2015 Campus Security Report

Mission
Mayland Community College is the educational gateway to opportunity in Mitchell, Avery, and Yancey counties.

Vision
Mayland will EMBRACE the communities and citizens of Mitchell, Avery, and Yancey counties. Mayland Community College will:
- Establish respectful learning environments
- Maximize natural resources unique to our area
- Bridge the gap between goals and achievement
- Respond to the needs of the community
- Advance opportunities for entrepreneurship and innovation
- Cultivate relationships with community partners
- Encourage lifelong learning

MCC Main Campus, Spruce Pine, NC

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<tr>
<th>Criminal Offenses</th>
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<td>Murder/Non-negligent Manslaughter</td>
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<td>Weapons: Carrying, Possessing, etc.</td>
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<td>Stalking</td>
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<tr>
<td>Total Unfounded Crimes</td>
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</table>

*The burglary occurred in a maintenance building that is not part of the core campus and not in an area accessed by students.
### Avery Learning Center, Newland, NC

<table>
<thead>
<tr>
<th>Criminal Offenses</th>
<th>On-campus Property</th>
<th>Public Property</th>
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<tbody>
<tr>
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<td>2012</td>
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<tr>
<td>Murder/Non-negligent Manslaughter</td>
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<tr>
<td>Hate Crimes</td>
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<table>
<thead>
<tr>
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<tr>
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</tbody>
</table>

| Other Offenses                             | On-campus Property | Public Property |
|                                            | 2012 | 2013 | 2014 | 2012 | 2013 | 2014 |
| Domestic Violence                          | 0    | 0    | 0    | 0    | 0    | 0    |
| Dating Violence                            | 0    | 0    | 0    | 0    | 0    | 0    |
| Stalking                                   | 1    | 0    | 0    | 0    | 0    | 0    |
| Total Unfounded Crimes                     |      |      |      |      |      | 0    |

### Yancey Learning Center, Burnsville, NC

| Criminal Offenses                          | On-campus Property | Public Property |
|                                            | 2012 | 2013 | 2014 | 2012 | 2013 | 2014 |
| Murder/Non-negligent Manslaughter          | 0    | 0    | 0    | 0    | 0    | 0    |
| Negligent Manslaughter                     | 0    | 0    | 0    | 0    | 0    | 0    |
| Sex Offenses, Forcible                     | 0    | 0    | 0    | 0    | 0    | 0    |
| Sex Offenses, Non-forcible                 | 0    | 0    | 0    | 0    | 0    | 0    |
| Robbery                                    | 0    | 0    | 0    | 0    | 0    | 0    |
| Aggravated Assault                         | 0    | 0    | 0    | 0    | 0    | 0    |
| Burglary                                   | 0    | 0    | 0    | 0    | 0    | 0    |
| Motor Vehicle Theft                        | 0    | 0    | 0    | 0    | 0    | 0    |
| Arson                                      | 0    | 0    | 0    | 0    | 0    | 0    |
| Hate Crimes                                | 0    | 0    | 0    | 0    | 0    | 0    |

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### Liquor Law Violations
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### Other Offenses

<table>
<thead>
<tr>
<th>Offense</th>
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<th>2014</th>
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<tbody>
<tr>
<td>Domestic Violence</td>
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### Non-campus Property

<table>
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<tr>
<th>Offense</th>
<th>2012</th>
<th>2013</th>
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- Statistics for all on-campus, public, and non-campus property are collected by campus security officers and combined with statistics provided by local law enforcement agencies.
- MCC does not own or control on-campus student housing facilities.
- In very limited circumstances an institution may remove a report of a crime that has been “unfounded.” Only sworn or commissioned law enforcement personnel may “unfound” a crime.

### Reporting a Crime

#### I. Crime on Campus
Mayland Community College is concerned with the safety and well-being of its students, faculty, and staff and is committed to providing a safe and secure campus community. MCC has been fortunate in experiencing few crimes, but emergencies and crimes occasionally occur. MCC takes all incidents very seriously, but students, faculty, staff, and visitors are also responsible for taking measures to protect themselves and their possessions.
a. MCC’s Campus Security Report

This report is required by federal law to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act and contains policy statements and crime statistics for the school. Three years’ worth of statistics are included for certain types of crimes that were reported to have occurred on campus, in off-campus buildings or on property owned or controlled by the school, and on public property within or immediately adjacent to the campus. The Dean of Students prepares this report using crime statistics provided by the MCC Security Office, local law enforcement agencies, and College officials. This report is available online at http://www.mayland.edu/student-life/safetycampus-crime-report or a paper copy may also be requested from Student Development, located on the Main Campus in Gwaltney Hall. Each year, an email notification that provides the web address to access this report is sent to all enrolled students, faculty, and staff. All prospective employees may obtain a copy from the Human Resources Department, also located on the Main Campus, in Gwaltney Hall.

b. Crime Log

A crime log is maintained at the Main Campus and the Learning Centers. The most recent 60-day period is available for review at each location during normal business hours. Any portion of the log older than 60 days is available within two business days of the request. This information can be obtained from the Vice-President of Business Administration or the Dean of the Learning Center. The information in the daily crime log includes the nature, date, time, general location, and disposition of each crime. The names of individuals will be withheld, and any information may be withheld, if its release could jeopardize an ongoing investigation.

c. Students are informed about campus security procedures during New Student Orientation each August and through the annual publication of the MCC Student handbook and the Campus Security Report. Employees are informed during New Employee Orientation and in the annual publication of the Campus Security Report. Crime prevention programming is held as needed.

II. Reporting a Crime

a. Mayland Community College encourages students, faculty, staff, visitors, and community members to report all crimes and public safety-related incidents on campus in a timely manner to a MCC Security Officer or the Dean of Students. If the act occurs at the Avery or Yancey Learning Center, please report it to the Dean of that particular center.

b. Students, faculty, staff, and visitors should take precautions to protect their own safety. Do not attempt to interfere with an incident except to protect personal safety and please try to note distinguishing characteristics of individuals and a description of vehicles involved, including license numbers.

c. MCC does have a Security Officer on duty during business hours. MCC Security Officers have the authority to ask persons for identification to determine whether individuals have lawful business on Campus and to issue parking tickets. Criminal incidents are referred to local law enforcement agencies. The Security Officers and College Administration maintain a highly professional working relationship with local law enforcement agencies. MCC security officers and local law enforcement agencies communicate regularly on the scene of incidents that occur in and around Campus. There is no written memorandum of understanding between MCC and local law enforcement agencies.
d. Campus professional counselors, when acting as such, are not required to report crimes for inclusion in the annual disclosure of crime statistics. Counselors are encouraged, if and when they deem it appropriate, to inform persons being counseled of the procedures to report crimes on a voluntary confidential basis for inclusion in annual crime statistics.

III. To Report a Campus Emergency or Crime

To report an emergency dial 911 or use the CALL BOX in the parking lot on the main campus.

To report a crime:

**Title IX Coordinator for Students**
Michelle Musich, Dean of Students 828-766-1262 mmusich@mayland.edu
Location: Gwaltney Hall, Student Development

**Title IX Coordinator for Employees and Community Members**
Judy McClure, Director of Human Recourses 828-766-1272 jmclure@mayland.edu
Location: Gwaltney Hall, Business Office

**Campus Security Authorities on Main Campus**
Campus Security 828-766-1300
Location: Gwaltney Hall, Front Lobby
Michelle Musich, Dean of Students 828-766-1262 mmusich@mayland.edu
Location: Gwaltney Hall, Student Development
Judy McClure, Director of Human Recourses 828-7661272 jmclure@mayland.edu
Location: Gwaltney Hall, Business Office

**Campus Security Authority at Avery Learning Center**
Melissa Phillips, Dean of Avery Learning Center 828-766-1380 mcphillips@mayland.edu
Location: Avery Learning Center, Admin. Offices

**Campus Security Authority at Yancey Learning Center**
Dr. Monica Carpenter, Dean of Yancey Learning Center 828-766-1370 mscarpenter@mayland.edu
Location: Yancey Learning Center, Admin. Offices

a. Any MCC employee can assist with contacting the proper authorities.

b. The Main Campus and Learning Centers are open to students, faculty, staff, and visitors during normal business hours. During non-business hours, all campus buildings can only be accessed by key. The Main Campus has a Security Office on duty during business hours who patrols the entire campus. The Main Campus and Learning Centers are equipped with surveillance cameras and the Security Officer and the Director of Facilities Services regularly check to make sure the campus facilities and property are maintained in a manner to help protect the safety of all students, faculty, staff, and visitors. MCC does not have campus residences or student organizations with off-campus locations.

IV. Confidential Reporting
a. The College will make reasonable efforts to preserve the Complainant’s and alleged Perpetrator’s privacy. Although all reports will be treated with sensitivity, when a report is made to certain College officials, the College may be required to act on those reports.

b. If a Complainant does not wish for their name to be shared, does not wish for an investigation to take place, or does not want a formal resolutions to be pursued, the Complainant may make such a request to either the Dean of Students (for students) or the Director, Human Resources (for employees or community members), who will evaluate the request in light of the duty to ensure the safety of the campus and comply with federal law. In cases indicating pattern, predation, threat, weapons, and/or violence, the College will likely be unable to honor a request for confidentiality. In cases where the Complainant requests confidentiality and circumstances allow the College to honor the request, the College will do so.

c. If an individual desires to keep the details of an alleged incident confidential he/she should speak with a Confidential Employee (College Counselor), an off-campus counselor, or a rape crisis resource who can maintain confidentiality. Campus counselors are available to help students free of charge and employees have accept to the Employee Assistance Network. If an individual is unsure of someone’s duties and ability to maintain privacy, he/she should ask him/her before he/she talks to him/her.

The following counseling options are available on and off-campus (several off-campus resources can be contacted on an emergency basis):

<table>
<thead>
<tr>
<th>Source</th>
<th>Population Served</th>
<th>Contact Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>The MCC Counseling Center</td>
<td>Students</td>
<td>828-766-1256</td>
</tr>
<tr>
<td>The Employee Assistance Network</td>
<td>Employees</td>
<td>800-454-1477</td>
</tr>
<tr>
<td>SafePlace Crisis Line</td>
<td>Students, employees &amp; community of Avery &amp; Mitchell Counties</td>
<td>828-765-4044 (24 Hrs)</td>
</tr>
<tr>
<td>Family Violence Coalition Crisis Line</td>
<td>Students, employees &amp; community of Yancey County</td>
<td>828-682-0056 (24 Hrs)</td>
</tr>
<tr>
<td>Smokey Mountain Center</td>
<td>Students, employees &amp; community of Avery, Mitchell, &amp; Yancey Counties</td>
<td>800-849-6127 (24 Hrs)</td>
</tr>
</tbody>
</table>

V. In the Event of a Campus Emergency or Crime

a. The Mayland Community College Board authorizes the President to develop and implement procedures for the handling of emergency situations that may arise on campus, including when and how to warn the campus community.

b. In the event that a situation arises, on or off campus, that the President or his designee deems an ongoing or continuing threat, a campus-wide timely warning will be issued. A warning may be issued through LEO emails, LEO announcements and/or CruiserAlert text messages.
c. If a situation on the main campus poses an immediate threat to the community, a warning and directives will be disseminated through CruiserAlert Emergency text messages, the Lynx Messenger System on the computers of essential personnel, and/or mass notification system intercoms. If an immediate notification is necessary at one of the learning centers, a notice will be placed on the front door and individuals will be given directives by the Dean of that particular center.

VI. Emergency Evacuation

a. Spruce Pine Campus: Proceed to the assigned safety zones.
   Yancey Learning Center: Proceed to the parking lot above the Learning Center.
   Avery Learning Center: Proceed to the Avery County Schools parking lot.

b. Handicapped persons in the building should use a route without stairs. All handicapped persons on the second story of buildings who cannot go down the stairs should wait for assistance at the stairwell.

c. Emergency Evacuation/Inclement Weather plans are located in all areas. The primary exit will be marked. Proceed to the safety zone listed.

d. Each faculty member and instructor with a class should take his/her roll book and get all of their students out of the building. Faculty and instructors are to account for all students in the class once the building is evacuated. All faculty and instructors who are not in a class will help escort students who are not in classes out of the building.

e. Doors are to be closed, but not locked, and lights left on.

f. Students and college personnel are not to go to their cars or leave the campus during a fire drill or emergencies.

g. During the evening hours Campus Security and the Evening Information Desk personnel will monitor the fire emergency and contact the Director of Crisis Management and the President.

h. All faculty and instructors are responsible to know alternate routes of exit and instruct all of their students about the Emergency Evacuation Plan.

i. During a fire drill, the Emergency Coordinator of Buildings will indicate when reentering of the building is cleared. In a real fire, please wait for instructions from emergency officials.

j. A safety zone is defined as the location where groups will stand until the “all clear” is announced or further directions are given.

k. Evacuation of People with Disabilities
   1. Evacuating a disabled or injured person alone should be a last resort. Consider your options and the risks of injuring yourself and others in an evacuation attempt. Do not make an emergency situation worse.
2. Some people have conditions that can be aggravated or triggered if they are moved incorrectly. If people with mobility impairments cannot exit, they should be moved to a safer area (i.e., most enclosed stairwells).

3. Attempt a rescue evacuation only when the disabled person is in immediate danger and cannot wait for professional assistance.

4. It may be necessary to help clear the exit route of debris (if possible) so that the person with a disability can move to a safer area.

5. In some multi-story buildings the disabled person may be moved to the "Area of Rescue" located in the stairwells to await rescue by emergency personnel. The area of rescue has a phone system for communication with emergency personnel. For buildings that do not have an "Area of Rescue" the disabled person must be moved to the nearest stairwell to await rescue.

6. Notify Campus Security or fire personnel immediately about any people waiting to be rescued.

7. Two physically capable occupants should be invited to volunteer to assist the disabled during evacuation. If volunteers are not available, designate two people to assist who are willing to accept the responsibility. Ask the disabled person how he or she can best be assisted or moved, and whether there are any special considerations or items that need to come with the person.

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

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

10. 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.

11. Evacuating Persons with Blindness or Visual Impairment: Give verbal instructions to advise about the safest route or direction using compass directions, estimated distances, and directional terms. DO NOT grasp a visually impaired person’s arm. Ask if he or she would like to hold onto your arm as you exit, especially if there is debris or a crowd. Give other verbal instructions or information (i.e., elevators cannot be used).

12. Evacuating Persons with Deafness or Hearing Loss: Get the attention of a person 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. Offer visual instructions to advise the safest route or direction by pointing toward exits or evacuation maps.

VII. Sex Offender Information

a. The North Carolina General Assembly created the North Carolina Sex Offender and Public Protection Registry in January 1996. Under North Carolina law, certain persons who have been convicted of a sex offense or an offense against a minor are required to establish and maintain registration in compliance with the North Carolina Sex Offender and Public Protection Registration Programs. The Registration Programs are governed by Chapter 14, Article 27A of the North Carolina General Statutes. Any person who has a "reportable conviction" and who...
resides in North Carolina, moves to North Carolina, or is a nonresident student or nonresident worker in North Carolina, must maintain registration under Part 2 of Article 27A. This includes certain juvenile offenders. Nonresident students and nonresident workers in North Carolina also must maintain registration under Part 2, if required to register in their state of residency.

b. Faculty, staff, students, or visitors seeking information about registered sex offenders in the region may contact the local Sheriff’s Department or go to the North Carolina Department of Justice website, http://sexoffender.ncdoj.gov/.

**Discrimination, Harassment, and Sexual Misconduct**

I. **Notice of Nondiscrimination**

As a recipient of federal funds, Mayland Community College (“MCC” or the “College”) is required to comply with Title IX of the Higher Education Amendments of 1972, 20 U.S.C. § 1681 et seq, which prohibits discrimination of the basis of sex in educational programs or activities, admission, and activities, including in the context of admission or employment. Inquiries concerning the application of Title IX may be referred to Mayland Community College’s Title IX Coordinators or the U.S. Department of Education’s Office for Civil Rights, www2.ed.gov/ocr or 1-800-421-3481.

It is the policy of MCC not to discriminate against any employee, applicant, or student in its programs or activities because of age, sex, race, color, religion, gender, national origin, sexual orientation, marital status, veteran status, handicap/disability, genetic information, exercise of rights guaranteed by the First Amendment to the Constitution of the United States, or any other protected status in accordance with applicable law, and to take affirmative action to ensure that applicants will be employed and personnel actions will be taken during employment commensurate with this policy. To comply with Title IX of the Higher Education Amendments of 1972, the following persons have been designated to handle inquiries regarding non-discrimination policies:

<table>
<thead>
<tr>
<th>Contact</th>
<th>Population Served</th>
<th>Contact Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Judy McClure</td>
<td>Employees, Community</td>
<td>828-766-1272</td>
</tr>
<tr>
<td>Director, Human Resources</td>
<td>Members</td>
<td><a href="mailto:jmclure@mayland.edu">jmclure@mayland.edu</a></td>
</tr>
<tr>
<td>Title IX Coordinator</td>
<td></td>
<td>Gwaltney Hall, Business Office</td>
</tr>
<tr>
<td>Michelle Musich</td>
<td>Students</td>
<td>828-766-1262</td>
</tr>
<tr>
<td>Dean of Students</td>
<td></td>
<td><a href="mailto:mmusich@mayland.edu">mmusich@mayland.edu</a></td>
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<td>Gwaltney Hall, Student Development</td>
</tr>
<tr>
<td>ADA/Disability Officer</td>
<td></td>
<td></td>
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</tbody>
</table>

II. **Prohibition on Discrimination, Harassment, and Sexual Misconduct**

MCC is concerned with the safety and well-being of its students, faculty, staff, and visitors, and is committed to providing a safe and secure campus community. MCC prohibits discrimination, harassment, and sexual misconduct and encourages anyone who is affected by these offenses on campus to report the incident in a timely manner.

Questions about this procedure should be directed to one of the Title IX Coordinators listed above.
III. Definitions

a. **Confidential Employee** – is not a Responsible Employee and is not required to report incidents of sexual misconduct to the College’s Title IX Coordinator if confidentiality is requested by the student. Campus counselors are considered Confidential Employees. If an individual is unsure of someone’s duties and ability to maintain privacy, he/she should ask him/her before he/she talks to him/her.

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

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

Consent is not effective if it is obtained through the use of physical force, violence, duress, 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:
1. minors, even if the other participant did not know the minor’s age (Please be aware that MCC has minors on campus);
2. mentally disabled persons, if their disability was reasonably knowable to a sexual partner who is not mentally disabled (Please be aware that MCC has persons with disabilities on campus); or
3. persons who are incapacitated (whether as a result of drugs, alcohol or otherwise), unconscious, asleep or otherwise physically helpless or mentally or physically unable to make informed, rational judgments. 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.

c. **Dating Violence** – is violence committed by a person:
1. who is or has been in a social relationship or a romantic or intimate relationship with the victim; and
2. where the existence of such a relationship shall be determined based on a consideration of the following factors:
   a) the length of the relationship,
b) the type of relationship, and
c) the frequency of interaction between the persons involved in the relationship.

d. **Discrimination** – any act or failure to act that unreasonably and unfavorably differentiates treatment of others based solely on their age, race, color, religion, gender, national origin, sexual orientation, marital status, veteran status, or handicap/disability. Discrimination may be intentional or unintentional.

e. **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.

f. **Gender Identity Harassment** – behavior that targets someone for offensive, hostile, degrading or insulting treatment because of their gender.
The following are examples of conduct that may constitute gender harassment:
1. using derogatory, gender-based terms;
2. making derogatory jokes about gender-specific traits or based on negative gender stereotypes;
3. suggesting that students of one gender should not engage in certain activities because of their gender;
4. impeding the educational progress of a person of one gender whether explicitly or implicitly, such as by questioning an individual’s ability because of his/her gender or suggesting that it is abnormal for a person of that gender to hold a particular interest;
5. limiting or denying an individual of one gender access to educational opportunities;
6. using sexist humor as a classroom teaching technique;
7. using personal or College electronic communications to convey inappropriate gender-based remarks, pictures, or images; or
8. using verbal, graphic, or physical conduct which threatens, ridicules, or demeans an individual because of gender.

g. **Harassment (for Sexual and Gender Identity Harassment, see specific definition)** – verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his or her age, race, color, religion, gender, national origin, sexual orientation, marital status, veteran status, or handicap/disability, or any other legally protected status not listed herein, or that of his or her relative, friends, or associates, and has the purpose or effect of creating an intimidating, hostile, or offensive work or learning environment; has the purpose or effect of interfering unreasonably with an individual’s work or academic performance; or otherwise adversely affects an individual’s employment or educational opportunities. Harassment may include, but is not limited to:
1. threatening or intimidating conduct directed at another because of the individual’s protected status.
2. jokes, name calling, or rumors based upon an individual’s protected status.
3. ethnic slurs, negative stereotypes and hostile acts based on an individual’s protected status.
h. **Hostile Environment** – conduct evaluated from the perspective of a reasonable person in the alleged victim’s position considering all the circumstances. The more severe the conduct, the less need there is to show a repetitive series of incidents (particularly if the conduct is physical). A single or isolated incident of sexual violence may create a hostile environment.

i. **Non-forcible Sex Act** – is an unlawful sexual act where consent is not relevant, such as sexual contact with an individual under the statutory age of consent, as defined by North Carolina law, or between persons who are related to each other within degrees wherein marriage is prohibited by law.

j. **Responsible Employee** - is a non-student college employee required to report to the appropriate college Title IX Coordinator all relevant details reported to him or her about an incident of alleged sexual harassment, misconduct, or sexual violence. Responsible Employees are College Administrators (Vice Presidents, Deans, & Directors) and Security Officers. If an individual is unsure of someone’s duties and ability to maintain privacy, he/she should ask him/her before he/she talks to him/her.

k. **Sexual Assault** – is any actual, attempted, or threatened sexual act with another person without that person’s consent. Sexual Assault includes but is not limited to:
   1. rape and attempted rape;
   2. 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;
   3. any sexual act in which there is force, violence, or use of duress or deception upon the victim;
   4. any sexual act perpetrated when the victim is unable to give consent; and
   5. sexual intimidation, which includes but is not limited to:
      a) threatening, expressly or implied, to commit a sexual act upon another person without his or her consent,
      b) stalking or cyber-stalking, and
      c) engaging in indecent exposure.

l. **Sexual Exploitation** - is any act of taking non-consensual, unjust or abusive sexual advantage of another person for one’s own advantage or benefit or to benefit or advantage anyone other than the person being exploited. Sexual exploitation includes, but is not limited to:
   1. causing or attempting to cause the incapacitation of another person in order to gain a sexual advantage over such person;
   2. prostituting another person (i.e., personally gaining money, privilege or power from the sexual activities of another);
   3. non-consensual videotaping, photographing, or audio-taping of sexual activity and/or distribution of these materials via media such as, but not limited to, the Internet;
   4. exceeding the boundaries of consent (e.g., allowing another person to observe consensual sex without the knowledge of or consent from all participants);
5. voyeurism; and
6. knowingly or recklessly transmitting a sexually transmitted disease (including HIV) to another individual.

m. Sexual Harassment – is any unwelcome verbal, nonverbal, written, electronic or physical conduct of a sexual nature. Examples of sexual harassment include instances in which:
1. submission or consent to the behavior is reasonably believed to carry consequences for the individual’s education, employment, or participation in a College activity. Examples of this type of sexual harassment include:
   a) pressuring an individual to engage in sexual behavior for some educational or employment benefit, or
   b) making a real or perceived threat that rejecting sexual behavior will carry a negative educational or employment consequence for the individual.
2. the behavior is so severe or pervasive that it has the effect of substantially interfering with the individual’s work or educational performance by creating an intimidating, hostile, or demeaning environment for employment, education, or participation in a College activity. Examples of this type of sexual harassment include:
   a) one or more instances of sexual assault;
   b) persistent unwelcome efforts to develop a romantic or sexual relationship;
   c) unwelcome sexual advances or requests for sexual favors;
   d) unwelcome commentary about an individual's body or sexual activities;
   e) repeated and unwelcome sexually-oriented teasing, joking, or flirting; and
   f) verbal abuse of a sexual nature.
3. 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.

n. 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. Sexual misconduct can be committed by men or by women, and it can occur between people of the same or different sex. Sexual misconduct also includes complicity in Sexual misconduct. The College encourages reporting of all sexual misconduct. Sexual misconduct includes but is not limited to:
1. dating violence;
2. domestic violence;
3. non-forcible sex acts;
4. sexual assault;
5. sexual exploitation;
6. sexual harassment; and
7. stalking.

o. Stalking – is engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
1. fear for his or her safety or the safety of others; or
2. 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.

IV. Reporting Alleged Discrimination, Harassment, Sexual Misconduct

a. Individuals are encouraged to report incidents of sexual misconduct to a Responsible Employee and complete an Incident Form. Responsible Employees are College Administrators (Vice Presidents, Deans, & Directors) and Security Officers. Notice to them is official notice to the institution. Each person has the right and can expect to have incidents of sexual misconduct to be taken seriously by the institution when formally reported, and to have those incidents investigated and properly resolved through administrative procedures. Formal reporting means that only people who need to know will be told, and information will be shared only as necessary with investigators, witnesses, and the accused individual.

b. Reports of sexual misconduct will be referred to the appropriate Title IX Coordinator to be investigated. Complainants may make reports directly to the appropriate Title IX Coordinator.

c. If the Coordinator that is assigned with receiving the complaint is the alleged discriminator or harasser, the complainant may make the report to this person’s supervisor.

d. All members of the College community are expected to take appropriate action to prevent discrimination, harassment and sexual misconduct. All Responsible Employees are required to report such alleged acts to the appropriate Coordinators. Responsible Employees are College Administrators (Vice Presidents, Deans, & Directors) and Security Officers. All Responsible Employees receiving a complaint of discrimination, harassment or sexual misconduct shall immediately refer the complaint to the appropriate person. For acts of sexual-based violence Responsible Employees shall inform the Complainant of the right to contact law enforcement.

Reports of discrimination, harassment, and sexual misconduct (including sexual harassment) should be made to the following Coordinators:

<table>
<thead>
<tr>
<th>Contact</th>
<th>Population Served</th>
<th>Contact Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Judy McClure</td>
<td>Employees &amp; Visitors</td>
<td>828-766-1272, <a href="mailto:jmcclure@mayland.edu">jmcclure@mayland.edu</a></td>
</tr>
<tr>
<td>Director, Human Resources</td>
<td></td>
<td>Gwaltney Hall, Business Office</td>
</tr>
<tr>
<td>Title IX Coordinator</td>
<td></td>
<td></td>
</tr>
<tr>
<td>ADA/Disability Officer</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Michelle Musich</td>
<td>Students</td>
<td>828-766-1262, <a href="mailto:mmusich@mayland.edu">mmusich@mayland.edu</a></td>
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<td>Dean of Students</td>
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<td>Gwaltney Hall, Student Development</td>
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<td>ADA/Disability Officer</td>
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V. Confidential Reporting

a. The College will make reasonable efforts to preserve the Complainant’s and Respondent’s privacy. Although all reports will be treated with sensitivity, when a report is made to certain Coordinators, the College may be required to act on those reports.

b. If a Complainant does not wish for their name to be shared, does not wish for an investigation to take place, or does not want a formal resolutions to be pursued, the Complainant may make such a request to the appropriate Coordinators, who will evaluate the request in light of the duty to ensure the safety of the campus and comply with federal law. In cases indicating pattern, predation, threat, weapons, and/or violence, the College will likely be unable to honor a request for confidentiality. In cases where the Complainant requests confidentiality and circumstances allow the College to honor the request, the College will do so.

c. If an individual desires to keep the details of an alleged incident confidential, he/she should speak with a Confidential Employee, an off-campus counselor, or a rape crisis resource who can maintain confidentiality. Campus counselors are available to help students free of charge and employees have access to the Employee Assistance Network. If an individual is unsure of someone’s duties and ability to maintain privacy, he/she should ask him/her before he/she talks to him/her.

The following counseling options are available on and off-campus (several off-campus resources can be contacted on an emergency basis):

<table>
<thead>
<tr>
<th>Source</th>
<th>Population Served</th>
<th>Contact Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>The MCC Counseling Center</td>
<td>Students</td>
<td>828-766-1256</td>
</tr>
<tr>
<td>The Employee Assistance Network</td>
<td>Employees</td>
<td>800-454-1477</td>
</tr>
<tr>
<td>SafePlace Crisis Line</td>
<td>Students, employees &amp; community of Avery &amp; Mitchell Counties</td>
<td>828-765-4044 (24 Hrs)</td>
</tr>
<tr>
<td>Family Violence Coalition Crisis Line</td>
<td>Students, employees &amp; community of Yancey County</td>
<td>828-682-0056 (24 Hrs)</td>
</tr>
<tr>
<td>Smokey Mountain Center</td>
<td>Students, employees &amp; community of Avery, Mitchell, &amp; Yancey Counties</td>
<td>800-849-6127 (24 Hrs)</td>
</tr>
</tbody>
</table>

VI. Formal Complaints or Reports

a. Individuals are encouraged, but not required, to make every effort to resolve a dispute informally and may attempt to do so directly with the other party. The College’s goal is to find solutions at the lowest possible level and to keep proceedings as informal, fair, and confidential as possible. In circumstances where an informal process fails or is inappropriate due to the nature of the complaint, such as in the cases of sexual harassment, sexual
violence, or other sensitive complaint, the individual should file a formal complaint according to the following procedures.

b. Complainants have the right to file a complaint within thirty (30) working days after disclosure or discovery of the facts giving rise to the complaint, but are encouraged to do so in a timely manner. Complaints pertaining to this procedure submitted after the thirty (30) day period will still be investigated; however, Complainants should recognize that delays in reporting may significantly impair the ability of Coordinators to investigate and respond to such complaints.

c. If the Coordinator that is assigned with receiving the complaint is the alleged discriminator or harasser, the complainant may make the report this person’s supervisor. The Director, Human Resources is supervised by the Vice President, Administrative Services. The Dean of Students is supervised by the Vice President, Student Development and Instruction.

VII. Initial Investigation

a. After receiving the complaint the appropriate Coordinator will begin an investigation, regardless of whether a related criminal matter is pending. The Coordinator shall make every effort to conclude the investigation as soon as possible, but no later than sixty (60) calendar days. If the nature of the investigation requires additional time, the Coordinator may have an extension, but the Coordinator shall notify the parties of this extension and the reason.

b. During the course of the investigation, the Coordinator may consult with other relevant College administrators and the College attorney.

c. During the investigation, the respective Coordinator shall meet with the Complainant and the Respondent and give each party an equal opportunity to provide evidence, including informing the Coordinator of any potential witnesses. Both parties will be provided access to any information provided by the other in accordance with any federal or state confidentiality laws.

d. During the investigation process, the Coordinator may implement temporary measures in order to facilitate an efficient and thorough investigation process as well as to protect the rights of all parties involved. The temporary actions include, but are not limited to: reassignment of class schedules; temporary suspension from campus (but be allowed to complete coursework); or directives that include no contact between the involved parties.

e. A confidential file regarding the complaint shall be maintained by the Director of Human Resources (for employees) or by the Dean of Students (for students). If appropriate, incidents are recorded in a Student Complaint Log and/or a Crime Log to comply with the Clery Act and SACS-COC. 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.

f. Upon making the complaint, Complainants alleging sexual harassment and sexual-based violence will be immediately notified that they have the right to seek additional assistance.
from law enforcement and have the right to seek, among other things, judicial no-contact, restraining and protective orders.

g. Complainants will also be notified of available counseling services and their options of changing academic situations.

VIII. Determination and Disciplinary Action

a. The Coordinator shall prepare a report of his/her investigation and, if appropriate, implement any corrective and/or disciplinary sanctions based on the preponderance of the evidence, meaning more likely than not. Written notification shall be provided to both the Complainant and the alleged Perpetrator, without undue delay between the notifications to the parties and to the extent permitted or mandated by law. In the case of sexual misconduct, both the Complainant and the alleged Perpetrator will receive written notification including the finding, any resulting sanctions, rationale for the decision, options for appeal, and any changes to the results that could occur before the decision is finalized. This does not constitute a violation of FERPA and all parties must keep this information confidential.

b. Student sanctions shall be determined by the MCC Disciplinary Procedure, which is contained within the MCC Student Code of Conduct.

c. Appropriate disciplinary sanctions shall depend upon the seriousness of the misconduct and may include:

<table>
<thead>
<tr>
<th>Student Sanctions</th>
<th>Employee Sanctions</th>
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<tbody>
<tr>
<td>Admonition</td>
<td>Verbal Correction</td>
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<tr>
<td>Warning</td>
<td>Written Warning</td>
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<tr>
<td>Reprimand</td>
<td>Administrative Leave</td>
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<tr>
<td>Temporary Suspension</td>
<td>Final Written Warning</td>
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<td>Educational Assignments</td>
<td>Termination</td>
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<tr>
<td>Restitution</td>
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<tr>
<td>Loss of Academic Credit or Change of Grade</td>
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<tr>
<td>Restricted Access</td>
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<td>General Probation</td>
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<tr>
<td>Restrictive Probation</td>
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<td>Suspension</td>
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<tr>
<td>Expulsion</td>
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<tr>
<td>Referral to Law Enforcement</td>
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</table>

IX. Appeal of Sanctions

a. If an individual is a student and is dissatisfied with the Dean of Students’ determination, he/she may file a grievance according to the MCC Student Complaint/Grievance Procedure, which can be found on the MCC website, www.mayland.edu. Student members of the Grievance Committee will be excused in the case of sexual misconduct.

b. If an individual is an employee and is dissatisfied with the Director, Human Resources’ determination and/or sanctions giving by a supervisor, he/she may file a grievance
according to the MCC Grievance Procedure, which can be found on the MCC website, www.mayland.edu.

X. Prohibition of Retaliation
a. Retaliation against any person participating in good faith in connection with a complaint of discrimination, harassment, or sexual misconduct is strictly prohibited. Violations will be addressed through applicable College disciplinary procedures. Any person who feels that he or she has been subjected to retaliation should make a report to the appropriate Title IX Coordinator.

XI. Limited Amnesty
a. The College encourages the reporting of discrimination, harassment, and sexual misconduct. It is in the best interests of the College community that as many Complainants as possible choose to report to Coordinators and that witnesses come forward to share what they know. The College does not condone underage drinking or the use of illegal drugs; however, to encourage reporting, an individual who reports, either as a Complainant or a third party witness, will not be subject to disciplinary action by the College for his/her own personal consumption of alcohol or drug use at or near the time of the incident, provided that any such violations did not and do not place the health or safety of any other person at risk. The College may, however, initiate an educational discussion or pursue other educational remedies regarding alcohol or other drugs.

XII. Sexual Misconduct Awareness and Risk Reduction
a. Tips to Reduce Your Risk of Being Accused of Sexual Misconduct
1. Clearly communicate your intentions to your sexual partner and give them a chance to clearly relate their intentions to you.
2. Understand and respect personal boundaries.
3. Do not make assumptions about consent; about someone’s sexual availability; about whether they are attracted to you; about how far you can go; or about whether they are physically and/or mentally able to consent. Your partner’s consent should be affirmative and continuous. If there are any questions or ambiguity then you DO NOT have consent.
4. Mixed messages from your partner are a clear indication that you should stop, defuse any sexual tension, and communicate better. You may be misreading them. They may not have figured out how far they want to go with you yet. You must respect the timeline for sexual behaviors with which they are comfortable.
5. Do not take advantage of someone’s drunkenness or altered state, even if they willingly consumed alcohol or substances.
6. Realize that your potential partner could feel intimidated or coerced by you. You may have a power advantage simply because of your gender or physical presence. Do not abuse that power.
7. Do not share intimate content, pictures, images, and videos that are shared with you.
8. Understand that consent to some form of sexual behavior does not automatically imply consent to any other forms of sexual behaviors. Silence, passivity, or non-responsiveness cannot be interpreted as an indication of verbal communication and body language.
9. Consent may never be given by minors, even if the other participant did not know the minor’s age, or by mentally disabled persons, if their disability was reasonably knowable to a
sexual partner who is not mentally disabled (Please be aware that MCC has minors and persons with disabilities on campus).
(Source: ATIXA Sex/Gender-Based Harassments, Discrimination, and Sexual Misconduct Model Policy)

b. Domestic and Dating Violence
1. Examples of this behavior:
   a) Intimidation: Smashing things, abusing pets, destroying victim's property, displaying weapons.
   b) Threats: Making and/or carrying out threats to harm the victim, to commit suicide, to report him or her to child welfare, to make him or her drop charges.
   c) Isolation: Controlling what the victim does, sees, and reads, limiting who the victim talks to.
   d) Emotional abuse: Putting the victim down, calling him or her names, making him or her think he or she is crazy, playing mind games.
2. Create a Safety Plan or Think about Ways to Stay Safe:
   a) Be conscious of exits or other escape routes.
   b) Think about options for transportation.
   c) Know who can help, including local shelters and law enforcement agencies.
   d) Know where to go, consider family, friends, or local shelters.
   e) Keep cash at all times.
   f) Memorize important numbers or have them easily accessible.
   g) Establish a code word so that family and friends know when to call for help.
   h) Have a backup plan in case the first fails.
   i) Carry a small noisemaker (like a whistle) and/or flashlight on keychain.
   j) Be aware of a routine and try to alter it sometimes, if possible.
   k) Have an extra copy of keys.
   l) Try to keep in contact with people/organizations who are helpful.
   m) Prepare an emergency bag and keep it hidden, not in house or car.
   n) Take important papers (birth certificate, social security card, license, passport, medical records, lease, bills, etc.), house keys, car keys, cash, credit cards, medicine, important numbers, and cell phone. If taking children, remember their important documents.
   (Source: rainn.org)

c. Sexual Assault
1. Includes:
   a) Non-consensual sexual intercourse, however slight, with any object, by a man or woman upon a man or a woman.
   b) Non-consensual sexual contact, including touching and fondling, however slight, with any object, by a man or a woman upon a man or a woman.
2. Reduce Risk by Avoiding Dangerous Situations:
   a) Be aware of your surroundings. Knowing where you are and who is around who may help you to find a way out of a bad situation.
   b) Try to avoid isolated areas. It is more difficult to get help if no one is around.
   c) Walk with purpose. Even if you do not know where you are going, act like you do.
   d) Trust your instincts. If a situation or location feels unsafe or uncomfortable, it probably is not the best place to be.
e) Try not to load yourself down with packages or bags, as this can make you appear more vulnerable.

f) Make sure your cell phone is with you and charged.

g) Do not allow yourself to be isolated with someone you do not trust or someone you do not know.

h) Avoid putting music headphones in both ears so that you can be more aware of your surroundings, especially if you are walking alone.

   (Source of a - h: rainn.org)

i) If you have limits, make them known as early as possible.

j) Tell a sexual aggressor “NO” clearly and firmly.

k) Try to remove yourself from the physical presence of a sexual aggressor.

l) Find someone and ask for help.

m) Take affirmative responsibility for your alcohol intake/drug use and acknowledge that alcohol/drugs lower your sexual inhibitions and may make you vulnerable to someone who views a drunk or high person as a sexual opportunity.

n) Give thought to sharing your intimate content, pictures, images, and videos with others, even those you may trust. If you do choose to share, clarify your expectations as to how or if those images may be used, shared or disseminated.

o) Take care of your friends and ask that they take care of you. A real friend will challenge you if you are about to make a mistake. Respect them when they do.

   (Source of i - o: ATIXA Sex/Gender-Based Harassments, Discrimination, and Sexual Misconduct Model Policy)

d. Stalking

1. Examples of this behavior:
   a) Repeated undesired contact (phone calls, emails, text messages, letters, showing up unexpectedly, etc.).
   b) Following or lying in wait for the individual.
   c) Making threats to the individual or her/his family.
   d) Any other behavior used to contact, harass, track, or threaten the individual.

2. If You Are Being Stalked You Should Consider:
   a) Avoiding all contact with the stalker.
   b) Informing family, friends, supervisors, and co-workers of what is going on.
   c) Reporting the stalking to your local police.
   d) Keeping an accurate journal or log of all incidents connected to the stalking.
   e) Keeping all evidence received from the stalker such as letters, packages, taped telephone messages, etc.

   (Source: rainn.org)

XIII. Statement of Rights of the Complainant

a. The right to a thorough, reliable, and impartial investigation and appropriate resolution of all credible reports or notice of discrimination, harassment, or sexual misconduct made in good faith to Coordinators.

b. The right to be treated with respect by Coordinators.

c. The right to not be pressured to informally resolve any reported misconduct involving violence, including sexual violence.

d. The right to not be discouraged by Coordinators from reporting discrimination, harassment, or sexual misconduct to either on or off-campus authorities.
e. The right to be informed by Coordinators of options to notify law enforcement and to be assisted by campus authorities; this includes the right not to report.
f. The right to be notified of available counseling and victim advocacy assistance, both on and off-campus.
g. The right to a campus no contact order when someone has engaged in or threatens to engage in stalking, threatening, harassing, or other improper behavior that presents a danger to the welfare of the reporting party or others.
h. The right to notification of and assistance with change in academic situations after an alleged sexual misconduct incident, if such changes are reasonably available.
i. The right to review all documentation available regarding the allegation, including the investigative report, subject to the privacy limitations imposed by state and federal law.
j. The right to regular updates on the status of the investigation and/or resolutions.
k. The right to bring an advocate or advisor to all phases of the process.
l. The right to a fundamentally fair resolution and a disciplinary process that is prompt, effective, and equitable.
m. The right to be informed of the outcome and sanction in writing, without undue delay between the notifications to the parties.
n. The right to have the College impose remedies to end the conduct, prevent recurrence, and remedy effects upon the Complainant and the community.

XIV. Statement of Rights of the Alleged Perpetrator
a. The right to a thorough, reliable, and impartial investigation and appropriate resolution of all credible reports or notice of discrimination, harassment, or sexual misconduct made in good faith to Coordinators.
b. The right to be treated with respect by Coordinators.
c. The right to timely written notice of all alleged violations, including the nature of the violation and possible sanctions.
d. The right to a hearing with the Dean of Students and adequate time for preparation.
e. The right to review all documentation available regarding the allegation, including the investigative report, subject to the privacy limitations imposed by state and federal law.
f. The right to bring an advocate or advisor to all phases of the process.
g. The right to a fundamentally fair resolution and a disciplinary process that is prompt, effective, and equitable.
h. The right to be informed of the outcome and sanction in writing, without undue delay between the notifications to the parties.

XV. Suspending Policy/Procedure
a. In cases of emergency or serious misconduct, the College reserves the right to suspend this process and may enact appropriate action for the welfare and safety of the College community.

XVI. Student and Employee Education and Annual Training
a. All new employees will be required to complete the online prevention and awareness course, Preventing Discrimination and Sexual Violence: Title IX, VAWA, and Clery Act for Non-Residential Faculty and Staff (Workplace Answers), and an annual refresher.

b. The following topics are covered in the employee course (this is not a complete list):
   Bystander Effect    Campus Resources
Students will be offered an online prevention and awareness course at the beginning of each fall semester, titled *Student Empower (Workplace Answers)*.

d. The following topics are covered in the student course (this is not a complete list):
   - Bystander Effect
   - Bystander Intervention
   - Campus Contacts
   - Consent
   - Date Rape Drugs
   - Discrimination
   - Gender Stereotypes
   - Men as Allies
   - Realities of Alcohol
   - Relationships
   - Rights
   - Risks of Drugs
   - Sexual Misconduct Definitions
   - Sexual Orientation
   - Signs and Signals
   - Survivor Options

e. This procedure is published in the MCC Student Handbook, in the MCC Campus Security Report, on the MCC Website, and on the MCC Employee Shared Drive.

f. The Title IX Coordinator will be trained annually on how to appropriately remedy, investigate, render findings, and determine appropriate sanctions in reference to sexual misconduct. The Title IX Coordinators, with the assistance of the *Workplace Answers* courses, will train Campus Security Officers and Grievance Committee Members.

### Possession of Firearms and Dangerous Weapons

#### I. General Policy Statement
The possession, whether concealed or otherwise, of firearms or other weapons as defined in NCGS 14-269.2 on the campus and grounds of Mayland Community College or off-campus locations where classes and/or activities are being conducted under the auspices or on behalf of the College is forbidden except as provided by statute or this policy.

#### II. Sanctions
Any student or employee found to be in possession of a firearm or other weapon in violation of this policy is subject to immediate dismissal, termination, and/or prosecution in accordance with applicable statutes. Any other person in violation of this policy is, in addition to being subject to criminal prosecution under applicable statutes, subject to immediate expulsion from institutional facilities and prohibition against reentry.

#### III. Exceptions
Exceptions to the general policy statement include:
a. Sworn law enforcement officers may carry their firearms or other weapons on their person only while conducting official business on the campus and grounds of Mayland Community College.

b. Sworn law enforcement officers who enroll in educational classes and/or activities conducted under the auspices of the College may carry firearms or weapons only while attending classes or training that specifically require the use of such weapons at all times subject to institutional procedures and directives and orders of college representatives.

c. Subject to institutional procedures, college personnel are authorized to possess firearms and weapons incident to institutional programs for training and safety which require weaponry for educational purposes.

d. Effective October 1, 2013, this prohibition does not apply to a person who has a concealed handgun permit issued in accordance with Article 54B of GS 14-269, has a concealed handgun permit considered valid under GS 14-415.24, or is exempt from obtaining a permit pursuant to GS 14-415.25, provided the weapon is a handgun, is in a closed compartment or container within the person’s locked vehicle, and the vehicle is in a parking area that is owned or leased by State Government. A person may unlock the vehicle to enter or exit the vehicle, provided the handgun remains in the closed compartment at all times and the vehicle is locked immediately following the entrance or exit.

IV. Regulation
The President is authorized to develop and implement procedures for the safe use, storage and control of firearms and other weapons that may be necessary and appropriate for instructional aids in relevant educational programs and to further the implementation of this policy through more specific procedures.

Drug Free Campus

I. Drug-Free Campus
The use of alcoholic beverages or controlled substances (except under prescription by a licensed physician) on the property of Mayland Community College is prohibited.

a. Purpose
This policy is created to comply with the Drug-Free School and Communities Act Amendments of 1989 (Public Law 101-226), and the Drug-Free Workplace Act of 1988 (Public Law 100-690), to prevent the illicit use of drugs and the abuse of alcohol by students, faculty and staff, and to set forth standards to provide a community setting that is safe, healthy and productive for students, faculty and staff of Mayland Community College.

b. Regulation
1. Unlawful possession, use, production, distribution, or sale of alcohol or controlled substances by any student, faculty or staff member is prohibited on College property. Note: It is unlawful to sell, furnish, or provide alcohol to a person under the age of 21 and the possession of alcohol by anyone under 21 years of age is illegal.
2. The College reserves the right to require an individual to undergo a medical examination by a physician or health professional chosen by the College whenever there is a question of the
individual’s fitness to attend classes and/or work, or where there is a reasonable basis for concern that an individual’s condition could pose health or safety hazards for other persons.

3. It is a condition of employment that each employee of the College abides by the terms of this policy.

4. Any student, faculty or staff member violating this policy will be subject to appropriate College disciplinary procedures, up to and including expulsion or termination of employment.

5. Violation of this policy may also lead to referral for prosecution to the appropriate local, state and/or federal authorities. Faculty or staff who are convicted of any criminal alcohol or drug statute violation occurring in the workplace must notify the Personnel Services Office within five (5) calendar days of the conviction if they are employed by the College at the time of the conviction.

c. Awareness Program
The College maintains a drug-free awareness program, utilizing available media and human resources to inform students and employees of:

1. Standards of conduct that clearly prohibit, at a minimum, the unlawful possession, use or distribution of controlled substances and alcohol by students or employees on its property or as part of its activities;

2. a description of the applicable legal sanctions under local, state or federal law for the unlawful possession, use or distribution of controlled substances or alcohol;

3. a description of the health risks associated with the use of controlled substances and the abuse of alcohol;

4. a description of any drug or alcohol counseling, treatment, rehabilitation or re-entry programs that are available; and

5. a clear statement that the institution will impose sanctions on students or employees consistent with applicable laws, and a description of those sanctions, up to and including expulsion or termination of employment and referral for prosecution for violations of the standards of conduct contained in this policy.

d. Distribution
The College shall provide a copy of this policy to all existing and future full and part-time employees.

2. Full and part-time employees at all locations shall sign a statement of policy receipt (incorporated herein as Annex A), acknowledging that they have received, read and understood the policy. The statement of receipt shall specify that, as a condition of employment, the employee will:

   • abide by the terms and provisions of the policy; and
   • notify the Personnel Services Office within five (5) calendar days after any conviction for such a violation occurring in the workplace.

3. The signed statement of policy receipt shall become a part of the employee’s personnel file and shall be kept in perpetuity in the Personnel Services Office.

4. The College shall publish a copy of this policy in the College Catalog and Student Handbook annually.

e. Agency Notification
Upon notification of any criminal drug or alcohol statute conviction for a violation of this policy occurring in the workplace, the Personnel Services Office shall notify the U.S. Department of Education or other appropriate agency within ten (10) calendar days.

f. **Disciplinary Action**

Upon notification of an employee’s conviction, the President of the College shall notify the Board of Trustees at their next regular meeting. In its discretion, the Board may:

1. Take appropriate personnel action against the offending employee, up to and including termination of employment, in accordance with the provisions set forth in the Cessation of Employment Policy; or
2. require the employee to satisfactorily complete a drug or alcohol abuse rehabilitation or assistance program, approved for such purposes by a federal, state or local health, law enforcement, or other appropriate agency. If the employee fails to satisfactorily participate in such a program, the employee shall be non-renewed, or his/her employment may be suspended or terminated at the discretion of the Board in accordance with the Cessation of Employment Policy.

II. **Definitions**

The following definitions shall apply throughout this policy:

a. “Alcohol” means any alcoholic beverage, malt beverage, fortified wine, or other intoxicating liquor, or as further defined by the State Alcoholic Beverage Code.

b. “Controlled substance” means a drug, substance, or immediate precursor included in Schedules I through VI of Section 202 of the Controlled Substances Act (21 U.S.C. Section 812), as defined by regulation at 21 CFR 1300.11 through 1300.16, and as further defined by the North Carolina General Statutes in NCGS 90-89 through 90-94, as amended from time to time.

c. “Conviction” means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of state or federal criminal alcohol or drug statutes.

d. “Criminal drug or alcohol statute” means a criminal statute involving the manufacture, distribution, dispensation, use or possession of alcohol or any controlled substance.

e. “Drug” means a substance intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals, or substances (other than food) intended to affect the structure or any function of the body of man or other animals.

**College Workplace/Anti-Violence**

The safety and security of all students, faculty, staff and customers is a proper concern of Mayland Community College. Acts of violence made by or against any of the aforementioned are not permitted. Students, faculty, staff or customers committing acts of violence are subject to disciplinary action that may result in suspension of privileges, suspension and/or dismissal from the College, and/or prosecution under the appropriate general statutes.
The following behaviors are prohibited:

1. Any act or threat of violence made by a student, employee or customer against another;
2. Any act or threat of violence including, but not limited to, intimidation, harassment or coercion;
3. Any act or threat of violence which endangers the safety of students, employees, customers, vendors, contractors or the general public;
4. Any act or threat of violence made directly or indirectly by words, gestures or symbols; and
5. Use or possession of dangerous weapons on the College campus.

In an effort to ensure safety and treat students, faculty, and staff in a non-discriminatory manner it is the College’s policy to not prohibit anyone from using the restroom they need to use. To provide privacy to students, faculty, and staff of all genders, six single occupancy all-gender restrooms are located in the following area:

- Samuel Phillips Building (Cosmetology Dept. & Electronics Engineering Dept.)
- Public Safety Building

Note: MCC will, upon written request, disclose to the alleged victim of a crime of violence, or a non-forcible sex offense, the results of any disciplinary hearing conducted by the College against the student who is the alleged perpetrator of the crime or offense. If the alleged victim is deceased as a result of the crime or offense, MCC will provide the results of the disciplinary hearing to the victim’s next of kin, if so requested.