



**ASHEVILLE-BUNCOMBE TECHNICAL COMMUNITY COLLEGE**  
**ANNUAL SECURITY REPORT**  
**2020**

**Review Period January – December 2020**

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## Introduction

Asheville Buncombe Technical Community College (A-B Tech) prepares this report in compliance with the *Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act* (The Clery Act). The security report is designed to provide you with important information about your safety and security and contains statistics about crime on campus. Safety is a shared responsibility and we strongly encourage every community member to contribute by reporting crimes and any suspicious activities.

Campus crime, arrests and referral statistics include those reported to A-B Tech Police Department and Campus Security Authorities. A-B Tech also requests statistics for crimes on or near our campuses and non-campus properties that are reported directly to other law enforcement agencies.

An annual email is sent to all employees and currently enrolled curriculum students that contains a web link to access this report. The report may also be found on the College website at <https://www.abtech.edu/campus-police-and-security/campus-safety-and-security-reporting>. Copies of the report may also be obtained at the A-B Tech Police Department located in the A-B Tech/Mission Health Conference Center on the Asheville Campus.

## Law Enforcement Authority

The A-B Tech Police Department employs both sworn police officers and non-sworn security officers. Police officers are state certified and have full authority to enforce state and local laws and to make arrests on all A-B Tech campuses, the public properties within and immediately adjacent to those properties and non-campus properties under the control of A-B Tech. Both police and security officers are authorized to issue citations and make disciplinary referrals for violations of college parking and traffic regulations and the Code of Student Conduct.

The A-B Tech Police Department has mutual aid agreements with Asheville Police Department, Buncombe County Sheriff Department and Madison County Sheriff Department and may request the assistance of those agencies in the investigations of major incidents committed on A-B Tech properties. The A-B Tech Police Department also has an agreement with Asheville Police Department for entering stolen vehicles and other stolen articles into the NCIC database. Through necessary permitting, A-B Tech Police Department have computer access to state, interstate and national databases containing vehicle and driver information, criminal histories and other state and federal law enforcement information.

## Reporting Crimes

Community members, students, faculty, staff and guests are encouraged to report all crimes and public safety incidents to the A-B Tech Police in a timely manner.

- A-B Tech Asheville - crimes committed should be reported to the A-B Tech Police Department by calling 828-279-3166 or 828-398-7125. For emergencies, dial **9-1-1**. Crimes may also be reported in person, during normal business hours in the A-B Tech/Mission Health Conference Center.
- A-B Tech Enka - crimes committed should be reported to the A-B Tech Police Department by calling 828-301-7150 or 828-398-7125. For emergencies, dial **9-1-1**. Crimes may also be reported in person, during normal business hours in the Small Business Center Building.
- A-B Tech Madison - report emergencies and crimes in progress by dialing **9-1-1** for Madison County Sheriff Department. As soon as possible notify the A-B Tech Police Department by calling 828-279-3166. Crimes may also be reported in person, during normal business hours at the Director's office.
- A-B Tech Woodfin - report emergencies and crimes in progress by dialing **9-1-1** for Woodfin Police Department. As soon as possible notify the A-B Tech Police Department by calling 828-279-3166. Crimes may also be reported in person, during normal business hours at the Dean's office.
- Crimes occurring on non-campus sites should be reported to the law enforcement agency of jurisdiction by dialing **9-1-1**.

The A-B Tech Police Department encourages anyone who is the victim or witness to any crime to promptly report the incident to the police. Because police reports are public record under state law, A-B Tech Police Department cannot hold reports of crime in confidence.

Confidential reports made in the interest of campus security may generally be made to other A-B Tech Campus Security Authorities as identified on the next page. With such information, the college can keep an accurate record of the number of incidents, determine where there is a pattern of crime and alert the campus community to potential danger. Reports filed in this matter are counted and disclosed in the annual campus crime statistics.

## Campus Security Authorities

*Terry Brasier*

Vice President of Student Services

Asheville Campus

[terrybrasier@abtech.edu](mailto:terrybrasier@abtech.edu)

828-398-7146

*Heather Pack*

Director, Student Support Services

Asheville Campus

[heatherdpack@abtech.edu](mailto:heatherdpack@abtech.edu)

828-398-7141

*Michele Hathcock*

Director, Title IX Compliance and Student Life

[michelechathcock@abtech.edu](mailto:michelechathcock@abtech.edu)

828-398-7203

*Sherri Davis*

Director, Madison Campus

[sherrijdavis@abtech.edu](mailto:sherrijdavis@abtech.edu)

828-398-7701

*Jill Sparks*

Executive Director, Small Business Center

Enka Campus

[jillmspark@abtech.edu](mailto:jillmspark@abtech.edu)

828-398-7949

*Clint Gorman*

Dean, Emergency Services

Woodfin Campus

[clintoncgorman@abtech.edu](mailto:clintoncgorman@abtech.edu)

828-782-2123

## Additional Resources:

*Kara Walker*

Chief of Police

[karakwalker@abtech.edu](mailto:karakwalker@abtech.edu)

828-398-7870

*Scott Early*

Deputy Chief of Police

[scottaearly@abtech.edu](mailto:scottaearly@abtech.edu)

828-398-7115

For online reporting visit <https://abtech.edu/about/police-and-security-overview>. Please note this information goes to Student Services and not directly to A-B Tech Police.

*The list of individuals designated as Campus Security Authorities may change during the reporting period as personnel and job descriptions change.*

## Counseling

Asheville-Buncombe Technical Community College provides free, confidential counseling and related services for students through the office of Student Support Services. A-B Tech recognizes the dual relationship that exists when counselors support both the institution and its students. Each counselor is bound by and subject to the code of ethics relevant to their certification and/or licensure. Each counselor is also responsible for seeking appropriate guidance regarding the issues that may arise as a result of this dual relationship.

As a result of the negotiated rulemaking process which followed the signing into law of the 1998 amendments to 20 U.S.C. § 1092(f), clarification was given to those considered to be campus security authorities. Campus “Professional Counselors,” when acting as such, are not considered to be Campus Security Authorities and are not required to report crimes for inclusion into the annual disclosure of crime statistics. They are encouraged, when they deem it appropriate, to inform persons being counseled of the process to report crimes on a voluntary basis for inclusion into the annual crime statistics. The rulemaking committee defines counselors as:

A “professional counselor” is defined as an employee of an institution whose official responsibilities include providing psychological counseling to members of the institution’s community and who is functioning within the scope of his or her license or certification.

## Voluntary Confidential Crime Reporting

Any student who is the victim of a sexual assault, domestic violence, dating violence, stalking or any other crime, or who witnesses any crime on any A-B Tech property is strongly encouraged to report that crime to the A-B Tech Police Department for investigation and appropriate disciplinary referral or legal action. Any student who is the victim of a crime that occurs during any College sponsored activity not on a College property is encouraged to report that crime to the law enforcement agency having jurisdiction. Students who do not wish to pursue a crime through legal remedies may confidentially report a crime directly to any Campus Security Authority as identified on page 4 of this report. While maintaining the student’s confidentiality, the Campus Security Authority will work with the appropriate college officials to investigate the report for the purpose of identifying and implementing necessary preventive measures. Individuals wishing to anonymously report a crime may also submit an online incident report at <https://abtech.edu/about/police-and-security-overview> .

For more immediate mental health assistance contact our community partner, Mobile Crisis Management at 888-573-1006.

The A-B Tech Police Department shall not be involved in the investigation. The circumstances of a reported crime will be evaluated to determine if a timely warning should be issued. Under no circumstances will a student’s preferences override the College’s responsibility to ensure the health and safety of the reporting student or of the greater college community. Statistical information from all voluntary confidential crime reports will be recorded for inclusion in required crime statistics reporting.

## Timely Warnings

In the event that a situation arises, either on or off campus, that, in the judgment of the Chief of Police or the Chief's designee, constitutes an ongoing or continuing threat to health or safety, a campus wide "timely warning" will be issued.

Timely warnings are sent to all currently registered curriculum students and current employees using the college email system. Students and employees should take responsibility for checking their email accounts frequently. Students and employees also have the option to receive text alerts, in addition to an email. Timely warnings are issued based on the nature of the crime, if the crime is a continuing danger to the college community, and if the notification does not interfere with law enforcement efforts.

Members of the college who know of a crime or other serious incident should report the incident immediately by phone (**828-398-7125**) to the A-B Tech Police Department so that a Campus Safety Alert can be issued, if warranted.

The sole purpose of a timely warning is to insure the health and safety of the college community. Accordingly, victims' names will be held as confidential and will not be included in any notification.

## Emergency Notification

In the event of a situation that poses an immediate threat, such as a severe weather event or an armed intruder, A-B Tech will immediately initiate the mass notification system. Upon confirmation of an immediate threat, through direct observation or a credible report, the President or designee will immediately initiate the notification process unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim, contain the emergency, respond to the emergency or otherwise mitigate the emergency. All available methods of emergency communication will be utilized such as, mass notification system, emergency text messages, computer "pop-up" messages, and postings on the college and social media websites. **Note:** All students and employees are encouraged to update their profile information in Self-Service to receive emergency text messages. Self-Service can be accessed from the college website at <http://www.abtech.edu>.

A-B Tech utilizes building captains in each building to facilitate the appropriate emergency response. Procedures to be followed in an emergency are outlined on the Emergency Management Posters which are hanging in all classrooms and offices throughout each campus. Various tests of the Emergency Management Plan including secure in place and evacuation procedures are conducted periodically on all campuses.

## Testing Emergency Response and Evacuation Procedures

Emergency response and evacuation drills are coordinated by the A-B Tech Police Department each semester for all facilities on the Asheville, Enka, Madison, and Woodfin campuses. Thus, the emergency response and evacuation procedures are tested at least twice each year and, sometimes, three times a year. These drills may be announced or unannounced. Students learn the locations of the emergency exits in the buildings and are provided guidance about the direction they should travel when exiting each facility for a short-term building evacuation. Students are not told in advance about the designated locations for long-term evacuations because those decisions are affected by time of day, location of the building being evacuated, the availability of the various designated evacuation assembly area on campus, and other factors such as the location and nature of the threat. In both cases, A-B Tech staff on the scene will communicate information to students regarding the developing situation or any evacuation status changes. Students also receive information about evacuation and Lock-Down procedures during their New Student Orientation.

Evacuation drills are monitored by the A-B Tech Police Department and the Building Captains to evaluate egress and behavioral patterns. Evaluations are prepared by participating departments which identify deficient equipment so that repairs can be made immediately. Recommendations for improvements are also submitted to the appropriate departments/offices for consideration.

A-B Tech Police Department coordinates announced, and unannounced, emergency response and evacuation drills each semester to test the emergency response and evacuation procedures, and to assess and evaluate the emergency evacuation plans and capabilities. A-B Tech's emergency response and evacuation procedures are posted in all classrooms and offices throughout each campus and on the MY EOP app. Documentation of emergency response and evacuation exercises will be maintained for seven years. This documentation includes a description of the exercise, date the exercise was held, the time the exercise started and ended, and whether the exercise was announced or unannounced.

*\*\*My EOP can be downloaded from Apple App Store or Google Play. Organization Code "A-B Tech" and Password "safety".*

**Lock-Down Guidance**— When a situation exists, such as an armed intruder in the immediate vicinity or a severe weather event, such that it would be inadvisable to leave the relative safety of a building, secure in place procedures will be initiated.

**Basic "Lock-Down" Procedures** - A Lock-Down notification may come from several sources, listed in the preceding Emergency Notification section.

### **Remember "S.E.L.F"**

- **SURVEY** – Be aware of your surroundings, where you are and what is available if you need to make yourself or others safe.
- **EVACUATE** – If there is an accessible escape path, try to evacuate the area.

- **LOCK-DOWN** – If evacuation is not possible, find a place to hide where the shooter is less likely to find you.
  - Close and lock classroom door. Turn off the lights. Get on the floor, away from doors and windows, out of the line of sight.
  - **TEXT 911**
  - Do not attempt to leave safe area until given the ALL CLEAR by college officials.
- **FIGHT BACK** – As a last resort, and only if your life is in danger, attempt to disrupt and/or incapacitate the shooter.

View A-B Tech's S.E.L.F Video at: <https://www.abtech.edu/campus-police-and-security/police-security-overview>

**Evacuation Guidance**— When a situation exists, such as a fire, such that it would be advisable to evacuate a specific area or the entire campus, evacuation procedures will be initiated.

**Basic Evacuation Procedures** – An evacuation notification may come from several sources, listed in the preceding Emergency Notification section.

- Follow evacuation routes to the nearest building exit, taking your possessions with you.  
NOTE: Make yourself familiar with secondary evacuation routes
- Proceed to the Evacuation Assembly Areas away from buildings and roadways.
- Keep drives and accesses clear for emergency vehicles.
- Do not re-enter the building
- Await directions from emergency personnel.

## Access to Campus Facilities

A-B Tech encourages an open environment with limited constraints to ensure the reasonable protection of all members of the college community. A-B Tech is a non-residential institution of higher education. Therefore, most campus facilities are normally open during business hours. During non-business hours access to all College buildings is by key, if issued, or by admittance via the A-B Tech Police Department. Individuals who wish to access College buildings or property during non-business hours or for special events should contact the appropriate department administrator, Coordinator, Facilities & Accounts Manager, or A-B Tech Police Department. During non-business hours, the Police Department can be contacted by calling 828-279-3166.



## **Security Considerations in the Maintenance of Campus Facilities**

A-B Tech is committed to campus safety and security. Exterior lighting and landscape control is a critical part of that commitment. A-B Tech Police and Security Officers and Plant Operations personnel regularly conduct security surveys to ensure campus lighting is adequate and that the landscape is appropriately controlled. A-B Tech Police and Security Officers conduct routine inspections of lighting on campus during regularly assigned patrol duties. If lights are out or dim, officers will initiate an immediate work order, which is promptly acted upon by Plant Operations. The College encourages employees to report any deficiency in locks, lighting, steps or handrails, roadways, or unsecured equipment through the “School Dude” work request system located at <https://portal.abtech.edu>. Students and visitors may report facility concerns by emailing: [police@abtech.edu](mailto:police@abtech.edu).

## **Security Awareness and Crime Prevention Programs for Students and Employees**

New Student Orientation is a required activity for most incoming curriculum students at A-B Tech. During this classroom-based or online orientation program, students are informed of services offered by the A-B Tech Police Department. Topics include the following: how to reach A-B Tech Police for emergency and non-emergency situations, detailed instructions regarding the College emergency notification system and procedures, personal safety tips, as well as how to contact the Title IX Coordinator for incidents involving sexual misconduct. Students are also shown the A-B Tech Police Department webpages which contains more detailed information about general campus safety and crime statistics on-campus. Once students enroll, a first-year experience course is offered during the beginning of their program wherein they learn about campus security and reporting. Additionally, all curriculum students are shown an emergency response video during first month of each semester.

**View A-B Tech’s S.E.L.F Video at:** <https://www.abtech.edu/campus-police-and-security/police-security-overview>

A similar program, New Employee Orientation is required for all full time and part time regular employees. Professional Development sessions are offered annually to all employees on a variety of topics including sexual misconduct and Title IX, drug and alcohol misuse and mental health. Employees also participate in bi-annual college emergency response drills.

The A-B Tech Police Department regularly partners with the Student Life and Development office to help raise awareness on issues of campus safety. The department sets-up information booths at Activity Day events which are festival style programs during which all curriculum classes are canceled for a two-hour block. This provides an opportunity for students to interact with Police and Security officers in a positive relationship-building manner. During these events, wallet sized safety cards are distributed to students and employees. The card contains contact information for A-B Tech Police and the Title IX Coordinator, safety and risk reduction tips, and encourages the holder to report suspicious behaviors, sex/gender-

based harassment, dating violence, domestic violence, sexual assault, or stalking. Keychain flashlights and whistles with the A-B Tech Police Department phone number are also distributed.

The Student Life office annually sponsors prevention and awareness programs that promote awareness of domestic violence, dating violence, sexual assault, and stalking. Programming includes statements that A-B Tech prohibits sexual assault, domestic violence, dating violence and stalking, as well as definitions of these offenses in NC, definitions of what is consent, safe and positive options for bystander intervention, as well as signs of abusive relationships and behaviors. The Student Life office regularly partners with the Student Support Services office to host annual substance abuse and mental health awareness events for students and employees. Additional events are held in partnership with community-based agencies specializing in sexual assault and domestic violence awareness, response, and prevention.

In addition to seminars, information is disseminated to students and employees through the A-B Tech website, security alerts to computers and text alerts, social media tools, College catalog, the Student Handbook, and educational brochures in Coman and Bailey buildings.

## Supporting and Reporting Individuals of Concern

**Code of Student Conduct:** Students exhibiting disruptive behavior that may be in violation of the Student Code of Conduct should be reported immediately via the online incident report form at <https://abtech.edu/about/police-and-security-overview>.

**Early Alert:** If a student is struggling with academic or personal life factors significantly impacting their ability to be successful academically, please email [fairleypatton@abtech.edu](mailto:fairleypatton@abtech.edu) or [jennanickerson@abtech.edu](mailto:jennanickerson@abtech.edu). An assigned Early Alert coach will reach out to the student.

**Title IX:** To report Sexual Misconduct (sex or gender-based discrimination, harassment, stalking, dating or domestic violence or sexual violence) please submit an incident report at <https://abtech.edu/about/police-and-security-overview>. You may also contact the A-B Tech Title IX Office at 828-398-7932.

**Discrimination or Harassment:** Individuals experiencing forms of discrimination or harassment that are not Title IX related should be referred to the Office of the Vice President for Student Services at 828-398-7143 or 828-398-7146.

**Individuals in Crisis – Mental Health:** If an individual mentions the possibility of harm to themselves, please call Heather Pack at 828-337-3337. If Heather is not available, call A-B Tech Police at 828-398-7125 / 828-279-3166 or 911 immediately. Mobile Crisis Management Services may also be reached (available 24/7) at 888-573-1006.

**Individuals in Crisis – Medical Emergencies:** If an individual appears to be intoxicated or under the influence of drugs or alcohol, or discloses the need for immediate medical care, please call A-B Tech Police at 828-398-7125 / 828-279-3166 or 911.

**Threat to others:** If anyone exhibits behavior perceived to be an imminent threat to an individual or the campus community and rises to the level of an emergency, please contact A-B Tech Police at the numbers listed below or by using the control-control function keys on a college employee computer or call 911.

**Location Contacts:**

A-B Tech Asheville: A-B Tech Police at 398-7125, 828-279-3166, or 911

A-B Tech Enka: A-B Tech Police at 828-301-7150 or 911

A-B Tech Madison: 911

A-B Tech Woodfin: 911

Any other affiliated A-B Tech site: 911

## Drug and Alcohol Policy *(Updated: April 19, 2021)*

It is the policy of the Board of Trustees that A-B Tech will maintain a learning and working environment that is free from the negative impact of drug and/or alcohol abuse. The College prohibits students, employees, and visitors from being on the College's premises or attending any College-sponsored activity at a non-College location while impaired by any impairing substance. The College also prohibits the manufacture, possession, use, distribution, or sale of controlled substances or alcohol during work time and breaks, on A-B Tech premises or class/work sites, while driving a College vehicle, and/or while driving any vehicle for a College-sponsored, sanctioned, or required activity, with the following exception.

This policy permits College-sanctioned activities approved in writing by the President where alcohol is manufactured, possessed, used, distributed, sold, served, and/or consumed for academic, continuing education, social, or other purposes consistent with the College's procedures and applicable legal requirements. These documents will be maintained in the President's Office.

### Procedure 113: Drug and Alcohol Procedure

#### General Prohibition

A-B Tech is committed to providing a drug-free learning and working environment. From a safety perspective, the use of drugs or alcohol may impair the well-being of students, employees, and visitors, interfere with the College's educational environment, and result in damage to College property. Therefore, it is the College's policy that the unlawful manufacture, distribution, dispensation, possession, or use of Alcohol, illegal or unauthorized Controlled Substances or Impairing Substances are prohibited at any College Location by College students and employees.

A-B Tech complies with the Drug Free Workplace Act and the Drug Free Schools and Campuses Act (DFSCA) and applicable Department of Education requirements by instituting the following practices:

1. The College will conduct an annual review of the effectiveness of the Drug and Alcohol Abuse Prevention Program (DAAPP). This activity will be the responsibility of the Vice President for Student Services, Vice President of Human Resources and Organizational Development, or designee. The review will be completed by June 30 of each year so that this information may be used to revise the DAAPP for optimum effectiveness.
2. Annual review information will be compiled to produce a biennial review as required by the Department of Education and the DFSCA.

#### Definitions

**Alcohol:** means any beverage containing at least one-half of one percent (0.5%) alcohol by volume, including malt beverages, unfortified wine, fortified wine, spirituous liquor, and mixed beverages.

**College Location:** means in any College building or on any College premises; in any College-owned vehicle or in any other College-approved vehicle used to transport students/employees to and from College or College activities; and off College property at any College-sponsored or College-approved activity, event or function, such as a field trip or athletic event, where employees and students are under the College's jurisdiction.

**Controlled Substance:** means any substance listed in 21 CFR Part 1308 and other federal regulations, as well as those listed in Article V, Chapter 90 of the North Carolina General Statutes. Generally, the term

means any drug which has a high potential for abuse and includes, but is not limited to: heroin, marijuana, cocaine, PCP, GHB, methamphetamines, and crack. This term also includes any drugs that are illegal under federal, state or local laws and legal drugs that have been obtained illegally or without a prescription by a licensed healthcare provider or are not intended for human consumption. The term also applies to improper use of over-the-counter medication.

*Conviction:* means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug and alcoholic beverage statutes.

*Impairing Substances:* means any substance taken that may cause impairment, including but not limited to bath salts, inhalants, or synthetic herbs.

*Reasonable Suspicion:* is the legal standard required before the College can require a student or employee, except safety-sensitive employees, to take a drug or alcohol test. Some of the factors that constitute reasonable suspicion are: a) direct observation of drug use or possession; b) direct observation of the physical symptoms of being under the influence of drugs; c) impairment of motor functions; d) pattern of abnormal or erratic conduct or behavior; or e) reports from reliable sources or credible sources (anonymous tips may only be considered if they can be independently corroborated).

*Safety-Sensitive Employee:* means employment positions where the duties involve such a significant risk of injury to others that even a momentary lapse of attention can have disastrous consequences or positions where a single slip-up may have irremediable consequences; the employee will have no chance to recognize and rectify the mistake, nor will other personnel have an opportunity to intervene before harm occurs.

The following positions are designated as safety-sensitive:

- a. All Campus Police and Security employees except those who perform purely administrative, office duties.
- b. All Facilities and Plant Operations employees who:
  - i. As part of their routine, required job duties, must drive a motor vehicle on a regular basis. The requirement of driving as a job duty must be part of the employee's primary job duties and such driving is done on a regular basis and not simply an employee who might on occasion be asked to drive; and/or
  - ii. While performing their required job duties, are subject to little to no direct supervision and work alone.

## Students

1. No student shall distribute, dispense, possess, use or be under the influence of Alcohol, illegal or unauthorized Controlled Substance or Impairing Substance at a College Location at any time. The exceptions to this general rule are:
  - a. Consumption and possession of alcohol is permitted for authorized viticulture/enology courses and brewing, distillation, and fermentation courses.
  - b. Consumption and possession of alcohol is permitted for the purpose of conducting scientific, chemical, pharmaceutical, mechanical, industrial, and educational research so long as directed or supervised by an instructor.

- c. Consumption and possession of alcohol is permitted as part of a culinary class pursuant to an established curriculum.
2. A student's legal use of prescribed or over-the-counter drugs is not a violation of policy only if such use does not endanger the student or others and it does not interfere with student learning or participation in student-related activities. Students shall be held strictly accountable for their behavior while under the influence of prescribed drugs or over-the-counter drugs.
3. Any student who manufactures, possesses, uses, sells, gives, or in any way transfers a Controlled Substance or Impairing Substance while at a College Location will be subject to disciplinary action up to and including expulsion and referral for prosecution, and possible legal sanctions.
4. A-B Tech hosts an Addition, Recovery, and Coping (ARC) program for students each semester. These programs are open to all students but may be required for students in violation of this policy as a first level disciplinary sanction. Additional educational materials, programs, and other resources are available through both our Student Life and Support Services departments.
5. Instructors have the discretion to determine whether a student may be under the influence of drugs or alcohol. If the instructor suspects a student is under the influence of drugs or alcohol, he or she has the authority to contact campus police to remove the student from the classroom. Instructors must notify the Vice President for Student Services or designee of this alleged violation of Code of Student Conduct as soon as possible.
6. A-B Tech complies with applicable Department of Education requirements by taking the following steps, as they apply to students:
  - a. Prepares the College's Drug and Alcohol Abuse Prevention Program (DAAPP) for annual distribution to all currently enrolled students.
  - b. Publishes the Drug and Alcohol Policy and Procedures on the website and establishes an annual email notification to students with a link to the online documents.
  - c. Incorporates information about drug and alcohol Policy and Procedures in New Student Orientation.
  - d. Reserves the right to search the student, vehicle, and/or personal property of student when on College property or other location where instruction occurs, consistent with applicable law.
7. A student who violates the terms of this policy will be subject to disciplinary action in accordance with the Code of Student Conduct and Student Due Process policies and procedures. The Vice President for Student Services or designee may require any student who violates the terms of this policy to satisfactorily participate in a drug abuse awareness program or other sanctions as listed below. For more severe infractions, the student may be required to complete an off-campus drug or alcohol abuse rehabilitation program sponsored by an approved private or governmental institution as a precondition of continued enrollment at the College. The following sanction options may include, but are not limited to, the following:
  - a. Determination of disciplinary Warning, Probation, or Suspension.
  - b. Complete a drug and alcohol use assessment in order to identify the student's current level of use and to identify appropriate service recommendations.

- c. Required to attend one or more collegiate recovery group and/or a community recovery event.
- d. Mandatory counseling focusing on drug or alcohol abuse.
- e. Referral for offsite formal clinical assessment and treatment.

## Employees

### *Notice to Employees*

A-B Tech complies with the Drug Free Workplace Act and applicable Department of Education requirements by taking the following steps, as they apply to employees:

1. Prepares the College's Drug and Alcohol Abuse Prevention Program (DAAPP) for annual distribution to all employees.
2. Publishes the Drug and Alcohol Policy and Procedures on the employee Portal page and established an annual email notification with a link to the online documents.
3. Incorporates information about the Drug and Alcohol policy and procedures in New Employee Orientation.
4. Offers an Employee Assistance Program (EAP), which includes drug and alcohol information, short-term counseling, and referrals.
5. Notifies employees of their obligation to inform the Human Resources Department of any conviction of a criminal drug violation in the workplace (see below).
6. Maintains a process for notifying the contracting or granting agency within ten days of receiving notice that a covered employee has been convicted of a criminal drug violation that occurred while on the College's premises or while participating in a work-related activity. Conducts a thorough and timely assessment regarding internal consequences for such conviction.
7. Reserves the right to search the person, vehicle, and/or personal property of employees when on College property and/or while on duty regardless of location, consistent with applicable law.
8. Establishes a separate file in the Human Resources Department where employee drug/alcohol information is maintained. The confidentiality of any medical issues discussed is protected as required by law, and this information will only be shared on a legitimate need-to-know basis or when required by law.
9. Consistent with the Drug Free Workplace Act, employees are required to:
  - a. Sign a Drug-Free Workplace Statement as a condition of employment.
  - b. Abide by all terms of the Drug and Alcohol Policy and Procedures.
  - c. Notify the Human Resources Department in writing, within five calendar days after conviction of a criminal drug violation that occurred while on the College's premises or while participating in a work-related activity.
  - d. Participate in the Employee Assistance Program and/or complete a treatment program, if required by the College as a condition of continued employment.
  - e. The legal use of prescribed or over-the-counter drugs is permitted on the job only if it does not impair the employee's ability to perform the job effectively and in a safe manner, and

that does not endanger the employee or others in the workplace or interfere with student learning or services.

If an employee needs to take a prescribed or over-the-counter drug that may impair his/her judgment or performance in any way, the employee is required to notify the immediate supervisor before working. It is the employee's responsibility to use appropriate College procedures (i.e., request sick leave) if any use of legal drugs presents a safety risk. Any medical issues discussed will be kept in confidence according to legal requirements.

### Employee Assistance Program/Substance Abuse Treatment

A-B Tech encourages the identification and treatment of alcohol and chemical dependency in its early stages before work is affected. Toward this end, the College retains the services of an Employee Assistance Program (EAP) to assist employees who request help with substance abuse. Employees will not be disciplined, demoted, or terminated for seeking professional counseling and/or treatment to recover from an alcohol or chemical dependency. However, employee performance and work behavior will continue to be evaluated consistent with the College's expectations and requirements.

### Drug/Alcohol Screening

A-B Tech maintains a drug/alcohol screening program consistent with legal requirements. All drug/alcohol screening is conducted by an approved laboratory identified by the College and in accordance with the NC Controlled Substance Examination Regulation Act and all testing shall comply with the Controlled Substances Examination Regulation, 13 NCAC 20.0101 *et seq.* All drug/alcohol screens must be approved by, and coordinated through, the Human Resources Department, except those required after hours, which must be approved and coordinated by the Campus Police Department. The Human Resources Department shall be required to maintain all records associated with the College's drug/alcohol screening program.

Drug and/or alcohol testing occurs under the following circumstances:

1. *Pre-Employment.* Pre-employment drug screens are required for employees in safety-sensitive positions and/or College programs where such screening is a requirement for placement at a clinical or other site.
2. *Post-Accident.* When there is Reasonable Suspicion that drug and/or alcohol use or impairment may have contributed to the accident or incident, a post-accident drug/alcohol screen is required for any employee. The College will arrange transportation for the employee to the screening location and then home, if necessary, to ensure the employee's safety. If the employee refuses to participate in the drug and/or alcohol screening, it will result in a positive test.
3. *Reasonable Suspicion.* A supervisor, with agreement of the next level supervisor, senior administrator, College police or security officer, and/or Human Resources Department, may require an employee to participate in drug and/or alcohol screening when the screening is based on Reasonable Suspicion. If the employee refuses to participate in the drug and/or alcohol screening, it will result in a positive test.
4. *Safety-Sensitive Positions.* Individuals employed in safety-sensitive positions are subject to random drug/alcohol screens. Each quarter, using a computer-based number generator, the College will randomly select five percent (5%) of the eligible pool subject to random testing. Once the employees are selected, the College will immediately arrange transportation for the employees to the testing site. If an employee is absent from work on the day his/her



number is selected, that employee will be tested with the next group of selected employees the next quarter. If the employee is selected and refuses to participate in the drug and/or alcohol screening, it will result in a positive test.

### Participation in College - Sanctioned and other Work-related Activities where Alcohol Is Served.

1. When an employee and/or guest attend a College-sanctioned or work-related activity where alcohol is served, each individual is expected to use good judgment with regard to the amount of alcohol consumed and the legal requirements for safely driving away from the activity. Under no circumstances may an individual under the age of 21 hold or drink an alcoholic beverage on the College's premises or work-related activity at another location.
2. When the activity is hosted by A-B Tech, the College will arrange for alternate transportation to assist an impaired employee and/or guest in getting home safely when the need is brought to the attention of the A-B Tech employee in charge of the activity. In all situations, each employee and/or guest is responsible for their own behavior and any resulting consequences.
3. When an employee is chaperoning students during an off-site activity, she or he has an obligation to inform the students that the College's Drug and Alcohol policy is still in effect. Knowingly permitting a student to consume alcohol, except as specifically allowed by the Drug and Alcohol Policy, may result in disciplinary action or dismissal, depending on the College's interpretation of the circumstances and/or legal requirements.

### Consequences for Violating Policy/Procedures

1. Violations of this policy or procedures and/or a confirmed positive drug/alcohol screen may result, at A-B Tech's sole discretion, in disciplinary action and/or dismissal of any employee, depending on the College's interpretation of the circumstances and subject to Policy 509.02, Employee Due Process. Violations may also result in legal consequences, as A-B Tech will notify the appropriate authorities whenever warranted.
2. At its sole discretion, in lieu of or in addition to taking disciplinary action against an employee, the College may require the employee to satisfactorily complete a drug or alcohol abuse assistance or rehabilitation program. If an employee refuses to seek treatment when required, does not respond to treatment, and/or there are indications that the drug or alcohol dependency persists, the situation will be handled by the College like any other event which adversely affects job performance.
3. An employee who refuses to submit to a drug or alcohol screen that is consistent with the above criteria, adulterates or dilutes the specimen/sample, substitutes the specimen/sample with that from another person, sends an imposter, refuses to sign the required consent forms, and/or refuses to cooperate in the screening process in such a way that it prevents completion of the examination, will be dismissed subject to Policy 509.02, Employee Due Process, when applicable.

## Requirements for A-B Tech and Third-Party Events when Alcohol is Served

At A-B Tech events, and events held on A-B Tech property by third parties, the following guidelines shall apply when alcohol is served:

1. Only beer and wine may be served at non-college sponsored events.
2. Alcoholic beverages may be served no more than one (1) hour before food for the main event is served.
3. Events at which alcoholic beverages are served may last no longer than three (3) hours.
4. For events that do not precede a meal function, serving heavy hors d'oeuvres, with at least two (2) hot hors d'oeuvres, is required.
5. Service of alcoholic beverages must be discontinued fifteen (15) minutes prior to the anticipated end of the event.
6. When serving alcoholic beverages, a "Request to Serve Alcohol" application, provided by A-B Tech, must be completed and returned ten (10) full business days prior to the event.
7. An entity hosting a ticketed, fundraising event, including A-B Tech internal events, must apply and be approved for a one-time permit to serve alcohol pursuant to N.C. Gen. Stat. § 18B-1002(a)(5). This permit must be received by A-B Tech no later than five (5) full business days prior to the event date. Failure to obtain, or deliver, this permit will result in alcohol being banned from the event.
8. Alcoholic beverages must be served/consumed only in the area designated for the event. It is not permissible for individuals to take alcoholic beverages from that area.
  - a. Violation of this policy may lead to the termination of the event by an A-B Tech staff person and/or A-B Tech Police.
  - b. Bartenders and/or Catering Services must be licensed to serve alcohol. They shall provide proof that their staff has been adequately trained to recognize the early signs of intoxication in patrons. Staff must also be trained to exercise adequate intervention techniques to reduce or stop patrons' alcohol intake. Bartenders and/or Catering Services shall provide, in writing, intervention techniques, along with a copy of the liquor/serving license, appropriate insurance coverage, and a list of names, addresses, and ages of those who will distribute the alcohol. This documentation must be provided to A-B Tech Event Coordinator at least ten (10) business days prior to the event. Food and non-alcoholic beverages **MUST** be made available at all events where alcohol is distributed. Events held on the Victoria Road campus under the provisions of the Mission Health/A-B Tech Conference Center Memorandum of Understanding are exempt from guideline (g). Servers must be at least eighteen (18) years of age.

No one under the age of twenty-one (21) will be allowed to consume alcohol at an A-B Tech event or event held on A-B Tech campuses. Sponsoring group will need to provide the A-B Tech Event Coordinator with detailed procedures to be followed to prevent service to minors (this is submitted with the "Request to Serve Alcohol" application).
  - c. A-B Tech Police must be notified at least ten (10) days in advance of the date and time of all events at which alcohol is to be served. A-B Tech Police will provide security coverage. The sponsoring organization will be responsible for any additional costs associated with that coverage.

- d. If requested, guests must provide photo identification for proof of age before being served.
- e. No one under the age of twenty-one (21) may sign a Facilities Usage Agreement for an event where alcohol will be served.
- f. At an event, if anyone is found to have provided an alcoholic beverage to an underage person, A-B Tech Police will respond.
- g. Any member of the College community found to be in violation of the College alcohol policy shall be subject to disciplinary actions by the appropriate College office. A-B Tech departments require the approval and signature of the College President if students are to be present at the event.
- h. Refer to Policy 308, Use of Facilities, for more information regarding third party events on College property.

## Code of Student Conduct *(Updated: September 26, 2019)*

A-B Tech strives to maintain a safe, nurturing, and orderly learning environment that supports the students, faculty, and staff. Therefore, there are behavioral expectations that outline the responsibilities and proper practices for all students at the College. When, in the judgment of College officials, the student's conduct disrupts or threatens to disrupt the College community, appropriate disciplinary action will be administered. Students have the rights of Due Process when accused of a violation of the Code of Student Conduct (please reference policy 823). All matters related to alleged sexual misconduct shall be referred to the College's Title IX Coordinator and governed pursuant to the Sexual Misconduct Policy 112. For matters regarding alleged discrimination and harassment, please refer to the Non-Discrimination and Harassment Policy 111.

A student who is in possible violation of the Code of Student Conduct will be referred to the Vice President for Student Services or designee. If the Vice President of Student Services or designee determines the student's alleged actions are egregious and/or potentially threatening to the learning environment or to campus safety, the student may be immediately suspended for up to ten College business days, pending a due process hearing or Threat Assessment review.

Students who have been found responsible of a violation of the Code of Student Conduct may be assigned consequences based upon the seriousness of the offense. Sanctions for violations may include but not be limited to: verbal warning, written warning, a failing grade for an assignment, examination, or course, administrative withdrawal from courses or academic program, restitution for damages, probation including mandatory periodic progress reports, consequences adapted to the specific violation, suspension, or expulsion. The President shall have final approval in the expulsion of a student.

Violations of any federal, state or local laws occurring while on campus may lead to legal actions as well as campus discipline. Violations of federal, state or local laws occurring off campus may result in disciplinary action if the student's continued presence on campus constitutes a threat to the safety and order of the campus.

### Violations for which disciplinary proceedings may be initiated are as follows:

1. **Academic Dishonesty:** Academic Dishonesty includes submitting someone else's work as one's own; using notes or other material without permission from the faculty on an exam, homework, or other assignments; receiving information from another student during an exam; obtaining a copy of an exam or questions from an exam prior to taking the exam; or having someone else take one's exam and submitting it as his or her own. Academic dishonesty includes Distance and Online students and/or any student who has someone else use an account and password for the purpose of submitting work as one's own.
2. **Aiding Acts of Academic Dishonesty:** Providing information to another student with the awareness that the student intends to use it for deceptive purposes.
3. **Alcoholic Beverages:** Students may not possess or use alcoholic beverages on campus. Students may not be under the influence of alcoholic beverages on campus or at College-affiliated activities or events (please reference Policy 501.05).
4. **Animals:** Students may not have an animal of any kind on campus, or at any College affiliated activities, sites or events. This includes animals left within a vehicle. Limited exceptions to this code may be found in the Animals on Campus Procedure (please reference Policy 802).

5. **Assault:** Students may not assault or threaten to assault another person for any reason whatsoever. Assault may include a demonstration of force, unlawful physical touching, or striking.
6. **Bullying:** Students may not intimidate or threaten with harm any other individual. Bullying is defined as “any pattern of gestures or written, electronic or verbal communications, or any physical act or any threatening communication that takes place on College premises or at any College sponsored function that: (a) places a person in actual and reasonable fear of harm to his or her person or damage to his or her property; or (b) creates or is certain to create a hostile environment by substantially interfering with or impairing a student’s educational performance, opportunities or benefits, or a College employee’s ability to perform the essential functions of his or her job.”
7. **Communicating Threats:** Students may not verbally, in writing, through a third party, or by any other means threaten to physically injure another person or that person’s child, sibling, spouse, or dependent or willfully threaten to damage the property of another.
8. **Copyright Infringement and Peer-to-Peer File Sharing:** Students may not violate the College’s Copyright Infringement and Peer-to-Peer File Sharing Policy through the act of violating, without permission or legal authority, one or more of the exclusive rights granted to the copyright owner under section 106 of the Copyright Act (Title 17 of the United States Code). These rights include the right to reproduce or distribute a copyrighted work. In the file-sharing context, downloading or uploading substantial parts of a copyrighted work without authority constitutes an infringement (please reference Policy 215 and Policy 1006).
9. **Damage to Property:** Students may not damage property of the College or of any other person working at or attending the College.
10. **Disobedience:** Students may not disobey the reasonable directions of College employees, including administrators, faculty members, A-B Tech Police and security officers, and other staff employees.
11. **Disorderly Conduct:** Students may not conduct themselves in a way which will interrupt the academic mission of the College or which will disturb the peace of the College.
12. **Disrespect:** Students are expected to treat all College employees with respect and courtesy, particularly when and if disagreements arise.
13. **Disruption:** Students may not disrupt the normal activities of the College by physically or verbally interfering with instruction, meetings, traffic, or scheduled administrative functions.
14. **Drugs:** Students may not possess, use, or be under the influence of any narcotic or illegal drugs on campus or at any College-affiliated activities or event. This is in violation of the laws of the state of North Carolina of the United States (please reference Policy 501.05).
15. **Failure to Comply:** Students must comply with the directives of College officials or law enforcement officers during the performance of their duties. Students must identify themselves to these persons when requested to do so. Failure to respond to notifications of conduct charges is also prohibited.
16. **False Information:** Students may not present to the College or its employees false information; neither may they knowingly withhold information which may have an effect on their enrollment or their status in the institution and which is properly and legally requested by the College.
17. **Gambling:** Students may not gamble on campus or at any College-affiliated activities or events.

18. **Internet and Campus Network Acceptable Use:** The College has an extensive policy for appropriate use of the Internet. Users of the College computers acknowledge the policy whenever they sign on. Students may not use the College's access to the Internet for access to sexually explicit material or for downloading music. Email accounts are provided for student use; however, no right of privacy exists for use of email (please reference Policy 1003). Students may not share their account and password, nor may they access another student's account.
19. **Plagiarism:** The intentional theft or unacknowledged use of another's words or ideas. Plagiarism includes but is not limited to paraphrasing or summarizing another's words or works without proper acknowledgement; using direct quotes of material without proper acknowledgement; or purchasing or using a paper or presentation written or produced by another. If a student is uncertain about what constitutes plagiarism, he or she should discuss this with the class instructor.
20. **Possession of Weapons:** Students may not have a weapon of any kind, including a knife, stun gun, or any firearm in their possession on campus or at any College-affiliated activities or events except handguns as allowed by NC GS §14-269.2(k). Handguns are permitted under these circumstances:
- The person has a concealed handgun permit that is lawfully issued.
  - The handgun is in a closed compartment or container within the person's locked vehicle.
  - The handgun is 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 remains in the closed compartment at all times.
  - The vehicle is locked immediately following the entrance or exit.
- Law enforcement officers are exempt from this prohibition. This includes facsimiles of weapons (please reference Policy 305).
21. **Public Laws:** Violations of any federal, state or local laws occurring while on campus may lead to legal actions as well as campus discipline. Violations of federal, state or local laws occurring off campus may result in disciplinary action if the student's continued presence on campus constitutes a threat to the safety and order of the campus.
22. **Retaliation:** Retaliation against any person submitting a report of possible violation(s) of the Code of Student Conduct against another person is strictly prohibited. Retaliation includes, but is not limited to, any form of intimidation, punitive actions from authority figure or peers, reprisal (acts of vengeance) or harassment. Retaliation is a serious violation and should be reported immediately. The College will take appropriate disciplinary action against students found to have retaliated against another.
23. **Skateboards, Hover Boards, and Roller Skates:** Skate boards, hover boards, and roller skates are not permitted to be used on campus.
24. **Theft:** Students may not steal the property of another individual or of the College. Students who are caught stealing will be required to make restitution and may be eligible for civil or criminal prosecution as well as College discipline.
25. **Threats:** Students may not engage in any behavior that constitutes a clear and present danger to the physical and/or emotion well-being of the student and/or other students, faculty and staff.

26. **Trespass:** Students are trespassing if in an unauthorized area of the College campus or remain on the College campus after having been directed to leave by a College official.
27. **Tobacco, E-cigarettes, and Vaping:** Students may not use tobacco of any form, use e-cigarettes, or vaporizing devices on campus or at any College-affiliated activity, sites, or events (please reference Policy 306).
28. **Unauthorized Access to Records:** Students may not access, view, copy or change official College records without official authorization to do so.
29. **Use of Social Media:** Students should obey their social media platforms terms of use. Students may not make, or cause to be made, communications (including electronically or through social media) to another person in any manner likely to seriously annoy or cause alarm. Social media may not be used to breach privacy, discriminate, or harass. Students may not make, transmit, or attempt to transmit audio or video of any person(s) on College property where there is an explicit expectation of privacy. Any posts or tweets deemed inappropriate on an A-B Tech social web site or blog will be deleted immediately and may result in having access to the site blocked permanently.
30. **Violations of Expected Classroom or Learning Environment Behaviors:** May include, but not limited to, being disobedient, disrespectful, disruptive to the classroom or learning environment, or not abiding by professional conduct standards.

## Threat Assessment

A-B Tech is committed to providing a safe learning and working environment. As such, the College utilizes a threat assessment process to determine whether or not a student's behavior constitutes a potential safety risk to the individual or others. Matters that rise to the level of a potential threat will be handled solely under the Threat Assessment Policy. If the potential violation of this procedure includes other behaviors or conduct that may also violate the Code of Student Conduct, the violations will also be handled through the Threat Assessment procedure.

Student Rights of Due Process Policy (please reference Policy 823)

Threat Assessment Policy (please reference Policy 819)

## Definitions:

**Professional Conduct:** Some curricula have specific codes of professional conduct for which students may be held accountable. This information is provided in course syllabi provided to students enrolled in these curricula.

**Suspension:** Complete withdraw from the College with option for future re-enrollment after a specified period.

Pursuant to Board policy, Chapter 800, Section 804, this procedure must be followed when addressing issues associated with the Code of Student Conduct.



## **Threat Assessment Policy** *(Updated March 13, 2019)*

A-B Tech is committed to providing a safe learning and working environment. As such, the College utilizes a threat assessment process to determine whether or not a student's behavior constitutes a potential safety risk to the individual or others. Matters that rise to the level of a potential threat will be handled solely under the Threat Assessment Policy. If the potential violation of this procedure includes other behaviors or conduct that may also violate the Code of Student Conduct (Policy #804), the violations will also be handled through this procedure.

### Introduction

A threat assessment is an objective process relying on a review of behaviors or conduct to identify potentially harmful, dangerous, or violent situations and to identify possible solutions. A threat is defined as any communication or behavior that suggests to a reasonable person that an individual may intend to harm him or herself or others. The threat may be spoken, written, or gestured and is considered a threat regardless of whether it is observed by or communicated to a third party.

Examples of prohibited conduct that may rise to the level of a threat assessment include, but are not limited to:

- Injuring another person physically including assault;
- Engaging in behavior that creates a reasonable fear of injury to oneself or others including bullying and/or disorderly conduct;
- Engaging in behavior that would subject a reasonable person to, and does subject another individual or individuals to, extreme emotional distress;
- Possessing, brandishing, or using a weapon while on College premises by students except where possession is a result of participation in an organized and scheduled exercise for a course, or where the student is a law enforcement professional;
- Intentionally damaging property;
- Threatening to injure an individual (including oneself) or to damage property; and
- Retaliating against any employee, student or community member who, in good faith, reports a violation of College policy.

In situations where a student may pose a threat to him or herself, the individual may be directed to Student Support Services. However, if the potential threat to him or herself includes other behavior or conduct that may also violate the Code of Student Conduct (Policy #804), the violation will be handled through this process.

There are many behaviors that may cause concern for the safety and well-being of an individual or the campus as a whole. The following is not an exhaustive list but provides examples of concerning behaviors or situations:

- Unusual or abrupt changes in behaviors or patterns;
- Extreme emotional reaction to a loss, traumatic event or situation;
- Preoccupation with weapons, violent events or persons who have engaged in violent acts;
- References to harming others or planning a violent or destructive event;



- Prolonged irritability, angry outbursts or inordinate reactions to situations;
- Strained interpersonal relations, isolating behaviors and/or hopelessness;
- Stalking others, either in person or electronically;
- Past history of disciplinary problems and issues; and
- Verbal or physical altercation with another student, faculty, staff, or community member.

These examples of potentially threatening behaviors are not intended to operate as speech codes, promote content and viewpoint discrimination or suppress minority viewpoints in the academic setting. While a student's speech or expression may be deemed offensive by others, it does not necessarily mean it constitutes a threat under this Policy.

### Reporting Potential Threats

Anyone who believes that the immediate safety and well-being of an individual or the campus as a whole are at risk should notify the A-B Tech Police Department or call 911. The A-B Tech Police Department is located across from the parking deck in the Mission Health/A-B Tech Conference Center and can be reached by phone at (828) 398-7125. A-B Tech Police officers are available 24-hours a day, 7-days a week. To reach the on-duty officer, please call (828) 279-3166. The A-B Tech Police will forward the report to the Vice President for Student Services (VPSS) or designee and will work in partnership to determine the best course of action.

Individuals may also make a report to the Office of the VPSS by submitting an incident report at <https://abtech.edu/about/police-and-security-overview>. While anonymous reports are accepted, it is important that individuals making reports share as much information as possible. The College will make every reasonable effort to preserve the confidentiality of those reporting threatening behaviors. However, confidentiality cannot be guaranteed in the process.

### Retaliation

Retaliation against any person in connection with a report of a threat is strictly prohibited. Reports of retaliation will be addressed through this policy and/or other applicable College policies. Retaliation includes, but is not limited to, any form of intimidation, punitive actions from an authority figure or peers, reprisal (acts of vengeance) or harassment. Retaliation is a serious violation and should be reported immediately. The College will take appropriate disciplinary action against anyone found to have retaliated against another.

### Standard of Evidence

The College uses the preponderance of the evidence as the standard for proof of whether a violation occurred. In the threat assessment process, legal terms like "guilt," "innocence" and "burdens of proof" are not applicable. Student Hearing outcomes take into account the totality of all evidence available from all relevant sources. The College will find the Student either "responsible" or "not responsible" for violating College this policy.

### Threat Assessment Process

After the VPSS or designee reviews the initial report and determines that it warrants further review, a Threat Assessment Team (Team) will be assembled.

Interim measures shall only be used when necessary to protect the student's emotional and physical health and to protect the safety of the campus community. When interim measures are implemented, every effort will be made to expedite the assessment process. Interim measures may include, but are not limited to, changing the student's academic environment or temporary suspension through the investigation and hearing process. Suspensions can only be imposed by the VPSS or the President.

A Team will be comprised of no less than four members of the College's Behavioral Intervention Team (CARE Team) in an effort to ensure an efficient and equitable assessment. The VPSS or designee may at his or her discretion include additional members to the Team. If a conflict or appearance of conflict arises for any member of the Team, the VPSS or designee shall appoint a substitute for that member.

The VPSS or designee will serve as chair and provide the Team with the following information:

- The original report or A-B Tech Police incident report;
- Any witness statements and/or any other supporting documentation;
- Any previous disciplinary issues relevant to the threat; and
- Any additional relevant information that would be useful to the Team.

The role of the Team is to review the alleged threat and evaluate the alleged student's behavior/conduct in light of the accumulated evidence in order to determine if a violation of College policy has occurred and whether or not the student constitutes a threat.

The VPSS or designee will provide a written notification to the student explaining that a Team has been assembled and is evaluating the possible threat. This notification will also include the date and time of the Threat Assessment Hearing. Prior to the hearing, the student has the right to review all evidence, including written statements. Strict rules of evidence do not apply in the hearing. If the student is not able to attend, reasonable modifications to the date will be made. However, if the student chooses not to attend the scheduled hearing, the hearing will proceed as planned utilizing the evidence available.

During the hearing, the Team will have full investigatory authority when reviewing the alleged threat and evaluating the student's behavior or conduct. The Team will interview or review statements from the student, witnesses, and other relevant parties involved in the incident. All pertinent parties have a right to speak and be questioned by the Team during the hearing. Direct cross-examination between parties takes place in a modified format. The student has the right to pose questions of those providing evidence through the Team chair.

The Team has the right to inspect the student's school record and may request that the student provide secondary and post-secondary school records. The Team may also request that the student provide additional information such as medical records.

The student is allowed to be accompanied by an advocate. The role of the advocate is to provide support to the student and not to speak on behalf of the student unless invited to do so by the chair. If the student chooses to have an advocate, the student must provide the name and role of the advocate to the VPSS at least three College business days prior to the hearing date.

#### Threat Assessment Finding

The student has a right to a written notice of the hearing outcome. The hearing outcome will determine if the student is in violation of this procedure and the Code of Student Conduct (Policy #804), and if any sanctions should be imposed. Possible sanctions may include:

- Warning;
- Probation;
- Administrative withdrawal from the Academic Program or course without refund;
- Required counseling;
- No contact directive;
- Suspension from the College without refund;
- Expulsion with automatic appeal to the President; and
- Other sanctions deemed appropriate

#### Appeal

The student has a right to appeal the outcome of the Threat Assessment Hearing to the College President or designee. Upon receipt of the hearing outcome, the student has five College business days to submit a notice requesting an appeal. This notice must be submitted in writing to the Office of the VPSS. If the recommendation of the Team is suspension from the College, the student will remain suspended through the appeal process. The President's document review does not include a new hearing but shall consist of evidence presented at the hearing along with a recording of the proceeding. The President or designee will affirm, modify, or overturn the decision of the Team. The President or designee's decision will be final and notification of the decision will be sent directly from the Office of the President to the student.

#### Return to Campus

A student who is suspended from the College as a result of a threat assessment may be considered for re-enrollment. A student wishing to be considered for re-enrollment should contact the Office of the VPSS. Based on sanction requirements additional documentation may be required, including compliance with any conditions that may have been set for re-enrollment.

#### Records Retention

All documentation will be stored in the Office of the VPSS for a period of seven years at which point the documentation will be moved to an electronic version to be retained permanently. In cases where the

student is found to be in violation of this policy or other College policies, this information will be considered as a disciplinary record with the College.

### Definitions

Expulsion: Completely withdraw from the College. Does not typically allow for re-enrollment.

Suspension: Complete withdraw from the College with option for future re-enrollment after a specified period.

Threat: Any concerning communication or behavior that suggests to a reasonable person that an individual may intend to harm self, others, or property. The threat may be spoken, written or gestured and is considered a threat regardless of whether it is observed by or communicated to a third party.

### **Student Due Process** *(Updated: May 22, 2019)*

It is the policy of the Board of Trustees to endorse that a student has the liberty and/or property interest in their education, which is the expectation to continue enrollment at the College in the absence of academic failure and/or misconduct. Prior to action by the College to deprive a student of this interest through suspension or expulsion, the student will be given due process. The extent of process due is determined by state law. In addition, students who have been charged with a violation of the Code of Student Conduct shall be provided with an equitable system of due process, which can include the right to a fair hearing.

Students have the following rights of due process when an allegation has been brought against them regarding violations of the Code of Student Conduct (except, for issues involving sex and gender based discrimination, harassment and violence, see Sexual Misconduct Policy 112):

#### Students have a right to a Written Notice:

1. Upon receipt of an incident report to the Office of the Vice President of Student Services, the student in question will be sent a written notice to inform him or her of the allegations regarding the possible violation(s) of the Code of Student Conduct.

#### Students have a right to an Administrative Conference:

1. The student will be advised of the date, time, and location of the Administrative Conference with the Vice President for Student Services or designee to discuss and attempt to resolve the issue.
  - a. If the student's alleged actions are considered egregious or disruptive to the teaching and learning environment or to campus safety, the Vice President for Student Services or designee may suspend the student for up to ten College business days. The matter may be moved directly to a Student Due Process Hearing or referred to a Threat Assessment Team for review.
2. Outcome of Administrative Conference:
  - a. If the student admits responsibility for a violation(s) of the Code of Student Conduct, sanctions will be administered during the Administrative Conference process and this matter will be considered closed. The student will receive a written notice of all actions taken.
  - b. If the student disagrees with the proposed resolution or denies responsibility for any offense, the matter will move to a Student Due Process Hearing which will be conducted by the Vice President of Student Services or designee.
3. If the student fails to attend the scheduled conference, then the matter will be moved to a Student Due Process Hearing.

#### Students have a right to a Student Due Process Hearing:

1. The hearing will be scheduled as soon as practical after receipt of an incident report of allegations deemed to be egregious in nature or after the conclusion of the Administrative Conference.
2. Prior to the hearing, the student has the right to review all evidence, including written statements made against him or her. Strict rules of evidence do not apply in the hearing.
3. A written hearing notice including the date, time, and location of the hearing will be sent to the student.
4. At the hearing, all parties involved in the incident will attend and be given the opportunity to provide evidence. All pertinent parties have a right to speak and be questioned by the Vice President of Student Services or designee during the hearing. Cross-examination between parties is not permitted during the hearing.
5. The student is allowed to be accompanied by an advocate. The advocate may not present on behalf of the student unless otherwise instructed to do so by the Vice President for Student Services or designee. If the student chooses to have an advocate who is an attorney, the student must provide notification to the Office of the Vice President for Student Services at least three College business days prior to the hearing date. In this case, the College Attorney will be present also.

6. The student has a right to a recording of the hearing.
7. The student has a right to a written notice of the hearing outcome.

Students have a right to a final appeal:

1. The student has the right to appeal the outcome of the Student Due Process Hearing to the College President.
2. Upon receipt of the hearing decision, the student has five College business days to submit a notice requesting an appeal. This notice must be submitted in writing to the Office of the Vice President for Student Services.
3. The President's document review does not include a new hearing but shall consist of evidence presented at the hearing along with a recording of the proceeding.
4. The President will affirm, modify, or reject the decision of the Vice President or designee. The President's decision will be final and notification of the decision will be sent directly from the President's office to the student.

The procedure above is in effect for all students. All meetings and/or hearings for distance learners will be arranged using email, fax, conference calls, or other agreed upon electronic means.

Definitions:

Administrative Conference: A meeting with the student and the Vice President for Student Services or designee to discuss and attempt to resolve the issue.

Pertinent Parties: Include students, witnesses, faculty, staff and other College Officials involved in the incident.

Student Due Process Hearing: A formal proceeding involving all parties involved where evidence is presented to the Vice President for Student Services or designee.

Written Notice: Documentation sent to the student via postal service and/or student email.

Pursuant to Board policy, Chapter 800, Section 823, this procedure must be followed in all situations involving the rights of student due process.

## Preventing and Responding to Sexual Misconduct

It is the policy of the A-B Tech Board of Trustees to provide the campus community with education and training to increase awareness, prevention and the prompt reporting and resolution of all types of sex/gender based discrimination, harassment and violence in compliance with all applicable federal and state laws and administrative regulations.

A-B Tech students, employees, and guests/visitors have the right to be free from all forms of sex/gender based misconduct, harassment, and discrimination, examples of which include acts of sexual assault, sexual harassment, domestic violence, dating violence, and stalking (collectively “Sexual Misconduct”). All members of the A-B Tech community are expected to conduct themselves in a manner that does not infringe upon the rights of others in an illegal or offensive manner. A-B Tech believes in zero tolerance for Sexual Misconduct. Zero tolerance means that when an allegation of Sexual Misconduct is brought to an appropriate administrator’s attention, protective and other interim safety measures will be used to reasonably ensure that such conduct is stopped, is not repeated, and the effects on the victim and community are remedied, including serious sanctions when a respondent is found to have violated this Policy.

### Prevention and Awareness:

The A-B Tech Title IX Coordinator works closely with the Human Resources and Professional Development departments as well as the Enrollment Management department to ensure that new students and employees are made aware of A-B Tech policies regarding Sexual Misconduct, Title IX, and Support Services. This information is included in the New Student Orientation program and the New Employee Orientation program. Employees also participate in annual training to remain current on College policies and procedures as related to Title IX.

The Student Life Development office annually sponsors prevention and awareness programs that promote awareness of domestic violence, dating violence, sexual assault, and stalking. Awareness and prevention programming also include positive options for bystander intervention and risk reduction strategies. The Student Life Development office partners with community service providers to host additional student and employee prevention and awareness training and programming. Topics include *Nonviolent Sexuality; Sex, Consent, and the Law: Your Rights and Responsibilities under Title IX*; domestic violence awareness exhibit *Still Standing* displayed in various campus facilities, and routine tabling by college and community support agencies including A-B Tech Police Department, Counseling Services, Our Voice, Helpmate, Pisgah Legal Services, Employee Assistance Network, as well as agencies that provide support services related to drug and alcohol misuse, and the development of healthy relationships.

A-B Tech provides educational brochures on the following topic: sexual assault, domestic violence, drinking and violence, HIV awareness, healthy relationships, how the talk with your partner about sex, and risk reduction. These brochures are available in the Coman Student Center and Bailey Student Services Building. Additionally, the Support Services department publishes a brochure outlining the free and confidential counseling services provided to students. Students can access services by contacting the Support Services office in the Bailey Student Services building at [supportservices@abtech.edu](mailto:supportservices@abtech.edu) or by calling 828-398-7581. Community resources are also available and students and employees can contact Our Voice (regarding sexual violence) on the Crisis Line at 828-255-7576; HelpMate (regarding domestic

violence) on the Crisis Line at 828-254-0516; Mobile Crisis Management (community counseling) at 888-573-1006; Family Justice Center (regarding domestic violence and sexual assault) at 828-250-6900; or the Employee Assistance Network (for A-B Tech employees) at 800-454-1477.

### **Options for Bystanders:**

Bystander intervention includes safe and positive options that may be carried out by an individual or individuals to prevent harm or to intervene when there is a risk of dating violence, domestic violence, sexual assault or stalking. Bystander intervention includes: (i) recognizing situations of potential harm; and (ii) understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options and taking actions to intervene.

Any person who witnesses a sexual assault or incident of domestic violence, dating violence or stalking is requested to immediately call **9-1-1** or the A-B Tech Police Department **828-398-7125** as deemed appropriate. An online incident report can be submitted at <https://abtech.edu/about/police-and-security-overview> or contact the Title IX office at 828-398-7932. Bystanders are strongly discouraged from intervening in an altercation to the extent that the bystander's safety is at risk. In addition to calling police, a person who witnesses an active assault may distract the person committing the assault and draw attention to the scene by shouting for help. If a person who commits an assault flees, a bystander should assist the victim of the assault and obtain the offender's description and direction of travel for responding officers. If a bystander encounters someone who is being followed by a stalker, the bystander may accompany that person to a safe, populated location and remain with the person until police arrive.

### **Safety:**

If you are the victim of a sexual assault, domestic violence, dating violence or stalking your first priority should be to get to a place of safety. You should then obtain appropriate medical treatment. A-B Tech strongly recommends that victims report the incident to law enforcement in a timely manner. Emergency assistance may be requested by calling **9-1-1** or on campus **828-398-7125**. An on-duty A-B Tech police officer may be contacted directly at 828-279-3166. Time is a critical factor for evidence collection and preservation. Although, the victim is encouraged to report directly to law enforcement, they may choose to report the incident to the A-B Tech Title IX Coordinator, College Counselor, or Campus Security Authority (see page 4) who can assist the victim with accessing College and community resources and services.



## A-B Tech's Sexual Misconduct Procedure (Updated 07/19/2021)

### Introduction

#### Overview

This procedure applies to any allegation of Sexual Misconduct made by or against a student, a College employee or a third party. A-B Tech may take disciplinary action to address Sexual Misconduct and will take appropriate action to investigate and adjudicate the matter if it impacts the educational environment of the College. The College's disciplinary authority, however, may not extend to third parties who are not students or employees; or to incidents that occur outside of College or College sponsored events. This procedure applies regardless of the sexual orientation or gender identity of the parties involved.

All report of Sexual Misconduct will be reviewed by the Director of Title IX Compliance or designee to confirm that the alleged conduct can be addressed under this procedure. If it is determined that the alleged sexual misconduct complies with the standards set forth by Title IX, the complaint shall be addressed under the Title IX Sexual Harassment procedure (112.02).

### Statements of Prohibition

#### Prohibition of Sexual Misconduct

The College prohibits Sexual Misconduct and is committed to a timely and fair resolution. The College encourages prompt reporting of all types of Sexual Misconduct. While the College will investigate all reports of Sexual Misconduct, some Sexual Misconduct can be addressed effectively without full adjudication and/or without formal disciplinary sanctions against a Respondent.

#### Prohibition of Retaliation

Retaliation against any person in connection with a complaint of Sexual Misconduct is strictly prohibited. Reports of retaliation will be addressed through this procedure and/or other applicable College procedures. Retaliation includes, but is not limited to, any form of intimidation, punitive actions from authority figure or peers, reprisal (acts of vengeance) or harassment. Retaliation is a serious violation and should be reported immediately. The College will take appropriate disciplinary action against any employee or student found to have retaliated against another.

#### Prohibition of Providing False Information

Any individual who knowingly files a false report or complaint, who knowingly provides false information to College officials, or who intentionally misleads College officials involved in the investigation or resolution of a complaint may be subject to disciplinary action including, but not limited to expulsion or employment termination. The College recognizes that an allegation made in good faith will not be considered false when the evidence does not confirm the allegation(s) of Sexual Misconduct.

#### Prohibition of Student/Employee Relationships

*Employee Relationships:* Romantic or sexual relationships between College employees in a direct supervisor/supervisee relationship are prohibited. This prohibition shall continue as long as the employees remain in a direct supervisor/supervisee relationship or in the chain of supervision. Employees violating this provision will be subject to disciplinary action up to and including termination of employment.

Romantic or sexual relationships between College employees not in a supervisor/supervisee relationship that impairs the College employee's effectiveness, disrupts the workplace/learning environment, and/or impairs the public confidence in the College will be subject to disciplinary action up to and including termination of employment.

*Employee/Student Relationships:* Romantic or sexual relationships between College employees and students are prohibited if the employee and the student have an academic relationship; if the student is still enrolled in high school; or if the student is under the age of eighteen. Academic relationships include any activities in which the employee is a direct or indirect supervisor (i.e., student working in the program or department such as a work study/student worker or an employee serving as an advisor for a student club or organizational activity) or faculty and staff in an instructional setting for the student (i.e., classroom, lab, or clinical/practical setting). This prohibition shall continue until the student or the employee is no longer affiliated with the College. Employees engaging in inappropriate relationships will be subject to disciplinary action up to and including termination of employment.

Romantic or sexual relationships between College employees and students that do not violate the above provision but otherwise impairs the College employee's effectiveness, disrupts the workplace/learning environment, and/or impairs the public confidence in the College will be subject to disciplinary action up to and including termination of employment or expulsion from the College.

### Confidentiality

The College will respect and make every reasonable effort to preserve the confidentiality of the information and identities shared by the parties involved in a Sexual Misconduct matter. College administrators will, however, share information regarding an alleged Sexual Misconduct, as appropriate and necessary, in order to address and resolve the allegation, prevent the recurrence of similar Sexual Misconduct and address the effects of the Sexual Misconduct.

All full-time and part-time regular employees and curriculum adjunct faculty members are considered Responsible Employees and have a duty to report to the Director of Title IX Compliance (for student matters) or the Vice President for Human Resources (for employee matters) unless the employee is an A-B Tech professional counselor.

## Reporting Options

### Reporting to Local Law Enforcement

Individuals may report Sexual Misconduct directly to local law enforcement agencies by dialing 911. Individuals who make a criminal allegation may also choose to pursue College disciplinary action simultaneously. A criminal investigation into the matter does not release the College from its obligation to conduct its own investigation (nor is a criminal investigation determinative of whether Sexual Misconduct, for purposes of this procedure, has occurred). However, the College's investigation may be delayed temporarily while the criminal investigators are gathering evidence. In the event of such a delay, the College must take interim measures when necessary to protect the alleged Complainant and/or the College community.

Individuals may choose not to report alleged Sexual Misconduct to law enforcement authorities. The College respects and supports individuals' decisions regarding reporting; nevertheless, the College may notify appropriate law enforcement authorities if required or warranted by the nature of the allegations.

## Reporting to College Officials

For incidents between students and employees, the Director of Title IX Compliance will work in partnership with the Vice President for Human Resources or designee to investigate and resolve the allegation.

*Director of Title IX Compliance* - A-B Tech's Director of Title IX Compliance oversees compliance with all aspects of the Sexual Misconduct policy. Anyone wishing to make a report relating to Sexual Misconduct may do so by reporting the concern to the College's Director of Title IX Compliance.

Michele Hathcock  
Director of Title IX Compliance  
Office of the Vice President for Student Services  
Asheville Campus  
828-398-7932  
[michelechathcock@abtech.edu](mailto:michelechathcock@abtech.edu)

*Online reporting:*

[To submit an online report, please visit www.abtech.edu/incidentreport](http://www.abtech.edu/incidentreport)

*Vice President, Human Resources* - Incidents solely between employees may be referred directly to the Human Resources Office.

Shanna Chambers  
Vice President, Human Resources  
Asheville Campus  
828-398-7178  
[shannarchambers@abtech.edu](mailto:shannarchambers@abtech.edu)

*A-B Tech Police* - The A-B Tech Police Department is located across from the parking deck in the Mission Health/A-B Tech Conference Center on the main Asheville campus and can be reached by phone at (828) 398-7125. A-B Tech Police Officers are available 24-hours a day, 7-days a week. To reach the on-duty officer, please call (828) 279-3166.

*Anonymous Reporting* - Individuals may also file anonymous reports by completing the Incident Report Form. It may be very difficult for the College to take action on anonymous reports since supporting information may be limited. Anonymous reports may be used for statistical reporting purposes.

## Reporting Timeframe

An allegation of Sexual Misconduct may be filed at any time, regardless of the length of time between the alleged Sexual Misconduct and the decision to file the complaint. The College strongly encourages individuals to file complaints promptly in order to preserve evidence for potential disciplinary or legal proceedings. A delay in filing a complaint may hinder the College's investigation.

## Limited Immunity

The College community encourages the reporting of misconduct and crimes by Complainants and witnesses. Sometimes, Complainants or witnesses are hesitant to report to College officials or participate in resolution processes because they fear that they themselves may be accused of policy violations, such as underage drinking at the time of the incident. It is in the best interest of this College that as many Complainants as possible choose to report to College officials, and that witnesses come

forward to share what they know. To encourage reporting, the College offers Sexual Misconduct Complainants and witnesses amnesty from minor policy violations.

### State and Federal Reporting Obligations

A-B Tech follows all state laws regarding mandatory reporting of child abuse to appropriate state officials. Additionally, Campus Security Authorities have a duty to report sexual assault, domestic violence, dating violence and stalking to the Director of Title IX Compliance for federal statistical reporting purposes (Clery Act). All personally identifiable information is kept confidential, but statistical information must be shared with campus law enforcement. The information to be shared includes the date, the location of the incident (using Clery location categories) and the Clery crime category. This reporting protects the identity of the Complainant and may be done anonymously. The Annual Security Report helps to provide the community with a clear picture of the extent and nature of campus crime in order to build community safety and awareness. To see a copy of the report, you may go to the College website under Consumer Information.

### Investigation Process

#### Standard of Evidence

The College uses the preponderance of the evidence as the standard for proof of whether a violation occurred. In the student hearing and employee grievance process, legal terms like “guilt,” “innocence” and “burden of proof” are not applicable. Student and employee hearings are conducted to take into account the totality of all evidence available from all relevant sources. The College will find the Respondent either “responsible” or “not responsible” for violating this procedure.

#### Advocates

The Complainant and the Respondent are allowed to be accompanied by an advocate. The role of the advocate is to provide support solely to the Complainant or Respondent and not to speak on behalf of either party unless invited to do so by the Presiding Officer. If the Complainant or the Respondent chooses to have an advocate, the name must be provided as well as the role/relationship of the advocate to the Presiding Officer at least three College business days prior to the initial meeting or hearing date.

#### Interim Measure

If at any point the Vice President for Student Services, Director of Title IX Compliance, or designee deems it necessary to implement interim measures for the protection of any member of the College community, actions may be taken including but not limited to the following:

- Temporarily suspend the Respondent for up to ten College business days and move the matter to a hearing;
- Change the Respondent’s and/or Complainant’s class schedule;
- Take such steps as are reasonable, appropriate and necessary to restrict the Respondent’s movement on campus.

For employees, the President may take the following actions including but not limited to:

- Take such steps as are reasonable, appropriate and necessary to restrict the Respondent’s movement on campus;

- Place Respondent on temporary paid administrative leave or reassign the Respondent to other duties.

Interim measures shall only be used when necessary to protect health and safety and, when interim measures are implemented, every effort will be made to expedite the process.

### Determination of Investigator and Resolution Process

This procedure applies to students and employees as either the Complainant or the Respondent. The administrator receiving the incident report will determine if the case should be handled by the Director of Title IX Compliance (student/student cases) or the Human Resources representative (employee/employee cases). For incidents involving students and employees, the College will utilize the process for both the student investigation and the employee investigation sections as applicable.

### Investigations

When an individual brings forward an allegation of Sexual Misconduct, the individual is referred to as the Complainant. The individual named in the allegation is referred to as the Respondent. The investigation will follow the process below.

### Administrative Conference

#### Complainants

As soon as is practical, the Director of Title IX Compliance or designee will contact the Complainant to schedule an administrative conference. During these initial meetings, the Director of Title IX Compliance will:

- Work with Complainant to stop and remedy the impact of the current situation.
- Implement safety measures as necessary.
- Conduct an initial investigation to retrieve all relevant facts related to the alleged Sexual Misconduct. During this initial meeting, the Director of Title IX Compliance or designee will explain how the investigation will move forward.

#### Respondents

Prior to the administrative conference with the Respondent, the Director of Title IX Compliance or designee will notify the Respondent of the allegations. As soon as is practical and after the administrative conference with the Complainant, the Director of Title IX Compliance or designee will contact the alleged Respondent to schedule a meeting. At this meeting, the Director of Title IX Compliance will, as applicable:

- Discuss with any initial interim measures that were implemented as a result of the alleged Sexual Misconduct.
- Work with Respondent to ensure that alleged actions of Sexual Misconduct are immediately stopped and prevent future reoccurrence.
- Conduct an initial investigation to retrieve all relevant facts related to the alleged Sexual Misconduct. During this initial meeting, the Director of Title IX Compliance or designee will explain how the investigation will move forward.

## Recommendations and Hearing

After the investigation is complete, the Director of Title IX Compliance or designee will put forward a recommendation of finding and sanction(s) to both the Complainant and Respondent. The Director of Title IX Compliance or designee may also include possible violations of other College policies that contributed to, arose from, or are otherwise related to alleged violations of this policy and procedure in the scope of an investigation.

If the recommendation is accepted by both parties involved, the recommendation and sanction(s) will become effective and both parties forgo the option of a formal hearing. The Director of Title IX Compliance or designee will submit to each party a final outcome letter that will include, but not limited to, the following:

- Determination if the Respondent is responsible, not responsible, or if the decision is deemed inconclusive, or shared responsibly for violating this or other applicable College policies.
- Sanction, if appropriate.
- Monitoring of academic schedules or work-place schedule as needed
- Short-term College counseling services available to each party.

If the recommendations of the Director of Title IX Compliance or designee are not accepted by either the Complainant or the Respondent, the case will move to a formal hearing. The Vice President for Student Services or a designee will preside over the hearing as the Presiding Officer. If either party is an employee, the Vice President for Human Resources, and the Vice President for Student Services shall preside jointly over the hearing. The process for the hearing is outlined below:

- Prior to the hearing, the Complainant and the Respondent have the right to review all evidence, including written statements by the Respondent, the Complainant, or witnesses.
- Written notice including the date, time, and location of the hearing will be sent to all parties. If the respondent is not able to attend, reasonable modifications to the date will be made. However, if the respondent does not show for the scheduled hearing, the hearing will proceed as planned utilizing the evidence available.
- At the hearing, all pertinent parties have a right to speak and be questioned by the Presiding Officer. Cross-examination takes place in a modified format. Each party has the right to pose questions to the other party through the Presiding Officer. Each phase of the hearing will be heard by both parties in separate rooms by use of a speaker phone or through the use of virtual meeting software.
- The Complainant and the Respondent are allowed to be accompanied by an advocate. The role of the advocate is to provide support to the Complainant or Respondent and not to speak on behalf of either party unless invited to do so by the Presiding Officer. If the Complainant or the Respondent chooses to have an advocate, the name must be provided as well as the role of the advocate to the Presiding Officer at least three College business days prior to the hearing date.
- Both parties have a right to a written notice of the hearing outcome.

## Sanctioning

The following sanctions may be imposed for those who have violated the Sexual Misconduct Policy or other applicable College policies:

### *Student Sanctions:*

- Verbal or Written Warning
- Probation
- Administrative withdrawal from an Academic Program or course without refund
- Required Counseling
- No Contact Directive
- Suspension from the College without refund
- Recommendation for Expulsion with automatic appeal to the President
- Other consequences deemed appropriate

### *Employee Sanctions:*

- Verbal or Written Warning
- Performance Improvement Plan
- Required Counseling
- Required Training or Education
- Recommendation of Demotion (Automatic appeal to the President)
- Recommendation to Suspend with or without Pay (Automatic appeal to the President)
- Recommendation for termination (Automatic appeal to the President)
- Other consequences deemed appropriate to the specific violation

## Appeal Process

The Complainant or Respondent has a right to a final appeal to the President:

- a. Upon receipt of the hearing outcome, both parties have five College business days to submit a notice requesting an appeal. For students, this notice must be submitted in writing to the Office of the Vice President for Student Services. For employees, this notice must be submitted in writing to the Office of the Vice President for Human Resources.
- b. If an appeal is requested, both parties will be notified.
- c. The President will conduct a document review which does not include a new hearing but shall consist of evidence presented at the hearing along with a recording of the proceeding.
- d. The President will affirm, modify, or overturn the decision and/or sanctioning. The President's decision will be final, and notification of the decision will be sent directly from the President's office to each party.

## Records Retention

*Students* - All documentation will be stored in the Vice President for Student Services' office for a period of seven years at which point the documentation will be moved to an electronic version to be retained permanently. In cases where the Respondent is found responsible for violating the Sexual Misconduct Policy, this information will be considered as a disciplinary record with the College.

**Employees** – Personnel files are retained for 30 years. If the action taken is informal counseling, this does not become part of the permanent record. Civil Rights files must be maintained for a minimum of two years.

Pursuant to Board Policy 112, this procedure must be followed when dealing with sexual misconduct.

### Definitions:

**Administrative Conference:** A individual meeting with the Complainant or Respondent and the Director of Title IX Compliance or the Vice President for Human Resources or designees to discuss and attempt to resolve the issue.

**Advocate:** A support person that may accompany the Complainant or Respondent to meetings, conferences or hearings. The advocate can be a friend, family member, attorney, counselor, or any other person the Complainant or Respondent selects.

**Complainant:** A “Complainant” is an alleged victim of Sexual Misconduct who chooses to file a complaint and participate in the College’s investigation and resolution of the alleged Sexual Misconduct.

**Employee:** An individual who is hired to provide services on behalf of the College on a regular or time limited basis in exchange for compensation and who does not provide these services as an independent contractor, as defined by the Internal Revenue Service.

**Expulsion:** Completely withdraw from the College. Does not typically allow for re-enrollment.

**Preponderance of Evidence:** “Preponderance of the Evidence” is the standard for proof the College uses to determine whether a violation occurred. Preponderance of evidence means that a party has shown that its version of facts, causes, damages, or fault is *more likely than not* the correct version.

**Respondent:** A “Respondent” is an individual who has been accused of committing Sexual Misconduct by the reporting or filing of a complaint.

**Retaliation:** Any adverse action threatened or taken against a person because he or she has filed, supported, or provided information in connection with a complaint of Sexual Misconduct, including but not limited to direct and indirect intimidation, threats, and harassment.

**Sexual Misconduct:** Any unwelcome conduct of a sexual nature, including any conduct or act of a sexual nature perpetrated against an individual without consent. Sexual Misconduct can occur between strangers or acquaintances, including people involved in an intimate or sexual relationship. Sexual Misconduct can be committed by men or by women, and it can occur between people of the same or different sex. Sexual Misconduct also includes complicity in Sexual Misconduct

**Student:** An individual who is currently enrolled in a curriculum or continuing education class.

**Suspension:** Complete withdraw from the College with option for future re-enrollment after a specified period.



## Title IX Sexual Harassment Procedure (Updated 07/19/2021)

### Introduction

#### Overview

The College strives to make its campuses and sites inclusive and a safe and welcoming learning environment for all members of the College community. Pursuant to multiple federal and state laws and administrative regulations and pursuant to College policy, the College prohibits discrimination in its education programs and activities based on sex. This procedure applies to allegations of Title IX Sexual Harassment made by or against a student, a College employee or a third party. The College's disciplinary authority, however, may not extend to third parties who are not students or employees. A-B Tech may take disciplinary action to address Title IX violations and will take appropriate action to investigate and adjudicate the matter if it impacts the educational environment of the College.

#### Title IX

Title IX is a comprehensive federal law that prohibits discrimination on the basis of sex in any federally funded education program or activity. Under Title IX, discrimination on the basis of sex includes *quid pro quo* harassment; sexual harassment; and sexual assault, stalking, dating or domestic violence (collectively referred to as "sexual harassment"). The College's Director of Title IX Compliance has oversight responsibility for handling sexual harassment complaints and for identifying and addressing any patterns and/or systemic problems involving sexual discrimination or harassment.

All allegations involving sexual harassment should be directed to the Director of Title IX Compliance or designee. In the case of conduct solely between employees, reports should be directed to the Vice President for Human Resources or designee. For other complaints of discrimination and harassment not related to sexual harassment, refer to the Non-Discrimination and Harassment procedure.

#### Scope and Applicability of Title IX

Title IX regulations apply to College students and applicants for admission into the College; College employees and applicants for employment; College sanctioned student organizations; and third parties participating in a College education program or activity. Title IX applies to conduct that occurs in a College education program or activity located within the United States and of which the College has actual knowledge.

#### Reporting Options

##### *Reporting to Local Law Enforcement*

Individuals may report sexual harassment directly to local law enforcement agencies by dialing 911. Individuals who make a criminal allegation may also choose to pursue College disciplinary action simultaneously. A criminal investigation into the matter does not release the College from its obligation to conduct its own investigation (nor is a criminal investigation determinative of whether sexual harassment has occurred). However, the College's investigation may be delayed temporarily while the criminal investigators are gathering evidence. In the event of such a delay, the College must take interim measures when necessary to protect the alleged Complainant and/or the College community.

Individuals may choose not to report alleged sexual harassment to law enforcement authorities. The College respects and supports individuals' decisions regarding reporting; nevertheless, the College may notify appropriate law enforcement authorities if legally required or warranted by the nature of the allegations.

## Reporting to College Officials

*Director of Title IX Compliance* - Anyone wishing to make a report relating to sexual harassment may do so by reporting the concern to the Director of Title IX Compliance in person, by mail, by telephone, by email, or by any other means that results in the Director of Title IX Compliance receiving the person's verbal or written report of alleged harassment.

Michele Hathcock  
Director of Title IX Compliance  
Office of the Vice President for Student Services  
Asheville Campus  
828-398-7932  
[michelechathcock@abtech.edu](mailto:michelechathcock@abtech.edu)

Online reporting at: [www.abtech.edu/about/title-ix-sexual-discrimination-and-harassment-legislation](http://www.abtech.edu/about/title-ix-sexual-discrimination-and-harassment-legislation).

*Vice President, Human Resources* - Incidents solely between employees may be referred directly to the Human Resources Office who will work with the Director of Title IX Compliance.

Shanna Chambers  
Vice President, Human Resources  
Asheville Campus  
828-398-7178  
[shannarchambers@abtech.edu](mailto:shannarchambers@abtech.edu)

*A-B Tech Police* - The A-B Tech Police Department is located across from the parking deck in the Mission Health/A-B Tech Conference Center on the Asheville campus and can be reached by phone at (828) 398-7125. A-B Tech Police Officers are available 24-hours a day, seven days a week. To reach the on-duty officer, please call (828) 279-3166.

*Responsible Employees* - All full-time and part-time regular employees and curriculum adjunct faculty are considered Responsible Employees and have a duty to forward complaints to the Director of Title IX Compliance.

## Providing False Information

Any individual who knowingly files a false report or complaint, who knowingly provides false information to College officials, or who knowing misleads College officials involved in the investigation or resolution of a complaint may be subject to disciplinary action including, but not limited to expulsion or employment termination. The College recognizes a determination regarding responsibility alone is not sufficient to conclude a false report or complaint was made.

## Limited Immunity

The College community encourages the reporting of misconduct and crimes. Sometimes, Complainants or witnesses are hesitant to report to College officials or participate in resolution processes because they fear that they themselves may be accused of various policy violations. It is in the best interest of this College that as many Complainants as possible choose to report to College officials, and that witnesses come forward to share what they know. To encourage reporting, the College offers Complainants and witnesses amnesty from minor policy violations.

## Grievance Process

Use of this grievance process applies to reports alleging sexual harassment carried out by employees, students, or third parties. When an individual brings forward an allegation of sexual harassment, the individual is referred to as the Complainant. The individual named in the allegation is referred to as the Respondent. All reports of harassment are taken seriously. At the same time, those accused of harassment are presumed "not responsible" throughout this grievance process.

### Initial College Response and Assessment

After receiving a report of sexual harassment, the Director of Title IX Compliance or designee takes immediate and appropriate steps to:

1. Communicate with the individual who reported the alleged conduct;
2. Implement supportive measures to eliminate and prevent the recurrence of sexual harassment, deter retaliation, remedy the effects of sex misconduct, and provide due process rights during a College investigation;
3. Provide the individual with a copy of this procedure; and
4. Determine whether the alleged conduct, as described by the reporting party, falls within the scope of this policy and if so, initiate the investigation and resolution steps outlined below.
5. The Director of Title IX Compliance may delegate the authority to take some or all of these steps to other trained College officials.

The Director of Title IX Compliance or designee will take the following action based on the initial assessment:

1. The Director of Title IX Compliance *must* administratively close a report or complaint of sexual harassment if after an initial assessment:
  - a. The allegations as stated do not constitute a violation of this Policy and Procedure under Title IX, even if proven; or
  - b. The alleged sexual harassment did not occur in the College's education program or activity or did not occur in the United States.
  - c. The Director of Title IX Compliance will notify the parties if a report or complaint of sexual harassment is closed, including the reason(s) for closure, and direct the parties to the appropriate College office or department to resolve the report or complaint. All parties may appeal the Director of Title IX Compliance dismissal of a Formal Complaint by using the appeal procedures.
2. The Director of Title IX Compliance or designee *may* administratively close a report or complaint of sexual harassment if:
  - a. The Complainant, at any time, requests withdrawal of the report or complaint;
  - b. The Respondent is no longer enrolled or employed by the College; or
  - c. The College is prevented from gathering evidence sufficient to reach a determination of responsibility.
  - d. The Director of Title IX Compliance will notify the parties if a report or complaint of sexual harassment is closed, including the reason(s) for closure, and direct the parties to the

appropriate College office or department to resolve the report or complaint. All parties may appeal the Director of Title IX Compliance's dismissal of a Formal Complaint by using the appeal procedures.

Regardless of when alleged sexual harassment is reported, a Complainant must be participating in or attempting to participate in the College's education program or activity for a Formal Complaint to be filed.

### Informal Resolution

Any party may request the College facilitate an informal resolution to a sexual harassment complaint at any time after the filing of a Formal Complaint. The Director of Title IX Compliance may also offer the parties the opportunity for informal resolution.

1. Upon request for informal resolution, the Director of Title IX Compliance determines whether informal resolution is appropriate based on the facts and circumstances of the case. The Director of Title IX Compliance ensures that any proposed informal resolution is consistent with the College's obligations to prevent and redress sexual harassment.
2. A student's allegations of sexual harassment against a College employee are not eligible for informal resolution.
3. The Director of Title IX Compliance provides the parties with written notice of proceeding with an informal resolution, including the allegations of sexual harassment, the requirements of the informal resolution process, and potential outcomes resulting from participating in the informal resolution process.
4. Informal resolution is voluntary. The Complainant and Respondent must provide written consent for informal resolution to take place. Any party has a right to end the informal resolution process at any time prior to agreeing to a resolution outcome and begin or continue the formal investigation and hearing process.
5. Informal resolution concludes the matter only when all parties have signed a written agreement that confirms resolution of the allegations. The resolution agreement must include a waiver of the parties' right to have a formal hearing on the allegations that have been informally resolved.
6. Parties are prohibited from revoking or appealing a resolution agreement. Should the Respondent violate the terms of an informal resolution agreement, such violation will subject the Respondent to a formal investigation and hearing.
7. If a resolution agreement is not reached, the College will continue with a formal investigation and hearing.

### Formal Title IX Investigation

The goal of a formal investigation is to reach a determination as to whether a Respondent has violated one or more College policies prohibiting sexual harassment and if so, remedy the effects of a violation. The Director of Title IX Compliance may include possible violations of other College policies that contributed to, arose from, or are otherwise related to alleged violations of this Policy and Procedure in the scope of an investigation.

1. The Director of Title IX Compliance gives written notice to the Complainant and Respondent of the investigation, providing sufficient details to allow the parties to respond and prepare for initial interviews, including the identity of the parties involved (if known), the conduct alleged to

be sexual harassment, the date and location of alleged incidents (if known), a statement that the Respondent is presumed not responsible and a determination of responsibility is made at the conclusion of the process, information regarding the parties' right to an advisor and the right to review evidence, and notice that the College prohibits knowingly making false statements or submitting false information during the grievance process.

2. Parties to an investigation can expect a prompt, thorough, and equitable investigation of complaints, including the opportunity for parties to ask questions, present witnesses and provide information regarding the allegations.
3. Parties and witnesses should cooperate in the investigation process to the extent required by law and this policy.
4. The standard of proof used in investigations is the preponderance of the evidence standard. It is the College's responsibility to establish the standard of proof and gather evidence during investigations.
5. The College aims to bring all investigations to a resolution within a reasonably prompt timeframe from the date the Director of Title IX Compliance determines a formal investigation will commence. Extensions of timeframe for good cause are allowed, so long as written notice and the reason for the delay is provided to the parties. Good cause includes:
  - a. The complexity and/or number of the allegations;
  - b. The severity and extent of the alleged misconduct;
  - c. The availability of the parties, witnesses, and evidence;
  - d. A request by a party to delay an investigation;
  - e. The effect of a concurrent criminal investigation or proceeding;
  - f. Intervening holidays, College breaks, or other closures;
  - g. Good faith efforts to reach a resolution; or
  - h. Other unforeseen circumstances.
  - I. Investigations typically include interviews with the Complainant, the Respondent, and any witnesses, and the objective evaluation of any physical, documentary, or other evidence as appropriate and available. The College will give the Complainant and the Respondent written notice of any interview, meeting, or hearing.
  - II. The College may suspend or place on administrative leave a student or employee, pending the completion of an investigation and resolution, when the College determines the person poses an immediate threat to the physical health or safety of any member(s) of the College community. Additional interim measures may include restricting the movements of a student or employee on campus, altering class or work locations, or schedules.
    - a. The Director of Title IX Compliance may recommend to the appropriate College official to implement or stay an interim suspension of a student or employee and the conditions and duration of such suspension or leave.

- b. In all cases in which an interim suspension or administrative leave is imposed, the student or employee shall be given notice and an opportunity to challenge the removal decision immediately following the removal.
- c. Violation of an interim suspension under this Procedure is grounds for expulsion or termination.
  - Interviews conducted as part of an investigation under this Procedure may be recorded by the College. Recordings not authorized by the College are prohibited.
  - The Complainant and Respondent have the right to be accompanied by an advisor of their choosing during all stages of an investigation. A party may elect to change advisors during the process. All advisors are subject to the same rules:
    - a. During the investigation, the advisor's role is limited to providing advice, guidance, and support to the Complainant or Respondent. An advisor is not permitted to act as a participant or advocate during the investigative process.
    - b. Advisors are expected to maintain the privacy of the records shared with them.
    - c. Advisors are expected to refrain from interfering with investigations.
    - d. Any advisor who oversteps their role or interferes during an investigation process will be warned once. If the advisor continues to disrupt or otherwise fails to respect the limits of the advisor role, the advisor will be asked to leave. The Director of Title IX Compliance determines whether the advisor may return or should be replaced by a different advisor.
  - Prior to finalizing a report, the investigator provides all parties an equal opportunity to review any evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, including evidence upon which the College does not intend to rely. The Complainant and Respondent may submit a written response to the evidence within ten (10) days after receipt of the evidence.
    - a. Responses must be submitted to the investigator via email, mail, or hand delivery by 5:00 p.m. eastern standard time on the date responses are due. Responses may not exceed 10 double-spaced pages on 8.5 x 11 paper with one-inch margins and 12-point font.
    - b. The investigator considers any responses received from the parties and conducts any further investigation necessary or appropriate.
- 6. Following an investigation and at least 10 days prior to a grievance hearing, the investigator submits an investigative report to the parties that fairly summarizes relevant evidence. The report includes a summary of the allegations; a summary of the response; a summary of the investigative steps taken to verify the allegations and response; and a summary of the evidence relevant to a determination of responsibility.

## Grievance Hearings

At least 10 days after the issuance of an investigation report, the College must hold a live hearing in front of a presiding officer to determine responsibility of a Respondent. The presiding officer may not be the Director of Title IX Compliance or the investigator. A "live hearing" means either in person or virtually. The following hearing rules apply:

1. All parties must be able to see and hear the questioning of parties and witnesses.
2. Any party may request a virtual hearing. If requested, the College will provide a virtual hearing.
3. All parties have an equal opportunity to present witnesses, including fact and expert witnesses.
4. The parties' advisors are permitted to cross-examine the parties and any witnesses.
  - a. The parties are prohibited from directly conducting cross-examination. Cross-examination must be conducted by a party's advisor.
  - b. The presiding officer determines whether questions asked during cross-examination are relevant to the determination of responsibility. If the presiding officer disallows a question, they will explain the basis for their decision at the hearing. Parties and advisors may not challenge a presiding officer's determination during the hearing.
  - c. Evidence or questions that inquire about the Complainant's sexual predisposition or prior sexual history are prohibited unless such questions and evidence are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.
  - d. The presiding officer may not consider statements of individuals who do not submit to cross-examination in reaching a determination of responsibility.
  - e. Records with a legally recognized privilege, such as medical treatment records, may not be used unless the individual or entity who holds the privilege waives the privilege. Any waiver must be written and made in advance of a hearing.
  - f. If a party does not have an advisor, the College will provide an advisor at no cost to the party. The advisor may, or may not, be an attorney.
  - g. Other standard Rules of Evidence do not apply in grievance hearings under these Procedures.
5. The College will provide either an audio recording, audiovisual recording, or transcript of the hearing to all parties.
6. The presiding officer evaluates all relevant evidence and reaches a determination regarding responsibility. The presiding officer issues their final written determination to all parties within ten (10) days of the hearing. The final written determination includes a summary of the allegations; a description of the procedural steps taken by the College to investigate and reach a determination of responsibility; findings of fact supporting the determination; conclusions regarding the application of College policies to the facts; a statement of and rationale for the result as to each allegation, including a determination of responsibility; any disciplinary sanctions the College recommends or imposes; whether remedies designed to restore or preserve equal access to an education program or activity will be provided to the Complainant; and the College's appeal procedures.
7. The following sanctions may be imposed for those who have violated these procedures:

**Student Sanctions:**

- a. Verbal or Written Warning
- b. Probation
- c. Administrative withdrawal from a course without refund
- d. Required Counseling
- e. No Contact Directive
- f. Suspension
- g. Recommendation of Expulsion
- h. Other consequences deemed appropriate

**Employees Sanctions:**

- a. Verbal or Written Warning
  - b. Performance Improvement Plan
  - c. Required Counseling
  - d. Required Training or Education
  - e. Recommendation of Demotion
  - f. Recommendation to Suspend with or without Pay
  - g. Recommendation of Termination
  - h. Other consequences deemed appropriate
8. If the presiding officer recommends the Respondent be expelled, suspended, demoted, or terminated, during the time in which either party has to appeal, the Respondent shall remain on suspension or administrative leave unless otherwise determined by the presiding officer. If the presiding officer is required to make a recommendation for student expulsion or employee suspension, demotion or termination, such recommendation will be made to the appropriate College official after the time for appeal has expired.

## Appeals

After the presiding officer submits their determination of responsibility to the Complainant and Respondent, all parties are given an equal opportunity to appeal the determination. Appeals may be based only on these grounds:

1. Procedural irregularity that affected the outcome;
2. New evidence that was not reasonably available at the time of the hearing that could affect the outcome; and/or
3. The Director of Title IX Compliance or designee, investigator, or presiding officer had a bias or conflict of interest that affected the outcome.

Parties must submit any appeal to the President of the College by 5:00 p.m. eastern standard time via email or mail, within ten (10) days of receiving the presiding officer's written determination of responsibility. The appeals request may not exceed ten (10) double-spaced pages on 8.5 x 11 paper with one-inch margins and 12-point font.



The College notifies all parties when an appeal is filed and provides all parties a copy of the appeal and a chance to submit a written statement supporting or challenging the outcome. Parties must submit written statements supporting or challenging the outcome to the President of the College by 5:00 p.m. eastern standard time via email or mail, within two (2) days of receiving a copy of an appeal.

The President shall conduct a review of the record, including the appeal(s) received, any written statements supporting or challenging the outcome, the investigation report, the presiding officer's written determination of responsibility, and any accompanying evidence prior to issuing a written decision to the Complainant and Respondent that describes the result of the appeal and the rationale for the result.

The President's written decision is final.

### Protection Against Retaliation

Retaliation against any person in connection with a complaint of sexual harassment is strictly prohibited. Reports of retaliation will be addressed through this procedure and/or other applicable College procedures. The College will not in any way retaliate against an individual for the purpose of interfering with any right or privilege secured by Title IX or because the individual has made a report or complaint, testified, assisted, participated, or refused to participate in any manner in an investigation, proceeding, or hearing under these procedures.

Retaliation is a violation of College policy regardless of whether the underlying allegations are ultimately found to have merit. Reports of retaliation are treated separately from reports or complaints of misconduct and will be addressed through this procedure and/or other applicable College procedures.

### Suspending Procedures

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

### FERPA (Family Educational Rights and Privacy Act)

A student's personally identifiable information found in a student's education records will be shared only with College employees who need to know to assist with the College's response to misconduct. A student's personally identifiable information found in a student's education records will not be disclosed to third parties unaffiliated with the College unless:

1. The student gives consent;
2. The College must respond to a lawfully issued subpoena or court order; or
3. The College is otherwise required by law to disclose.

### Student and Employee Education and Annual Training

The College will provide education to students and employees on an annual basis related to misconduct, consent, sexual harassment, risk reduction, and bystander interventions. College officials involved in the Title IX investigations and resolution process shall receive annual training.

Each fall, students and employees will receive an electronic copy of these procedures included in the Annual Security Report (Clery Act), sent to their College email address. These procedures will be maintained online on the College's website and a hard copy will be available upon request to the Director of Title IX Compliance.

## Records Retention

*Students* - All documentation will be stored in the Vice President for Student Services' office for a period of seven years at which point the documentation will be moved to an electronic version to be retained permanently. In cases where the Respondent is found responsible for violating the Sexual Misconduct Policy, this information will be considered as a disciplinary record with the College.

*Employees* – Personnel files are retained for 30 years. If the action taken is informal counseling, this does not become part of the permanent record.

Pursuant to Board Policy 112, this procedure must be followed when dealing with Title IX sexual harassment based sexual misconduct.

## Definitions:

The following definitions shall apply to this procedure. The definitions are not intended to operate as speech codes, promote content and viewpoint discrimination or suppress minority viewpoints in the academic setting. Indeed, just because a student's speech or expression is deemed offensive by others does not mean it constitutes discrimination or harassment.

In applying these definitions, College administrators shall view the speech or expression in its context and totality and shall apply the following standard: the alleged complainant subjectively views the conduct as discrimination or harassment and that the conduct is objectively severe or pervasive enough that a reasonable person would agree that the conduct is discriminatory or harassing.

**Actual Knowledge:** Notice of sexual harassment or allegations of sexual harassment by the Title IX Coordinator or any College official who has authority to institute corrective measures on behalf of the College. Actual knowledge is not met when the only College official with actual knowledge is a Respondent.

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

**Consent:** The explicit approval to engage in sexual activity demonstrated by clear actions or words. This decision must be made freely and actively by all participants. Non-verbal communication, silence, passivity or lack of active resistance does not imply consent. In addition, previous participation in sexual activity does not indicate current consent to participate and consent to one form of sexual activity does not imply consent to other forms of sexual activity. Consent has not been obtained in situations where the individual: 1) is forced, pressured, manipulated or has reasonable fear that they will be injured if they do not submit to the act; 2) is incapable of giving consent or is prevented from resisting due to physical or mental incapacity (including being under the influence of drugs or alcohol); or 3) has a mental or physical disability which inhibits his/her ability to give consent to sexual activity.

**Dating Violence:** Crimes of violence against a person with whom the person has or had a social relationship or a romantic or intimate relationship.

**Domestic Violence:** Crimes of violence against a current or former spouse or intimate partner; a person with whom the individual shares a child in common; a person with whom the individual cohabitates or has cohabitated as a spouse or intimate partner; a person similarly situated to the individual as a spouse under local domestic laws; or any other person who is protected under local domestic laws of the jurisdiction.

**Education Program or Activity:** For purposes of these Procedures, this means any locations, events, or circumstances over which the College exercised substantial control over both the Complainant and

Respondent and the context in which the alleged sexual harassment occurs. It also means any building owned or controlled by a student organization that is officially recognized by the College.

**Education Program or Activity:** For purposes of these policy, this means any locations, events, or circumstances over which the College exercised substantial control over both the Respondent(s) and the context in which the alleged sexual harassment occurs. It also means any building owned or controlled by a student organization that is officially recognized by the College.

**Employee:** An individual who is hired to provide services on behalf of the College on a regular or time limited basis in exchange for compensation and who does not provide these services as an independent contractor, as defined by the Internal Revenue Service.

**Expulsion:** Completely withdraw from the College. Does not typically allow for re-enrollment.

**Formal Complaint:** A document filed by a Complainant or signed by the Title IX Coordinator alleging sexual harassment against a Respondent and requesting the College investigate the allegation(s). A Formal Complaint initiates a formal grievance process in which parties are entitled to due process protections.

**Informal Resolution:** A resolution reached regarding an allegation of sexual harassment without the filing of a Formal Complaint. Informal Resolution may include mediation, facilitated dialogue, conflict coaching, restorative justice, or other models of alternative dispute resolution. Informal Resolution cannot be used for a student's allegation of sexual harassment against a College employee.

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

**Retaliation:** To intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or because the individual has made a report or complaint, testified, assisted, participated, or refused to participate in any manner in an investigation, proceeding, or hearing under these Procedures.

**Sexual Assault:** An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting system.

**Sexual Harassment:** Includes any of the three types of misconduct on the basis of sex: (1) Quid pro quo harassment; (2) unwelcome conduct that a reasonable person would find so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the College's education program or activity, including conduct based on sex stereotyping; or (3) any instance of sexual assault, (as defined in the Clery Act), dating violence, domestic violence, or stalking as defined in the Violence Against Women Act (VAWA). Quid pro quo harassment is a person having power or authority over another and conditioning an educational or employment benefit or service or access to receiving the educational or employment benefit or service upon a person's participation in unwelcome sexual conduct.

**Sexual Misconduct:** Any unwelcome conduct of a sexual nature, including any conduct or act of a sexual nature perpetrated against an individual without consent. Sexual Misconduct can occur between strangers or acquaintances, including people involved in an intimate or sexual relationship. Sexual Misconduct can be committed by men or by women, and it can occur between people of the same or different sex. Sexual Misconduct includes but is not limited to all forms of sexual harassment as defined by Title IX.

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

**Standard of Evidence:** The College uses the preponderance of the evidence as the standard of proof of whether a violation of this policy has occurred. In the student or employee hearing and grievance process, legal terms like “guilt”, “innocence”, and “burden of proof” are not applicable. Student and employee hearings are conducted to take into account the totality of the evidence available from all relevant sources. The College will find the Respondent either “responsible” or “not responsible” for violating College policy.

**Student:** An individual who is currently enrolled in a curriculum or continuing education class.

**Supportive Measures:** Individualized services reasonably available that are non-punitive, non-disciplinary, and not unreasonably burdensome to the other party that are designed to ensure equal educational access, protect safety, or deter sexual harassment. Examples of support measures are counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, leaves of absences, increased security and monitoring of certain areas of the College, and other similar measures.

**Suspension:** Complete withdraw from the College with option for future re-enrollment after a specified period.

## **Sex Offender Registration**

Pursuant to North Carolina General Statute 14-208.7, individuals who have reportable convictions for any sex offense are required to maintain a registration with the sheriff of the county in which they reside. Any nonresident with such a conviction who works or attends school in North Carolina is required to maintain a registration with the sheriff in the county in which that individual works or is a student. Additionally, the North Carolina Division of Criminal Statistics is responsible for compiling and keeping current a central statewide sex offender registry. Specific information as set forth in General Statute 14-208.10 is public record and is made available for public inspection. The Division of Criminal Statistics provides free public access to automated data from the statewide registry, including photographs provided by the registering sheriffs, via the Internet. The public is able to access the statewide registry to view an individual registration record, a part of the statewide registry, or the entire statewide registry. The Division may also provide copies of registry information to the public upon written request and may charge a reasonable fee for duplicating costs and mailings costs. The North Carolina Sex Offender Registry website may be accessed at the following link: <http://sexoffender.ncsbi.gov/search.aspx>.

## **Annual Fire Safety Report and Missing Student Policies**

A-B Tech does not have on-campus residence facilities. Therefore, the College is not required by the Campus Safety and Security Reporting Act to maintain a fire report or to have a missing student policy.

## Daily Crime Log

The A-B Tech Police Department maintains a daily crime log to record criminal incidents and alleged criminal incidents that are reported. The log contains reported crimes from the last 60 days. Crime logs for the Asheville Campus, Madison Campus, Woodfin Campus and non-campus properties can be viewed at the A-B Tech Police Department located in the A-B Tech/Mission Health Conference Center on the Asheville Campus. The crime log for the Enka Campus can be viewed at the Enka Police and Security office located in the Small Business Center on the Enka Campus.

## Sources of Crime Statistics

Campus crime, arrests and referral statistics include those reported to A-B Tech Police Department and to Campus Security Authorities through voluntary confidential reporting procedures. A-B Tech also requests statistics for crimes reported directly to other law enforcement agencies. In addition to the tables below, A-B Tech's crime statistics can be viewed at the Department of Education's web site at <http://ope.ed.gov/security/>

**NOTE:** Hate crimes are reported separately and pertain to crimes that manifest evidence that the victim was intentionally selected because of the victim's actual or perceived race, gender, religion, sexual orientation, gender identity, ethnicity, national origin or disability. Hate crimes include criminal homicide, sex offense, robbery, aggravated assault, burglary, motor vehicle theft, arson, larceny-theft, simple assault, intimidation, and destruction/damage/vandalism of property or any other crime involving personal injury.

## Unfounded Reports

A-B Tech may withhold, or subsequently remove, a reported crime from its crime statistics when sworn or commissioned law enforcement personnel have fully investigated the reported crime and based on the results of this full investigation and evidence, have made a formal determination that the crime report is false or baseless and therefore "unfounded". Only sworn or commissioned law enforcement personnel may "unfound" a crime. The recovery of stolen property, the low value of stolen property, the refusal of the victim to cooperate with the prosecution and the failure to make an arrest does not "unfound" a crime report.

**IMPORTANT NOTE REGARDING CRIME STATISTICS: From March to December 2020, A-B Tech shifted operations to predominantly online due to the COVID-19 Pandemic.**

## ASHEVILLE CAMPUS – CRIME STATISTICS

OFFENSE	YEAR	ON-CAMPUS PROPERTY		PUBLIC PROPERTY	
MURDER / NON-NEGLIGENT MANSLAUGHTER	2018	0		0	
	2019	0		0	
	2020	0		0	
NEGLIGENT MANSLAUGHTER	2018	0		0	
	2019	0		0	
	2020	0		0	
SEX OFFENSES, FORCIBLE		Rape	Fondling	Rape	Fondling
	2018	0	0	0	0
	2019	0	0	0	0
	2020	1	1	0	0
SEX OFFENSES, NON-FORCIBLE		Incest	Statutory Rape	Incest	Statutory Rape
	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
ROBBERY	2018	0		0	
	2019	0		0	
	2020	0		0	
AGGRAVATED ASSAULT	2018	0		0	
	2019	0		0	
	2020	0		0	
BURGLARY	2018	0		0	
	2019	1		0	
	2020	0		0	
MOTOR VEHICLE THEFT	2018	0		0	
	2019	0		0	
	2020	0		0	
ARSON	2018	0		0	
	2019	0		0	
	2020	0		0	
DOMESTIC VIOLENCE	2018	1		0	
	2019	0		0	
	2020	0		0	
DATING VIOLENCE	2018	0		0	
	2019	0		0	
	2020	0		0	
STALKING	2018	2		0	
	2019	2		0	
	2020	1		0	
ARRESTS: WEAPONS: CARRYING, POSSESSING ETC.	2018	3		0	
	2019	0		0	
	2020	0		0	
DISCIPLINARY REFERRALS: WEAPONS: CARRYING, POSSESSING, ETC.	2018	3		0	
	2019	0		0	
	2020	0		0	
ARRESTS: DRUG ABUSE VIOLATIONS	2018	7		0	
	2019	2		0	
	2020	0		0	
DISCIPLINARY REFERRALS: DRUG ABUSE VIOLATIONS	2018	0		0	
	2019	1		0	
	2020	2		0	
ARRESTS: LIQUOR LAW VIOLATIONS	2018	0		0	
	2019	0		0	
	2020	0		0	
DISCIPLINARY REFERRALS: LIQUOR LAW	2018	0		0	
	2019	0		0	
	2020	0		0	

## ASHEVILLE CAMPUS - HATE CRIME STATISTICS

OFFENSE	YEAR	ON-CAMPUS PROPERTY		PUBLIC PROPERTY	
MURDER / NON-NEGLIGENT MANSLAUGHTER	2018	0		0	
	2019	0		0	
	2020	0		0	
NEGLIGENT MANSLAUGHTER	2018	0		0	
	2019	0		0	
	2020	0		0	
SEX OFFENSES, FORCIBLE		Rape	Fondling	Rape	Fondling
	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
SEX OFFENSES, NON-FORCIBLE		Incest	Statutory Rape	Incest	Statutory Rape
	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
ROBBERY	2018	0		0	
	2019	0		0	
	2020	0		0	
AGGRAVATED ASSAULT	2018	0		0	
	2019	0		0	
	2020	0		0	
BURGLARY	2018	0		0	
	2019	0		0	
	2020	0		0	
MOTOR VEHICLE THEFT	2018	0		0	
	2019	0		0	
	2020	0		0	
ARSON	2018	0		0	
	2019	0		0	
	2020	0		0	
LARCENY - THEFT	2018	0		0	
	2019	0		0	
	2020	0		0	
SIMPLE ASSAULT	2018	0		0	
	2019	0		0	
	2020	0		0	
INTIMIDATION	2018	0		0	
	2019	0		0	
	2020	0		0	
DESTRUCTION / DAMAGE / VANDALISM OF PROPERTY	2018	0		0	
	2019	0		0	
	2020	0		0	
DOMESTIC VIOLENCE	2018	0		0	
	2019	0		0	
	2020	0		0	
DATING VIOLENCE	2018	0		0	
	2019	0		0	
	2020	0		0	
STALKING	2018	0		0	
	2019	0		0	
	2020	0		0	

## ENKA CAMPUS - CRIME STATISTICS

OFFENSE	YEAR	ON-CAMPUS		PUBLIC PROPERTY	
MURDER / NON-NEGLIGENT MANSLAUGHTER	2018	0		0	
	2019	0		0	
	2020	0		0	
NEGLIGENT MANSLAUGHTER	2018	0		0	
	2019	0		0	
	2020	0		0	
SEX OFFENSES, FORCIBLE		Rape	Fondling	Rape	Fondling
	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
SEX OFFENSES, NON-FORCIBLE		Incest	Statutory Rape	Incest	Statutory Rape
	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
ROBBERY	2018	0		0	
	2019	0		0	
	2020	0		0	
AGGRAVATED ASSAULT	2018	0		0	
	2019	0		0	
	2020	0		0	
BURGLARY	2018	0		0	
	2019	0		0	
	2020	0		0	
MOTOR VEHICLE THEFT	2018	0		0	
	2019	0		0	
	2020	0		0	
ARSON	2018	0		0	
	2019	0		0	
	2020	0		0	
DOMESTIC VIOLENCE	2018	0		0	
	2019	0		0	
	2020	0		0	
DATING VIOLENCE	2018	0		0	
	2019	0		0	
	2020	0		0	
STALKING	2018	0		0	
	2019	0		0	
	2020	0		0	
ARRESTS: WEAPONS: CARRYING, POSSESSING ETC.	2018	0		0	
	2019	0		0	
	2020	0		0	
DISCIPLINARY REFERRALS: WEAPONS: CARRYING, POSSESSING, ETC.	2018	0		0	
	2019	0		0	
	2020	0		0	
ARRESTS: DRUG ABUSE VIOLATIONS	2018	1		0	
	2019	0		0	
	2020	0		0	
DISCIPLINARY REFERRALS: DRUG ABUSE VIOLATIONS	2018	0		0	
	2019	0		0	
	2020	0		0	
ARRESTS: LIQUOR LAW VIOLATIONS	2018	0		0	
	2019	0		0	
	2020	0		0	
DISCIPLINARY REFERRALS: LIQUOR LAW	2018	0		0	
	2019	0		0	
	2020	0		0	



## ENKA CAMPUS – HATE CRIME STATISTICS

OFFENSE	YEAR	ON-CAMPUS PROPERTY		PUBLIC PROPERTY	
MURDER / NON-NEGLIGENT MANSLAUGHTER	2018	0		0	
	2019	0		0	
	2020	0		0	
NEGLIGENT MANSLAUGHTER	2018	0		0	
	2019	0		0	
	2020	0		0	
SEX OFFENSES, FORCIBLE		Rape	Fondling	Rape	Fondling
	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
SEX OFFENSES, NON-FORCIBLE		Incest	Statutory Rape	Incest	Statutory Rape
	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
ROBBERY	2018	0		0	
	2019	0		0	
	2020	0		0	
AGGRAVATED ASSAULT	2018	0		0	
	2019	0		0	
	2020	0		0	
BURGLARY	2018	0		0	
	2019	0		0	
	2020	0		0	
MOTOR VEHICLE THEFT	2018	0		0	
	2019	0		0	
	2020	0		0	
ARSON	2018	0		0	
	2019	0		0	
	2020	0		0	
LARCENY - THEFT	2018	0		0	
	2019	0		0	
	2020	0		0	
SIMPLE ASSAULT	2018	0		0	
	2019	0		0	
	2020	0		0	
INTIMIDATION	2018	0		0	
	2019	0		0	
	2020	0		0	
DESTRUCTION / DAMAGE / VANDALISM OF PROPERTY	2018	0		0	
	2019	0		0	
	2020	0		0	
DOMESTIC VIOLENCE	2018	0		0	
	2019	0		0	
	2020	0		0	
DATING VIOLENCE	2018	0		0	
	2019	0		0	
	2020	0		0	
STALKING	2018	0		0	
	2019	0		0	
	2020	0		0	

## MADISON CAMPUS - CRIME STATISTICS

OFFENSE	YEAR	ON-CAMPUS PROPERTY		PUBLIC PROPERTY	
MURDER / NON-NEGLIGENT MANSLAUGHTER	2018	0		0	
	2019	0		0	
	2020	0		0	
NEGLIGENT MANSLAUGHTER	2018	0		0	
	2019	0		0	
	2020	0		0	
SEX OFFENSES, FORCIBLE		Rape	Fondling	Rape	Fondling
	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
SEX OFFENSES, NON-FORCIBLE		Incest	Statutory Rape	Incest	Statutory Rape
	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
ROBBERY	2018	0		0	
	2019	0		0	
	2020	0		0	
AGGRAVATED ASSAULT	2018	0		0	
	2019	0		0	
	2020	0		0	
BURGLARY	2018	0		0	
	2019	0		0	
	2020	0		0	
MOTOR VEHICLE THEFT	2018	0		0	
	2019	0		0	
	2020	0		0	
ARSON	2018	0		0	
	2019	0		0	
	2020	0		0	
DOMESTIC VIOLENCE	2018	0		0	
	2019	0		0	
	2020	0		0	
DATING VIOLENCE	2018	0		0	
	2019	0		0	
	2020	0		0	
STALKING	2018	0		0	
	2019	0		0	
	2020	0		0	
ARRESTS: WEAPONS: CARRYING, POSSESSING ETC.	2018	0		0	
	2019	0		0	
	2020	0		0	
DISCIPLINARY REFERRALS: WEAPONS: CARRYING, POSSESSING, ETC.	2018	0		0	
	2019	0		0	
	2020	0		0	
ARRESTS: DRUG ABUSE VIOLATIONS	2018	0		0	
	2019	1		0	
	2020	2		0	
DISCIPLINARY REFERRALS: DRUG ABUSE VIOLATIONS	2018	0		0	
	2019	0		0	
	2020	0		0	
ARRESTS: LIQUOR LAW VIOLATIONS	2018	0		0	
	2019	0		0	
	2020	0		0	
DISCIPLINARY REFERRALS: LIQUOR LAW	2018	0		0	
	2019	0		0	
	2020	0		0	

## MADISON CAMPUS – HATE CRIME STATISTICS

OFFENSE	YEAR	ON-CAMPUS PROPERTY		PUBLIC PROPERTY	
MURDER / NON-NEGLIGENT MANSLAUGHTER	2018	0		0	
	2019	0		0	
	2020	0		0	
NEGLIGENT MANSLAUGHTER	2018	0		0	
	2019	0		0	
	2020	0		0	
SEX OFFENSES, FORCIBLE		Rape	Fondling	Rape	Fondling
	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
SEX OFFENSES, NON-FORCIBLE		Incest	Statutory Rape	Incest	Statutory Rape
	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
ROBBERY	2018	0		0	
	2019	0		0	
	2020	0		0	
AGGRAVATED ASSAULT	2018	0		0	
	2019	0		0	
	2020	0		0	
BURGLARY	2018	0		0	
	2019	0		0	
	2020	0		0	
MOTOR VEHICLE THEFT	2018	0		0	
	2019	0		0	
	2020	0		0	
ARSON	2018	0		0	
	2019	0		0	
	2020	0		0	
LARCENY - THEFT	2018	0		0	
	2019	0		0	
	2020	0		0	
SIMPLE ASSAULT	2018	0		0	
	2019	0		0	
	2020	0		0	
INTIMIDATION	2018	0		0	
	2019	0		0	
	2020	0		0	
DESTRUCTION / DAMAGE / VANDALISM OF PROPERTY	2018	0		0	
	2019	0		0	
	2020	0		0	
DOMESTIC VIOLENCE	2018	0		0	
	2019	0		0	
	2020	0		0	
DATING VIOLENCE	2018	0		0	
	2019	0		0	
	2020	0		0	
STALKING	2018	0		0	
	2019	0		0	
	2020	0		0	

## SOUTH CAMPUS - CRIME STATISTICS

*(Note: South Campus Closed on August 10, 2021)*

OFFENSE	YEAR	ON-CAMPUS PROPERTY		PUBLIC PROPERTY	
MURDER / NON-NEGLIGENT MANSLAUGHTER	2018	0		0	
	2019	0		0	
	2020	0		0	
NEGLIGENT MANSLAUGHTER	2018	0		0	
	2019	0		0	
	2020	0		0	
SEX OFFENSES, FORCIBLE		Rape	Fondling	Rape	Fondling
	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
SEX OFFENSES, NON-FORCIBLE		Incest	Statutory Rape	Incest	Statutory Rape
	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
ROBBERY	2018	0		0	
	2019	0		0	
	2020	0		0	
AGGRAVATED ASSAULT	2018	0		0	
	2019	0		0	
	2020	0		0	
BURGLARY	2018	0		0	
	2019	0		0	
	2020	0		0	
MOTOR VEHICLE THEFT	2018	0		0	
	2019	0		0	
	2020	0		0	
ARSON	2018	0		0	
	2019	0		0	
	2020	0		0	
DOMESTIC VIOLENCE	2018	0		0	
	2019	0		0	
	2020	0		0	
DATING VIOLENCE	2018	0		0	
	2019	0		0	
	2020	0		0	
STALKING	2018	0		0	
	2019	0		0	
	2020	0		0	
ARRESTS: WEAPONS: CARRYING, POSSESSING ETC.	2018	0		0	
	2019	0		0	
	2020	0		0	
DISCIPLINARY REFERRALS: WEAPONS: CARRYING, POSSESSING, ETC.	2018	0		0	
	2019	0		0	
	2020	0		0	
ARRESTS: DRUG ABUSE VIOLATIONS	2018	0		0	
	2019	0		0	
	2020	0		0	
DISCIPLINARY REFERRALS: DRUG ABUSE VIOLATIONS	2018	0		0	
	2019	0		0	
	2020	0		0	
ARRESTS: LIQUOR LAW VIOLATIONS	2018	0		0	
	2019	0		0	
	2020	0		0	
DISCIPLINARY REFERRALS: LIQUOR LAW	2018	0		0	
	2019	0		0	
	2020	0		0	

## SOUTH CAMPUS – HATE CRIME STATISTICS

*(Note: South Campus Closed on August 10, 2021)*

OFFENSE	YEAR	ON-CAMPUS PROPERTY		PUBLIC PROPERTY	
MURDER / NON-NEGLIGENT MANSLAUGHTER	2018	0		0	
	2019	0		0	
	2020	0		0	
NEGLIGENT MANSLAUGHTER	2018	0		0	
	2019	0		0	
	2020	0		0	
SEX OFFENSES, FORCIBLE		Rape	Fondling	Rape	Fondling
	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
SEX OFFENSES, NON-FORCIBLE		Incest	Statutory Rape	Incest	Statutory Rape
	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
ROBBERY	2018	0		0	
	2019	0		0	
	2020	0		0	
AGGRAVATED ASSAULT	2018	0		0	
	2019	0		0	
	2020	0		0	
BURGLARY	2018	0		0	
	2019	0		0	
	2020	0		0	
MOTOR VEHICLE THEFT	2018	0		0	
	2019	0		0	
	2020	0		0	
ARSON	2018	0		0	
	2019	0		0	
	2020	0		0	
LARCENY - THEFT	2018	0		0	
	2019	0		0	
	2020	0		0	
SIMPLE ASSAULT	2018	0		0	
	2019	0		0	
	2020	0		0	
INTIMIDATION	2018	0		0	
	2019	0		0	
	2020	0		0	
DESTRUCTION / DAMAGE / VANDALISM OF PROPERTY	2018	0		0	
	2019	0		0	
	2020	0		0	
DOMESTIC VIOLENCE	2018	0		0	
	2019	0		0	
	2020	0		0	
DATING VIOLENCE	2018	0		0	
	2019	0		0	
	2020	0		0	
STALKING	2018	0		0	
	2019	0		0	
	2020	0		0	

## WOODFIN CAMPUS - CRIME STATISTICS

OFFENSE	YEAR	ON-CAMPUS PROPERTY		PUBLIC PROPERTY	
MURDER / NON-NEGLIGENT MANSLAUGHTER	2018	0		0	
	2019	0		0	
	2020	0		0	
NEGLIGENT MANSLAUGHTER	2018	0		0	
	2019	0		0	
	2020	0		0	
SEX OFFENSES, FORCIBLE		Rape	Fondling	Rape	Fondling
	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
SEX OFFENSES, NON-FORCIBLE		Incest	Statutory Rape	Incest	Statutory Rape
	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
ROBBERY	2018	0		0	
	2019	0		0	
	2020	0		0	
AGGRAVATED ASSAULT	2018	0		0	
	2019	0		0	
	2020	0		0	
BURGLARY	2018	0		0	
	2019	0		0	
	2020	0		0	
MOTOR VEHICLE THEFT	2018	0		0	
	2019	0		0	
	2020	0		0	
ARSON	2018	0		0	
	2019	0		0	
	2020	0		0	
DOMESTIC VIOLENCE	2018	0		0	
	2019	0		0	
	2020	0		0	
DATING VIOLENCE	2018	0		0	
	2019	0		0	
	2020	0		0	
STALKING	2018	0		0	
	2019	0		0	
	2020	0		0	
ARRESTS: WEAPONS: CARRYING, POSSESSING ETC.	2018	0		0	
	2019	0		0	
	2020	0		0	
DISCIPLINARY REFERRALS: WEAPONS: CARRYING, POSSESSING, ETC.	2018	0		0	
	2019	0		0	
	2020	0		0	
ARRESTS: DRUG ABUSE VIOLATIONS	2018	0		0	
	2019	0		0	
	2020	0		0	
DISCIPLINARY REFERRALS: DRUG ABUSE VIOLATIONS	2018	0		0	
	2019	0		0	
	2020	0		0	
ARRESTS: LIQUOR LAW VIOLATIONS	2018	0		0	
	2019	0		0	
	2020	0		0	
DISCIPLINARY REFERRALS: LIQUOR LAW	2018	0		0	
	2019	0		0	
	2020	0		0	

## WOODFIN CAMPUS – HATE CRIME STATISTICS

OFFENSE	YEAR	ON-CAMPUS PROPERTY		PUBLIC PROPERTY	
MURDER / NON-NEGLIGENT MANSLAUGHTER	2018	0		0	
	2019	0		0	
	2020	0		0	
NEGLIGENT MANSLAUGHTER	2018	0		0	
	2019	0		0	
	2020	0		0	
SEX OFFENSES, FORCIBLE		Rape	Fondling	Rape	Fondling
	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
SEX OFFENSES, NON-FORCIBLE		Incest	Statutory Rape	Incest	Statutory Rape
	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
ROBBERY	2018	0		0	
	2019	0		0	
	2020	0		0	
AGGRAVATED ASSAULT	2018	0		0	
	2019	0		0	
	2020	0		0	
BURGLARY	2018	0		0	
	2019	0		0	
	2020	0		0	
MOTOR VEHICLE THEFT	2018	0		0	
	2019	0		0	
	2020	0		0	
ARSON	2018	0		0	
	2019	0		0	
	2020	0		0	
LARCENY - THEFT	2018	0		0	
	2019	0		0	
	2020	0		0	
SIMPLE ASSAULT	2018	0		0	
	2019	0		0	
	2020	0		0	
INTIMIDATION	2018	0		0	
	2019	0		0	
	2020	0		0	
DESTRUCTION / DAMAGE / VANDALISM OF PROPERTY	2018	0		0	
	2019	0		0	
	2020	0		0	
DOMESTIC VIOLENCE	2018	0		0	
	2019	0		0	
	2020	0		0	
DATING VIOLENCE	2018	0		0	
	2019	0		0	
	2020	0		0	
STALKING	2018	0		0	
	2019	0		0	
	2020	0		0	

## NON-CAMPUS PROPERTY - CRIME STATISTICS

OFFENSE	YEAR	NON-CAMPUS	
MURDER / NON-NEGLIGENT MANSLAUGHTER	2018	0	
	2019	0	
	2020	0	
NEGLIGENT MANSLAUGHTER	2018	0	
	2019	0	
	2020	0	
SEX OFFENSES, FORCIBLE		Rape	Fondling
	2018	0	0
	2019	0	0
	2020	0	0
SEX OFFENSES, NON-FORCIBLE		Incest	Statutory Rape
	2018	0	0
	2019	0	0
	2020	0	0
ROBBERY	2018	0	
	2019	0	
	2020	0	
AGGRAVATED ASSAULT	2018	0	
	2019	0	
	2020	0	
BURGLARY	2018	0	
	2019	0	
	2020	0	
MOTOR VEHICLE THEFT	2018	1	
	2019	1	
	2020	0	
ARSON	2018	0	
	2019	0	
	2020	0	
DOMESTIC VIOLENCE	2018	0	
	2019	0	
	2020	0	
DATING VIOLENCE	2018	0	
	2019	0	
	2020	0	
STALKING	2018	0	
	2019	0	
	2020	0	
ARRESTS: WEAPONS: CARRYING, POSSESSING ETC.	2018	0	
	2019	0	
	2020	0	
DISCIPLINARY REFERRALS: WEAPONS: CARRYING, POSSESSING, ETC.	2018	0	
	2019	0	
	2020	0	
ARRESTS: DRUG ABUSE VIOLATIONS	2018	1	
	2019	3	
	2020	0	
DISCIPLINARY REFERRALS: DRUG ABUSE VIOLATIONS	2018	1	
	2019	0	
	2020	0	
ARRESTS: LIQUOR LAW VIOLATIONS	2018	0	
	2019	0	
	2020	0	
DISCIPLINARY REFERRALS: LIQUOR LAW	2018	0	
	2019	0	
	2020	0	



## NON-CAMPUS PROPERTY – HATE CRIME STATISTICS

OFFENSE	YEAR	NON-CAMPUS PROPERTY		PUBLIC PROPERTY	
MURDER / NON-NEGLIGENT MANSLAUGHTER	2018	0		0	
	2019	0		0	
	2020	0		0	
NEGLIGENT MANSLAUGHTER	2018	0		0	
	2019	0		0	
	2020	0		0	
SEX OFFENSES, FORCIBLE		Rape	Fondling	Rape	Fondling
	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
SEX OFFENSES, NON-FORCIBLE		Incest	Statutory Rape	Incest	Statutory Rape
	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
ROBBERY	2018	0		0	
	2019	0		0	
	2020	0		0	
AGGRAVATED ASSAULT	2018	0		0	
	2019	0		0	
	2020	0		0	
BURGLARY	2018	0		0	
	2019	0		0	
	2020	0		0	
MOTOR VEHICLE THEFT	2018	0		0	
	2019	0		0	
	2020	0		0	
ARSON	2018	0		0	
	2019	0		0	
	2020	0		0	
LARCENY - THEFT	2018	0		0	
	2019	0		0	
	2020	0		0	
SIMPLE ASSAULT	2018	0		0	
	2019	0		0	
	2020	0		0	
INTIMIDATION	2018	0		0	
	2019	0		0	
	2020	0		0	
DESTRUCTION / DAMAGE / VANDALISM OF PROPERTY	2018	0		0	
	2019	0		0	
	2020	0		0	
DOMESTIC VIOLENCE	2018	0		0	
	2019	0		0	
	2020	0		0	
DATING VIOLENCE	2018	0		0	
	2019	0		0	
	2020	0		0	
STALKING	2018	0		0	
	2019	0		0	
	2020	0		0	

## UNFOUNDED REPORTS

OFFENSE	YEAR	ASHEVILLE CAMPUS	P/P	ENKA CAMPUS	P/P	MADISON CAMPUS	P/P	SOUTH CAMPUS	P/P	WOODFIN CAMPUS	P/P	NON- CAMPUS PROPERTY	P/P
MURDER / NON- NEGLIGENT MANSLAUGHTER	2018	0	0	0	0	0	0	0	0	0	0	0	0
	2019	0	0	0	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0	0	0	0
NEGLIGENT MANSLAUGHTER	2018	0	0	0	0	0	0	0	0	0	0	0	0
	2019	0	0	0	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0	0	0	0
SEX OFFENSES, FORCIBLE	2018	0	0	0	0	0	0	0	0	0	0	0	0
	2019	0	0	0	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0	0	0	0
SEX OFFENSES, NON- FORCIBLE	2018	0	0	0	0	0	0	0	0	0	0	0	0
	2019	0	0	0	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0	0	0	0
ROBBERY	2018	0	0	0	0	0	0	0	0	0	0	0	0
	2019	0	0	0	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0	0	0	0
AGGRAVATED ASSAULT	2018	0	0	0	0	0	0	0	0	0	0	0	0
	2019	0	0	0	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0	0	0	0
BURGLARY	2018	0	0	0	0	0	0	0	0	0	0	0	0
	2019	0	0	0	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0	0	0	0
MOTOR VEHICLE THEFT	2018	0	0	0	0	0	0	0	0	0	0	0	0
	2019	0	0	0	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0	0	0	0
ARSON	2018	0	0	0	0	0	0	0	0	0	0	0	0
	2019	0	0	0	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0	0	0	0
DOMESTIC VIOLENCE	2018	0	0	0	0	0	0	0	0	0	0	0	0
	2019	0	0	0	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0	0	0	0
DATING VIOLENCE	2018	0	0	0	0	0	0	0	0	0	0	0	0
	2019	0	0	0	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0	0	0	0
STALKING	2018	0	0	0	0	0	0	0	0	0	0	0	0
	2019	0	0	0	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0	0	0	0
ARRESTS: WEAPONS: CARRYING, POSSESSING,	2018	0	0	0	0	0	0	0	0	0	0	0	0
	2019	0	0	0	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0	0	0	0
DISCIPLINARY WEAPONS: CARRYING, POSSESSING, ETC.	2018	0	0	0	0	0	0	0	0	0	0	0	0
	2019	0	0	0	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0	0	0	0
ARRESTS: DRUG ABUSE VIOLATIONS	2018	0	0	0	0	0	0	0	0	0	0	0	0
	2019	0	0	0	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0	0	0	0
DISCIPLINARY DRUG ABUSE VIOLATIONS	2018	0	0	0	0	0	0	0	0	0	0	0	0
	2019	0	0	0	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0	0	0	0
ARRESTS: LIQUOR LAW VIOLATIONS	2018	0	0	0	0	0	0	0	0	0	0	0	0
	2019	0	0	0	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0	0	0	0
DISCIPLINARY LIQUOR LAW	2018	0	0	0	0	0	0	0	0	0	0	0	0
	2019	0	0	0	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0	0	0	0