accounts frequently.

### ***Immediate Notification***

Upon notification of a crisis, emergency, or disaster, Campus Police and Public Safety will dispatch police officers to confirm the validity and significance of the situation. Upon confirmation of a true emergency, the College 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 Chief/Director of Campus Police and Public Safety, PIO or a designee will determine the content of the notification and will initiate the notification process. Generally, Campus Police and Public Safety dispatchers will send out the first timely warning message. Additional messages are then created, reviewed, and published by the College's Public Information Officer (PIO), or a designee. Follow-up messages are also created, reviewed, and published by the PIO or designee.

All available methods of emergency communication, via electronic and cellular communications, will be utilized should such an event arise. Warnings will be disseminated to all students and employees through College-wide emails, fliers or posters, and notices posted on the [Alert Notifications webpage](#). Campus Police will also send emergency text messages and telephone notifications to all students and employees who have been enrolled to receive such notifications.

### **Community Alerts**

Campus Safety Alerts are issued to notify the campus 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 (e.g., active shooter, tornado, dangerous chemical release, etc.) involving an immediate threat to the health or safety of students and employees. Alerts are disseminated with the goal of notifying as many people as possible, as rapidly as possible. Alerts may include any or all of the following:



- Mass emails;
- Outdoor siren;
- Phone notifications (voice and text);
- Computer desktop alerts; and
- Call center/phone bank set-up.
- Durham Tech's [Student Resource Center](#).

Depending on the nature and location of the emergency, the Chief/Director of Campus Police and Public Safety, PIO or a designee will determine the content of notifications and initiate the notification process to send a message to all students and employees through their Outlook or Student Email accounts.

Durham Tech may send messages to the larger communities within and surrounding its campuses via other means, including the following:

- **AlertDurham** – AlertDurham 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 (e.g., cell phone, SMS, home phone, email, fax, pager, etc.) to ensure real-time access to potentially life-saving information. Residents also have the option to opt-in to receive the specific alerts they are interested in. See the [College's Emergency Procedures webpage](#) for further information and to sign up for the [AlertDurham](#) emergency notification system.
- **OC Alerts** – 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 webpage or the [OC Alerts website](#) for more information and to sign up for OC Alerts emergency notification system.
- Durham Tech [Alert Notification webpage](#)
- Vehicle and other portable public announcement devices
- Local media

### **Important Phone Numbers**

Durham City Police Department: 911 or 919-560-4427.

Durham Tech Campus Police and Public Safety department: x5555 or 919-536-7255.

## **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** – A felony or misdemeanor crime of violence committed:

- By a current or former spouse or intimate partner of the victim;
- By a person with whom the victim shares a child in common;
- By a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;
- By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; 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 is defined as 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 their age or because of their 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 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 a 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 a 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, anilingus, or anal intercourse but does not include vaginal intercourse. Sexual act also means the penetration, however slight, by any object into the genital or anal opening of another person's body.

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. 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:

- 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.
- Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
- Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

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 attempt 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 do not 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 or non-binary.
- **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. (
- **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 theft 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. The violation of state and local laws relating to 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 Buildings or Property**

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

(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 Durham Tech's campus, buildings, or property.*

## **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 Campus Police and Public Safety department.

These tables include all reports made to Campus 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 reflects the statistics provided by the Durham City Police Department and Hillsborough Police Department.

Durham Tech has identified five campus locations mandated for reporting:

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

Non-Campus Buildings or Property – Includes the Small Business and Corporate Education Center at The Chesterfield, 701 W. Main Street, Suite 203, Durham.

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

Campus Police and Public Safety, the Durham City Police Department, and the Hillsborough Police Department.



## Durham Technical Community College Police Department

Main - Main Campus; NDC - Northern Durham Center; OCC - Orange County Campus; NC - Non-Campus; Public - Public Property

OFFENSE	Main	Main	Main	NDC	NDC	NDC	OCC	OCC	OCC	NC	NC	NC	Public	Public	Public	Total	Total	Total
YEAR	2022	2023	2024	2022	2023	2024	2022	2022	2024	2022	2023	2024	2022	2023	2024	2022	2023	2024
Murder/ Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Sex Offenses, Forcible	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Sex Offenses, Non-Forcible	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	1	0
Stalking	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Hate Crime by Intimidation	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

## Statistics Mandated By The Jeanne Clery Act

### Hate Crimes (By Prejudice)

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

Main - Main Campus; NDC - Northern Durham Center; OCC - Orange County Campus; NC - Non-Campus; Public - Public Property

Offense Type	Main	Main	Main	NDC	NDC	NDC	OCC	OCC	OCC	NC	NC	NC	Public	Public	Public	Total	Total	Total
YEAR	2022	2023	2024	2022	2023	2024	2022	2023	2024	2022	2023	2024	2022	2023	2024	2022	2023	2024
Race	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Gender	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Religion	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Sexual Orientation	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Ethnicity	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Disability	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
National Origin	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Gender Identity	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

## Liquor, Drug, and Weapons Violations – Number of Arrests/Referrals

Main - Main Campus; NDC - Northern Durham Center; OCC - Orange County Campus; NC - Non-Campus; Public - Public Property

Violations	Main	Main	Main	NDC	NDC	NDC	OCC	OCC	OCC	NC	NC	NC	Public	Public	Public	Total	Total	Total
YEAR	2022	2023	2024	2022	2023	2024	2022	2023	2024	2022	2023	2024	2022	2023	2024	2022	2023	2024
Liquor Law Arrests	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Liquor Law Referrals	2	0	1	0	0	0	0	0	0	0	0	0	0	0	0	2	0	0
Drug Arrests	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0
Drug Referrals	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3	0	0
Weapons Arrests	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	1	0
Weapons Referrals	0	2	0	0	0	0	0	0	0	0	0	0	1	0	0	1	2	0