

2021 Annual Campus Safety & Security Report



 **Forsyth Tech**
COMMUNITY COLLEGE

Swisher Center

Forsyth Technical Community College is committed to assisting all members of the Forsyth Tech community in providing for their own safety and security. The Annual Security Report is available on the [website](#).

If you would like to receive a hard copy of the Annual Security Report which contains this information, you can stop by the Forsyth Tech Campus Police Department in the Forsyth Building on Main campus or you can request that a copy be mailed to you by calling 336-734-7243.

The report contains information regarding campus security and personal safety including topics such as: crime prevention, campus police law enforcement authority, crime reporting policies, policies related to and programs to prevent sexual assault and other crimes, disciplinary procedures and other matters of importance related to security and safety on campus. The report also contain information about crime statistics for the three previous calendar years concerning reported crimes that occurred on campus; in certain off-campus buildings or property owned or controlled by Forsyth Tech and on public property within, or immediately adjacent to and accessible from the campus.

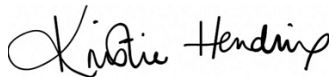
This information is required by law and is provided by Forsyth Technical Community College Campus Police Department.



Kizzy Lea
Vice President Business Services and Chief Financial Officer



Carolyn McMackin
Chief of Campus Police



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Clery Compliance Officer

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Introduction

Annual Security Report

Thank you for taking time to read this year's Annual Security Report (ASR), also referred to as the "Clery Report." This report is designed to provide you with important information about safety and security on campus. In addition to outlining the details of the many programs the College offers community members, the report also contains statistics about crime on campus. The report is located at [Annual Security Report](#). The Forsyth Tech Campus Police Department (the Department) is primarily responsible for developing services, programs, and strategies for maintaining a safe campus. In order to meet this goal, the department focuses primarily on four functions.

First, a safe campus requires a strong partnership with the community and a belief in the value of Community Oriented Policing. The Department provides services with consent from the community and support the idea that all relationships require constant dialogue. Members of the Department are committed to the philosophy of Community Oriented Policing and problem solving which they implement through proactive programming and relationship building between police officers and students and employees to serve as visible problem solvers, as providers of programs and education related to risk-reduction and crime prevention. Members of the Department plan and participate in special events with campus stakeholders to foster a sense of community between the Campus Police Department and the college community.

Second, the Department focuses on the emergency management function, which requires a comprehensive approach to

preventing, preparing for, responding to, and recovering from emergency and disaster situations. The College has a proactive approach to planning for emergencies. These efforts are led by the College's Emergency Management Team (EMT) in close concert with the College's Emergency Operations Team (EOT), the surrounding first responder partners, to include police, fire, and medics. The Campus Police Department in conjunction with the EMT is responsible for notifying the community of potentially dangerous situations. Notification is accomplished through the TechAlert immediate notification system of text and email. The College can quickly alert students and employees with specific information to increase public safety.

Third, the Campus Police Department attempts to utilize technology to serve as an additional tool for safety and security efforts. Fire, trouble and door alarm systems are in place through the College security system to notify emergency responders of potential problems and to provide the timeliest response.

Finally, the Department is charged with the enforcement of state and local laws. This function is essential to maintaining an environment that is safe and allows the academic mission of the College to be successful. Officers patrol the campus on foot, on bicycles, and in vehicles to proactively patrol for suspicious persons, vehicles and activity and respond to emergency and non-emergency calls for service. Police officers do not enforce college policy; rather they document violations of college policy for referral to the on-campus judicial process through the Office of Student Conduct (students) or Human Resources (employees). Police officers and security officers may issue

citations for violations of Forsyth Tech's Parking Rules and Regulations.

Forsyth Technical Community College Mission Statement

Forsyth Technical Community College advances student success through excellence in learning, completion, equity, and post-graduation outcomes.

The Forsyth Tech Campus Police Department compliments the College mission enhancing the living, learning, and working experience at Forsyth Tech by protecting life, maintaining order, and safeguarding property. The Department fulfills this purpose by providing the college community with a full range of services that meets the highest professional standard of campus public safety.

The Campus Security Act: Legal Requirements

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act is a federal statute requiring colleges and universities participating in federal financial aid programs to maintain and disclose campus crime statistics and security information.

The Campus Security Act requires colleges and universities to:

- Publish an annual security report every year by October 1, which contains three years of campus crime statistics, recorded in the calendar year the crime was reported, and certain campus security policy statements.
- Disclose crime statistics for the campus, public areas immediately adjacent to or running through the campus, and certain non-campus facilities and remote classrooms. The statistics must be

gathered from campus police or security, local law enforcement, and other College officials who have "significant responsibility for student and campus activities".

- Provide "timely warning" notices of those crimes that have occurred and pose an ongoing "threat to students and employees"; and
- Disclose in a public crime log "any crime that occurred on campus...or within the patrol jurisdiction of the campus police or the campus security department and is reported to the campus police or security department."
- The Forsyth Tech Campus Police Department is responsible for preparing and distributing this report. The Department works with many other college divisions and external agencies, to include but not limited to Student Services, Student Life and Engagement, Human Resources, Student Counseling, the Winston-Salem Police Department, North Carolina State Bureau of Investigation, Forsyth County Sheriff's Office, Stokes County Sheriff's Office, North Carolina Alcohol Law Enforcement and Forsyth County Alcohol Beverage Control law enforcement division to compile the information.
- Forsyth Tech does not maintain on-campus housing; therefore, the College is exempt from maintaining a daily fire log. Additionally, the requirement pertaining to missing students' regulations for Clery reporting also does not apply. However, the Forsyth Tech Campus Police Department does investigate all missing persons reports in accordance with state and local laws.

Members of the Forsyth Tech community are encouraged to use this report as a guide for safe practice on and off campus. Each member of the College community receives an e-mail

that describes the report and provides its web address. For more information, contact the Forsyth Tech Campus Police Department at 336.734.7243.

Forsyth Tech Campus Police Department Law Enforcement

Authority and Jurisdiction

The Forsyth Tech Campus Police Department, located within the division of Business Services, provides integrated safety and security services to the college community. The mission of the Department is to protect life and property and enforce the law.

The Chief of Police has the responsibility for managing any declared emergency through the implementation of the emergency response protocol that identifies and allocates resources to successfully resolve the situation.

The Forsyth Tech Campus Police Department is a fully sanctioned law enforcement agency. Sworn officers have full powers of arrest pursuant to North Carolina General Statute 115D-21.1. The purpose is to protect the safety and welfare of students, faculty, and staff by fostering integrity, proficiency, and competence. The Forsyth Tech Campus Police Department has the authority to enforce state and federal laws and are authorized to make arrests on real property owned by or in the possession of and controlled by Forsyth Technical Community College as well as any streets, roads or highways adjoining that property.

Campus police officers are required to complete a police-training course approved and authorized by the State of North

Carolina, Criminal Justice Education and Training Standards Commission.

Officers patrol the campus on foot, bicycle and in vehicles. Officers are a visible presence around the campus. Our officers also staff special events.

The department has full-time sworn campus police officers and part-time campus security officers dedicated to providing professional and caring responses.

Security Officers employed by Forsyth Tech are non-sworn members (no arrest powers) of the Department. These officers receive security related training and supplement the police officers on campus.

Local Law Enforcement Statistics and Interagency Cooperation

Forsyth Tech Campus Police Department works closely with the Winston-Salem Police and Fire Departments, Forsyth County Sheriff's Office, King Police Department, Kernersville Police Department, Stokes County Sheriff's Office, local medical facilities, and area campus police agencies. Additionally, the Department members collaborate with federal and state agencies including the Department of Homeland Security, FBI, DEA, US Secret Service, NC SBI, NC DMV License and Theft Bureau as well as other agencies not listed. The College can rely on the support of these agencies in emergencies, incident response, and investigative follow-up, special events and as needed for other purposes. In addition, the Department maintains regular communications and a working relationship with the local District Attorney's Office, US Attorney General, as well as the four local colleges and

universities in Forsyth County. The College maintains agreements or memorandums of understanding (MOU's) with the NC Division of Criminal information, UNC-School of the Arts and a sexual assault investigations agreement with the Forsyth County District Attorney's Office and the Winston-Salem Police Department.

Through the above partnerships, the College receives a weekly summary of arrests from local law enforcement agencies, which includes records of students at the college who have been charged with criminal offenses.

Campus Security Authorities

A Campus Security Authority (CSA) is a term used in the Clery Act to describe someone who has significant responsibility for student and campus activities. The regulations that govern the Clery Act (34 CFR 668.46) define a CSA as:

- A campus police department or a campus security department of an institution.
- Any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department...such as an individual who is responsible for monitoring entrance into institutional property.
- Any individual or organization specified in an institution's statement of campus security policy as an individual or organization to which students and employees should report criminal offenses.
- An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student

discipline, and campus judicial proceedings. Pastoral and professional counselors are not considered a campus security authority when acting in their roles as a pastoral or professional counselor. Campus Security Authorities include but are not limited to the following positions at Forsyth Technical Community College:

- Executive Leadership Team
- Deans
- Police and security personnel, including contract employees
- Directors, Managers whose job function involves working directly with students
- Coordinator Student Retention
- Counselor/Academic Advisors in the Student Success Center
- Care Navigators
- Accessibility Resources Counselors
- Conduct Officer/Title IX
- Evening/Weekend Administrators, (all locations)
- Director Shugart Women's Center
- Staff Assistant Shugart Women's Center
- Veterans Certifying Technician
- Principal and Assistant Principal(s) for Early & Middle Colleges
- Staff Assistant, Minority Male Success Initiative
- Director, Minority Male Success Initiative
- Staff Assistant, Adult Literacy
- Department Chair, Humanities, Communication & Fine Arts Study Abroad
- Staff Assistants, All Off-site Centers
- Career Counselors and Coaches
- Advisor Intramural Sports
- Veterans Affairs Certifying Official
- Advisors to Student Groups

A complete and current list of Campus Security Authorities is available in the Campus Police section of Techlink.

What responsibilities does a Campus Security Authority (CSA) have?

CSA's and their supervisors must:

- Understand their reporting obligation and the types of information they must share. This understanding is obtained by completing the CSA training annually. The training is an online presentation through the Safe Colleges program for all CSA's and face to face training for CSA's with enhanced reporting obligations, such as the Title IX coordinator(s), campus police officers, security officers and contract security officers. This training consists of an overview of Clery and Title IX, defines what it means to be a CSA, explains reporting requirements as both a CSA and a Responsible employee, and provides an understanding of the Crime Log and information sharing.
- CSAs must immediately contact Forsyth Tech Campus Police to share the information that was reported to you. Under the Clery Act, a crime is considered "reported" as soon as it is brought to the attention of a CSA, and in some situations, an immediate warning to the campus community might be necessary.

Reporting an Emergency

In the event of an emergency on campus (all locations), Forsyth Tech Campus Police shall be contacted by dialing 7911 from a campus phone or 336.734.7911 from a cell phone or dial 911.

Emergency Response Priorities

Forsyth Tech has an All-Hazards Emergency Operations Plan (EOP) to mitigate the impact during an emergency to protect students, faculty, staff and visitors. The plan provides policies and procedures and assigns roles and responsibilities to respond effectively in an emergency. The primary objective for initial emergency response shall be to protect life and ensure safety. A disaster or emergency may occur at a time when certain college officials may not be present, readily available, or cannot be contacted. While the structure of this plan will remain intact, actual implementation of the plan may vary depending on the resources and college personnel that are available — and the totality of the circumstances that are present. Until sufficient key staff members specifically designated and trained for lead roles in the plan become available, the highest-ranking available college officials should seek to follow, as nearly as possible, the guidelines set forth in this plan while simultaneously trying to notify the Emergency Manager of the circumstances and obtain verification or advice on their actions.

Emergency Operations Plan

Introduction and Purpose

This college-wide plan establishes policies, procedures, and organizational structure for the College's response to and recovery from emergencies that may threaten the health and

safety of Forsyth Tech or inhibit the College's ability to continue its mission-critical operations and activities. The objective of this plan is to increase the College's ability to react immediately in the most appropriate and effective way to emergencies of all types.

This plan does not replace the procedures for safety, hazardous material response, or other emergency measures already established at the College. Instead, it supplements these existing procedures with a temporary crisis management structure, which provides for an immediate managerial focus on response operations and early transition to recovery.

Emergency Management

The Plan addresses all five phases of standard emergency management: prevention, mitigation, preparedness, response, and recovery.

Prevention — encompasses all measures taken to avoid, deter, or stop an incident from occurring.

Mitigation — means the capabilities necessary to eliminate or reduce the loss of life and property damage by lessening the impact of an event or emergency. It also means reducing the likelihood that threats and hazards will happen.

Preparedness or Protection — focuses on ongoing actions that protect students, faculty, staff, visitors, networks, and property from a threat or hazard.

Response — means the capabilities necessary to stabilize an emergency once it has already happened or is certain to happen in an unpreventable way; establish a safe and secure environment; save lives and property; and facilitate the transition to recovery.

Recovery — includes short-term and long-term actions to resume normal operations once an emergency incident is under control or over.

Prevention, mitigation, and general recovery efforts are addressed in the Business Continuity appendix. The main portion of this plan, along with routine training, drills, and exercises addresses the preparedness phase. The main portion of this plan addresses the response phase of emergency management.

Forsyth Tech performs a minimum of one test a year, of the Emergency Operations and Notification System. This test may be announced or unannounced and may take the form of an actual or simulated emergency. In the case of a simulated test, the College employs the use of tabletop exercises and often partners with the Winston Salem/Forsyth County Department of Emergency Management to plan and carry out these tests.

A complete version of the Forsyth Tech Emergency Operations Plan may be viewed at www.forsythtech.edu.

TechAlerts

Forsyth Tech offers a service that will notify the college community in the event of campus closings due to weather, power outages, or other emergencies. This service is provided through RAVE alert.

Rave Alert is built for campus-wide emergency communications, as well as ongoing targeted communications. For temporary campus visitors and contractors, Rave Alert's SMS Opt-In feature enables people to easily sign up for alerts by texting a keyword or a short code. Rave Alert can send geo-targeted push notifications to the custom-branded Rave Guardian app. In two steps, students and

faculty/staff are automatically authenticated and can update their personal information in Rave Alert. Rave Guardian, a smart phone app, provides additional ways such as routed chats, confidential tips, a call directory, a safety timer, and a content portal, for students to engage more with their schools. The app can be downloaded from the Apple or Google Play Stores.

In the event of a campus emergency or a school closing due to inclement weather, an alert message will be sent out to any text-capable device and/or an e-mail address that you have registered with the system.

- Faculty, staff, and curriculum students will be automatically enrolled in the new service and set to receive notifications for campus closings and emergencies. EWD students (not enrolled in a degree, diploma, or certificate-seeking program) are enrolled into the service but are NOT set to receive notifications by default.
- Text messaging charges dependent upon your carrier and calling plan apply. Forsyth Technical Community College will not make any reimbursements for text messages received from TechAlerts.
- During the sign-up process, a validation number will be sent to your mobile device. Depending on your phone carrier's network conditions, this validation message may take some time to reach your device. If you do not receive a validation message, you should login using the account ID you created and re-validate your device.
- A text message will be sent to students, faculty and staff who have registered to receive emergency messages.
- A message will be placed on TechLink.

- An email will be sent to students, faculty, and staff.
- A banner message will be posted on the Forsyth Tech website and TechLink. If you would like to sign up, go to [TechAlerts](#).

Timely Warnings

To help prevent crimes or serious incidents, Forsyth Technical Community College issues Timely Warnings to notify community members about certain crimes on campus or in property owned or controlled by Forsyth Tech that represents a serious or continuing threat to the community as well as prevention techniques that will aid in preventing similar occurrences. Members of the community who know of a crime or other serious incident should report that incident as soon as possible to the Forsyth Tech Campus Police Department so that a Timely Warning can be issued, if warranted. Additionally, to ensure that the College reaches the larger community, the Campus Police Department, with the assistance of the Public Relations Manager, will call and email members of the community and the media. Depending on the nature of the emergency the Forsyth Tech website, social media platforms, the Winston Salem Police Department, Winston Salem Fire Department and Forsyth County Sheriff's office may aid in disseminating information.

Timely warnings are required for all Clery Act crimes that occur within the Clery geography of Forsyth Tech that are reported to campus security authorities or local police agencies; and considered by the institution to represent a serious or continuing threat to students and employees. These warnings are sent without delay while considering the safety of the community. Forsyth Tech Campus Police will determine the content of the notification and

initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency.

The requirement for timely warnings is not limited to violent crimes or crimes against persons. Timely warnings could be needed for crimes that represent threats to property.

Timely Warnings are usually distributed for the following Uniformed Crime Reporting Program (UCR)/National Incident Based Reporting System (NIBRS) classifications: major incidents of arson, criminal homicide, and robbery. Cases of aggravated assault and sex offenses are considered on a case-by-case basis, depending on the facts of the case and the information known by Forsyth Tech Campus Police. Furthermore, if a Timely Warning Notice is issued, the name and other personally identifiable information about the victim will be withheld. Students and employees are encouraged to report all crimes as soon as safely possible to Forsyth Tech Campus Police Department.

The Forsyth Tech Campus Police Chief, in conjunction with the VP of Business Services and the President of the College (or their designee) are responsible for drafting Timely Warnings. Once approved, the Police Chief or the designee sends the alert to the Forsyth Tech community using the email system or other methods as deemed appropriate to all students and employees.

Building Captain Program

The Forsyth Tech Campus Police Department has implemented a Building Captain Program to train faculty and staff members from each academic and administrative building in basic emergency response procedures. Building

Captains are responsible for providing safety instruction and assistance to faculty, staff, students, and visitors during campus emergencies.

During campus emergencies, Building Captains are trained to understand, assess, and initiate safety responses, including “shelter in place,” “evacuation,” and “safe have,” procedures. They instruct building occupants on the proper procedures to follow in their assigned areas.

Responsibilities

- Assess situations
- Report information
- Follow guidelines and procedures
- Assist with building evacuations
- Assist with shelter-in-place procedures
- Assist with providing a safe haven
- Be aware of occupants with disabilities
- Communicate with emergency responders
- Communication with building occupants
- Communicate with the college community

Primary Tasks

Building Captains must become familiar with their assigned building in the following ways:

- Know where all the exits are
- Locate the fire alarm enunciator panel
- Know where all stairwells are located
- Learn all evacuation routes and designated areas
- Retain contact information for your fellow building captains

Specific Responsibilities during an Emergency

- Share information and instructions
- If the situational response is to shelter in place, inform and reassure occupants
- If evacuation is recommended, ensure all occupants evacuate and assist them as needed
- Assess and report problems in your area
- Notify responding personnel of non-ambulatory individuals
- Report pertinent information to emergency responders on the scene
- Monitor Check-in activities at evacuation sites
- Keep evacuated persons out of the building until the “all clear”

Required Knowledge, Skills, and Abilities

- Attend initial Building Captain training
- Attend subsequent meetings
- Participate in tabletop exercises offered during monthly meetings

Security Considerations in the Maintenance of Campus Facilities

Forsyth Tech is committed to campus safety and security. Exterior lighting and landscape control are a critical part of that commitment. Representatives from various departments continually conduct security surveys to ensure campus lighting is adequate and that the landscape is appropriately controlled. As a part of their assigned responsibilities, officers assess lighting on campus during regularly assigned patrol duties. If lights are out or dim, officers will initiate an immediate work order, which is acted upon by a representative of the appropriate Facilities office. We encourage community members to report any deficiency

in lighting to Facilities at 336.734.7317. Any community member who has a concern about physical security should contact Forsyth Tech Campus Police at 336.734.7243.

Key Control

It is the policy of the College to keep classrooms, shops, and labs locked when not occupied.

Faculty and staff accept full responsibility when they enter the building at any time other than during regular school hours. The normal school day is defined as the time between the hours of 7 a.m. and 10 p.m., Monday through Friday.

Everyone receiving a key must present a Key Authorization Form signed by their Dean/Director and personally sign for the key at the Facilities office in accordance with the issuance of keys procedures. When the key is no longer needed, such as a part-time instructor not teaching during a semester, the individual should turn in the key to the Facilities office and witness proper crediting for the returned key.

Keys are also provided for part-time personnel teaching classes on Main Campus at the Information Desk in Allman Center. Keys for part-time personnel teaching at West Campus, Swisher Center, Woodruff Center, Transportation Center, Northwest Forsyth Center, and Innovation Quarter are picked up at the Information Desk/Director's Area on each campus. These keys are available and should be signed out and turned in before and after each class.

Keys for file cabinets, desks and other furniture may be available from the Purchasing &

Equipment Department. If a key is lost or a replacement key is needed, please contact the Purchasing & Equipment Department.

Key Issuance Procedure

Purpose: To establish the responsibility, accountability, and procedure for the issuance of keys to employees of the College.

Concept: In order to provide security for the buildings and instructional equipment and to provide maximum assurance to instructors that teaching plans will not be interrupted because of others removing teaching aids and audiovisual equipment, all classrooms, shops, and laboratories must be locked when not in use.

Responsibility: The person(s) using a room, office, shop, or laboratory will always be responsible for keeping the facility locked when the facility is not occupied.

Campus Police and janitorial staff will be responsible for all outside building doors that do not open directly into a classroom, office, shop or laboratory. Keys for Woodruff, Swisher, Transportation, Northwest Forsyth Center, and Innovation Quarters must be authorized by the director of that facility. Keys are distributed through Facilities on Main Campus. Keys that have been issued to individuals are not to be duplicated for any reason whatsoever. Broken or damaged keys will be replaced upon return of the residual part of the key to the Facilities Department. A Key Authorization Form with all required signatures must be submitted to the Facilities Department before a key will be issued. When an employee ends employment with Forsyth Tech they must

complete all out-processing and must return all College and State of North Carolina property such as building or office keys, grade books, attendance rosters, and name badge.

The request for issuance of keys should be submitted to the Facilities Department at least three (3) days before the key(s) is needed, if possible. This will allow time to duplicate keys if there is not one for issuance in the inventory. Everyone receiving a key must present a Key Authorization Form with all required signatures and personally sign for the key at the Facilities Department. In addition to key control, all Forsyth Tech locations are secured with 24hour security alarms and video surveillance to prevent and deter crime.

Parking

Students and faculty/staff should be aware that some private business owners surround our campuses and reserve parking spaces for their customers and staff. They reserve the right to enforce their towing policies as posted at lot entrances in order to reserve their spaces. Please be attentive of signage that applies to all parking lots that you use.

Be sure to view the parking rules and regulations in the Campus Traffic and Safety brochure located on the Forsyth Tech website. The brochure also contains a detailed map of Main Campus that shows parking locations on campus.

For parking questions, parking violation appeals and other information, contact Campus Police at 336.734.7243 or via email at campuspolice@forsvthtech.edu.

Weapons Policy

Possession of firearms in vehicles or on campus is always prohibited unless in accordance with NCGS 14-269.2.

It is a violation of North Carolina Law (NCGS 14269.2) and Forsyth Tech policy to possess or carry any weapon on the College property, except under the following circumstances:

1. Law enforcement personnel, firefighters, emergency service personnel, and military personnel, carrying out their official duties;
2. A registered armed armored car service guard or registered armed courier service guard with the permission of Forsyth Tech;
3. Ceremonial or educational uses specifically authorized by the President;
4. A person who has a legally valid concealed handgun permit or who is exempt from obtaining such a permit under State law, and who has the handgun in a closed compartment or container within the person's locked vehicle or in a locked container securely affixed to the person's vehicle. A person may unlock the vehicle to enter or exit the vehicle, provided the handgun always remains in the closed compartment and the vehicle is locked immediately following the entrance or exit, as provided in NCGS 14-269.2(k). Any such vehicle, when locked, must be parked in accordance with applicable College policies and parking ordinances.

College Drug and Alcohol Policy

The purpose of the Drug-Free College policy is to maintain a safe and productive teaching and learning environment and to comply with the Drug-Free Workplace Act of 1988, the Safe and

Drug-Free Schools and Communities Act, NC Administrative Code Title 13, Chapter 20, and the NC Controlled Substance Examination Regulation Act.

Forsyth Tech maintains a comprehensive drug and alcohol policy for faculty, staff and students and maintains compliance with the Drug-Free Schools and Communities Act of 1989 (DFSCA).

Drug-Free Workplace

Forsyth Tech's Drug Free Workplace policy is detailed below. Employees should also be aware of the following information and resources regarding Drug and Alcohol Abuse:

- [Health Risks](#)
- [Federal Penalties](#)
- [North Carolina Controlled Substance Act](#)

Forsyth Tech provides an Employee Assistance Program (EAP). In addition, the following websites provide additional information on counseling assistance programs:

[National Council on Alcoholism](#) (NCADD) Information line (1.800.NCA.CALL) will provide referral for drug or alcohol problems.

[National Institute on Drug Abuse](#) (NIDA) Hotline (1.800.662.HELP) will provide confidential information and referral.

The following is an excerpt from the Forsyth Tech Employee Handbook Policy on Drugs and Alcohol. The complete policy may be accessed by employees at [Drug and Alcohol Policy in the Employee Handbook](#) or by visiting [Human Resources](#). Student Drug and Alcohol policies are in the [Student Handbook](#).

All employees and all applicants for employment of Forsyth Technical Community College are required to report to work fit for duty and free of any adverse effects of illegal drugs, misuse of legal prescription drugs, or alcohol. This policy does not prohibit employees from the lawful use and possession of prescribed medications. Employees must, however, consult with their doctors about the medications' effect on their fitness for duty and ability to work safely, and they must promptly disclose any work restrictions to their supervisor.

This policy applies to all employees and all applicants for employment of Forsyth Tech to establish and maintain Forsyth Tech as a drug free workplace.

Work Rules

1. Whenever employees are working, are operating any Forsyth Tech vehicle, or are present at Forsyth Tech they are prohibited from:
 - a. Using, possessing, buying, selling, manufacturing, or dispensing an illegal drug (to include possession of drug paraphernalia).
 - b. Being under the influence of alcohol or an illegal drug as defined in this policy.
 - c. Possessing or consuming alcohol unless:
 - i. When conducting College business at a Forsyth Tech event where alcohol use is sanctioned, employees should not be

impaired by the use of alcohol, and employees are expected to comply with all other College policies.

2. Employees are required to disclose to Human Resources when they are taking any prescription or over-the-counter medications that could impair their ability to perform their job safely and competently. Human Resources will determine, in consultation with the employee and the employee's health care provider, whether the employee can continue to perform their current job. If not, the employee may be temporarily removed from the position and reassigned to another position or placed on a temporary leave of absence. When the employee is no longer taking the medication, the employee will be restored to their original position. All information provided by the employee will be kept confidential and separate from the employee's personnel file. Applicants being considered for hire in pre-identified roles must pass a drug test before beginning work or receiving an offer of employment. Refusal to submit to testing will result in disqualification of further employment consideration.

Employees are subject to testing based on (but not limited to) observations of apparent workplace use, possession, or impairment when those observations are made. Human Resources must be consulted and will determine if it is necessary to send an employee for testing.

Employee Assistance

Forsyth Tech will assist and support employees who voluntarily seek help for drug or alcohol problems before becoming subject to corrective action or termination under this or other Forsyth Tech policies. Such employees may be allowed to use accrued leave, placed on a leave of absence, referred to treatment providers and otherwise accommodated as required by law. Employees may be required to document that they are successfully following prescribed treatment and to take and pass follow-up tests if they hold jobs that are safety sensitive or require driving, or if they have violated this policy previously.

Voluntary and Confidential Reporting of Crime and Other Serious Incidents

Victims of crimes who do not want to pursue action within the College judicial system or the criminal justice system, may still consider making a confidential report. With the victim's permission, in certain circumstances, a Forsyth Tech Campus Police Officer can file a report as to the details of the incident without revealing the identity of the victim or can utilize the Silent Witness link on the Campus Police web page. The purpose of a confidential report is to comply with the victim's wish to keep the matter confidential, while taking steps to ensure the future safety of the victim and others. With such information, the College can keep an accurate record of the number of incidents involving students, employees, and visitors; determine where there is a pattern of crime regarding a particular location, method, or assailant; and alert the campus community to potential dangers. Reports filed confidentially are counted and disclosed in the annual crime statistics for the institution. In addition, any Clery reportable crime that is

reported will be assessed to determine if a Timely Warning will be issued. When a report involves allegations of sexual harassment (including sexual violence) it will be reported to the College's Title IX Coordinator(s) and will be assessed to determine if a timely warning or immediate notification needs to be issued.

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

Notice of Nondiscrimination

As a recipient of federal funds, Forsyth Tech Community College is required to comply with Title IX of the Higher Education Amendments of 1972, 20 U.S.C. 5 1681 et seq. ("Title DC"), which prohibits discrimination on the basis of sex in educational programs or activities. Forsyth Tech does not discriminate based on sex in its educational programs or activities, including in the context of admission or employment. Inquiries concerning the application of Title IX may be referred to Forsyth Tech's Conduct Officer and Title IX Coordinator or to the U.S. Department of Education's Office for Civil Rights. Forsyth Technical Community College's Conduct Officer and Title IX Coordinator for students is Tony McKinnon whose office is in the Robert L. Strickland Center, Room 2416. This office can be contacted by phone at 336.757.3431 or by email at tmckinnon@forsythtech.edu. Title IX issues involving Faculty or Staff should be reported to Rachel Schroeder in Human Resources, Allman Room 123 or by phone at 336.734.7646 or by email at rschroeder@forsythtech.edu.

Policy, Procedures, and Information on Sexual Misconduct, Relationship Abuse and Violence, and Stalking

Introduction

Forsyth Tech is committed to creating and maintaining an environment that is free of sexual misconduct, stalking, and relationship abuse and violence, and that promotes a healthy spirit of responsibility, dignity, and respect in matters of sexual conduct and interpersonal relationships. The college does not condone and will not tolerate sexual misconduct, stalking, or relationship abuse or violence. This Policy provides recourse for students who have experienced sexual misconduct, relationship abuse and violence, or stalking, and establishes a process for the college to decide whether specific behaviors constitute violations of this Policy.

"Sexual misconduct" is a term that encompasses a broad range of behavior, from harassing statements to criminal sexual assault. Any individual who has been the target of sexual misconduct, stalking, or relationship abuse or violence has the option to make a report to campus police or local law enforcement, to initiate the college's internal complaint procedure as outlined in this Policy, to do both, or to do neither.

The College strongly encourages all members of our community to report any act of sexual misconduct, stalking, or relationship abuse or violence, and to seek appropriate health care and support. All individuals are encouraged to report an incident even if the reporting person does not want to file a criminal report or initiate the College's

internal complaint procedure. Sexual assault (including rape), physical violence, and stalking are serious criminal acts. The college urges students to report criminal acts to the police, though no student is required to do so.

When the College receives a report of sexual misconduct, stalking, or relationship abuse or violence, the college will use the procedures outlined in this policy to take reasonable, prompt, and appropriate action to respond.

This policy has been developed consistent with Title IX of the Education Amendments of 1972 (20 U.S.C. 55 1681 et seq., its implementing regulations, 34 C.F.R. Part 106, and significant guidance documents published by the U.S. Department of Education Office for Civil Rights; and with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, 20 U.S.C. 5 1092(f) ("the "Clery Act") and its implementing regulations, 34 C.F.R. Part 668. Please note that the definitions and standard of review in this Policy differ from North Carolina criminal law. (Refer to the college's Annual Security Report for the North Carolina criminal law definitions for sex offenses, stalking, domestic violence, and dating violence.)

Receiving Assistance:

If you have been the target of sexual misconduct, relationship abuse and violence, or stalking and are seeking immediate assistance, you have several on- and off campus options

[Options for Immediate Assistance](#)

If you are in an emergency, go to a safe location and call 911.

Students are not required to take any action when reporting sexual misconduct and seeking immediate assistance does not automatically launch a formal complaint or investigation. Please note that different employees on campus have different abilities to maintain a student's confidentiality — to access fully confidential resources you should contact the Counseling Center. For more information on confidential reporting, see the Confidential and Protected Resources section.

On Campus Immediate Assistance Options:

CAMPUS POLICE

Main Phone: 336.734.7243

Emergency Phone: 336.734.7911

The Forsyth Tech Police Department has staff trained in how to respond to a report of sexual misconduct, relationship abuse and violence, or stalking. Campus Police can assist you with personal safety, seeking medical attention, preserving evidence, or filing a police report. Campus Police also can contact other on- and off campus resources to assist you.

COUNSELING CENTER

Main Phone: 336.734.7156

The Counseling Center is a confidential resource for students seeking medical assistance or psychological counseling. The staff can assist you in seeking immediate emergency medical care at a local hospital and/or receive an exam from a sexual assault nurse examiner (SANE) at a local hospital. Any student can call the counselor on call to address a psychological emergency. Calls are fully confidential, as with all counseling services, with exception made only in the case of imminent harm or as required by law.

SHUGART WOMEN'S CENTER

Main Phone: 336.734.7280

The Health Educator can accompany you to the hospital for a SANE examination and can help you understand your options and resources. Additionally, the Health Educator can provide guidance and support.

TITLE IX COORDINATOR OFFICE

Main Phone: 336.757.3431

The Title IX Coordinator office has trained staff who can help you understand your options and resources and can connect you with additional on- and off-campus resources. The Title IX Coordinator can arrange for someone to accompany you to the hospital for a SANE examination.

Off-Campus Immediate Assistance Options:

WINSTON-SALEM POLICE DEPARTMENT

Main Phone: 336.773.7700

Emergency: 911 (24 hour)

The Winston-Salem Police Department is available 24 hours a day, 365 days a year to meet with any crime victim of a sexual assault, domestic violence, any physical assault or the crime of stalking. The officers are committed to conduct a full criminal investigation into these allegations. The Winston-Salem Police Department also provides a Victim-Witness Advocate who is trained to support and assist victims of domestic violence and sexual assault. This support is provided as the case is investigated and where the evidence exists, prosecuted to the fullest extent of the law. There are no costs for these services.

[FORSYTH COUNTY SHERIFF'S OFFICE](#)

Main Phone: 336.727.2112
Emergency: 911 (24 hour)

The Forsyth County Sheriff's Office is available 24 hours a day, 365 days a year to meet with any crime victim of a sexual assault, domestic violence, any physical assault or the crime of stalking. The deputies are committed to conduct a full criminal investigation into these allegations.

STOKES COUNTY SHERIFF'S OFFICE

Main Phone: 336.593.8130
Emergency: 911 (24 hour)

The Stokes County Sheriff's Office is available 24 hours a day, 365 days a year to meet with any crime victim of a sexual assault, domestic violence, any physical assault or the crime of stalking. The deputies are committed to conduct a full criminal investigation into these allegations.

KING POLICE DEPARTMENT

Main Phone: 336.983.0886
Emergency: 911 (24 hour)

The King Police Department is available 24 hours a day, 365 days a year to meet with any crime victim of a sexual assault, domestic violence, any physical assault or the crime of stalking. The officers are committed to conduct a full criminal investigation into these allegations.

KERNERSVILLE POLICE DEPARTMENT

Main Phone: 336.996.3177
Emergency: 911 (24 hour)

The Kernersville Police Department is available 24 hours a day, 365 days a year to meet with any crime victim of a sexual assault, domestic violence, any physical assault or the crime of stalking. The officers are committed to conduct

a full criminal investigation into these allegations.

Community Resources

Crisis and Emergency Shelter Services:

FORSYTH COUNTY FAMILY SERVICES

Sexual Assault Response Team of Winston-Salem/Forsyth County 336.722.8173
Domestic Violence (Hotline) 336.723.8125
Sexual Assault (24-Hr) 336.722.4457

ASSOCIATES IN CHRISTIAN COUNSELING

336.896.0065

CARENET COUNSELING

ATRIUM HEALTH WAKE FOREST BAPTIST
336.716.0855

ATRIUM HEALTH WAKE FOREST BAPTIST MEDICAL CENTER EMERGENCY

DEPARTMENT 336.716.2011

NOVANT HEALTH FORSYTH MEDICAL CENTER EMERGENCY DEPARTMENT 336.718.5000

THE NORTH CAROLINA COALITION AGAINST SEXUAL ASSAULT

24-HOUR STOKES COUNTY SEXUAL ASSAULT
LINE 336.593.9323

Preservation of Evidence

Victims of sexual assault may have evidence of the assault may be on their body. If it is safe for you to do so, you should take steps to preserve evidence of the assault even if the decision to file a criminal report has not made. If the assault occurred within the past 96 hours, the victim is strongly encouraged to receive an exam from a sexual assault nurse examiner (SANE) at a local hospital. It

is important that you not bathe, wash, douche, smoke, or change clothing prior to the exam so that evidence may be preserved. If you do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted infection(s).

There may also be physical evidence of the assault at the location where you were assaulted. Campus Police or the Winston-Salem Police Department can assist you in the collection and preservation of physical evidence even if you have not yet decided whether to file a criminal report. It is important that you not clean the bed/linen/area where you were assaulted so that evidence may be preserved. In all cases of sexual misconduct, domestic violence, dating violence, or stalking, you are encouraged to preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs, or other documents, if any, that would be useful to the investigation and complaint resolution process and/or to police.

Definitions

The following definitions outline the types of conduct prohibited under this Policy and identify the individuals and processes involved in the investigation of and response to allegations of those prohibited acts: The following defined acts are prohibited, regardless of the sexual orientation, gender identity, or gender expression of the individuals involved.

Sexual Misconduct

"Sexual Misconduct" encompasses a broad range of behavior, from harassing

statements to criminal sexual assault. It includes "Non-consensual Sexual Penetration," "Non-Consensual Sexual Contact," "Sexual Exploitation," and "Sexual Harassment."

Non-Consensual Sexual Penetration

"Non-Consensual Sexual Penetration" is defined as any sexual penetration no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without consent.

Non-Consensual Sexual Contact

"Non-Consensual Sexual Contact" is defined as touching of intimate body parts such as genitalia, groin, breast, buttocks, or mouth or any clothing covering them, without consent; the removal of another person's clothes without consent; touching a person with one's own intimate body parts without consent; compelling another to touch one's intimate body parts without consent; or any other intentional sexual touching with any object by a person upon another person, without consent.

Sexual Exploitation

"Sexual Exploitation" occurs when an individual takes non-consensual or abusive sexual advantage of another to benefit anyone other than the one being exploited. Examples of sexual exploitation include, but are not limited to: engaging in voyeurism; electronic transmission of pornographic or other sexually inappropriate material; exposing one's genitals or breasts in nonconsensual circumstances or inducing another to expose genitalia or breasts; and any other sexual activity that goes beyond the

boundaries of consent, such as recording of sexual activity, allowing another person to observe sexual activity without the other person's consent, or engaging in sexual activity with another person while knowingly infected with a sexually transmitted infection (STI) or HIV without informing the other person of the infection.

Sexual Harassment

"Sexual Harassment" is defined as conduct that has the purpose or effect of substantially interfering with a person's work or educational opportunity; creates an intimidating, hostile, or offensive work or educational environment; or otherwise negatively affects a person's work or educational opportunities.

Sexual harassment denies an individual dignity and respect and may take on different forms. It includes, but is not limited to:

- Unwelcome verbal, written, or physical conduct that denigrates or shows hostility or aversion toward an individual because of that individual's gender or gender identity (or that of an individual's relatives, friends, or associates).
- Unwelcome threats, derogatory comments, jokes, innuendos, insults, slurs, epithets, negative stereotyping, and other similar conduct that relates to gender or gender identity; or
- The placement, dissemination, or circulation on campus of any unwelcome written or graphic material (in hard copy or electronic form) that denigrates or shows hostility or aversion toward an individual or group because of gender or gender identity.

Sexual harassment may further include unwelcome sexual advances, unwelcome requests for sexual favors, and other unwelcome conduct of a sexual nature where:

- Submission to or tolerance of such conduct is made either an explicit or implicit term or condition of employment or student admissions, enrollment, participation, and programming.
- Submission to or tolerance or rejection of such conduct is used as a basis for employment or for academic, athletic, or other educational decisions affecting an individual.
- The conduct has the purpose or effect of substantially interfering with an individual's worker academic, athletic, or other educational performance; or
- The conduct creates an intimidating, hostile, or offensive work or educational environment.

If an individual has welcomed sexual advances or other harassing conduct (whether sexual or otherwise) by active participation in or encouragement of such activity, that individual should specifically inform the alleged harasser if such conduct is no longer welcome in order for any subsequent conduct to be deemed unwelcome. However, failure to give such notice in no way prevents the college from taking appropriate corrective and/or disciplinary action against the alleged harasser for the behavior.

Relationship Abuse and Violence

"Relationship Abuse and Violence" encompasses a broad range of behavior, including, but not limited to, "domestic violence" and "dating violence." It includes acts of coercion, abuse, violence, or threats of violence between partners in a personal, intimate relationship. The coercive, abusive, violent, or threatening behaviors can be physical, sexual, psychological, verbal, and/or emotional. Relationship Abuse and Violence can occur between current or former intimate partners who have dated, cohabitated, or been married.

Domestic Violence

"Domestic Violence" is defined by the Clery Act as a felony or misdemeanor crime of violence committed by: a current or former spouse or intimate partner; a person with whom the individual shares a child in common; a person who is cohabitating with, or has cohabitated with, the individual as a spouse or intimate partner; a person similarly situated to a spouse of the individual under the domestic or family violence laws of North Carolina; or any other person against an adult or youth who is protected from that person's acts under the domestic or family violence laws of North Carolina.

Dating Violence

"Dating Violence" is defined by the Clery Act as violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the individual. It includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

Stalking

"Stalking" is defined as engaging in a course of conduct directed at a specific person that

would cause a reasonable person to fear for the person's safety or the safety of others; or suffer substantial emotional distress.

For purposes of this definition:

- "Course of conduct" means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
- "Reasonable person" means a reasonable person under similar circumstances and with similar identities to the individual being stalked.
- "Substantial emotional distress" means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Consent

"Consent" means the affirmative, unambiguous, and voluntary agreement to engage in a specific sexual activity during a sexual encounter.

Consent can be communicated by either explicit verbal consent or overt action clearly expressing consent. Such signals of consent must be mutual and ongoing, as well as offered freely and knowingly. Consent cannot be inferred when consent is not clear, including but not limited to the absence of "no" or "stop," or the existence of a prior or current relationship or sexual activity. As well, a verbal "no," even if it may sound indecisive or insincere, constitutes a lack of consent. If at any time during a sexual

encounter any confusion or ambiguity should arise on the issue of consent, it is incumbent upon everyone involved in the activity to stop and clarify the other's willingness to continue. Consumption of alcohol, in and of itself, does not relieve an individual of responsibility to obtain ongoing consent.

An individual who is asleep, or mentally or physically incapacitated, either through the effect of drugs or alcohol or for any other reason, or who was under duress, threat, coercion, or force, is not able to consent. An individual who is under the age of 16 is not able to consent. Indications of consent are irrelevant if the person is not able to consent.

Coercion

"Coercion" is the use of pressure to compel another individual to initiate or continue sexual activity against an individual's will. Coercion can include a wide range of behaviors, including harassment, intimidation, manipulation, threats, or blackmail. A person's words or conduct are sufficient to constitute coercion if they impair another individual's ability to choose whether to engage in sexual activity.

Incapacitation

"Incapacitation" is a state where an individual cannot make an informed and rational decision to engage in sexual activity because the individual lacks conscious knowledge of the nature of the act (e.g., to understand the who, what, when, where, why or how of the sexual activity) and/or is physically helpless.

Incapacitation may result from the use of alcohol or drugs, but consumption of alcohol or drugs alone is not sufficient to establish incapacitation. The impact of alcohol and

drugs varies from person to person, and evaluating incapacitation requires an assessment of how the consumption of alcohol and/or drugs impacts an individual's decision-making ability; awareness of consequences; ability to make informed judgments; and capacity to appreciate the nature and the quality of an act.

Evaluating incapacitation also requires an assessment of whether the Respondent knew or should have known that the Complainant was incapacitated. In determining whether Respondent should have known that Complainant was incapacitated, the standard is whether a reasonable sober person should have known that Complainant was incapacitated. Indicators of incapacitation may include the following: bloodshot or unfocused eyes; concern expressed by others about the individual; memory loss or disorientation; outrageous or unusual behavior; slurred speech; unsteady gait; vomiting; unconsciousness and going in or out of consciousness.

Preponderance of the Evidence

The Title IX Coordinator considers the greater weight of the credible evidence to determine whether a policy violation occurred. This standard, referred to as the "preponderance of the evidence," means the Title IX Coordinator, after considering all the evidence, must find that it is more likely than not that the alleged violation occurred.

Complainant

A "Complainant" is an individual who reports an experience of sexual misconduct, stalking, or relationship abuse or violence. In the case of complaints that are pursued when the affected individual is unable or unwilling to participate in the process, the college may pursue the

complaint, in which case the college shall be the Complainant.

Respondent

The "Respondent" is the student whose conduct is alleged to have violated this Policy and whose conduct is being investigated.

Investigator

The "Investigator" is an individual who has received specialized training in conducting sexual misconduct investigations and has been assigned by the Title IX Coordinator to investigate an alleged violation of this Policy. Investigators are neutral fact finders who, during the course of the investigation, typically conduct interviews with the Complainant, the Respondent, and third-party witnesses; take custody of any physical or electronic records or documents to be included in an investigation report; visit and take photographs at each relevant site; and, where applicable, coordinate with Campus Police or other law enforcement agencies. Investigators prepare a written investigation report for the Title IX Coordinator to use to determine whether to charge the Respondent with a violation of this Policy.

Advisor

An "Advisor" is any individual who provides the Complainant or Respondent support, guidance or advice. The Complainant and Respondent may have the Advisor of their choice present during any meeting or proceeding related to complaint resolution under this Policy. The Advisor's role in any meeting or proceeding is limited to requesting reasonable breaks to confer privately with the advisee. Advisors may not record the meetings or proceedings, take notes, ask questions, or otherwise actively participate in meetings or proceedings. At the student's request, the

college will provide a list of trained staff and student Advisors available to provide guidance and support to the student. Students are not required to choose an Advisor from the list of trained staff and students.

Responsible Employee

A "Responsible Employee" is a college employee who is obligated to report incidents of alleged sexual misconduct to the Title IX Coordinator. Responsible Employees include faculty, staff, Public Safety staff, supervisors of student employees, Title IX and Deputy Title IX Coordinators, the President and the Executive Leadership Team. A Responsible Employee who receives a report must report all relevant details about the alleged misconduct to the Title IX Coordinator, including the date, time, and location of the alleged misconduct, and the names of: the person who provided the report, the individual who experienced the alleged misconduct, the individual(s) accused of committing the alleged misconduct, any other students involved in the alleged misconduct.

Title IX Coordinator

As a recipient of Federal funds, Forsyth Tech is required to comply with Title IX of the Education Amendments of 1972, 20 USC 5 1681 et seq. ("Title DC"). Title IX prohibits discrimination on the basis of sex in education programs or activities. Sexual Misconduct is a form of sex discrimination prohibited by Title IX. The "Title IX Coordinator" is responsible for overseeing the college's response to Title IX reports and complaints and identifying and addressing any patterns or systemic problems revealed by such reports and complaints. The Title IX Coordinator also has responsibility for weighing a student's request for confidentiality and determining whether interim measures and additional remedies are appropriate. The Title IX Coordinator is available to advise you about the

courses of action available at the College and action available externally, including reports to law enforcement.

Forsyth Tech's Title IX Coordinator is:
Tony McKinnon, Title IX Coordinator,
336-757-3431, tmckinnon@forsythtech.edu

Forsyth Tech's Deputy Title IX Coordinators are:
Rachel Schroeder, Human Resources Manager,
rschroeder@forsythtech.edu. (In addition to complaints under this Policy, any individual may direct Title IX complaints regarding employees to Rachel Schroeder).

Reporting

Any individual who has been the target of sexual misconduct, stalking, or relationship abuse or violence is strongly encouraged to report the incident.

How to Report

Forsyth Tech provides the following options for reporting an act of sexual misconduct, stalking, or relationship abuse and violence. You are encouraged to report an incident even if you do not want to file a criminal report or initiate the College's internal complaint procedures: by reporting, the college can ensure you have access to counseling services, academic support services, and any other interim measures that are appropriate. Incident reports also provide information to help the college provide a safe and non-discriminatory environment for all members of the college community.

All non-confidential reports will be reported to the Title IX Coordinator, who will meet with you to review your options and all available resources. The college will limit disclosure of information included in a non-confidential

report to those individuals involved in the college's response to the report and to legally required or permitted disclosures. This means only people who need to know will be told.

Report to Campus Police

Sexual assault (including rape), physical violence, and stalking are serious criminal acts, and you are strongly encouraged to report criminal acts to the police. Although the college strongly encourages all members of its community to report violations of this policy to law enforcement, it is your choice whether to make such a report and you have the right to decline involvement with the police.

The Forsyth Tech Police Department has staff trained in how to respond to a report of sexual misconduct, relationship abuse and violence, or stalking. Campus Police can assist you with personal safety, seeking medical attention, preserving evidence, or filing a police report. Campus Police also can contact other on-and off-campus resources to assist you. Campus Police will record the report for Clery Act purposes but shall do so without disclosing any personally identifiable information about the Complainant.

Campus Police Main Phone: 336-734-7243

Report to Title IX Coordinator

Forsyth Tech has designated a Title IX Coordinator to oversee compliance with Title IX, which prohibits discrimination on the basis of sex in education programs or activities. Sexual misconduct is a form of sex discrimination prohibited by Title IX.

All reported incidents of sexual misconduct involving students are reviewed by the Title IX Coordinator. The Title IX Coordinator will provide you with a written explanation of

your rights and options under this Policy, including resources and services available to you, your option to request assistance or interim measures and additional remedies, and an explanation of the college's internal complaint resolution procedures. The Title IX Coordinator also will report the alleged incident to Campus Police for Clery Act purposes but may refrain from disclosing personally identifiable information about you to Campus Police at your request.

Tony McKinnon, Title IX Coordinator,
336-757-3431, tmckinnon@forsythtech.edu

Report to a Responsible Employee

Reports made to a Responsible Employee will be referred to the Title IX Coordinator for assessment. A Responsible Employee who receives a report must report all relevant details about the alleged misconduct to the Title IX Coordinator, including the date, time, and location of the alleged misconduct, and the names of the person who provided the report, the individual who experienced the alleged misconduct, the individual(s) accused of committing the alleged misconduct, any other students involved in the alleged misconduct.

Responsible employees include faculty, staff, Public Safety staff, supervisors of student employees, Title IX and Deputy Title IX Coordinators, the President and the Executive Leadership Team.

Confidential and Protected Resources

Confidential Resources are those required to keep all information disclosed to them confidential within the legal and ethical bounds of their profession. At Forsyth Tech, these individuals are counselors that are located within the Counseling Center. Reports made to these individuals are strictly confidential and

will not be referred to the Title IX Coordinator or Campus Police without your consent.

Protected Resources include the Shugart Women's Center. Ordinarily, reports made directly to the Shugart Women's Center may be made in confidence, meaning these reports will be shared with the Title IX Coordinator and Campus Police (for Clery Act reporting purposes) without identifying information and without triggering action by the college. Exceptions include when you give consent for identifying information to be reported or if the Shugart Women's Center determines imminent health or safety concerns outweigh your request to keep the report in confidence.

Protected Resources also include public awareness events such as "Take Back the Night." Information disclosed through a public awareness event is not considered notice of an act described in this Policy.

Amnesty Related to other Policy Violations

To encourage reporting of the acts prohibited by this Policy, the college will not subject an individual who reports an alleged incident of sexual misconduct, stalking, or relationship abuse and violence to disciplinary action for the individual's own minor policy violation, such as personal consumption of alcohol or drugs, at or near the time of the alleged incident, provided that any such violations did 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 drug use. Further, the college may offer amnesty related to other policy violations revealed in the process of pursuing a formal complaint.

Options for the Reporting Person ("Complainant")

You are not required to take any action when you report a Policy violation, but if you choose to act, your options include:

1. Filing a criminal report with campus police or local police.
2. Filing a formal complaint with the Title IX Coordinator requesting that the college initiate its internal complaint procedures.
3. In appropriate cases, pursuing informal mediation of the complaint conducted by the Title IX Coordinator's Office.
4. Requesting interim measures and additional remedies (for example, a no-contact order, alteration of class schedules); and/or
5. Accessing available resources, including counseling. Additional information about initiating the college's internal complaint procedures is set forth below.

If the reporting person does not want to pursue the college's internal complaint procedures, they may nonetheless (i) access support resources, such as counseling or, in appropriate cases, academic relief; and/or (ii) request interim measures.

College Investigation of Reports

The college is committed to taking appropriate action to resolve incidents of sexual misconduct, stalking, or relationship abuse and violence and to ensure a safe and non-discriminatory environment for all students. The college will undertake an appropriate inquiry into all reports involving students, regardless of whether the Complainant

wishes to pursue resolution of any kind. The specific steps in the college's inquiry will vary depending on the nature of the allegations; the information available to the college; whether the Complainant elects to pursue criminal charges, files a formal complaint, or requests the college not to pursue action; and other factors. A full investigation occurs only if a formal complaint is filed.

As a general rule, the college will not conduct an investigation or take any action without first obtaining the Complainant's consent and will conduct any investigation and respond to a report consistent with the Complainant's request for confidentiality or request not to pursue action. The college's ability to respond to a report, to prevent its recurrence, or to address its effects may be severely limited if the Complainant requests confidentiality, does not provide the name of the Respondent, or asks that the report not be pursued.

Requests for Confidentiality

In cases where the Complainant requests confidentiality or requests the college not to take any action in response to a report, the Title IX Coordinator or designee will conduct a preliminary assessment into the alleged Policy violation and will balance this request with the college's commitment to providing a safe and non-discriminatory environment to all members of the college community. The Title IX Coordinator or designee will consider many factors when determining whether or not the college can honor the request for confidentiality or no action, including, but not limited to:

- The information provided suggests that the Respondent has

committed prior acts and/or suggests an increased risk that Respondent will commit additional acts that would violate this policy or are otherwise violent acts.

- The information provided suggests that the act is part of a larger pattern at a specific location or by a particular group and thus there is an increased risk of future violations of this policy under similar circumstances.
- The alleged misconduct was committed by multiple perpetrators.
- The alleged misconduct was perpetrated with a weapon. • The Complainant is a minor.
- The college has other means to obtain relevant evidence (e.g., security camera footage, physical evidence, additional witnesses). If the facts warrant issuance of a timely warning.

In appropriate cases, the college may be able to take steps to limit the effects of the alleged misconduct and prevent its recurrence that do not involve formal disciplinary action against Respondent or reveal the identity of Complainant. However, the Title IX Coordinator or designee may determine that, in the interest of providing a safe and nondiscriminatory environment, it is necessary for the college to act on information it has received. In that event, the Complainant will be informed of this determination before the college acts in response to the report. The college's response will depend on the circumstances of the report but could include imposition of interim measures and additional remedies; and/or filing

a formal complaint on behalf of the affected individual, in which case the college will be the Complainant. The college cannot withhold Complainant's name from the Respondent once the college takes action that affects the Respondent.

[Interim Measures and Additional Remedies](#)

Upon receipt of a report of an alleged Policy violation, the college may determine that "interim measures" are necessary to ensure a safe and nondiscriminatory environment for students. Similarly, at the conclusion of the complaint resolution process, the college may determine that "additional remedies" are necessary to ensure a safe and nondiscriminatory environment for students. Interim measures and additional remedies are separate from any sanctions the Title IX Coordinator may impose during complaint resolution procedures and are not disciplinary in nature. They are imposed by the Title IX Coordinator at any time, regardless of whether formal disciplinary action is sought by Complainant or the college. They may be extended beyond and/or imposed after complaint resolution procedures are completed.

[Requesting Interim Measures or Additional Remedies](#)

Students seeking the assistance of interim measures or additional remedies should speak with the Title IX Coordinator, who will evaluate and, if warranted, will coordinate the request. Even when a student does not specifically request that protective action be taken, the college may choose to impose interim measures or additional remedies at its discretion to ensure a safe and nondiscriminatory environment for students.

The specific interim measures or additional remedies implemented and the process for implementing those measures will vary depending on the facts of each case. The Title IX Coordinator will consider, among other factors, the specific need expressed by the Complainant; the severity or pervasiveness of the allegations; any continuing effects on the Complainant; and whether the Complainant and Respondent share the same class, or on campus job location.

Possible interim measures and additional remedies include:

- No-contact order between Respondent and Complainant
- Limiting access to certain college facilities or activities
- Limiting access to campus to specific times of day
- Alteration of class schedules
- Changing campus work schedules or job assignments
- Suspension from on campus employment
- Suspension from student organizations
- Rescheduling of exams, papers, or other assignments
- Taking an incomplete in a class
- Authorized withdrawal from a class
- Alternative course completion options
- Voluntary leave of absence
- Access to counseling services
- Providing an escort to ensure safe movement between classes and activities
- Providing academic support services
- Any other remedy that can be tailored to the involved individuals to achieve the goals of this Policy

Where Complainant and Respondent are members of the same organization, the Title

IX Coordinator and Title IX Coordinator will consider ways to permit both students to continue participation, but when such compromise is not possible, the Title IX Coordinator has the discretion to determine whether one or both students is restricted from participation.

Reporting Violations of Interim Measures and Additional Remedies

All individuals are encouraged to report concerns about failure of another individual to abide by restrictions imposed by an interim measure or additional remedy.

Investigating Basis for Imposing Interim Measures

Interim measures can be imposed prior to investigation into a report. If a formal complaint has been filed, the interim measures will remain in place at least until the complaint resolution procedures are completed. If no formal complaint has been filed and the interim measures affect Respondent, the Title IX Coordinator will assign an Investigator to investigate the allegations that led to the imposition of the interim measures (an "interim measures investigation"). At a minimum, this interim measure investigation will include an opportunity for Respondent to provide a statement in response to the allegations. [Note: if Complainant later files a formal complaint, an additional investigation into the allegations likely will occur. An interim measures investigation under this Section is for the limited purpose of determining the appropriateness of the interim measures.]

The Title IX Coordinator will review the interim measures investigation report and will

determine whether to keep the interim measures in place, whether additional interim measures are warranted, and the time period for their imposition. The Title IX Coordinator will send written notice of this determination to Respondent and Complainant. Interim measures are subject to re-evaluation upon the conclusion of the time period for their imposition.

Complaint Resolution Process

Informal Mediation

Informal mediation of a complaint is only available in appropriate cases. Informal mediation is never appropriate in cases involving allegations of nonconsensual sexual penetration or nonconsensual sexual contact. The Title IX Coordinator has the discretion to determine if it would be inappropriate to informally mediate any sexual misconduct complaint.

Both Complainant and Respondent must agree to engage in informal mediation, and either party can end the informal mediation process at any time, for any reason. The complaint will be mediated by the Title IX Coordinator, or a trained college mediator appointed by the Title IX Coordinator. Both student parties are expected to attend the mediation. During the mediation, the Complainant and Respondent may:

- a) Communicate their feelings and perceptions to each other in the presence of, and facilitated by, the mediator.
- b) Communicate feelings and perceptions regarding the alleged incident and the impact of the alleged incident; and/or
- c) Relay wishes and expectations regarding non-disciplinary measures.

The mediator will attempt to facilitate the parties' resolution of the complaint. If the mediation results in a resolution agreed to by the student parties and the Title IX Coordinator finds the resolution to be appropriate under the circumstances, the informal mediation will be concluded, and the complaint will be closed. If the parties are unable to reach a resolution, the Complainant may file a formal complaint or may request the Title IX Coordinator evaluate the need for interim measures.

Students must understand that anything said in this informal mediation may be used in either criminal proceedings or the college's internal complaint procedures.

Filing a Formal Complaint

To initiate the college's internal complaint procedures, the Complainant must file a formal complaint with the Title IX Coordinator. A formal complaint must include, at a minimum, the time, place, and type of Prohibited Act(s) alleged, a factual summary of the alleged incident(s), and the name of the Respondent.

Who May File?

Any individual may file a formal complaint against a student for an alleged violation of this Policy. In the event the Title IX Coordinator determines the college must file a complaint on behalf of an affected individual who has requested confidentiality or is otherwise unable or unwilling to participate in the process, the college shall be the Complainant and the affected individual shall be considered a witness and will be entitled to receive all notifications due to Complainant under this policy, including notification regarding the outcome of the

complaint resolution procedures are completed.

Notice of Complaint

Upon receipt of a formal complaint, the Title IX Coordinator will determine whether the allegations in the formal complaint, if proven, would constitute a violation of this Policy. If the allegations would constitute a violation of this Policy, then the Title IX Coordinator shall prepare a written Notice of Investigation which will include: the nature, time, and place of the alleged violations (including the specific prohibited acts alleged), the name and contact information of the Investigator, a statement regarding confidentiality of the process, and a statement on the policy which prohibits retaliation. The Title IX Coordinator will provide both Complainant and Respondent with the written Notice of Investigation and will also provide the parties with a copy of this policy, and a list of staff and students trained as Advisors.

Respondent Acceptance of Responsibility

The Respondent may choose to accept responsibility for the alleged violation prior to, or during, an investigation. If the Respondent chooses this option, the Respondent must submit a written statement accepting responsibility for the alleged violation and waiving all rights to an investigation, determination of responsibility by the Sexual Misconduct Title IX Coordinator, and appeal on the ground of procedural error. In such cases, the Title IX Coordinator will determine the sanction(s) and will notify Respondent and Complainant of the sanctions in writing within three calendar days of receiving the Respondent's written statement accepting responsibility. By accepting responsibility, Respondent also accepts the Title IX Coordinator's decision on

sanctions as final and waives the right to appeal on the ground of procedural error.

Assistance of an Advisor

The Complainant and Respondent may have the Advisor of their choice present during any meeting or proceeding related to complaint resolution procedures under this Policy, including meetings related to investigation of the formal complaint. The Advisor's role is to provide support, guidance, or advice to the Complainant or Respondent. The Advisor has no formal role in the complaint resolution process and cannot act on behalf of the Complainant or Respondent in relation to the complaint resolution process. The Advisor's role in any meeting or proceeding is limited to requesting reasonable breaks to confer privately with the advisee. Advisors may not record the meetings or proceedings, take notes, ask questions, or otherwise actively participate in meetings or proceedings. The Complainant and Respondent may share with their Advisor notices and information provided to them in relation to complaint resolution under this Policy, provided that the Advisor shall keep such materials confidential unless the Advisor is otherwise authorized to disclose the information contained therein.

While the college will make reasonable efforts to accommodate the schedule of a party's Advisor in scheduling meetings, an Advisor's inability to attend a meeting does not constitute an unavoidable conflict that would necessitate rescheduling a meeting or proceeding.

At the student's request, the college will provide a list of trained staff and student Advisors available to provide guidance and support to the student. Students are not required to choose an Advisor from the list of

trained staff and students. Parties must provide the Title IX Coordinator with notice of the identity of their Advisor of choice prior to the Advisor attending a meeting or proceeding under this Policy, ideally at least one calendar day in advance.

Investigation into Formal Complaint Investigators

Investigators are individuals who have received specialized training in conducting sexual misconduct investigations. Investigators are neutral fact finders who, during the course of the investigation, typically conduct interviews with the Complainant, the Respondent, and third-party witnesses; take custody of any physical or electronic records or documents to be included in an investigation report; visit and take photographs at each relevant site; and, where applicable, coordinate with Campus Police or other law enforcement agencies. Investigators prepare a written investigation report for the Title IX Coordinator to use to determine whether to charge the Respondent with a violation of this Policy.

Investigators are authorized to contact any relevant individuals and to access any relevant records not otherwise prohibited by legal protections of privilege or confidentiality.

Depending on the circumstances, the Title IX Coordinator may appoint a single Investigator or a team of Investigators to conduct the investigation. The Title IX Coordinator may appoint as Investigators trained staff members or an external expert Investigator (generally an attorney). An external Investigator may be appointed in the event there are insufficient staff resources to investigate a complaint, there is a legitimate conflict of interest between the available staff Investigators and a party to

the complaint, the complaint is particularly complex, or in any other case that the Title IX Coordinator, at their discretion, deems it advisable.

Timeframe

The length of the investigation depends on the circumstances of each case, but the college will make every effort to complete an investigation in 30 calendar days, not including college holidays (i.e., when classes are not in session).

In typical cases, the timeframe for the complaint resolution process (starting with the filing of a formal complaint and ending with the notice of the Title IX Coordinator's determination of whether a policy violation occurred), not including any appeals, will not exceed sixty (60) calendar days, not including college holidays (i.e., when classes are not in session). In some circumstances—including, but not limited to, cases involving a parallel criminal process; cases involving multiple alleged Policy violations, Complainants, and/or Respondents; and when the complaint resolution process has to accommodate periods of time when the college is not in session—the timeframe for the complaint resolution process may exceed sixty (60) calendar days.

Investigation Procedures

The investigation will be conducted in a prompt, fair, thorough, and impartial manner. At a minimum, it will include obtaining information from the Complainant and Respondent and pertinent witnesses and soliciting and reviewing documentation relevant to the investigation including available police reports.

The Complainant and Respondent will be asked to identify all information they would

like the Investigator to review, including any witnesses they would like to be interviewed. Decisions about interviews and collection and evaluation of information are at the discretion of the Investigator. The Investigator may need to interview the Complainant and Respondent multiple times during the investigation. The Investigator will present the pledge of confidentiality to all individuals involved in the investigation.

Investigation Report

The Investigator will prepare a written investigation report, including as exhibits any relevant documentation.

The Investigator shall submit the investigation report and exhibits to the Title IX Coordinator for review. The Title IX Coordinator will redact (remove) information that they determine is irrelevant or immaterial. Specifically, the Title IX Coordinator shall redact:

- Irrelevant information concerning sexual history, unrelated sexual activity, character, or incidents not directly related to the complaint (subject to the Title IX Coordinator's determination that the information demonstrates a pattern of behavior);
- Statements of reputation or personal or expert opinion;
- Information that violates an individual's privacy right or that constitutes an unwarranted invasion of privacy;
- Information that is irrelevant, immaterial, more prejudicial than probative, or repetitive;

- Information related to the longer-term impact of the alleged incident on
- Complainant or Respondent (which may be submitted as a separate impact or mitigation statement).

Complaint Resolution Procedures

Title IX Coordinator review of final investigation packet The Sexual Misconduct Title IX Coordinator determines whether a policy violation occurred and imposes sanctions for policy violations as appropriate. The Title IX Coordinator will review the final investigation packet and may request any additional relevant information from the Investigator or third parties. The parties will have the opportunity to access any such requests for additional relevant information and any information produced in response to such requests prior to the Title IX Coordinator's determination of whether a policy violation occurred.

The parties may not make copies or take photographs of the additional relevant information.

Determination of Responsibility

The Title IX Coordinator will apply a preponderance of evidence standard when arriving at a determination of whether a policy violation occurred. The Title IX Coordinator will base their determination solely on information presented as part of the complaint resolution process. The Title IX Coordinator may properly consider as evidence of violation that the Respondent has refused to cooperate in the investigation if there is other information to support the alleged policy violation.

Imposition of Sanctions

If the Title IX Coordinator determines a policy violation occurred, the Title IX Coordinator will impose sanctions and in determining sanctions, the Title IX Coordinator will attempt to fairly fit the sanction to the violation seen in total context. For example, a severe sanction might appropriately be imposed for a relatively minor violation which has been persistently repeated despite formal warning, while a relatively minor sanction might appropriately be imposed for a serious violation when substantial extenuation is shown.

This policy includes a list of possible sanctions. In addition to sanctions imposed by the Title IX Coordinator, the Title IX Coordinator may impose new or continuing interim measures and additional remedies designed to ensure a safe and nondiscriminatory environment for students.

Notice of Action

The Title IX Coordinator shall distribute to Respondent a notice of the Title IX Coordinator's determination of whether a policy violation occurred (including the specific prohibited acts alleged and the Title IX Coordinator's determination of responsibility for each alleged prohibited act), the rationale for the decision, and the sanctions imposed, if any. The Title IX Coordinator shall concurrently provide a copy of the Notice of Action to Complainant, with any redactions as required by federal law. The Title IX Coordinator will make every effort to conclude the complaint resolution process and distribute the Notice of Action within two calendar weeks of the final determination.

Final Determination

The determination by the Title IX Coordinator both as to the fact of violation and as to the

sanction(s) to be imposed, are finally dispositive of the complaint resolution process subject only to the rights of the parties to appeal as provided below. Whether or not the Title IX Coordinator determines a policy violation occurred, and in addition to any sanctions imposed by the Title IX Coordinator, they may impose new or continuing additional remedies designed to ensure a safe and nondiscriminatory environment for students. In the event the Title IX Coordinator determines the Respondent is not responsible for the alleged policy violation, the college may continue to provide additional remedies for Complainant so long as those remedies do not unduly burden or prejudice Respondent.

Sanctions and Additional Remedies

If the Title IX Coordinator determines no policy violation occurred, then no sanction will be recommended. If the Title IX Coordinator determines a policy violation occurred, the Title IX Coordinator will impose sanction(s) and in determining sanctions, the Title IX Coordinator will attempt to fairly fit the sanction to the violation seen in total context.

List of Sanctions

Possible sanctions include:

- General Probation: exclusion from participation in privileged or extracurricular activities for a period not exceeding one year. Social Probation may be extended to all activities, including campus social events.
- Violation of this policy during the period of probation will normally result in suspension from the college.

- Restricted Access: limiting campus access to certain areas of campus and/or specific times of day
- Suspension for a definite period of time: Exclusion from classes and other privileges of activities with forfeiture of academic credit, as set forth in the notice of action, for a definite time, beginning immediately. If suspension is for more than one semester, the suspension shall begin immediately and shall be served in consecutive terms.
- Indefinite suspension: Termination of student status, subject only to formal readmission, with no right to petition for readmission before the expiration of one calendar year from the date of suspension.
- Warning: Notice, oral or in writing, that continuation or repetition of conduct in violation may be cause for more severe disciplinary sanctions.
- Censure: A written reprimand, which may include warning of more severe disciplinary sanction in the event of determination of a subsequent violation within a stated period of time.
- Apology: Oral or written apologies to persons or groups upon whose rights the Respondent may have infringed.
- Mandatory educational programming: which may include but is not limited to alcohol and/or drug abuse awareness/prevention programming, and sexual harassment prevention training.

When students are suspended, they shall ordinarily leave campus immediately. A

suspended student shall not come on campus without the permission of the Title IX Coordinator.

Failure to comply with sanctions imposed will ordinarily result in harsher sanctions, including suspensions.

Stay of sanctions pending appeals

If the decision of the Title IX Coordinator is appealed, sanctions are stayed until the matter has been finally disposed of within these procedures; provided, however, that:

- If a sanction of suspension is appealed, the Respondent is restricted during the appeal period to academic involvements only. Thus, the continuation of participation in privileged or extracurricular activities is not permitted during the appeals process. A reversal of the sanction of suspension on appeal may allow for reinstatement at the discretion of the appeal officer.
- If a sanction of suspension is appealed and the sanction upheld, the effect of the suspension shall be as of the date imposed by the Title IX Coordinator. If a sanction of social probation is appealed and the sanction upheld, the term of the probationary period shall begin when the appeal concludes.
- The Title IX Coordinator may impose additional remedies, including additional remedies that reflect the sanctions, while the appeal is pending to ensure a safe and non-discriminatory environment for students.

Appeals Grounds for Appeal

Either Complainant or Respondent can appeal the finding of the Title IX Coordinator, or the sanctions imposed:

This determination must be brought to the attention of the Title IX Coordinator within five (3) calendar days of receiving the written Notice of Findings. In that event, the Title IX Coordinator will reconvene the investigators to determine whether the information would have affected the result.

Filing an Appeal

Appeals must be filed with the Title IX Coordinator within five (3) calendar days of receiving the written Notice of Findings. Appeals are made in writing and must state in detail the reasons for the appeal.

Upon receipt of a written appeal, the Title IX Coordinator will forward the appeal and the record on appeal to the Vice President of Student Engagement & Success / CSAO. The record on appeal comprises all materials reviewed by the Title IX Coordinator, exhibits (if any), and the Notice of Action.

The Title IX Coordinator shall provide an opportunity for Complainant and Respondent to access the appeal and the record on appeal separately in a private setting. The parties may not make copies or take photographs of the information.

Appeal Procedures

Appeals are heard by the Vice President of Student Engagement & Success / CSAO, called the appeal officer. The appeal officer ordinarily will decide within five (5) business days of receiving the record on appeal whether the appeal states sufficient grounds to be considered. If it does not, the appeal officer will dismiss the appeal.

If the appeal officer finds the appeal states sufficient grounds, the appeal officer will invite the Title IX Coordinator to respond in writing. When an appeal is requested by Respondent, the appeal officer will invite the Complainant to respond in writing. When an appeal is requested by Complainant, the appeal officer will invite the Respondent to respond in writing. Written responses shall not exceed five (5) pages. The appeal officer may, in the appeal officer's discretion, request additional documentation related to alleged procedural errors to accompany the statement of the Title IX Coordinator or a student-party. The appeal officer shall provide copies of the written responses and additional documentation, if any, to the Title IX Coordinator, and shall provide an opportunity for Complainant and Respondent to access the information separately in a private setting. The parties may not make copies or take photographs of the information.

The appeal officer may, in the appeal officer's discretion, choose to call a conference with Complainant, Respondent, and the Title IX Coordinator before making a decision on appeal.

The appeal officer considers the appeal solely on the information in the appeal, the record on appeal, and the written responses, and additional documentation of procedural error, if any, and shall not consider any new evidence. The appeal officer will not substitute the officer's own judgment for that of the Title IX Coordinator.

Actions Available on Appeal

The appeal officer may:

- Uphold the determination of the Sexual Misconduct Title IX Coordinator.
- Reduce or increase the sanction(s) to one(s) deemed more appropriate than those imposed.
- Remand the matter to the Title IX Coordinator where a procedural irregularity could be corrected.

Notice of Outcome

The appeal officer ordinarily will provide a written notice of outcome within two (2) weeks of the decision to consider the appeal, and this decision is finally dispositive of the matter. The Notice of Outcome will be distributed to Complainant, Respondent, and the Title IX Coordinator with any redactions as required by federal law.

Retaliation

No person shall be subject to restraints, interference, coercion, or reprisal for action taken in good faith to seek advice concerning an alleged violation of this policy, to file a report, to initiate the college's internal complaint resolution process, or to serve as a witness, Title IX Coordinator, or representative in the investigation and resolution of a complaint.

Additional Policy and Procedure

Information Jurisdiction and Scope

This policy applies to the on-campus conduct of all students. It also applies to off-campus conduct of students that, in the College's judgment, involves or affects the College or other members of the College community, such as conduct in connection with:

1. Academic work or other Forsyth Tech-related educational activities and experiences, such as class projects, field trips, study abroad, or internships;
2. Activities sponsored, conducted, or authorized by the College or its student organizations; or
3. Activities that cause or threaten harm to the health, safety, or well-being of the College or members of the College community.

This policy to all such conduct by a student while a student, even if it occurs outside of an academic term or when the student is not otherwise present at Forsyth Tech Community College. Moreover, the College continues to have authority to initiate or continue administration of this policy with respect to any such conduct by a student while a student even if, after a formal complaint is filed, the student withdraws, takes leave, or is otherwise absent from Forsyth Tech Community College.

Rights of Student Parties

Complainant and Respondent have the following common rights:

- A prompt, fair, and impartial complaint resolution process, meaning a process that:
 - Is completed within reasonably prompt timeframes.
 - Is conducted in a manner that is consistent with this Policy.

- Includes timely notice of meetings at which the parties may be present.
- Provides timely and equal access to information that will be used during the complaint resolution process; and ○ Is conducted by individuals who do not have a conflict of interest or bias for or against the Complainant or Respondent
- Equal opportunities to have the Advisor of the party's choice present during any meeting or proceeding related to complaint resolution procedure under this Policy, including meetings related to investigation of the formal complaint.
- Written notification of the result of the complaint resolution process (subject to any redactions required by federal law).
- An outcome based solely on information presented as part of the complaint resolution process.
- To not be subject to acts or threats of retaliation for action taken in good faith as part of the complaint resolution process.
- To not be required to take any reviews or examinations during the complaint resolution process (from the receipt of the Notice of Investigation until two calendar days after the Notice of Action is delivered).
- To decline to make statements, provide testimony, or attend

meetings or proceedings related to the complaint resolution procedure under this Policy; provided, however:

- Title IX Coordinator members may properly consider as evidence of violation that the Respondent has refused to cooperate in the investigation if there is other information to support the alleged policy violation.
- Preservation of privacy, to the extent possible and allowed by law.
- Access to support from the counseling center staff.
- Complainant has the following additional rights:
- Implementation of interim measures and additional remedies that reduce the burden on Complainant but do not unduly burden or prejudice Respondent.
- To request that the Title IX Coordinator evaluate the need for interim measures and additional remedies.
- Notice that the Title IX Coordinator has determined the college must act on information received in cases where the Complainant has requested confidentiality or that the college not take action.
- To provide information at any step of the procedures outlined in

this Policy outside the presence of the Respondent.

- Respondent has the following additional rights:
- An investigation into the allegations that for the basis for the college's imposition of interim measures and additional remedies.
- To waive proceedings by accepting responsibility for the alleged violation prior to, or during, an investigation.

Securing Witnesses

Investigators are authorized to contact any relevant individuals to request that they participate in the investigation, including responding to requests for additional information from the Title IX Coordinator.

Pledge of Honesty; Malicious and False Accusations

All witnesses to an investigation, including the parties, shall pledge in writing to present honest testimony. Filing a formal complaint (for Complainant) or denying responsibility (for Respondent) will not in itself subject the party to Student Code of Conduct charge for lying, regardless of the Title IX Coordinator's determination whether a policy violation occurred. An allegation which is both false and brought with malicious intent is a violation of the Student Code of Conduct.

Pledge of Confidentiality

All aspects of the complaint resolution process shall be confidential, including information provided as part of the process, and all persons participating in

the complaint resolution process shall pledge in writing to maintain in confidence all matters presented in the process. Provided, however:

- The college is authorized to disclose information as set forth in this policy.
- Parties may disclose information to their Advisors and other personal support persons (e.g., family members, counselors or physicians, spiritual advisors) and legal counsel.
- The confidentiality pledge does not extend to information that an individual has a legal right to disclose.

Violations of the pledge of confidentiality may result in disciplinary action under the Code of Conduct.

Disclosure of Information

The college will limit disclosure of personally identifiable information presented as part of the complaint resolution process to those individuals involved in the college's process and other legally required or permitted disclosures. Appropriate college officials (including, but not limited to, the Title IX Coordinator, the Investigators assigned to the complaint, the appeal officer, the President, the General Counsel) shall have access to information presented as part of the complaint resolution process.

Summary of Timelines for Complaint Resolution Procedures

In typical cases, the timeframe for the complaint resolution process (starting with the

filing of a formal complaint and ending with the notice of the Title IX Coordinator's determination of whether a policy violation occurred), not including any appeals, will not exceed 60 calendar days:

- The Title IX Coordinator provides Notice of Investigation to Complainant and Respondent ordinarily within three (3) calendar days of receiving a formal complaint.
- The parties provide notice of the identity of their Advisor ideally at least one (1) calendar day in advance of the Advisor attending a meeting or proceeding under this Policy.
- The college will make every effort to complete an investigation in 30 calendar days. At the conclusion of the investigation, the Title IX Coordinator will notify the parties whether, based on information gathered in the investigation, there are any additions or revisions to the policy violations alleged.
- The Title IX Coordinator shall arrange for the parties to access the information in the investigation report typically within three (3) calendar days of the Title IX Coordinator's review and redaction of the investigation report.
- Within one (1) calendar day of accessing the information, each party shall notify the Title IX Coordinator whether the party requests to meet with the Investigator for the purposes of responding to this information. The parties' meetings with the Investigator should occur within three (3) calendar days of the

request to the Title IX Coordinator. The Investigator then has two (2) calendar days to submit a written report of the parties' responses to the Title IX Coordinator.

- Within three (3) calendar days of the end of the review and response period, the Title IX Coordinator notifies the parties that the final investigation packet has been issued and provides an opportunity for the parties to access the information in the final investigation packet.
- The Title IX Coordinator will make every effort to conclude the complaint resolution process and distribute the Notice of Action within two (2) calendar weeks of issuing the final investigation packet to the Title IX Coordinator.
- Previously unavailable relevant evidence that could significantly impact the result of the Title IX Coordinator's determination must be brought to the attention of the Title IX Coordinator within five (5) calendar days of receiving the written Notice of Action.
- Appeals must be filed within five (5) calendar days of receiving the written Notice of Action. The Title IX Coordinator shall provide an opportunity for the parties to access exhibits (if any) at least two (2) calendar days prior to the deadline for filing an appeal.
- The appeal officer ordinarily will decide within five (5) business days of receiving the record on appeal whether the appeal states sufficient grounds to be considered.
- The appeal officer ordinarily will provide a written notice of outcome

within seven (7) calendar days of the decision to consider the appeal.

There is no deadline by which a complainant must file a formal complaint, and the fact that there was a delay between the alleged policy violation and the filing of a formal complaint is irrelevant to the Title IX Coordinator's determination whether a policy violation occurred. However, a delayed filing can affect the college's ability to gather information related to the alleged policy violation and may affect the college's jurisdiction to administer this policy.

Concurrent or Subsequent Legal Proceedings

The college's Policy, definitions, and standard of review differ from North Carolina criminal law. Neither law enforcement's determination whether to prosecute the Respondent nor the outcome of any criminal prosecution is determinative of whether a violation of this Policy has occurred. Proceedings under this Policy may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus.

This complaint resolution process is separate from any criminal proceedings or civil litigation. Students must understand that information provided as part of the complaint resolution process may be used in criminal proceedings or other legal proceedings.

In the event there is a criminal investigation involving acts that are alleged violations of this policy, the college will fulfill its responsibility to take prompt and appropriate action to provide interim measures and resources to the Complainant. The college will, however, comply with valid requests by

law enforcement for cooperation in a criminal investigation and may need to delay temporarily an investigation under this policy while law enforcement is in the process of gathering evidence. Once law enforcement has completed its gathering of evidence, the College will resume and complete its investigation. If the Complainant wishes to file a formal complaint under this policy while criminal proceedings are pending, or if the Title IX Coordinator determines that the college must file a formal complaint, the college will not wait for the conclusion of the criminal case to proceed with the disciplinary process.

Individuals who report an alleged violation of this policy shall be informed that they may request that a Forsyth Tech campus police officer be present during a meeting with the Title IX Coordinator or an Investigator so that they can simultaneously provide a statement for campus police and for the college's Title IX investigation.

Delegation

Whenever an action may be or is required to be taken under this policy by the Title IX Coordinator, the action may be taken by the Title IX Coordinator's designee.

Whenever an action may be or is required to be taken under this policy by the Title IX Coordinator, the action may be taken by the Title IX Coordinator's designee.

Deviations, Extensions, and Delays

Reasonable deviations from these procedures by the college will not invalidate a decision or proceeding unless significant prejudice to a student is caused by such deviation. While the college will make every effort to complete actions within the stated timelines, the college may extend timelines for good cause and with

written notice to Complainant and Respondent that explain the reason for the extension or delay.

Accommodations for Persons with Disabilities

The College will make appropriate arrangements to ensure that students with disabilities are provided reasonable accommodations as needed to participate in this process. Requests for accommodations must be made to the College's 504/ADA Coordinator. The 504/ADA Coordinator will review the supporting disability related documentation, decide about the request, notify the student about approved accommodations, and make arrangements for the accommodations. Accommodations may include, but are not limited to, providing interpreters for the deaf, providing recordings of materials for the blind, and assuring a barrier-free location for the proceedings.

Training

College officials involved in the complaint resolution process shall receive annual training on this policy and issues related to sexual misconduct, including how to conduct a complaint resolution process that protects individuals who are targets of sexual misconduct and that promotes accountability. Investigators will receive annual training on how to conduct an investigation.

Procedures for Specific Circumstances Information Concerning Unrelated Sexual Activity

Information concerning the unrelated sexual activity of Complainant is irrelevant and shall not be considered in the complaint resolution process except in the case that the title IX Coordinator determines there is relevant information regarding sexual activity between

Complainant and Respondent. Information concerning the unrelated sexual activity of Respondent is irrelevant and shall not be considered in the complaint resolution process except in the case that the Title IX Coordinator determines the information alleges behavior that is sufficiently similar in nature to suggest a pattern of behavior. Information that suggests a pattern of behavior may be considered in the complaint resolution process regardless of whether Respondent was formally charged with a violation of this Policy; except if Respondent was formally charged and the Title IX Coordinator did not find that a policy violation occurred, then information related to that charge shall not be considered in the complaint resolution process.

Multiple Complaints Filed

If more than one Complainant files a formal complaint against Respondent before the complaint resolution process for the initial complaint has been completed, the Title IX Coordinator shall have the discretion to determine the process for resolving multiple complaints, including the discretion to alter timelines.

Multiple Respondents

In the event the complaint involves more than one Respondent, the Title IX Coordinator shall have the discretion to determine the process for resolving the complaint against multiple Respondents.

Violation of Interim Measures Prior to Determination

If, prior to the Sexual Misconduct Title IX Coordinator's determination of responsibility, the Title IX Coordinator receives information that indicates the Respondent has violated the terms of

interim measures and additional remedies imposed, the Title IX Coordinator may take any of the following actions:

- Impose new interim measures on Respondent.
- Charge Respondent with a violation of the Code of Conduct.
- Prepare a written report for the Sexual Misconduct Title IX Coordinator concerning the alleged violation. Where appropriate, the Title IX Coordinator will further investigate the allegations prior to preparing the report. The written report will be included in Respondent's files and, in the event the Title IX Coordinator determines a policy violation occurred, would be considered by the Title IX Coordinator in determining appropriate sanction(s) to be imposed.

Conflicts of Interest

Investigators or the Title IX Coordinator with disclosed conflicts of interest or demonstrated bias for or against a student party shall not be assigned to investigate or determine responsibility for an alleged policy violation. Examples of a conflict of interest include: a student-party currently enrolled in a course taught by a faculty member who is an investigator; a student-party in a formal counseling relationship with an investigator; or where an investigator or Title IX Coordinator currently supervises the student-party's academic work, college student employment, or other educational programming. Bias is defined as an unfair prejudice in favor or against a student-party based on a student-party's race, ethnicity, national origin, sex, gender identity, sexual orientation, disability, age, or religion and associated stereotypes.

Investigators and the Title IX Coordinator deeming themselves disqualified for reasons of

bias or interest shall remove themselves from the matter or may be removed by the Title IX Coordinator or Vice President of Student Success Services.

Any vacancies occurring on a contested matter shall be filled by the VP for Student Success Services, in consultation with the Title IX Coordinator, who shall appoint disinterested members of the full-time faculty or staff to fill such vacancies.

Scheduling Meetings and Proceedings

The Complainant and Respondent shall receive timely notice of any meeting or proceeding at which they may be present. The college will make reasonable efforts to schedule meetings and proceedings at times convenient to the parties. Meetings and proceedings will not be scheduled at a time when a party has an unavoidable conflict with a required academic obligation (e.g., classes, labs). An Advisor's inability to attend a meeting does not constitute an unavoidable conflict that would necessitate rescheduling a meeting or proceeding.

Respondent Withdrawal

Should a Respondent choose to withdraw or take leave from the college after a formal complaint is filed but before final disposition of the matter, the college may continue to administer this policy or, in the alternative, the college may make note in the student's disciplinary records that charges under this Policy were pending at the time of withdrawal.

Additional or Revised Charges

If the investigation produces information that indicates either that (i) there is evidence of additional policy violations that would constitute new or revised charges; or (ii) there is no factual basis for the allegations in the

formal complaint, the Investigator shall notify the Title IX Coordinator. Upon review of the information, the Title IX Coordinator may revise the Notice of Investigation to include the new or revised charges. In the event there is no factual basis for the allegations, the Title IX Coordinator may dismiss the matter prior to resolution.

Jurisdiction over Related Charges

The Title IX Coordinator has the authority to consider any charge under the Code of Conduct that is related to an alleged violation of this Policy. The Title IX Coordinator has the discretion to determine whether any such related charge will be considered by the Title IX Coordinator pursuant to these procedures or by judicial proceedings under the Code of Conduct.

Confrontation

Complainant has the right to provide information at any step of the procedures outlined in this Policy outside the presence of the Respondent.

Counter Appeals

If both parties file appeals, the appeal officer shall have the discretion to determine the process for resolving counter appeals, including the discretion to alter timelines.

Petition for readmission

A student who has been suspended for an indefinite period pursuant to this Policy may petition in writing for readmission to the Title IX Coordinator, with no right to petition for readmission before the expiration date of suspension. This petition will be submitted to the Title IX Coordinator.

Bystander Intervention

Bystander Intervention is recognizing a potentially harmful situation or interaction and choosing to respond in a way that could positively influence the outcome. Training for employees can be found in the LinkedIn Learning resource, "Bystander Training," which is found under quick links on Techlink.

Counseling Services

Students who have been the victim of a crime or who are aware that a crime has been committed may speak with a Counselor in the Student Success Center. Counselors will explain options for reporting incidents and clarify limits of confidentiality to the student at the time of their meeting. Counselors are required to report statistical information about the occurrence of crimes in order to provide accurate data to the College. Forsyth Tech Counselors adhere to the Standards of the National Board of Certified Counselors. All sessions are confidential; however, exceptions are made when a student is a danger to self or others, or under subpoena by court. Counseling Services offers brief counseling to support students while attending Forsyth Tech. Information and referrals for more intensive, specialized assistance are also provided if needed. For locations and more information about Counseling Services please contact the Student Success Center at 336.734.7156 or via email studentsuccesscenter@forsythtech.edu.

Behavioral Intervention Team

The goal of the Behavioral Intervention Team at Forsyth Tech is to aid potentially at-risk students who may be of harm to themselves or others. The team utilizes the NaBITA Threat Assessment Rubric to classify threats, collecting a holistic view of the situation. The team also collects confidential consultation through faculty and

staff. The team's primary focus is preventative rather than punitive, with the main goal of assisting students to succeed on campus.

Threat Assessment Team

Threat Assessment and Management team works through a universal process that is designed to identify situations of concern, investigate, and gather information, assess, and manage the concern. Threat Assessment Teams utilize a multidisciplinary approach to address all threats/concerns. The goal of the Threat Assessment Team is to increase awareness of concerns, maximize resources to address the concerns and monitor outcomes while enhancing communication and collaboration campus wide.

The Threat Assessment Team will operate separately from the established Forsyth Tech Behavioral Intervention Team (BIT). The goal of the Behavioral Intervention Team at Forsyth Tech is to aid potentially at-risk students who may be of harm to themselves or others. The team utilizes the NaBITA Threat Assessment Rubric to classify threats, collecting a holistic view of the situation. The team also collects confidential consultation through faculty and staff. The team's primary focus is preventative rather than punitive, with the main goal of assisting students to succeed on campus. The BIT is primarily used for imminent circumstances versus the TAT, which is primarily for monitoring individuals of concern.

Crime Prevention Programs

To educate students, faculty and staff, crime prevention programs are conducted throughout the year to inform the campus community of preventative measures and availability of associated services. The content is offered through various departments and

may vary but the overall objective is deterring crime-related incidents.

The following departments provide on-going informational programs. For schedules and times, contact them directly.

- Human Resources Department:
336.734.7302,
aeverett@forsythtech.edu,
tmoss@forsythtech.edu
- Campus Police: 336.734 .7243,
campuspolice@forsythtech.edu
- Student Success Center/Counseling Services: 336.734.7156,
studentsuccesscenter@forsythtech.edu

Program Descriptions

Surviving an Active Shooter Event — This course intends to prepare personnel for "active shooter" situations by providing information on how they occur and how they may be more effectively prevented. The course will review facts and history, prevention strategies, preparedness, and what to do if an "active shooter" incident happens. This course is mandatory and offered annually for all employees through Vector LMS Higher Education from the office of Human Resources.

Sexual Harassment: Staff to Staff — This course provides staff members with a basic understanding of staff-to-staff sexual harassment as well as strategies to maintain a harassment free environment in the workplace. Topics covered include defining sexual harassment and sexual harassment in the workplace. The content in this course was designed with care and sensitivity; however,

some may find certain topics personally upsetting, especially for survivors of sexual abuse or assault. This course is mandatory and offered annually for all employees through Vector LMS Higher Education from the office of Human Resources.

[R.A.D Rape Aggression Defense](#) — R.A.D is a program that is designed to help women overcome the effects of sexual harassment and sexual violence by teaching assertiveness, awareness, risk reduction, risk recognition, avoidance and physical defense strategies. This course is offered by Forsyth Tech Campus Police.

[C.S.A \(Campus Security Authorities\) Training](#) Identified Campus Security Authorities are provided training annually through online Professional Development about CSA definitions and responsibilities. The training is updated regularly Campus Police maintains a list of CSAs and identifies new CSAs each term.

[Building Captain Program](#)

The Building Captain program is in place to train faculty and staff members from each academic and administrative buildings in basic emergency response procedures. Building Captains are responsible for providing safety instruction and assistance to faculty, staff, students and visitors during campus emergencies.

[Coffee with a COP](#)

The Coffee with a Cop program gives students, faculty and staff a chance to interact with campus police officers and discuss various topics. The topics often focus on crime prevention, safety and general knowledge of the services provided by the Campus Police Department.

[Safety Escorts](#)

The Campus Police Department officer safety escorts to all faculty, staff, and students. These include both medical and non-medical transports to ensure the safety and security of the campus community.

[Rave Guardian App](#)

The RAVE Guardian app allows students, employees, and visitors to campus to stay connected and receive important campus notifications, communicate with Campus Police, and gain access to resources and documents pertaining to safety and well-being.

[Police Advisory Board](#)

The mission of the Forsyth Technical Community College Police Advisory Board is to provide vision, guidance, and oversight to the delivery of police services to the Forsyth Tech community. The Police Advisory Board will serve as a connection between the Forsyth Tech community and Forsyth Tech Police Department. The board will be comprised of students, faculty, and staff that will facilitate communication and develop a mutual understanding of roles and expectations between the community and the Forsyth Tech Police Department.

[Trust Talks](#)

The purpose of trust talks is to bring together members of the college community and campus police to communicate and build trusting relationships to help increase dialogue that can help reduce crime, mistrust, an alienation.

[Prompt Reporting of Emergencies and Suspicious Activity](#)

Employees, students, and visitors of the college are encouraged to immediately report emergencies and suspicious activity by contacting the Campus Police Dispatch Center at extension 7911 or 336.734.7911 for a

nonemergency call. For non-emergency service request, please call extension 7243 from any campus phone or 336.734.7243 from a cell phone or outside the college phone system. Forsyth Tech Campus Police and security officers are here to serve and protect faculty, staff, students, and visitors. You are urged to report any suspicious persons or activity to Campus Police and/or Campus Security Authority (CSA).

Student and Staff Resources

Forsyth Tech Department of Title IX

Title IX Coordinator, Student Conduct
336.757.3431
Title IX Coordinator, Employee Relations
336.734.7646

Student Life & Engagement

Director, Student Life & Engagement
336.734.7512

Counseling Services

Student Success Center
336-734-7556
Counseling Services, Shugart Women’s
Resource Center
336-734-7280

FORSYTH TECH DEANS

Dean, Learning Resources 336.734.7216
Dean, College & Career Readiness
336.734.7764
Dean, Engineering Technologies Division
336.734.7313
Dean, Education and Human Services Division
336.734.7251
Dean, Arts & Sciences Division
336.734.7478
Dean, Health Sciences Division
336.734.7412

Dean, Business and Information Technologies
Division
336.734.7224
Dean, Community & Economic Development
Programs (West Campus)
336.734.7714
Associate Vice President, Transformative
Learning
336.734.7311
Associate Vice President, Business Partnerships
and Process Improvement (Innovation Quarter)
336.734.7723
Dean, Public Safety (Northwest Forsyth Center)
336.734.7495

Student Success Services

Executive Director, Admissions & Records, and
Student Care
336.734.7273
Registrar
336.757.3650
Director, Minority Male Success Initiative
336.734.7385
Coordinator, Shugart Women's Center
336.734.7242
Director, Student Success Center
336.757-3389
Director, Recruiting and Student Support
Services
336.734.7326

Forsyth Tech Human Resources

Associate Vice President, Human Resources
336.734.7646
Manager, Human Resources
Community Resources
336.757.3614

Community Resources

[Family Services Domestic Violence Hotline](#)
336.723.8125

Family Services Sexual Assault Hotline
Emergency Advice and Counseling
336.722.4457

Step One Alcohol and Drug Help
336.725.8389

Family Services Shelter Services
336.724.3979

Salvation Army Salvation Army
336.722.8721

Old Vineyard Behavioral Health Services
Outpatient Programs/Trauma Recovery/Dual
Diagnosis 336.794.3550

Twin City Counseling Center Substance Abuse
336.722.9592

Cardinal Innovations Health Mental Health,
Substance Abuse, Intellectual or Development
Disabilities, 24/7 CRISIS LINE
1.888.939.5911

Report Concerns
1.888.213.9687

Daymark Mental Health & Substance Abuse
Services-24hr Crisis Line
1.866.275.9552

Suicide Prevention Line
1.800.273.8255 or
988

Mental Health Association of Forsyth County
Mental Health & Suicide Prevention Service
Mobile Crisis Management Services
1.866.275.9552

Old Vineyard Behavioral Health Services
Outpatient Programs/Trauma Recovery/Dual
Diagnosis
336.794.3550

Twin City Counseling Center Substance Abuse
336.722.9592

Clery Definitions

Under the Clery Act, for the purposes of counting and disclosing Criminal Offense, Hate Crime, arrest, and disciplinary referral statistics

are done so based on definitions provided by the Federal Bureau of Investigation's (FBI's) Uniform Crime Reporting (UCR) Program. The definitions for Murder, Rape, Robbery, Aggravated Assault, Burglary, Motor Vehicle Theft, Arson, Weapons Carrying, Possessing, Etc. Law Violations, Drug Abuse Violations, and Liquor Law Violations are from the Summary Reporting System (SRS) User Manual from the FBI's UCR Program. The definitions of Fondling, Incest and Statutory Rape are from the FBI's National Incident-Based Reporting System (NIBRS) Data Collection Guidelines edition of the UCR. Hate Crimes are classified according to the FBI's Uniform Crime Reporting Hate Crime Data Collection Guidelines and Training Manual. Note that, although the law states that institutions must use the UCR Program definitions, Clery Act crime reporting does not have to meet all the other UCR Program standards.

Reference: Violence Against Women Act of 1994 definitions citation 34 CFR 668.46©(6)(A)(i)

For the categories of Domestic Violence, Dating Violence and Stalking, the Clery Act specifies that you must use the definitions provided by the Violence Against Women Act of 1994 and repeated in the Department's Clery Act regulations.

Criminal Homicide

These offenses are separated into two categories:

Murder and Non-negligent Manslaughter, and Manslaughter by Negligence.

Murder and Non-negligent Manslaughter is defined as the willful (non-negligent) killing of one human being by another. Count one offense per victim.

Include as Murder and Non-negligent Manslaughter:

Any death caused by injuries received in a fight, argument, quarrel, assault, or the commission of a crime.

Manslaughter by Negligence is defined as the killing of another person through gross negligence. Count one offense per victim. Include as Manslaughter by Negligence:

Any death caused by the gross negligence of another. In other words, it's something that a reasonable and prudent person would not do.

Sexual Assault (Sex Offenses)

Any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent. Include attempted Sexual Assaults, but do not include in your Clery Act statistics any Sexual Assaults other than the four types of Sexual Assaults described in this chapter.

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

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

Incest is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law. Count one offense per victim.

Statutory Rape is sexual intercourse with a person who is under the statutory age of consent. Count one offense per victim.

Robbery

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

Aggravated Assault

Aggravated Assault is an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.

Burglary

Burglary is the unlawful entry of a structure to commit a felony or a theft.

Motor Vehicle Theft

Motor Vehicle Theft is the theft or attempted theft of a motor vehicle.

Arson

Arson is any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

The third category of crime statistics you must disclose is the number of arrests and the number of

persons referred for disciplinary action for the following law violations:

- i. Weapons: Carrying, Possessing, etc.

- ii. Drug Abuse Violations; and
- iii. ii. Liquor Law Violations.

An arrest for Clery Act purposes is defined as persons processed by arrest, citation or summons.

Hate Crimes

The second category of statistics disclosed after Criminal Offenses is Hate Crimes. A Hate Crime is a criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim.

Race. Religion. Sexual Orientation. Gender. Gender Identity. Ethnicity. National Origin. Disability.

VAWA Offenses

The third category of crime statistics disclosed are those added to the Clery Act by the Violence Against Women Act. These are Dating Violence, Domestic Violence, Sexual Assault and Stalking. Sexual assault is included by the FBI as a Criminal Offense and is discussed in the Criminal Offense section earlier in this chapter. Domestic Violence, Dating Violence and Stalking are considered crimes for the purposes of Clery Act reporting and are defined and discussed in this section. Please note that these definitions may differ or be in addition to the definitions and criminal law in the State of North Carolina.

Domestic Violence means, a "felony or misdemeanor crime of violence committed by:

A current or former spouse or intimate partner of the victim; A person with whom the victim shares a child in common; A person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner; A person similarly situated to a spouse of the victim under

the domestic or family violence laws of the jurisdiction receiving grant monies [under Violence Against Women Act (VAWA)]; or Any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction."

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

Stalking means "engaging in a course of conduct directed at a specific person that would cause a reasonable person to: Fear for his or her safety or the safety of others; or suffer substantial emotional distress."

Unfounded Crimes

The standard for unfounding a reported crime is very high. Crimes may only be classified as unfounded only after a full investigation by sworn or commissioned law enforcement personnel. A crime is considered unfounded for Clery Act purposes only if sworn or commissioned law enforcement personnel make a formal determination that the report is false or baseless.

Excluded Crimes

There are some crimes that are not included in the institution's Clery Act statistics and others that are excluded under particular circumstances. They are:

Non-Clery Act crimes, those that do not meet the Clery definitions and;

Crimes not committed in geographic locations specified by the Clery Act.

Sex Offender Registry

In compliance with section 121 of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16921), Forsyth Tech provides its community with information about sex offenders.

Upon release from prison, individuals convicted of sex crimes may be required by law to register with law enforcement agencies (some of these laws are referred to as "Megan's Laws"). If registered sex offenders are enrolled at or employed at a postsecondary institution, the offenders also must provide this information to the state. The state then provides the information to campus police departments or to other law enforcement authorities in the jurisdiction where the institution is located.

The North Carolina Bureau of Investigation maintains a web site where registered sex offenders are listed. The web address is [NC SBI Sex Offender Registry](#).

Daily Crime Log

The Clery Compliance Officer of the Campus Police Department maintains the Daily Crime Logs for all Forsyth Tech campuses. Campus Police will provide a daily crime log upon request. The Daily Crime Log for the most recent 60-day period is available for public inspection, free of charge, upon request during normal business hours. Anyone may have access to the log, whether they are associated with the institution. Members of the public may request any portion of the log that is older than 60 days and will be provided this within two business days of the request. The Crime Log is also accessible to the Campus Community via Techlink at [Daily Crime Log](#). To request a printed copy, please contact the Clery Compliance Officer, Kristie Hendrix, by

telephone at 336.734.7051 or via email at khendrix@forsythtech.edu. Physical address: 2100 Silas Creek Parkway, Winston Salem, NC 27103.

Clery Act Crime Statistics

Forsyth Tech — Swisher Center Crime Statistics

1108 Swisher Center Road, Kernersville, NC 27284

Incident	On-Campus 2019	On-Campus 2020	On-Campus 2021	Off-Campus 2019	Off-Campus 2020	Off-Campus 2021	Public Property 2019	Public Property 2020	Public Property 2021
Murder and Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0

Table 1: Clery Statistics for Swisher Center, Criminal Offenses, 2019-2021

VAWA Crimes	On-Campus 2019	On-Campus 2020	On-Campus 2021	Off-Campus 2019	Off-Campus 2020	Off-Campus 2021	Public Property 2019	Public Property 2020	Public Property 2021
Dating Violence	0	0	0	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0

Table 2: Clery Statistics for Swisher Center, VAWA Offenses, 2019-2021

Description: VAWA crimes include Dating Violence, Domestic Violence, Sexual Assault and Stalking. Sexual assault is included by the FBI as a Criminal and is reported in the criminal offense table. Domestic Violence, Dating Violence and Stalking are considered crimes for the purposes of Clery Act reporting and are defined and discussed in this section.

Arrest Type	On-Campus 2019	On-Campus 2020	On-Campus 2021	Off-Campus 2019	Off-Campus 2020	Off-Campus 2021	Public Property 2019	Public Property 2020	Public Property 2021
Weapons Violations	0	0	0	0	0	0	0	0	0
Liquor Law Violations	0	0	0	0	0	0	0	0	0
Drug Law Violations	0	0	0	0	0	0	0	0	0

Table 3: Clery Statistics for Swisher Center, Drug Law/Liquor Law/Weapons Violations, 2019-2021

Description: Arrests indicate that the person was criminally charged with an offense in violation of state, federal or local laws. Arrests include both custodial and non-custodial, issuance of a citation or summons, of these crimes.

Conduct Referral	On-Campus 2019	On-Campus 2020	On-Campus 2021	Off-Campus 2019	Off-Campus 2020	Off-Campus 2021	Public Property 2019	Public Property 2020	Public Property 2021
Weapons Violations	0	0	0	0	0	0	0	0	0
Liquor Law Violations	0	0	0	0	0	0	0	0	0
Drug Law Violations	0	0	0	0	0	0	0	0	0

Table 4: Clery Statistics for Swisher Center, Drug Law/Liquor Law/Weapons Violations, 2019-2021

Description: Conduct referrals refer to any violation of state law related to weapons, liquor laws and drug law violations included as a violation of the student code of conduct where the student was referred to campus authorities in lieu of criminal prosecution.

Incident	On-Campus 2019	On-Campus 2020	On-Campus 2021	Off-Campus 2019	Off-Campus 2020	Off-Campus 2021	Public Property 2019	Public Property 2020	Public Property 2021
Murder and Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Larceny-Theft	0	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0
Destruction Damage Vandalism of Property	0	0	0	0	0	0	0	0	0

Table 5: Clery Statistics for Swisher Center, Hate Crimes, 2019-2021

Description: HATE CRIMES - Hate crimes are those crimes that manifest evidence that the victim was intentionally selected because of the perpetrator's bias against race, gender, religion, sexual orientation, ethnicity, disability, national origin, or gender identity. Hate crimes are reported for the following crimes:

Murder, Non-negligent Manslaughter, Sex Offenses, Non-Forcible Sex Offenses, Robbery, Aggravated Assault, Burglary, Motor Vehicle Theft, Arson, Larceny-Theft, Simple Assault, Intimidation, Destruction/damage/vandalism of property, and any other crime involving bodily injury.

UNFOUNDED CRIMES - The standard for unfounding any reported crime is very high. Crimes are classified as unfounded only after a full investigation by sworn or commissioned law enforcement personnel. A crime is considered unfounded for Clery Act purposes only if sworn or commissioned law enforcement personnel make a formal determination that the report is false or baseless. Crime reports can be properly determined to be false only if the evidence from a complete and thorough investigation establishes that the crime reported was not, in fact, completed or attempted in any manner. Crime reports can be determined to be baseless only if the allegations reported did not meet the elements of the offense or were improperly classified as crimes in the first place.

Clery Act Geography

Swisher Center

Forsyth Technical Community College

1108 Swisher Center Road, Kernersville, NC 27284

