

**2023 Annual Campus Safety & Security Report**  
For the 2023-2024 academic year,  
Containing crime statistics for calendar years 2020, 2021, 2022.



 **Forsyth Tech**  
COMMUNITY COLLEGE  
A place of promise.

Forsyth Tech Stokes County 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 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. They 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  
Chief Financial and Operations Officer



Carolyn McMackin  
Chief of Campus Police



Tyler Sunday  
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). 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 (herein referred to as "Campus Police") is primarily responsible for developing services, programs, and strategies for maintaining a safe campus. In order to meet this goal, Campus Police 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. Campus Police provides services with consent from the community and supports the idea that all relationships require constant dialogue. Members of the Campus Police 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 Campus Police 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, Campus Police 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, including 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 by 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 alarms, trouble alarms, and door alarm systems are in place through the College security system to notify emergency responders of potential problems and to provide a timely response.

Finally, Campus Police is tasked 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 by 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 consumer protection law. The law requires all colleges and universities which receive federal funding to share information about certain crimes which occur on and around campus, as well as institutional efforts to improve campus safety. This information is made publicly available through the College's Annual Security Report.

Clery Act regulations require colleges and universities to do the following:

- Publish an annual security report every year by October 1st, which contains the three most recent years of campus crime statistics, recorded in the calendar year the crime was reported, and certain campus security policy statements.
- Disclose crime statistics for all areas associated with the campus. Note: The statistics appearing on the tables at the end of this report are prepared using data from documents provided, maintained, and reviewed by the Forsyth Tech Campus Police Department, Title IX, Human Resources, Office of Student Conduct, designated Campus Security Authorities (CSAs), and cooperating external law enforcement agencies.
- Provide "timely warning" notices of those crimes that have occurred and pose a serious or ongoing threat to the safety of students and employees.



- Issue an emergency notification, upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on campus.
- Disclose in a public crime log all crimes and alleged crimes which occurred on campus or within the patrol jurisdiction of campus police reported to the campus police.
- Submit collected crime and fire statistics to the U.S. Department of Education.

The Forsyth Tech Campus Police Department is responsible for preparing and distributing this report. Campus Police works with many other college divisions and external agencies, including but not limited to Student Services, Student Life and Engagement, Human Resources, Student Counseling, and other law enforcement agencies to compile the information provided in this report.

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 and Administrative 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 is authorized to make arrests on Forsyth Technical Community College's Clery geography. Campus Police does not have an expanded patrol zone or jurisdiction.

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. Security Officers enforce campus policies and procedures for administrative purposes. Security Officers have no jurisdiction outside of the College's Clery geography. 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 Forsyth Tech Campus Police Department maintains a Memorandum of Understanding for Law Enforcement Services with the Winston-Salem Police Department. This agreement addresses providing additional officers and equipment necessary to protect health, life, and property against violations of North Carolina state law.

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 (i.e., 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 campus security authorities when acting in their roles as a pastoral or professional counselor.

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

The function of a CSA is to collect crime report information. Campus Security Authorities are responsible for reporting allegations of Clery Act crimes reported to them in their capacity as a CSA. A CSA is required to report sufficient details, such as dates and times of the incident(s), the location, a detailed description of what took place, and, where appropriate, personal identifying information. Detailed information is important to aid law enforcement in addressing and categorizing the crime. Campus Security Authorities should report information immediately for consideration of a Timely Warning Notice. Click [here](#) to access the CSA report form.

## 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.

## *Evacuation Procedures*

If appropriate, campus and building evacuations will be completed according to the EOP. Evacuation is the best option when conditions outside are safer than inside. If an evacuation is announced, it is important that every occupant of the affected building(s) evacuate immediately. Always comply with the instructions of emergency responders (police officers or firefighters) during an evacuation.

## *Scope of an Evacuation*

The scope of an evacuation can include a single building, a group of buildings, and/or a large geographical area. The scope could go beyond the borders of the college, and/or the college may be impacted by an evacuation initiated by the local authorities. Size and scope considerations must be included in the overall decision-making process.

## *Building Evacuation*

All building occupants are required to evacuate when the fire alarm sounds or upon the order of an authorized College official.

- If time permits, stabilize lab procedures, turn off stoves and ovens, and unplug or disable any device that could make a dangerous situation even worse.
- Move to the closet exit and proceed down the EXIT stairwell in a safe and orderly manner. Take personal belongings with you. Do NOT use elevators.
- Remain at least three hundred feet outside of the building and await further instructions. Keep roadways open and beware of approaching emergency vehicles. Notify emergency responders of anyone trapped, especially anyone with a physical disability.

## *Large-scale Campus Evacuation*

- If evacuation of part or all of the campus is necessary, monitor text message/voice alert system, email, and the College's website for additional information.
- Those in need of transportation will be directed to areas to await transport to an off-campus site.

## *General Evacuation Procedures*

At the sound of a fire alarm or if you are instructed to evacuate, leave your work area immediately and proceed to the nearest exit, and leave the building. If you are the first to recognize a fire situation, activate the alarm, evacuate to a safe location using the nearest exit, and notify emergency responders by dialing 911.

- Remain Calm
- Do NOT use elevators, use the stairs.
- Assist the physically impaired. If he/she is unable to exit without using an elevator, secure a safe location near a stairwell, and immediately inform the Police or the responding Fire Department of the individual's location.
- Proceed to a clear area at least 150 feet from the building. Keep all walkways clear for emergency vehicles.
- Make sure all personnel are out of the building.
- Do not re-enter the building.

## *Shelter-in-Place Procedures: What It Means to "Shelter-in-Place"*

College authorities may instruct campus community members to "shelter-in-place" if a condition exists that is potentially life threatening and has an immediate threat to the health and personal safety of the campus community. Immediate threats would include, but are not limited to: active shooter incidents, mass acts of violence, tornadoes, terrorist attacks, or hazardous materials incidents. Thus, to "shelter-in-place" means to make a shelter of the building that you are in, and with a few adjustments, this location can be made even safer and more comfortable until it is safe to go outside. Community members should remain in a shelter-in-place status until the all-clear is communicated by emergency response personnel via an emergency rapid communications system(s).

## *Basic "Shelter-in-Place" Guidance*

If an incident occurs and the building you are in is not damaged, stay inside in an interior room until you are told it is safe to come out. If your building is damaged, take your personal belonging (purse, wallet, access card, etc.) and follow the evacuation procedures for your building (close your door, proceed to the nearest exit, and use the stairs instead of the elevators). Once you have evacuated, seek shelter at the nearest college building quickly. If police or fire department personnel are on the scene, follow their directions.

## How You Will Know to “Shelter-in-Place”

A shelter-in-place notification may come from several sources, Campus Police, Building Captain employees, local law enforcement or outside emergency services, or other authorities utilizing the college’s emergency communications tools.

## How to “Shelter-in-Place”

No matter where you are, the basic steps of shelter-in-place will generally remain the same. Should the need ever arise, follow these steps, unless instructed otherwise by local emergency personnel:

- If you are inside, stay where you are. Collect any emergency shelter-in-place supplies and a telephone to be used in case of emergency. If you are outdoors, proceed into the closest building quickly or follow instructions from emergency personnel on the scene.
- Locate a room to shelter inside. It should be:
  - An interior room;
  - Above ground level; and
  - Without windows or with the least number of windows. If there is a large group of people inside a particular building, several rooms may be necessary.
- Shut and lock all windows (tighter seal) and close exterior doors.
- Turn off air conditioners, heaters, and fans.
- Close vents to ventilation systems as you are able.
- Make a list of the people with you and ask someone (faculty or staff) to call the list in to Campus Police so they know where you are sheltering. If only students are present, one of the students should call in the list.
- Turn on a radio or TV and listen for further instructions.
- Make yourself comfortable.

## Initiating the System

When the TechAlert system is activated, the message will notify campus community members of the emergency situation, its exact location, and will most likely request community members to protect themselves by evacuating the affected area if it is safe to do so and/or by employing the “shelter-in-place” concept. The TechAlert system is initiated by the Chief of Police, or designee, and will notify the campus community by text message and/or email.

Forsyth Tech performs a minimum of one test a year, of the Emergency Operations and Notification System. In addition, the College initiates a test of its emergency response and evacuation procedures and 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. This test may be announced or unannounced. Each test is documented and includes a description of the exercise, the date, time, and whether it was announced or unannounced.

A complete version of the Forsyth Tech Emergency Operations Plan may be viewed [here](#).

## TechAlerts

Forsyth Tech will immediately notify the campus community upon confirmation of an emergency or dangerous situation occurring on the campus that involves an immediate threat to the health or safety of students or employees. The College will, without delay, and take into account the safety of the community, determine the content of the notification and initiate the notification system to the appropriate segment or segments of the campus community, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate an emergency.

When the Forsyth Tech Campus Police or an officer becomes aware of a situation that may warrant the issuing of an immediate notification, the Chief of Police or designee is notified immediately. The situation is evaluated to determine if an alert is warranted. The Chief of Police, or designee develops the content of the notification message, determines the appropriate segment or segments of the campus community and will send the notification to the campus community. Immediate notification to the campus can be accomplished through a variety of communication methods, but the use of text messaging and email would be seen as the most common and quickest forms of communication under these circumstances. 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 smartphone 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.



- Faculty, staff, and curriculum students will be automatically enrolled in the new service and set to receive notifications for campus closings and emergencies.
- Text messaging charges are dependent upon your carrier, and the 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](#).

If the College activates TechAlert in response to a situation that poses an immediate threat to the members of the campus community, the Forsyth Tech Campus Police is responsible for disseminating the Alert to the larger community. There will be information about the situation and steps the College has taken to address the emergency. Primarily, Marketing and Communications is responsible for updating notices on social networking platforms, maintaining communications with news and radio outlets, and will follow up with pertinent information, as deemed necessary, to some or all of the identified distribution methods. By following the above procedures, the College is not required to issue a timely warning based on the same circumstances; however, the institution must provide adequate follow-up information to the community as needed. Follow-up notices and communications will be provided, as necessary, during an active incident and will be provided by Marketing and Communications.

### *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 on property owned or controlled by Forsyth Tech that represent 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.

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 campus community. 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 or other crimes that do not classify as a Clery crime but represent a serious or continuing threat to the campus community, as determined by the Chief of Police or designee. Timely warnings will be sent to the entirety of the Forsyth Tech community and messages will not be segmented. Forsyth Tech may issue a timely warning for the following crimes:

- Criminal homicide
- Aggravated assault
- Sexual assault
- Robbery involving force or violence
- Major incident of arson
- Burglary
- Motor vehicle theft
- Domestic violence or dating violence
- Stalking
- Any of the above-mentioned crime if the offender was motivated by bias.
- Any other crime or situation that poses a threat to the public health or safety of the campus community.

A timely warning will generally not be issued for the above listed crimes if:

- Campus Police apprehends the subject(s) and the threat of imminent danger for members of the community has been mitigated.
- If a report was made to a pastoral or professional counselor, acting in their official capacity.
- A report was not filed with Forsyth Tech Campus Police and the department was not notified of the crime in a manner that would allow the department to post a "timely" warning for the community.

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 the Forsyth Tech Campus Police Department.

The Chief of Police, in conjunction with the Chief Financial and Operations Officer and the President of the College (or their designee), are responsible for drafting Timely Warnings. Once approved, the Chief of Police or designee sends the alert to the Forsyth Tech community using the email system. Timely warnings may be issued through text messaging or posted signage throughout the campus.

## ***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 the 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 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 336.734.3692. 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 filing 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 24-hour 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. For parking questions, parking decals, parking violation appeals and other information, contact Campus Police at 336.734.7243 or via email at [campuspolice@forsythtech.edu](mailto:campuspolice@forsythtech.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 14-269.2) and Forsyth Tech policy to possess or carry any weapon on the College property, except under the following circumstances:

- Law enforcement personnel, firefighters, emergency service personnel, and military personnel, carrying out their official duties;
- A registered armored car service guard or registered armed courier service guard with the permission of Forsyth Tech;
- Ceremonial or educational uses specifically authorized by the President; or
- 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**

In compliance with the Drug Free Schools and Communities Act, Forsyth Tech Community College prohibits the possession, use, and sale of alcoholic beverages and enforces state underage drinking laws. Forsyth Tech prohibits the possession, use, and sale of illegal drugs and enforces federal and state drug laws.

Intoxication, public consumption, or public displays of alcoholic beverages on campus is prohibited. All persons on campus are subject to state and federal regulation concerning the use of alcohol and Forsyth Tech Campus Police enforces all State underage drinking laws and Federal and State drug laws on campus property. Public display is defined as the possession and/or consumption of alcoholic beverages in any public or unregistered area of campus. The unlawful possession, use, sale, and consumption of alcohol by anyone less than 21 years of age are violations of N.C. State Law.

Forsyth Tech is committed to providing students, staff, faculty, and its visitors with a safe and drug-free campus. As part of its commitment, Forsyth Tech annually notifies its students and employees about the components of the College's Drug and Alcohol Abuse Prevention Program (also referred to as the "DAAPP"). This document includes information about the standards of conduct, sanctions for violations of college policy, legal ramifications of drug and alcohol abuse, health risks associated with alcohol and illicit drug use, and a summary of Forsyth Tech's prevention and education efforts.

The Vice President of College & Career Readiness & Holistic Success Services provides oversight of the Alcohol and Other Drug (AOD) policies and procedures that affect students regarding administering and monitoring policies and discipline, sanctioning and adjudication of policies. The Associate Vice President for Employee Care and Holistic Wellness, along with assistance from the employee's supervisor, oversees policies and procedures and manages discipline for violation of AOD policies involving employees. Forsyth Tech has developed programs to educate and prevent the illicit use of drugs and the abuse of alcohol by students and employees. These programs can be found in the college's DAAPP and include, but are not limited to:

#### **Employee Assistance Program**

Forsyth Tech's Employee Assistance Program (EAP) provides substance abuse education and prevention services for employees who voluntarily seek help before becoming subject to corrective action or termination. 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.

#### **Forsyth Tech Counseling Center**

Forsyth Tech Counseling Services provides short term alcohol and other drug counseling to students at the Shugart Women's Center - Hauser Hall room 206. To contact the Office by phone, call 336.734.7280. Face-to-face, teletherapy, phone, and walk-in appointments are accepted Monday-Friday 8AM-5PM.

#### **Alcohol/Drug Council of North Carolina**

This program strives to help people overcome substance use and mental health disorders by connecting, educating, and advocating for those in need. (1.800.688.4232)

**SAMHSA National Helpline** (1.800.662.4357)

**Insight Human Services** (336.725.8389)

**Comprehensive Treatment Centers** (877.463.6208)

### ***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.

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. This office can be contacted by phone at 336.757.3431 or by email at [tmckinnon@forsythtech.edu](mailto:tmckinnon@forsythtech.edu). Title IX issues involving employees 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](mailto:rschroeder@forsythtech.edu).



# ***Policy, Procedures, and Information on Sexual Misconduct, Relationship Violence, and Stalking***

## ***Policy Statement***

Forsyth Tech is committed to creating and maintaining an environment that is free of sexual misconduct, stalking, and relationship 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 violence. This policy provides recourse for students and employees who have experienced sexual misconduct, relationship 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. “Relationship violence” refers to incidents of dating violence and domestic violence. Any individual who has been the target of sexual misconduct, stalking, or relationship 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 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, physical violence, and stalking are serious criminal acts. The college urges the Forsyth Tech community to report violations of this policy to Campus Police and/or the Title IX Coordinator, though no individual is required to do so.

When the College receives a report of sexual misconduct, stalking, or relationship 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.

## ***Receiving Assistance:***

If you have been the target of sexual misconduct, relationship 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. Upon receipt of a report of sexual misconduct, relationship violence, or stalking, the College will provide a written notification to students and employees about existing assistance with and/or information about obtaining resources and services. Students and employees 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. Employees should access their Employee Assistance Program (EAP).

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 reports of sexual misconduct, relationship 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.

### **Shugart Women’s Center**

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**

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:

**Stokes County Sheriff's Office**

Main Phone: 336.593.8130

Emergency: 911 (24 hours)

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.

## **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

**Caret Counseling**

1.800.273.8255

**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**

336.593.9323

## **Confidential Resources:**

**Counseling Services**

Main Phone: 336.734.7156

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.

## **Employee Assistance Program**

The Employee Assistance Program (EAP) is a company-sponsored benefit that offers support and resources to employees who need to address personal or work-related challenges and concerns. It's confidential, free to employees and their household family members, and available 24/7/365. When employees and family members call EAP, they are offered face-to-face, telephonic, or virtual counseling sessions in which a thorough assessment can be conducted by a licensed, experienced clinician in their area. EAP is short-term, solution-focused therapy so not all issues will be resolved within the EAP model and may need to be referred to other resources.

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## *reservation 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 local law enforcement 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 do 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.

## *Domestic Violence, Dating Violence, Sexual Assault, and Stalking Definitions (VAWA)*

The Clery Act defines the crimes of domestic violence, dating violence, sexual assault, and stalking as follows:

### **Domestic Violence**

A felony or misdemeanor crime of violence committed:

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

### **Dating Violence**

Violence committed by a person who is or has been in a social relationship of romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition:

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

### **Sexual Assault**

Any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent.

- **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.
- **Statutory Rape** is sexual intercourse with a person who is under the statutory age of consent.

### **Stalking**

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

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

For the purposes of this definition:

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

## North Carolina Law Relating to VAWA Definitions

State law places domestic violence and dating violence under North Carolina Statute 50-B and stalking under North Carolina Statute 14-277.3A.

G.S. 50B-1. Domestic Violence means the commission of one or more of the following acts upon an aggrieved party or upon a minor child residing with or in the custody of the aggrieved party by a person with whom the aggrieved party has or has had a personal relationship, but does not include acts of self-defense:

- Attempting to cause bodily injury, or intentionally causing bodily injury; or
- Placing the aggrieved party or a member of the aggrieved party's family or household in fear of imminent serious bodily injury or continued harassment.

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

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

G.S. 14-27.21 First Degree Rape.

(a) A person is guilty of rape in the first degree if the person engages in vaginal intercourse with another person by force and against the will of the other person and does any of the following:

- Employs or displays a dangerous or deadly weapon or an article which the other person reasonably believes to be a dangerous or deadly weapon.
- Inflicts serious personal injury upon the victim or another person.
- The person commits the offense aided and abetted by one or more other persons.

(b) Any person who commits an offense defined in this section is guilty of a Class B1 felony.

(c) Upon conviction, a person convicted under this section has no rights to custody of or rights of inheritance from any child born as a result of the commission of the rape, nor shall the person have any rights related to the child under Chapter 48 or Subchapter 1 of Chapter 7B of the General Statutes.

G.S. 14-27.22 Second Degree Rape. (a) A person is guilty of rape in the second degree if the person engages in vaginal intercourse with another person:

- By force and against the will of the other person; or
- Who is mentally disabled, mentally incapacitated, or physically helpless, and the person performing the act knows or should reasonably know the other person is mentally disabled, mentally incapacitated, or physically helpless.

(b) Any person who commits the offense defined in this section is guilty of a Class C felony.

(c) Upon conviction, a person convicted under this section has no rights to custody of or rights of inheritance from any child born as a result of the commission of the rape, nor shall the person have any rights related to the child under Chapter 48 or Subchapter 1 of Chapter 7B of the General Statutes.

G.S. 14-27.25 Statutory Rape. (a) A defendant is guilty of a Class B1 felony if the defendant engages in vaginal intercourse with another person who is 15 years of age or younger and the defendant is at least 12 years old and at least six years older than the person, except when the defendant is lawfully married to the person. (b) Unless the conduct is covered under some other provision of law providing greater punishment, a defendant is guilty of a Class C felony if the defendant engages in vaginal intercourse with another person who is 15 years of age or younger and the defendant is at least 12 years old and more than four but less than six years older than the person, except when the defendant is lawfully married to the person.

G.S. 14-27.26 First Degree Sexual Offense. (a) A person is guilty of a sexual offense in the first degree if the person engages in a sexual act with another person by force and against the will of the other person and does any of the following:

- Employs or displays a dangerous or deadly weapon or an article which the other person reasonably believes to be a dangerous or deadly weapon.
- Inflicts serious personal injury upon the victim or another person.
- The person commits the offense aided and abetted by one or more other persons.

(b) Any person who commits an offense defined in this section is guilty of a Class B1 felony.



G.S. 14-27-27 Second Degree Sexual Offense. (a) A person is guilty of second degree forcible sexual offense if the person engages in a sexual act with another person:

- By force and against the will of the other person; or
- Who is mentally disabled, mentally incapacitated, or physically helpless, and the person performing the act knows or should reasonably know the other person is mentally disabled, mentally incapacitated, or physically helpless.

(b) Any person who commits the offense defined in this section is guilty of a Class C felony.

NOTE: For G.S. 14-27-26 and 14-27-27 Sexual Act means cunnilingus, fellatio, anilingus, or anal intercourse, but does not include vaginal intercourse. Sexual Act also means the penetration, however slight, by any object into the genital or anal opening of another person's body.

G.S. 14-27-33 Sexual Battery. (a) A person is guilty of sexual battery if the person, for the purpose of sexual arousal, sexual gratification, or sexual abuse, engages in sexual contact with another person:

- By force and against the will of the other person; or
- Who is mentally disabled, mentally incapacitated, or physically helpless, and the person performing the act knows or should reasonably know the other person is mentally disabled, mentally incapacitated, or physically helpless.

(b) Any person who commits the offense defined in this section is guilty of a Class A1 misdemeanor.

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

G.S. 14-277.3A. Stalking (a) A defendant is guilty of stalking if the defendant willfully on more than one occasion harasses another person without legal purpose or willfully engages in a course of conduct directed at a specific person without legal purpose and the defendant knows or should know that the harassment or the course of conduct would cause a reasonable person to do any of the following:

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

## *Important Definitions*

**Consent:** North Carolina Law does not define the term "consent." The College defines consent as follows: 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. Also, 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 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 individual 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 the Respondent support, guidance, or advice. The Complainant and the 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 party’s request, the college will provide a list of trained staff and student Advisors available to provide guidance and support. It is 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, and any other person 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 externally, including reports to law enforcement.

## **Options for Reporting Acts of Domestic Violence, Dating Violence, Sexual Assault, and Stalking**

Any individual who has been the target of sexual misconduct, stalking, or relationship 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 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 the 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, 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 reports of sexual misconduct, relationship 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, relationship violence, or stalking involving students are reviewed by the Title IX Coordinator. Incidents involving employees include the Deputy Title IX Coordinator for review. Regardless of whether a victim elects to pursue a criminal complaint or whether the offense is alleged to have occurred on or off campus, the Title IX Coordinator will provide the victim with written explanation of their rights and options to include: (1) the procedures victims should follow if a crime of dating violence, domestic violence, sexual assault or stalking has occurred; (2) information about how the college will protect the confidentiality of victims and other necessary parties; (3) a statement that the institution will provide written notification to students and employees about victim services in the institution and in the community; (4) a statement regarding the college's provisions about options for, available assistance in, and how to request accommodations and protective measures; and (5) an explanation of the procedures for institutional disciplinary action. 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](mailto:tmckinnon@forsythtech.edu)

**Rachel Schroder**, AVP for Employee Care and Holistic Wellness (referred to as Deputy Title IX coordinator in this report),

336-734-7646, [rschroeder@forsythtech.edu](mailto:rschroeder@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, and any other person involved in the alleged misconduct.

### ***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 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, the college will provide written notification of victims about options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures. 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, informal mediation of the complaint is 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 (1) access support resources, such as counseling or, in appropriate cases, academic relief; and/or (2) request interim measures.

## *College Investigation of Reports*

The college is committed to taking appropriate action to resolve incidents of sexual misconduct, stalking, or relationship violence and to ensure a safe and non-discriminatory environment for all community members. The college will undertake an appropriate inquiry into all reports involving students and employees, 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 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 the 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 the 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 the Complainant's name from the Respondent once the college takes action that affects the Respondent.



The College does not publish the name of crime victims or other identifiable information regarding victims in the Crime Log or in the annual crime statistics that are disclosed in compliance with the Clery Act. Furthermore, if a Timely Warning or TechAlert were to be issued on the basis of a report of sexual misconduct, stalking, or relationship violence, the name of the victim and other personally identifiable information about the victim will be withheld. This could include the specific location of the incident if it were to inadvertently identify the victim.

### ***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 and employees. 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 and employees. 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***

Victims 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 victim 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 and employees.

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 the Respondent share the same class, or on campus job location.

Possible interim measures and additional remedies include:

- No-contact order between the Respondent and the 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 the Complainant and the Respondent are members of the same organization, the 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 the 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 the 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 the Respondent to provide a statement in response to the allegations. [Note: if the 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 the Respondent and the 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 the Complainant and the 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 parties are expected to attend the mediation. During the mediation, the Complainant and the 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 both 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.

The Complainant and the Respondent 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 person 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 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 the Complainant and the 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 the Respondent and the Complainant of the sanctions in writing within three calendar days of receiving the Respondent's written statement accepting responsibility. By accepting responsibility, the 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 the Respondent are given the same opportunities to have others present during any disciplinary proceeding, including the opportunity to be accompanied to any meeting or proceeding by an advisor of their choice. However, the college may establish restrictions regarding the extent to which the Advisor may participate in the proceedings, as long as the restrictions apply equally to both parties. 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 the 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 the 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.

The college will provide a list of trained staff and student Advisors available to provide guidance and support to each party at their request. It is 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 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 (e.g., 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 thirty (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, and/or 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 the Respondent and pertinent witnesses, as well as soliciting and reviewing documentation relevant to the investigation including available police reports.

The Complainant and the 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 the 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***

The Title IX Coordinator will review the final investigation, determine whether a policy violation occurred, and impose 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 and employees.

### ***Notice of Action***

The Title IX Coordinator shall distribute to the Respondent a written 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 the 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 and employees. 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 the Complainant so long as those remedies do not unduly burden or prejudice the 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, but is not limited to:

- Verbal/written warning (students and employees): A formal statement that the conduct was unacceptable and a warning that further violation of any FTCC policy, procedure, or directive will result in more severe sanctions/responsive actions.



- Required counseling (students and employees): A mandate to meet with and engage in either college-sponsored or external counseling to better comprehend the misconduct and its effects.
- Suspension (students): Termination of student status for a definite period not to exceed two years and/or until specific criteria are met.
- Suspension with/without pay (employees).
- Expulsion (students): Permanent termination of student status and revocation of rights to be on campus for any reason or to attend College-sponsored events.
- Termination (employees): Permanent termination of employment and revocation of rights to be on campus for any reason or to attend College-sponsored events.
- Restriction on stipends, research, and/or professional development resources (employees).
- Withholding Diploma: The College may withhold a student's diploma for a specified period of time and/or deny a student participation in commencement activities if the student has an allegation pending or as a sanction if the student is found responsible for an alleged violation.

### *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 the campus community.

### *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 three (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 three (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 the Complainant and the 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 the Respondent, the appeal officer will invite the Complainant to respond in writing. When an appeal is requested by the 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 the Complainant and the 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 the Complainant, the 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, written responses, 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 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 the Complainant, the Respondent, and the Title IX Coordinator with any redactions as required by federal law.

### ***Notification to Victims of Crimes of Violence***

The College will, upon written request, disclose to the alleged victim of a crime of violence or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by the institution against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.

### ***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.

### ***Rights of Parties***

The Complainant and the 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 the 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.
- Simultaneous, written notification of the result of the complaint resolution process (subject to any redactions required by federal law).
- Simultaneous, written notification of the outcome of any disciplinary proceeding, as well as any changes to those results or disciplinary actions prior to the time that such results become final.
- An outcome based solely on information presented as part of the complaint resolution process.
- The right to appeal the outcome of the investigation and will be notified simultaneously, in writing, of the final outcome after the appeal is resolved.
- 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.

The Complainant has the following additional rights:

- Implementation of interim measures and additional remedies that reduce the burden on the Complainant but do not unduly burden or prejudice the 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 act.
- To provide information at any step of the procedures outlined in this policy outside the presence of the Respondent.

The 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 the Complainant) or denying responsibility (for the 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 a Notice of Investigation to the Complainant and the 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 purpose 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.
- 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. It should be noted 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 temporarily delay 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.

### ***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 or employee 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 the Complainant and the Respondent that explain the reason for the extension or delay.

### ***Accommodations for Persons with Disabilities***

The College will make appropriate arrangements to ensure that individuals 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 party 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***

The complaint resolution process shall be conducted by officials who, at a minimum, receive annual training on the issues related to sexual misconduct, relationship abuse, and stalking, and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.

### ***Procedures for Specific Circumstances Information Concerning Unrelated Sexual Activity***

Information concerning the unrelated sexual activity of the 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 the Complainant and the Respondent. Information concerning the unrelated sexual activity of the 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 the Respondent was formally charged with a violation of this Policy; except if the 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 the 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 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 the Respondent.
- Charge the Respondent with a violation of the Code of Conduct.
- Prepare a written report 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 the Respondent's files and, in the event the Title IX Coordinator determines a policy violation occurred, it will be considered by the Title IX Coordinator in determining appropriate sanction(s) to be imposed.

### ***Conflicts of Interest***

Any official involved in the process who has a conflict of interest or demonstrated bias for or against an involved party shall not be assigned to investigate or determine responsibility for an alleged policy violation. Bias is defined as an unfair prejudice in favor or against a party based on the party's race, ethnicity, national origin, sex, gender identity, sexual orientation, disability, age, or religion and associated stereotypes. Official's 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 the 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 or employee 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 (1) there is evidence of additional policy violations that would constitute new or revised charges or (2) 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 related charge will be considered by the Title IX Coordinator pursuant to these procedures or by judicial proceedings under the Code of Conduct.

### **Confrontation**

The 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 appeals officer shall have the discretion to determine the process for resolving counter appeals, including the discretion to alter timelines.

### **Petition for readmission**

A student or employee who has been suspended for an indefinite period pursuant to this policy may petition, in writing, for readmission to the Title IX Coordinator.

### **Forsyth Technical Community College Title IX/Program Awareness Training**

The college's sexual misconduct-related training for faculty, staff, and students addresses numerous issues, including but not limited to the following:

- Types of sexual misconduct
- Resources for victims of sexual misconduct
- The [College's Sexual Misconduct Policy and Procedures](#)
- Reporting sexual misconduct
- Bystander intervention
- Responding to complaints
- Avoiding retaliation
- Maintaining a respectful work environment

Bystander Intervention Training and Recognitions of Signs of Abusive Behavior Training for employees can be found inside of the Safe Colleges Training Program under the Social Behavioral section within TechLink. Student Success Services provides orientation training related to the College's Sexual Misconduct Policy and Procedures. The College is actively working to provide additional training material for both students and employees. This includes both primary prevention and awareness programs, as well as programs to prevent domestic violence, dating violence, sexual assault, and stalking.

### **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. Bystander intervention training for employees can be found inside of the Safe Colleges Training Program under the Social and Behavioral section within TechLink.

Bystanders play a critical role in the prevention of sexual and relationship violence. Forsyth Tech promotes a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. Below are some ways you can be an effective, active bystander without posing a risk to yourself or others:

- Direct action – call out the negative behavior and tell the person to stop or ask the victim if they are OK and need assistance. Remember to be polite and not aggravate the situation. If possible, do this as a group.
- Create a distraction – Cut off the conversation with a diversion, start an activity that draws other people in like a game or a debate, etc.
- Rally others – Sometimes it can be intimidating to approach a situation alone. Ask for someone to assist you (i.e., an authority figure like a Campus Police Officer, security guard, or resident assistant).

### **Risk Reduction**

Risk reduction are options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence. Risk reduction strategies may be helpful in some situations, but do not prevent all acts of violence from occurring. Below are some strategies to reduce one's risk of sexual assault or harassment, but know that if violence does occur, there is no intent to victim-blame:

- Be aware of your surroundings.
- Try to avoid isolated areas.
- Walk with purpose.
- If a situation or location feels unsafe or uncomfortable, it probably is not the best place to be – trust your instincts.
- Try not to load yourself down with packages or bags as this can make you appear more vulnerable.

- Don't allow yourself to be isolated with someone you don't trust or someone you don't know.
- Avoid putting music headphones in both ears so that you can be more aware of your surroundings.
- When you attend a social gathering, go with a group of friends. Arrive together, check-in with one another, and leave together.
- If you see something suspicious, contact law enforcement immediately.
- Don't leave your drink unattended and don't accept drinks from people you don't know or trust.
- Watch out for your friends and have your friends watch out for you.
- If you are in a building, try to think of an escape route. Look for exits, know where all the doors are located, etc.

### **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**

The Threat Assessment and Management team works through a universal process that is designed to identify situations of concern, investigate, 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 (TAT) will operate separately from the established Forsyth Tech Behavioral Intervention Team (BIT). 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. Members of the Forsyth Tech community should assume responsibility for their own personal safety and the security of their personal property and are encouraged to assist others.

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

- Human Resources Department: 336.734.7302, [forsythtechhr@forsythtech.edu](mailto:forsythtechhr@forsythtech.edu)
- Campus Police: 336.734.7243, [campuspolice@forsythtech.edu](mailto:campuspolice@forsythtech.edu)
- Student Success Center/Counseling Services: 336.734.7156, [studentsuccesscenter@forsythtech.edu](mailto: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.

**Building Captain Program:** The Building Captain program is in place 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.

**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 are available 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, and alienation.

### ***Prompt Reporting of Emergencies and Suspicious Activity***

All students, faculty, staff, and visitors are encouraged to report all criminal actions, emergencies, or suspicious activity occurring on campus to the Forsyth Tech Campus Police Department or applicable law enforcement agency in an accurate, prompt, and timely manner, including times when the victim of a crime elects to, or is unable to, make such a report. Accurate and prompt reporting ensures efficient response to incidents of crime. Forsyth Tech Campus Police are available 24 hours a day to take reports and answer questions. The Campus Police Department is responsible for dispatching officers to calls for service. When a call of an emergency or crime is received, the officer will respond to the incident and request additional officers or additional services as needed. When responding to an emergency, officers will evaluate the situation and summon the appropriate resources. If assistance is required from local law enforcement or fire departments, dispatchers will initiate all requests for assistance. All criminal reports are investigated by the responding officer. Officers will search for the suspect(s), collect available evidence, and file a report. Reports requiring additional investigation will be followed up by the responding officer or assistance from other officers. Police reports may be shared with other departments for review and referral for potential action under the Student or Employee Handbook.

In addition to law enforcement, students can report crimes and misconduct to the Title IX Coordinator/Student Conduct and Human Resources. Reporting to Campus Police or any of the above allows the College to evaluate, consider, and send timely warning notifications, disclose crimes through ongoing disclosure processes such as the Daily Crime Log and accurately document reportable crimes in its annual statistical disclosure.

## ***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

336-734-7156

Counseling Services, Shugart Women's Resource Center

336-734-7280

### **Forsyth Tech Deans**

Dean, Engineering and Technologies Division

336.734.7714

Dean, Health Sciences Division

336.734.7412

Dean, Business & Information Technologies Division

336.734.7224

Dean, Public Safety

336.734.7495

Dean, Transformative Learning

### **Student Success Services**

Registrar  
336.757.3650  
Director, Minority Male Success Initiative  
336.757.3385  
Coordinator, Shugart Women's Center  
336.757.3660  
Executive Director, Student Success Services  
336.734.7242

### **Forsyth Tech Human Resources**

Associate Vice President, Human Resources  
336.734.7646  
Executive Director, Employee Engagement & Relations  
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**

The Clery Act divides reportable crimes into four categories: (1) Criminal Offenses, (2) Hate Crimes, (3) Violence Against Women Act Offenses, and (4) Arrest and Referrals for Disciplinary Action. The following definitions and statistics are reported in accordance with those guidelines. The definitions are provided by the Federal Bureau of Investigation's (FBI) Uniform Crime Reporting (UCR) Program.

### **Criminal Offenses**

**Murder/Non-Negligent Manslaughter:** The willing (non-negligent) killing of one human by another. NOTE: deaths caused by negligence, attempts to kill, assaults to kill, suicides, accidental deaths, and justifiable homicides are excluded.

**Manslaughter by Negligence:** The killing of another person through gross negligence.

### **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:** 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:** 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:** The unlawful entry of a structure to commit a felony or a theft. For reporting purposes, this definition includes unlawful entry with intent to commit a larceny or a felony; breaking and entering with the intent to commit a larceny; housebreaking, safe-cracking; and all attempts to commit any of the aforementioned.

**Motor Vehicle Theft:** The theft or attempted theft of a motor vehicle.

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

### **Hate Crimes**

The Clery Act defines a Hate Crime as a criminal offense (which includes the aforementioned Clery Act crimes and larceny-theft, simple assault, intimidation, and destruction/damage/vandalism of property) that manifests evidence that the victim was intentionally selected because of the perpetrator's bias (race, ethnicity, national origin, gender, gender identity, sexual orientation, religion, and/or disability) against the victim.

Additional Hate Crimes definitions:

- **Larceny-Theft** is the unlawful taking, carrying, leading or riding away of property from the possession or constructive possession of another.
- **Simple Assault** is an unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.
- **Intimidation** is to unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.
- **Destruction/Damage/Vandalism of Property** is to willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

### **Bias Categories definitions:**

- **Race** is a preformed negative attitude toward a group of persons who possess common physical characteristics (e.g., color of skin, eyes, and/or hair, facial features, etc.) genetically transmitted by descent and heredity which distinguish them as a distinct division of humankind (e.g., Asians, blacks or African Americans, whites, etc.)
- **Religion** is a preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being (e.g., Catholics, Jews, Protestants, atheists, etc.).
- **Sexual Orientation** is a preformed negative opinion or attitude toward a group of persons based on their actual or perceived sexual orientation. Sexual Orientation is the term for a person's physical, romantic, and/or emotional attraction to members of the same and/or opposite sex, including lesbian, gay, bisexual, and heterosexual (straight) individuals.



- **Gender** is a preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender (e.g., male or female).
- **Gender Identity** is a preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity (e.g., bias against transgender or gender non-conforming individuals). Gender non-conforming describes a person who does not conform to the gender-based expectations of society (e.g., a woman dressed in traditionally male clothing or a man wearing makeup). A gender non-conforming person may or may not be a lesbian, gay, bisexual, or transgender person but may be perceived as such.
- **Ethnicity** is a preformed negative opinion or attitude toward a group of people whose members identify with each other through a common heritage, often consisting of a common language, common culture (often including a shared religion) and/or ideology that stresses common ancestry. The concept of ethnicity differs from the closely related term “race” in that “race” refers to a grouping based mostly upon biological criteria, while “ethnicity” also encompasses additional cultural factors.
- **National Origin** is a preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth. This bias may be against people that have a name or accent associated with a national origin group, participate in certain customs associated with a national origin group, or because they are married to or associated with people of a certain national origin.
- **Disability** is a preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.

### **Violence Against Women Act Offenses**

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

The existence of such a relationship shall be determined based on the reporting party’s statement and with consideration of:

- The length of the relationship.
- The type of relationship.
- The frequency of interaction between the persons involved in the relationship.

For the purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

**Domestic Violence:** A felony or misdemeanor crime of violence committed:

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

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

For the purposes of this definition:

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

### **Arrest and Disciplinary Referrals Definitions**

An arrest for Clery Act purposes is defined as persons processed by arrest, citation, or summons. A disciplinary referral is the referral of any person to any campus official who initiates a disciplinary action of which a record is kept and which may result in the imposition or a sanction.

### **Weapons Law Violations**

The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons. This classification encompasses weapons offenses that are regulatory in nature.

## ***Drug Abuse Violations***

The violation of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics- manufactured narcotics which can cause true addiction (Demerol, methadone); and dangerous non-narcotic drugs (barbiturates, Benzedrine).

## ***Liquor Law Violations***

The violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence or drunkenness.

## ***Hierarchy Rule***

The FBI's Hierarchy Rule must be used when counting multiple offenses. Under this rule, when more than one criminal offense was committed during a single incident, we must only count the most serious offense. A single incident means that the offenses were committed at the same time and place. Beginning with the most serious offense, the hierarchy for reporting Clery offenses is: Murder and Non-negligent Manslaughter, Manslaughter by Negligence, Sexual Assault, Robbery, Aggravated Assault, Burglary, and Motor Vehicle Theft. The crimes of Arson, Domestic Violence, Dating Violence, Stalking, and Hate Crimes are not governed by the hierarchy rule, thus statistics for these incidents are reported in these categories in addition to any other crime category covered under the hierarchy rule if applicable. If a Sexual Assault occurs in the same incident as a murder, an incident must record both the sex offense and the murder in its statistics. The crime statistics also reflect no hierarchy rule for drug, liquor, and weapon law violations, where the College chooses the most severe infraction to count. For example, if a person was arrested for both a drug and liquor violation; a drug statistic would be counted and not the alcohol violation considering the College deems a drug law violation to be the most severe infraction.

## ***Unfounded Crimes***

The standard for a reported crime to be "unfounded" 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. The report will not be deleted from the daily crime log. In the disclosure of annual crime statistics as part of this report, the number of unfounded crimes is listed below the crime statistics table.

## ***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.

## ***Clery Geography***

It is important to note that the below crime statistics are for reported crimes that occurred within a specific set of geography defined by the Clery Act. The crime statistics include all persons and incidents that occurred within this geography regardless of affiliation with the College. This means that not all reported crimes involved a student or employee. Clery geography is defined by a unique set of definitions as defined by the Clery Act. It is important to note that Forsyth Tech does not operate residence halls nor maintain lists of available or approved housing. Students are responsible for their own housing arrangements. Forsyth Tech does not have property owned or controlled by student organizations. The campus located at 1300 Bolton Street (i.e., known as West Campus to students and employees) is reasonably contiguous to Main Campus and is thus, considered to be part of Main Campus. All policies and procedures are the same unless otherwise noted in this report.

### **On-Campus Buildings or Property**

- Any building or property owned or controlled by the college within the same reasonably contiguous geographic area and used by the college in direct support of, or in a manner related to, the college's educational purposes; and
- Any building or property owned or controlled by a college, that has an organized program of study and at least one person assigned in an administrative capacity.

### **Public Property**

- All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.

### **Non-Campus Buildings or Property**

- Any building or property owned or controlled by the college that is used in direct support of, or in relation to, the college's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the college. These are locations associated with the college's campuses (as defined by Clery).
- Non-campus locations do not have a public property reporting requirement.

### *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 college or not. Members of the public may request any portion of the log that is older than 60 days and will be provided with the information requested within two business days of the request. The Crime Log is available to the public on the Campus Safety website. The Crime Log is also accessible to the Campus Community via Techlink at Daily Crime Log. To request a printed copy, please visit the Campus Police Department located at the Forsyth Building on Main Campus during normal business hours, 8:00 A.M. – 5:00 P.M., Monday through Friday.

Table 1: Clery Statistics for Stokes County Center, Criminal Offenses, 2020-2022

Criminal Offenses	On-Campus 2020	On-Campus 2021	On-Campus 2022	Non-Campus 2020	Non-Campus 2021	Non-Campus 2022	Public Property 2020	Public Property 2021	Public Property 2022
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	5	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 2: Clery Statistics for Stokes County Center, VAWA offenses, 2020-2022

VAWA Crimes	On-Campus 2020	On-Campus 2021	On-Campus 2022	Non-Campus 2020	Non-Campus 2021	Non-Campus 2022	Public Property 2020	Public Property 2021	Public Property 2022
Dating Violence	0	0	1	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0	0	0	0
Stalking	0	0	1	0	0	0	0	0	0

Table 3: Clery Statistics for Stokes County Center, Drug Law/Liquor Law/Weapons Violations, 2020-2022

Arrest Type	On-Campus 2020	On-Campus 2021	On-Campus 2022	Non-Campus 2020	Non-Campus 2021	Non-Campus 2022	Public Property 2020	Public Property 2021	Public Property 2022
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 Stokes County Center, Drug Law/Liquor Law/Weapons Violations, 2020-2022

Conduct Referral	On-Campus 2020	On-Campus 2021	On-Campus 2022	Non-Campus 2020	Non-Campus 2021	Non-Campus 2022	Public Property 2020	Public Property 2021	Public Property 2022
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

**Unfounded crimes:**

The total number of unfounded crimes for the 2022 calendar year was 0.  
 The total number of unfounded crimes for the 2021 calendar year was 0.  
 The total number of unfounded crimes for the 2020 calendar year was 0.

**Hate Crime Reporting:**

There were no hate crimes reported to have occurred at this campus in 2022, 2021, or 2020.



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