



## 2016 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

	On-campus Property			Public Property		
	2013	2014	2015	2013	2014	2015
<b>Criminal Offenses</b>						
Murder/Non-negligent Manslaughter	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0
Sex Offenses, Forcible	0			0		
Sex Offenses, Non-forcible	0			0		
Rape		0	0		0	0
Fondling		0	0		0	0
Incest		0	0		0	0
Statutory Rape		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
<b>Arrests</b>						
Weapons: Carrying, Possessing, etc.	0	0	0	0	0	0
Drug Abuse Violations	0	0	0	0	0	0
Liquor Law Violations	0	0	0	0	0	0
<b>Disciplinary Actions</b>						
Weapons: Carrying, Possessing, etc.	0	0	3	0	0	0
Drug Abuse Violations	0	0	0	0	0	0
Liquor Law Violations	0	0	0	0	0	0
<b>Other Offenses</b>						
Domestic Violence	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0
Stalking	0	1	0	0	0	0
<b>Total Unfounded Crimes</b>		0	0		0	0

### Avery Learning Center, Newland, NC

	On-campus Property			Public Property		
	2013	2014	2015	2013	2014	2015
<b>Criminal Offenses</b>						
Murder/Non-negligent Manslaughter	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0
Sex Offenses, Forcible	0			0		
Sex Offenses, Non-forcible	0			0		
Rape		0	0		0	0
Fondling		0	0		0	0
Incest		0	0		0	0
Statutory Rape		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
<b>Arrests</b>						
Weapons: Carrying, Possessing, etc.	0	0	0	0	0	0
Drug Abuse Violations	0	0	0	0	0	0
Liquor Law Violations	0	0	0	0	0	0
<b>Disciplinary Actions</b>						
Weapons: Carrying, Possessing, etc.	0	0	0	0	0	0
Drug Abuse Violations	0	0	0	0	0	0
Liquor Law Violations	0	0	0	0	0	0
<b>Other Offenses</b>						
Domestic Violence	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0
Stalking	1	0	0	0	0	0
<b>Total Unfounded Crimes</b>		0	0		0	0

### Yancey Learning Center, Burnsville, NC

	On-campus Property			Public Property		
	2013	2014	2015	2013	2014	2015
<b>Criminal Offenses</b>						
Murder/Non-negligent Manslaughter	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0
Sex Offenses, Forcible	0			0		
Sex Offenses, Non-forcible	0			0		
Rape		0	0		0	0
Fondling		0	0		0	0
Incest		0	0		0	0
Statutory Rape		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

<b>Arrests</b>						
Weapons: Carrying, Possessing, etc.	0	0	0	0	0	0
Drug Abuse Violations	0	0	0	0	0	0
Liquor Law Violations	0	0	0	0	0	0
<b>Disciplinary Actions</b>						
Weapons: Carrying, Possessing, etc.	0	0	0	0	0	0
Drug Abuse Violations	0	0	0	0	0	0
Liquor Law Violations	0	0	0	0	0	0
<b>Other Offenses</b>						
Domestic Violence	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0
Stalking	0	0	0	0	0	0
<b>Total Unfounded Crimes</b>		0	0		0	0

### Non-campus Property

	Non-campus Property		
	2013	2014	2015
<b>Criminal Offenses</b>			
Murder/Non-negligent Manslaughter	0	0	0
Negligent Manslaughter	0	0	0
Sex Offenses, Forcible	0		
Sex Offenses, Non-forcible	0		
Rape		0	0
Fondling		0	0
Incest		0	0
Statutory Rape		0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	0	0	0
Motor Vehicle Theft	0	0	0
Arson	0	0	0
Hate Crimes	0	0	0
<b>Arrests</b>			
Weapons: Carrying, Possessing, etc.	0	0	0
Drug Abuse Violations	0	0	0
Liquor Law Violations	0	0	0
<b>Disciplinary Actions</b>			
Weapons: Carrying, Possessing, etc.	0	0	0
Drug Abuse Violations	0	0	0
Liquor Law Violations	0	0	0
<b>Other Offenses</b>			
Domestic Violence	0	0	0
Dating Violence	0	0	0
Stalking	0	0	0
<b>Total Unfounded Crimes</b>		0	0

- 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 Services, 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 through New Student Orientation 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**

Randy Ledford, VP, Academics & Student Services    828-766-1280    [rledford@mayland.edu](mailto:rledford@mayland.edu)  
 Location: Phillips Building

##### **Deputy Title IX Coordinator for Students**

Michelle Musich, Dean of Students    828-766-1262    [mmusich@mayland.edu](mailto:mmusich@mayland.edu)  
 Location: Gwaltney Hall, Student Services

##### **Deputy Title IX Coordinator for Employees and Community Members**

Judy McClure, Director of Human Recourses    828-766-1272    [jmclure@mayland.edu](mailto: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 <a href="mailto:mmusich@mayland.edu">mmusich@mayland.edu</a>
	Location: Gwaltney Hall, Student Development
Judy McClure, Director of Human Recourses	828-7661272 <a href="mailto:jmclure@mayland.edu">jmclure@mayland.edu</a>
	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](mailto: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](mailto: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 reporting party’s and alleged responding party’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 reporting party 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 reporting party 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 reporting party 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:

<b>Source</b>	<b>Population Served</b>	<b>Contact Information</b>
The MCC Counseling Center	Students	828-766-1256
The Employee Assistance Network	Employees	800-454-1477
SafePlace Crisis Line	Students, employees & community of Avery & Mitchell Counties	828-765-4044 (24 Hrs)

Family Violence Coalition Crisis Line	Students, employees & community of Yancey County	828-682-0056 (24 Hrs)
Smokey Mountain Center	Students, employees & community of Avery, Mitchell, & Yancey Counties	800-849-6127 (24 Hrs)

#### **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 LEO ReGroup 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 LEO ReGroup 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 will monitor the fire emergency and contact essential personnel and/or 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, access the MCC Webpage, [www.mayland.edu/sex-offender-information](http://www.mayland.edu/sex-offender-information), or the North Carolina Department of Justice website, <http://sexoffender.ncdoj.gov/>.

**Discrimination, Harassment, and Sexual Misconduct**

**I. Notice of Nondiscrimination**

Mayland Community College (“College”) strives to make its campuses safe and welcoming learning and working environments. The College prohibits discrimination and harassment in its services, employment and programs based on race, color, creed, religion, national origin, gender, gender identity, gender expression, sexual orientation, sex, age, disability, genetic information and veteran status.

To comply with the applicable federal state laws and regulations, the following persons have been designated to handle and investigate inquiries regarding non-discrimination policies:

<b>Name</b>	<b>Title</b>	<b>Phone</b>	<b>Location</b>	<b>Email</b>
Randy Ledford	VP, Academics & Student Development, Title IX Coordinator	828-766-1280	Phillips Hall	<a href="mailto:rledford@mayland.edu">rledford@mayland.edu</a>
Michelle Musich	Dean of Students, Deputy Title IX Coordinator	828-766-1262	Gwaltney Hall	<a href="mailto:mmusich@mayland.edu">mmusich@mayland.edu</a>
Doug Dewar	Director of Counseling Center, Disability Officer	828-766-1256	Gwaltney Hall	<a href="mailto:ddewar@mayland.edu">ddewar@mayland.edu</a>

In the event where the reporting party is a student and the responding party is an employee, both the Coordinator and the Human Resources Director shall work together to investigate the complaint. Any hearing rights and disciplinary actions for employees shall be governed by employee disciplinary policies.

## 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**

The following definitions shall apply to these procedures:

- a. **Student** - Any individual that is currently enrolled and paid for a curriculum or continuing education course at MCC.
- b. **Employee** - Any individual who is hired by MCC to provide services in exchange for compensation.
- c. **Confidential Employee** - is not a Responsible Employee and is not required to report incidents of sexual misconduct to a Coordinator if confidentiality is requested by the student. Campus counselors are considered Confidential Employees. If the reporting individual is unsure of someone's duties and ability to maintain privacy, the reporting individual should ask the employee before speaking to him/her.
- d. **Responsible Employee** - is a non-student college employee required to report to a Coordinator all relevant details reported to him or her about an incident of alleged sexual harassment, misconduct, or sexual violence. All non-student college personnel are Responsible Employees.
- e. **Reporting Party** - The individual who reports cases of policy violations.
- f. **Responding Party** - The individual who is accused of engaging in conduct prohibited by policy.
- g. **Third Party Reporter** - The individual who reports cases of policy violations, but is not the recipient of the unwelcome behavior.
- h. **Consent** - In order for individuals to engage in sexual activity of any type with each other, there must be clear, knowing, and voluntary consent prior to and during sexual activity. Consent can be given by word or action, but non-verbal consent is not as clear as talking about what you want sexually and what you don't want. Consent to some forms of sexual activity cannot be automatically taken as consent to any other forms of sexual activity.

Silence, without action demonstrating permission, cannot be assumed to show consent. Previous relationships or prior consent cannot imply consent to future sexual acts.

**In order to give effective consent, one must be of legal age. In North Carolina, the legal age of consent is 16 years of age.**

The North Carolina General Statutes identify those who cannot consent and define "sexual act," "sexual contact," and "touching." (§14-27.1):

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

Additionally, there is a difference between seduction and coercion. Coercing someone into sexual activity violates this policy in the same way as physically forcing someone into sex. Coercion happens when someone is pressured unreasonably for sex. When individuals make it clear that they do not want sex, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

Alcohol and/or other drugs can place the capacity to consent in question. When alcohol and/or other drugs are being used, a person will be considered unable to give valid consent if they cannot fully understand the details of a sexual interaction (who, what, when, where, why, or how) because they lack the capacity to reasonably understand the situation. Individuals who consent to sex must be able to understand what they are doing. This policy also covers a person of whose capacity to consent is altered due to mental disability, sleep, involuntary physical restraint, or from taking date rape drugs (Rohypnol, GHB, Ketamine, Burundanga, etc.).

**Under this policy: “No” means “No” and “Yes” may not always mean “Yes.” Anything but a clear, knowing, and voluntary consent to any sexual activity is equivalent to a “No.”**

The sexual orientation and/or gender identity of individuals engaging in sexual activity is not relevant to allegation under this policy.

**Please be aware that MCC has minors and persons with disabilities on all campuses.**

- i. **Consensual Relationships** - There are inherent risks in any romantic or sexual relationship between individuals in unequal positions (instructor/student, staff/student, and/or supervisor/employee). These relationships may be less consensual than perceived by the individual whose position confers power. The relationship also may be viewed in different ways by each party, particularly in retrospect. Circumstances may change, and conduct that was previously welcomed may become unwelcome. When both parties have consented at the outset to a romantic or sexual involvement, this past consent may not remove grounds for a later charge of a violation.

MCC does not wish to interfere with private choices regarding personal relationships when these relationships do not interfere with the mission and policies of the College. For the personal protection of members of this community, relationships in which power differentials are inherent (instructor/student, staff/student, and/or supervisor/employee) are discouraged.

Consensual romantic or sexual relationships in which one party maintains a direct supervisory or evaluative role over the other party are unethical. Therefore, persons with direct supervisory or evaluative responsibilities who are involved in such relationships must bring those relationships to the timely attention of their supervisor, or the Director, Human Resources. Once brought to the attention of the appropriate administrator, action will be taken to remove the employee from the supervisory or evaluative responsibilities, and/or shift the student out of being supervised or evaluated by someone with whom they have established a consensual relationship. While no relationships are prohibited by this policy, failure to self-report such relationships to a supervisor or to the Director, Human Resources as required can result in disciplinary action for an employee.

- j. **Sexual Harassment** - Sexual harassment is unwelcome, gender-based verbal or physical conduct that is sufficiently severe, persistent, or pervasive that it unreasonably interferes with, denies or limits someone’s ability to participate or benefit from the College’s educational programs and/or activities. Sexual harassment is based on power differentials (quid pro quo), which can create a hostile environment, and/or be retaliatory in nature.

Types of Sexual Harassment:

**Hostile Environment** includes any situation in which there is harassing conduct that is sufficiently severe, persistent, or pervasive that it alters the conditions of employment, or limits, interferes with or denies educational benefits or opportunities, from both a subjective (the alleged victim's viewpoint) and objective (reasonable person's) viewpoint.

The determination of whether an environment is "hostile" must be based on all of the circumstances. These circumstances could include, but not limited to:

1. The frequency of the conduct;
2. The nature and severity of the conduct;
3. Whether the conduct was physically threatening;
4. Whether the conduct was humiliating or perceived as humiliating;
5. The effect of the conduct on the reporting party's mental or emotional state;
6. Whether the conduct was directed at more than one person;
7. Whether the conduct arose in the context of other discriminatory conduct;
8. Whether the conduct unreasonably interfered with the reporting party's educational or work performance;
9. Whether the statement is a mere utterance of an epithet which engenders offense in an employee or student, or offends by mere discourtesy or rudeness;
10. Whether the speech or conduct deserves the protection of academic freedom or the 1st Amendment.

**Quid pro quo** sexual harassment exists when there are unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature; and submission to or rejection of such conduct results in adverse educational or employment actions.

**Retaliatory harassment** is an adverse employment or educational action taken against a person because of the person's participation in a complaint or investigation of discrimination or sexual misconduct.

Examples include:

1. Attempting to coerce an unwilling person into a sexual relationship;
  2. Repeatedly subjecting a person to egregious, unwelcome sexual attention;
  3. Punishment for refusal to comply with a sexually based request;
  4. Conditioning a benefit on complying with sexual advances;
  5. Sexual violence, intimate partner violence, dating violence, stalking, and gender-based bullying.
- k. **Force** - Force is the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation (implied threats) and coercion that overcome resistance or produce consent.

There is no requirement that a party resists the sexual advance or request, but resistance is a clear demonstration of non-consent. The presence of force is not demonstrated by the absence of resistance. Sexual activity that is forced is by definition non-consensual, but non-consensual sexual activity is not defined by force.

- l. **Non-Consensual Sexual Contact** - Non-consensual sexual conduct is any intentional sexual touching, however slight, with any object, by a man or woman upon a man or woman that is without consent and/or by force.

Examples include:

1. Intentional contact with the breast, buttocks, groin, or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts.
2. Intentional bodily contact in a sexual manner, though not involving contact with/of/by breast, buttocks, groin, genitals, mouth or other orifice.

For more information on North Carolina's General Statutes related to Non-Consensual Sexual Contact, please refer to statutes §14-27.4, §14-27.4A, §14-27.5, and §14-27.5A at [www.ncga.state.nc.us](http://www.ncga.state.nc.us).

- m. **Non-Consensual Intercourse** - Non-consensual intercourse is any sexual intercourse, however slight, with any object, by a man or woman upon a man or woman that is without consent and/or by force.

Examples include:

1. Vaginal penetration by a penis, object, tongue or finger;
2. Anal penetration by a penis, object, tongue or finger, and
3. Oral copulation (mouth to genital contact or genital to mouth contact).

For more information on North Carolina's General Statutes related to Non-Consensual Sexual Intercourse, please refer to statutes §14-27.2, §14-27.2A, §14-27.3, §14-27.7, §14-27.7A, and §14-27.8 at [www.ncga.state.nc.us](http://www.ncga.state.nc.us).

- n. **Sexual Exploitation** - Sexual exploitation occurs when a person takes a non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of other sexual misconduct offenses.

Examples include, but are not limited to:

1. Invasion of sexual privacy;
2. Prostituting another person;
3. Non-consensual video or audio-taping of sexual activity;
4. Going beyond the boundaries of consent (such as letting your friends hide in the closet to watch you having consensual sex);

5. Engaging in voyeurism (practice of obtaining sexual gratification by looking at sexual objects or acts, especially secretly);
  6. Knowingly transmitting an STD/STI or HIV to another person;
  7. Exposing one's genitals in non-consensual circumstances; inducing another to expose their genitals;
  8. Sexually-based stalking and/or bullying may also be form of sexual exploitation.
- o. **Domestic Violence** - As defined by the Office on Violence Against Women, US Department of Justice, domestic violence is a pattern of abusive behavior in any relationship that is used by one partner to gain or maintain power and control over another intimate partner. Domestic violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone.

**Physical Abuse:** Hitting, slapping, shoving, grabbing, pinching, biting, hair pulling, etc. are types of physical abuse. This type of abuse also includes denying a partner medical care or forcing alcohol and/or drug use upon him or her.

**Sexual Abuse:** Coercing or attempting to coerce any sexual contact or behavior without consent. Sexual abuse includes, but is certainly not limited to: marital rape, attacks on sexual parts of the body, forcing sex after physical violence has occurred, or treating one in a sexually demeaning manner.

**Emotional Abuse:** Undermining an individual's sense of self-worth and/or self-esteem is abusive. This may include, but is not limited to constant criticism, diminishing one's abilities, name-calling, or damaging one's relationship with his or her children.

**Economic Abuse:** Is defined as making or attempting to make an individual financially dependent by maintaining total control over financial resources, withholding one's access to money, or forbidding one's attendance at school or employment.

**Psychological Abuse:** Elements of psychological abuse include - but are not limited to - causing fear by intimidation; threatening physical harm to self, partner, children, or partner's family or friends; destruction of pets and property; and forcing isolation from family, friends, or school and/or work.

Domestic violence can happen to anyone regardless of race, age, sexual orientation, religion, or gender. Domestic violence affects people of all socioeconomic backgrounds and education levels. Domestic violence occurs in both opposite-sex and same-sex relationships and can happen to intimate partners who are married, living together, or dating.

Domestic violence not only affects those who are abused, but also has a substantial effect on family members, friends, co-workers, other witnesses, and the community at large. Children who grow up witnessing domestic violence are among those seriously affected by this crime. Frequent exposure to violence in the home not only predisposes children to numerous social and physical problems, but also teaches them that violence is a normal way

of life, thereby increasing their risk of becoming society's next generation of victims and abusers.

The North Carolina General Statutes use the following definition for domestic violence (§50B-1):

Domestic violence means the commission of one or more of the following acts upon an aggrieved party or upon a minor child residing with or in the custody of the aggrieved party by a person with whom the aggrieved party has or has had a personal relationship, but does not include acts of self-defense:

1. Attempting to cause bodily injury, or intentionally causing bodily injury; or
2. Placing the aggrieved party or a member of the aggrieved party's family or household in fear of imminent serious bodily injury or continued harassment, as defined in G.S. 14-277.3, that rises to such a level as to inflict substantial emotional distress; or
3. Committing any act defined in G.S. 14-27.2 through G.S. 14-27.7.

For purposes of this section, the term "personal relationship" means a relationship wherein the parties involved:

1. Are current or former spouses;
2. Are persons of opposite sex who live together or have lived together;
3. Are related as parents and children, including others acting in loco parentis to a minor child, or as grandparents and grandchildren. For purposes of this subdivision, an aggrieved party may not obtain an order of protection against a child or grandchild under the age of 16;
4. Have a child in common;
5. Are current or former household members;
6. Are persons of the opposite sex who are in a dating relationship or have been in a dating relationship. For purposes of this subdivision, a dating relationship is one wherein the parties are romantically involved over time and on a continuous basis during the course of the relationship. A casual acquaintance or ordinary fraternization between persons in a business or social context is not a dating relationship.

As used in this Chapter, the term "protective order" includes any order entered pursuant to this Chapter upon hearing by the court or consent of the parties. (1979, c. 561, s. 1; 1985, c. 113, s. 1; 1987, c. 828; 1987 (Reg. Sess., 1988), c. 893, ss. 1, 3; 1995 (Reg. Sess., 1996), c. 591, s. 1; 1997-471, s. 1; 2001-518, s. 3; 2003-107, s. 1; 2009-58, s. 5.)

- p. **Stalking** - As defined by the Office on Violence Against Women, US Department of Justice, stalking is a pattern of repeated and unwanted attention, harassment, contact, or any other course of conduct directed at a specific person that would cause a reasonable person to feel fear.

Stalking can include:

1. Repeated, unwanted, intrusive, and frightening communications from the perpetrator by phone, mail, and/or email.



2. Repeatedly leaving or sending victim unwanted items, presents, or flowers.
3. Following or laying in wait for the victim at places such as home, school, work, or recreation place.
4. Making direct or indirect threats to harm the victim, the victim's children, relatives, friends, or pets.
5. Damaging or threatening to damage the victim's property.
6. Harassing the victim through the Internet.
7. Posting information or spreading rumors about the victim on the Internet, in a public place, or by word of mouth.
8. Obtaining personal information about the victim by accessing public records, using internet search services, hiring private investigators, going through the victim's garbage, following the victim, contacting victim's friends, family work, or neighbors, etc.

The North Carolina General Statutes use the following definition for stalking and the punishment set forth for stalking (§14-277.3A):

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

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

**Definitions:** The following definitions apply in this section:

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

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

1. Fear for the person's safety or the safety of the person's immediate family or close personal associates.
2. Suffer substantial emotional distress by placing that person in fear of death, bodily injury, or continued harassment.

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

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

- q. **Dating Violence** - As defined by the Office on Violence Against Women, US Department of Justice, violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim is dating violence. The existence of such a relationship shall be determined based on a consideration of the following factors:

1. the length of the relationship
2. the type of relationship
3. the frequency of interaction between the persons involved in the relationship

The North Carolina General Statute §50B-1 for domestic violence also includes dating violence within the statute.

- r. **Discrimination** – any act or failure to act that unreasonably and unfavorably differentiates treatment of others based solely on their age, race, color, creed, religion, gender, gender identity, gender expression, national origin, sexual orientation, genetic information, veteran status, or disability. Discrimination may be intentional or unintentional.
- s. **Harassment** (for Sexual 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.

#### **IV. Reporting Alleged Discrimination, Harassment, and Sexual Misconduct**

##### **a. Incidents of Sexual Misconduct**

Individuals are encouraged to complete an Incident Form and report incidents of sexual misconduct to a Responsible Employee or a Coordinator. Notice to a Responsible Employee is official notice to the College. When formally reported, the College shall investigate and properly resolve the complaints using these 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. Responsible Employees shall immediately report complaints of discrimination, harassment, and sexual misconduct to a Coordinator to be investigated. For acts of sexual-based violence, Responsible Employees shall inform the reporting party of the right to contact 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 of changing academic situations.

If the Title IX Coordinator is the alleged discriminator or harasser, the reporting party may make the report to the President.

##### **b. All Other Incidents of Discrimination and Harassment**

Individuals are encouraged to complete an Incident Form and report all other incidents of discrimination and harassment to a Coordinator.

If the Title IX Coordinator is the alleged discriminator or harasser, the reporting party may make the report to the President.

#### **V. Jurisdiction**

##### **a. Time Frame**

There are no time limitations for reporting an alleged incident of gender-based or sexual misconduct. However, if the alleged incident is not reported in a timely manner, the College may have difficulty in responding. The College will always provide support for the reporting party regardless when the complaint is made.

##### **b. Location**

The College will respond to alleged incidents of gender-based or sexual misconduct when the misconduct occurs on campus, or during a College sponsored event (regardless of location), or when the reporting party or the responding party is a student or an employee. If the responding party is unknown or is not a member of the College community, a Coordinator will assist the reporting party in identifying appropriate campus resources and/or local authorities if the student would like to file a report.

**VI. Confidential Reporting**

a. The College will make reasonable efforts to preserve the reporting party’s and responding party’s privacy. Although all reports will be treated with sensitivity, when a report is made to a certain Coordinator, the College shall be required to act on those reports.

b. Privacy and Confidentiality

Privacy generally means that information related to a report under this policy will only be shared with a limited number of employees that “need to know” in order to provide support for the individuals involved in the report and to ensure the safety of the individuals and the College community. While not bound by confidentiality, these employees will be discrete and respect the privacy of all individuals in the process.

Confidentiality means information shared by an individual with designated campus or community professionals cannot be revealed to any other entity without the express written consent of the individual, unless required by law. These campus and community professionals include mental health and health care providers (within established patient-client privilege), ordained clergy, and attorneys (within established professional-client privilege), all of whom must keep information confidential by virtue of their professional role.

**MCC Confidential Employees**

<b>Name</b>	<b>Department</b>	<b>Location</b>	<b>Phone</b>	<b>Email</b>
Doug Dewar	Counseling Center	Gwaltney Hall	828-766-1256	ddewar@mayland.edu
Dr. Jeannette Murray	SOAR	Gwaltney Hall	828-766-1261	jmurray@mayland.edu

c. Requesting a Confidential Report

The reporting party can seek confidential guidance, counsel, or advice from one of the counselors in the Counseling Center or with the SOAR Program. If the reporting party reports an incident, but requests confidentiality, the College will evaluate the request in terms of the College’s ability to provide a safe and nondiscriminatory environment for students and employees. The College will take all reasonable steps to investigate and respond to the complaint while keeping the confidentiality of the reporting party and all parties involved, but it may limit the response by the College.

If the reporting party decides not to pursue the allegations, the College will determine if the alleged incident impairs the ability of the College to provide a safe and nondiscriminatory environment for students and employees. The College may decide to proceed with an investigation, even though the reporting party decides not to pursue the allegations, if it determines the incident impairs the ability of the College to provide a safe and nondiscriminatory environment.

If the College decides to proceed with an investigation, or it cannot ensure confidentiality of the reporting party, it will notify the reporting party and all parties involved.

The College will assist any individual who reports conduct incidences to find confidential support services on campus and/or in the community. Such services include advocacy, counseling, academic support, medical support and/or mental health services. Some sources of confidential support can happen without triggering an investigation by the College.

**VII. 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 with a Coordinator.

**VIII. 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 Coordinator shall meet with the reporting party and the responding party 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. The Deputy Title IX Coordinator shall maintain a confidential file regarding the complaint. 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, reporting parties alleging sexual harassment and sexual-based violence will be immediately notified that they have the right to seek additional assistance from law enforcement and have the right to seek, among other things, judicial no-contact, restraining and protective orders.

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

**IX. Determination and Disciplinary Action**

- a. The Coordinator shall prepare a report of his/her investigation and shall 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 reporting party and the responding party, without undue delay between the notifications to the parties and to the extent permitted or mandated by law. The reporting party and the responding party 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. Appropriate disciplinary sanctions shall depend upon the seriousness of the misconduct and may include: admonition, warning, reprimand, temporary suspension, educational assignments, restitution, loss of academic credit/change of grade, restricted access, general probation, restrictive probation, suspension, expulsion, and/or referral to law enforcement.

**X. Appeal of Sanctions**

- a. If the reporting party or responding party is dissatisfied with the Coordinator's determination, s/he may appeal to the President within ten (10) calendar days upon receipt of the Coordinator's report.
- b. The appeal must be made in writing to the Office of the President. The student shall be entitled to a hearing with the President. At the hearing the student may be represented by counsel, for advising purposes only and at his or her expense. If the student elects to be advised by counsel, s/he must inform the President 48 hours in advance. S/he may present evidence as to why the decision of the Coordinator should be reversed or modified.
- c. Following a review of the evidence, as well as the information obtained in the investigation process and conclusions derived therefrom, the President shall issue a decision within fourteen (14) business days following the completion of the hearing. The President shall respond in writing to the students and s/he will sign and date the response of the President to acknowledge receipt. The decision of the President shall be final.

**XI. Prohibition of Retaliation**

- a. Retaliation is strictly prohibited by law against anyone who in good faith reports a suspected violation of campus policy, who assists in making such complaint, or who cooperates in the investigation. Retaliation means taking any adverse action in response to a complaint being made. Written complaints of retaliation should be brought directly to the attention of the Director of Human Resources or the Dean of Students. The written complaint should specify the following:
  - 1. Name of alleged offender(s)

2. Date, time, and place of the incident
  3. Description of the incident
  4. Names of witnesses to the incident
- b. Such complaints will be promptly investigated in a separate investigation from the initial complaint of misconduct. If retaliation is found, the person retaliating will be subject to corrective action up to and including termination from employment, in cases involving employees, or in the case of a student up to and including suspension and/or expulsion.

## **XII. Limited Amnesty**

The College encourages the reporting of discrimination, harassment, and sexual misconduct. It is in the best interests of the College community that as many reporting parties 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 reporting party 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.

## **XIII. Sexual Misconduct Awareness and Risk Reduction**

While victim-blaming is never appropriate and MCC fully recognizes that only those who commit sexual misconduct are responsible for their actions, MCC provides the suggestions that follow to help individuals reduce their risk of being victimized and their risk of committing acts of sexual misconduct.

- a. Reducing Your Risk if Victimization
  1. Make any limits/boundaries you may have known as early as possible.
  2. Clearly and firmly articulate consent or lack of consent.
  3. Remove yourself, if possible, from an aggressor's physical presence.
  4. Reach out for help, either from someone who is physically nearby or by calling someone. People around you may be waiting for a signal that you need help.
  5. Take affirmative responsibility for your alcohol and/or drug consumption. Alcohol and drugs can increase your vulnerability to sexual victimization.
  6. Look out for your friends, and ask them to look out for you. Respect them, and ask them to respect you, but be willing to challenge each other about high-risk choices
- b. Reduce Your Risk of Being Accused of Sexual Misconduct
  1. Show your potential partner respect if you are in a position of initiating sexual behavior.
  2. If a potential partner says "no," accept it and don't push. If you want a "yes," ask for it, and don't proceed without clear permission.
  3. Clearly communicate your intentions to your potential sexual partners, and give them a chance to share their intentions and/or boundaries with you.
  4. Respect personal boundaries. If you are unsure what's OK in any interaction, ask.

5. Avoid ambiguity. Don't make assumptions about consent, about whether someone is attracted to you, how far you can go with that person, or if the individual is physically and mentally able to consent. If you have questions or are unclear, you don't have consent.
6. Don't take advantage of the fact that someone may be under the influence of drugs or alcohol, even if that person chose to become that way. Others' loss of control does not put you in control.
7. Be on the lookout for mixed messages. That should be a clear indication to stop and talk about what your potential partner wants or doesn't want to happen. That person may be undecided about how far to go with you, or you may have misread a previous signal.
8. Respect the timeline for sexual behaviors with which others are comfortable, and understand that they are entitled to change their minds.
9. Recognize that even if you don't think you are intimidating in any way, your potential partner may be intimidated by or fearful of you, perhaps because of your sex, physical size, or a position of power or authority you may hold.
10. Do not assume that someone's silence or passivity is an indication of consent. Pay attention to verbal and non-verbal signals to avoid misreading intentions.
11. Understand that consent to one type of sexual behavior does not automatically grant consent to other types of sexual behaviors. If you are unsure, stop and ask.
12. Understand that exerting power and control over another through sex is unacceptable conduct.

c. What Bystanders Can Do

In order to stand up against sexual harassment/sexual violence, one can:

1. Believe violence is unacceptable and say so
2. Treat all people with respect
3. Say something when someone blames the victim
4. Talk with friends about confronting violence
5. Encourage friends to trust their instincts
6. Be aware of campus and community resources
7. Don't laugh at sexist or racist jokes
8. Look out for friends at parties and bars
9. Educate yourself and friends
10. Use campus resources
11. Attend awareness events
12. Empower victims to tell their stories

In addition, one can:

1. Report the incident to a school official immediately
2. Ask a friend in a potentially dangerous situation if he/she wants to leave
3. Make sure the friend gets home safely
4. Ask the victim what he/she needs
5. Provide the victim with options
6. Call the campus counselor, community counseling agency, or community crisis center for support



**XIV. Statement of Rights of the Reporting Party**

- 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 the Coordinator.
- b. The right to be treated with respect by the Coordinator.
- 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 the Coordinator from reporting discrimination, harassment, or sexual misconduct to either on or off-campus authorities.
- e. The right to be informed by the Coordinator 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 reporting party and the community.

**XV. Statement of Rights of the Responding Party**

- 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 the Coordinator.
- b. The right to be treated with respect by the Coordinator.

- c. The right to timely written notice of all alleged violations, including the nature of the violation and possible sanctions.
- d. The right to an appeal hearing 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.

**XVI. Suspending Policy/Procedure**

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.

**XVII. Student Education and Annual Training**

- a. All students will be offered an online prevention and awareness course at the beginning of each fall semester, titled *Student Empower (Workplace Answers)*.
- b. 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, and survivor options.
- c. 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.
- d. The Coordinators will be trained annually on how to appropriately remedy, investigate, render findings, and determine appropriate sanctions in reference to sexual misconduct. The Coordinators, with the assistance of the *Workplace Answers* courses, will train Campus Security Officers.

**XVIII. Victim and Educational Resources**

**Counseling and Community Resources**

**MCC Counseling Center**

200 Mayland Drive  
 Spruce Pine, NC 28777  
 828-766-1256

[www.mayland.edu/student-](http://www.mayland.edu/student-)

**Oasis**

PO Box 1591  
 Boone, NC 28607  
 828-262-5035 (24 hours)

[www.oasisinc.org](http://www.oasisinc.org)

[life/counseling-center](#)

**Mitchell County SafePlace**

PO Box 544  
Spruce Pine, NC 28777  
828-765-4044 (24 hours)  
[mitchellcountysafeplace.org](http://mitchellcountysafeplace.org)

**Smokey Mountain Center**

800-849-6127 (24 hours)  
[www.smokymountaincenter.com](http://www.smokymountaincenter.com)

**Family Violence Coalition**

PO Box 602  
Burnsville, NC 28714  
828-682-0056 (24 hours)  
[fvcyancey.org](http://fvcyancey.org)

**Blue Ridge Regional Hospital**

125 Hospital Dr.  
Spruce Pine, NC 28777  
828-7665-4201  
[www.mission-health.org/about-blue-ridge-regional-hospital.php](http://www.mission-health.org/about-blue-ridge-regional-hospital.php)

**Law Enforcement Agencies**

**Avery County Sherriff**

PO Box 426  
Newland, NC 28657  
828-733-2071, ext. 1208  
[www.averycountync.gov/departments/sheriffs\\_dept.php](http://www.averycountync.gov/departments/sheriffs_dept.php)

**Mitchell County Sherriff**

26 Crimson Laurel Circle, Suite 2  
Bakersville, NC 28705  
828-688-2139, ext. 1636  
[www.mitchellcounty.org/departments/sheriff](http://www.mitchellcounty.org/departments/sheriff)

**Yancey County Sherriff**

4 East Main St.  
PO Box 6  
Burnsville, NC 28714  
828-682-2124  
[yanceycountysheriff.org](http://yanceycountysheriff.org)

**National Governmental Resources**

**US Department of Education,  
Office of Civil Rights**

Lyndon Baines Johnson  
Department of Education Building  
400 Maryland Avenue, SW  
Washington, DC 20202-1100  
800-421-3481  
[www.ed.gov/ocr](http://www.ed.gov/ocr), email:  
[OCR@ed.gov](mailto:OCR@ed.gov)

**US Department of Justice, Office on  
Violence Against Women**

Office on Violence Against Women 145  
N Street, NE, Suite 10W.121  
Washington, DC 20530  
202-307-6026  
[www.justice.gov/ovw](http://www.justice.gov/ovw)

**National Sexual Assault Hotline**

800-656-HOPE(4673)  
[www.rainn.org](http://www.rainn.org)

**National Sexual Violence Resource  
Center**

877-739-3895  
[www.nsvrc.org](http://www.nsvrc.org)

**National Domestic Violence Hotline**  
800-799-SAFE(7233)  
[www.thehotline.org](http://www.thehotline.org)

**National Teen Dating Abuse Helpline**  
866-331-9474  
[www.loveisrespect.org](http://www.loveisrespect.org)

**Stalking Resource Center**  
202-467-8700  
[www.victimsofcrime.org/our-programs/stalking-resource-center](http://www.victimsofcrime.org/our-programs/stalking-resource-center)

**Break the Cycle**  
Washington DC Office  
202-824-0707  
[www.breakthecycle.org](http://www.breakthecycle.org)

**NO MORE**  
[www.nomore.org](http://www.nomore.org)

**Know Your IX**  
[www.knowyourix.org](http://www.knowyourix.org)

**Not Alone: Together Against Sexual Assault**  
[www.notalone.gov](http://www.notalone.gov)

#### State Governmental Resources

**NC Coalition Against Sexual Assault**  
811 Spring Forest Rd. Suite 900  
Raleigh, NC 27609  
919-871-1015  
[www.ncccasa.org](http://www.ncccasa.org)

**NC Victim Assistance Network**  
5700 Six Forks Road, Suite 101  
Raleigh, NC 27609  
800-348-5068  
[www.nc-van.org](http://www.nc-van.org)

## **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

1. 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.*

9/28/2016