

ELIZABETH CITY STATE UNIVERSITY
Sexual Assault Policy

Preamble

Elizabeth City State University is committed to providing a safe learning and working environment and, in compliance with federal law, has adopted policies and procedures to prevent and respond to incidents of sexual violence including sexual assault, domestic violence, dating violence, and stalking. These guidelines apply to all students, faculty, staff, contractors, and visitors.

1. Definitions

- A. **Sexual Assault-** An assault that is sexual in nature including a sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will when the victim is incapable of giving consent, as well as incest or statutory rape.
- B. **Domestic Violence-** Violence, including a felony or misdemeanor crime of violence, committed by a current or former spouse or intimate partner of the victim.
- C. **Dating Violence-** Violence committed by a person who is or has been in a romantic or intimate relationship with the victim.
- D. **Stalking-** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others or suffer substantial emotional distress.

2. Reporting an Incident

If a student, employee, or visitor has been the victim of an incident of sexual violence, they should immediately report it to the University Police department at 252-335-3555, Thomas-Jenkins Building, 1704 Weeksville Road Elizabeth City, NC 27909. In the case of an emergency or ongoing threat, get to a safe location if possible and please report the incident by calling 911. Local police may be contacted at 252-335-4321, 302 E. Colonial Avenue, Elizabeth City, NC 27909.

Students may also report any incidents of violence to Office of Student Affairs, 184 Griffin Hall at 252-335-3276, 1704 Weeksville Road. Employees may also report to the Department of Human Resources at 252-335-3785, 1704 Weeksville Road. University Police officials will assist any victim in notifying law enforcement, including local police, if victims elect to do so. Victims are also entitled not to report to law enforcement. Any student or employee who reports an incident of sexual violence, whether the offense occurred on or off campus, shall receive a written explanation of their rights and options.

3. Procedures Victims Should Follow

If an incident of sexual assault, domestic violence, dating violence or stalking occurs, it is important to preserve evidence that could lead to a successful criminal prosecution. The victim of a sexual assault should not wash, douche, use the toilet, or change clothing prior to a medical exam. Any clothing removed should be placed in a paper bag. Evidence of violence, such as bruising or other visible injuries, following an incident of domestic or dating violence should be documented including the preservation of photographic evidence. Evidence of stalking, including any communication such as written notes, voice mail or other electronic communications, should be saved and not altered in any way.

4. Victim Assistance Resources

Both Elizabeth City State University and the City of Elizabeth City offer important resources to the victims of sexual violence including medical treatment, counseling and advocacy they may wish to utilize. At Elizabeth City State University, the Office of Student Affairs and the Counseling and Testing Center are available to assist students free of charge. The Office of Human Resources is available to help employees also free of charge. These offices will help victims consider their options and navigate through any resources or recourse they elect to pursue. A victim need not make a formal report to law enforcement or Elizabeth City State University to access these resources that include the following.

Resource	Contact Number	Location
ON CAMPUS RESOURCES		
Counseling and Testing Center	252-335-3273	140 Griffin Hall
Student Health Services	252-335-3267	Cardwell-Hoffler Infirmary
TITLE IX OFFICES		
Title IX Coordinator	252-335-3785	250 Marion D. Thorpe Administration Bldg.
Title IX Representative (Human Resources)	252-335-3785	243 Marion D. Thorpe Administration Bldg.
Title IX Representative (Athletics)	252-335-3847	127 Marion D. Thorpe Administration Bldg.
Title IX Representative (Student Affairs)	252-335-3847	184 Griffin Hall
Title IX Representative (Academic Affairs)	252-335-3583	3 Marion D. Thorpe Administration Bldg.
OFF CAMPUS RESOURCES		
Albemarle Hospital	252-335-0531	1144 N. Road St. Elizabeth City, NC
Albemarle Hopeline	252-338-5338	P.O. Box 2064, Elizabeth City, NC
North Carolina Coalition Against Sexual Assault	919-871-1015	811 Spring Forest Road, Suite 900 Raleigh, NC 27609

5. Victim Accommodations

Elizabeth City State University is committed to providing students and employees a safe learning or working environment whether or not they report an incident of sexual violence to law enforcement or pursue any formal action. Upon request, Elizabeth City State University will make any reasonably available change to a victim's academic, housing, transportation, and/or working situation. Students may contact the Office of Student Affairs at 252-335-3276, 184 Griffin Building, for assistance. Employees who are victims may contact the Department of Human Resources, 243 Marion D. Thorpe Sr. Administration Building for assistance in ensuring they receive the proper accommodation.

If a victim reports to University Police or other local law enforcement, that office will assist the victim in obtaining a North Carolina no-contact/restraining order from a criminal court. The University is committed to ensuring that any such order is fully upheld on all institutionally owned and controlled property. The University is also committed to protecting victims from any further harm, and University Police or the Dean of Students may issue a temporary no-contact order pending the outcome of any conduct proceeding.

6. Victim Confidentiality

The University recognizes the sensitive nature of sexual violence and is committed to protecting the privacy of any individual who reports an incident of sexual violence. Different officials on campus are, however, able to offer varying levels of privacy protection to victims. Some information in reports made to law enforcement may be made public consistent with the requirements under N.C. Gen. Stat. § 132.

Reports made to University officials will be kept confidential, and identifying information about the victim shall not be made public. Reports made to medical professionals and licensed mental health counselors will not be shared with third parties except in cases of imminent danger to the victim or a third party.

North Carolina requires mandatory reporting of child abuse (N.C. Gen. Stat. § 7B-301), abuse of a disabled or elder adult (N.C. Gen. Stat § 108 A-2), and certain offenses including sexual assault or rape (N.C. Gen. Stat. § 115C-288(g)).

7. Education Programs

The University is committed to increasing the awareness of and prevention of sexual violence. All incoming students and new employees are provided with programming and strategies intended to prevent rape, acquaintance rape, sexual assault, domestic violence, dating violence, and stalking before it occurs through the changing of social norms and other approaches; that includes a clear statement that the University prohibits such acts, their definitions, the definition of consent, options for bystander intervention, information about risk reduction, and our policies and procedures for responding to these incidents. Ongoing prevention and awareness campaigns are also offered throughout the year. These programs include:

A. Student Orientation

- B. New Employee Orientation
- C. HAVEN training
- D. Housing and Residence Life Workshops
- E. Safe Spring Break Pledge Drive
- F. Alcohol, Drug and Sexual Assault Prevention Annual Fair
- G. Vice Chancellor Mocktails
- H. Title IX Workshops

8. Conduct Proceedings

The University strictly prohibits all acts of sexual assault, domestic violence, dating violence, and stalking. In addition to facing criminal action, students, employees and other affiliates may also face disciplinary action by the University. Individuals found responsible for having committed such a violation face permanent expulsion, termination of employment, suspension, or probation. Incidents involving accused students will be handled by the Dean of Students, Office of Student Affairs, and incidents involving accused employees/affiliates will be handled by Human Resources.

All conduct proceedings, whether the conduct is reported to have occurred on or off campus, shall provide a prompt, fair and impartial investigation and resolution by officials who have received annual training on the nature of the types of cases they are handling, on how to conduct an investigation, and conduct a hearing in a manner that protects the safety of victims and promotes accountability. Determination of responsibility for students may be made by the Dean of Students or the Joint Council for Student Affairs. The determination of responsibility for employees shall be made by the Director of Human Resources using the preponderance of the evidence standard (which means that it is more likely than not that the alleged misconduct occurred).

In all proceedings, including any related meetings, both the accused and accuser are entitled to the same opportunities to have others present including the right to be accompanied by an advisor of their choice. Both the student accused and accuser shall simultaneously be informed in writing of the outcome made by Dean of Students or the Joint Council for Student Affairs. For employees, the accused and accuser shall be notified by the Director of Human Resources. The accused and the accuser shall be notified of procedures for appealing the results of the outcome, of any change to the results that occurs prior to the time that they become final, and when such results become final. Disclosure of the outcome shall be made to both parties unconditionally, and each shall be free to share or not share the details with any third parties.

For additional information regarding student conduct proceedings, please consult the Student Handbook concerning Student Rights and Steps in the Judicial Process (ECSU Policy 500.1.3) www.ecsu.edu/student-affairs or available copies of the policy are located in Suite 184 in the Griffin Building. For additional information about employee conduct proceedings please consult the ECSU Policy Manual for information about the Sexual Harassment Policy (900.1.2) and other applicable guidelines are available at <http://www.ecsu.edu/administration/legal/docs/policymanual.pdf>.