

Responsible Official: Vice President of Student Affairs

Responsible Office: Office of Student Affairs

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<https://myumo.moc.edu/services/ir/policies/Public%20Policies/ViolenceAgainstWomenAct.pdf>

VIOLENCE AGAINST WOMEN ACT (VAWA)

I. POLICY STATEMENT

The University of Mount of Olive does not discriminate on the basis of gender in its educational programs, and sexual harassment and sexual violence are types of gender discrimination. Other acts can also be forms of gender-based discrimination and are also prohibited whether sexually based or not and include dating violence, domestic violence and stalking.

II. REASON FOR POLICY/PURPOSE

University of Mount Olive issues this statement of policy to inform the community of our comprehensive plan addressing sexual misconduct, educational programs and procedures that address sexual assault, domestic violence and stalking whether the incident occurs on or off campus and when it is reported to a university official. In this context, University of Mount Olive prohibits the offenses of domestic violence, dating violence, sexual assault and stalking and reaffirms its commitment to maintain a campus environment emphasizing the dignity and worth of all members of the university community.

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IV. OPERATIONAL DEFINITIONS

There are numerous terms used by University of Mount Olive in our policy and procedures:

Consent: 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 (i.e. pushing someone away or moving your body away from someone), 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:

is forced, pressured, manipulated, or has reasonable fear that they will be injured if they do not submit to the act. Is incapable of giving consent or is prevented from resisting due to physical or mental incapacity, which includes, but is not limited to, the influence of drugs or alcohol. This includes drugs such as GHB, Rohypnol and Ketamine that are often used to facilitate sexual assault and rape. Has a mental or physical disability, which inhibits his/her ability to give consent.

Sexual Assault: "Sexual Assault" means an offense that meets the definition of rape, fondling, incest or statutory rape as used in the FBI's Uniform Crime Reporting system. A sex offense is any act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

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

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

Incest: Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

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

North Carolina General Statute 14-27.1. Definitions for North Carolina Law of Sex Offenses. North Carolina General Assembly

As used in this Article, unless the context requires otherwise:

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

North Carolina General Statute 14-27.2. First-degree rape

A person is guilty of rape in the first degree if the person engages in vaginal intercourse:

- (1) With a victim who is a child under the age of 13 years and the defendant is at least 12 years old and is at least four years older than the victim; or
- (2) With another person by force and against the will of the other person, and:
 - a. Employs or displays a dangerous or deadly weapon or an article which the other person reasonably believes to be a dangerous or deadly weapon; or
 - b. Inflicts serious personal injury upon the victim or another person; or

c. The person commits the offense aided and abetted by one or more other persons.

North Carolina General Statute 14-27.3. Second-degree rape

A person is guilty of rape in the second degree if the person engages in vaginal intercourse with another person:

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

North Carolina General Statute 14-27.4. First-degree sexual offense

A person is guilty of a sexual offense in the first degree if the person engages in a sexual act:

- (1) With a victim who is a child under the age of 13 years and the defendant is at least 12 years old and is at least four years older than the victim; or
- (2) With another person by force and against the will of the other person, and:
 - a. Employs or displays a dangerous or deadly weapon or an article which the other person reasonably believes to be a dangerous or deadly weapon; or
 - b. Inflicts serious personal injury upon the victim or another person; or
 - c. The person commits the offense aided and abetted by one or more other persons.

North Carolina General Statute 14-27.5. Second-degree sexual offense

(a) A person is guilty of a sexual offense in the second degree if the person engages in a sexual act with another person:

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

North Carolina General Statute 14-27.5A. Sexual battery

(a) A person is guilty of sexual battery if the person, for the purpose of sexual arousal, sexual gratification, or sexual abuse, engages in sexual contact with another person:

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

Domestic Violence: The term "domestic violence" means:

- 1) Felony or misdemeanor crimes of violence committed---
 - (i) By a current or former spouse or intimate partner of the victim;
 - (ii) By a person with whom the victim shares a child in common;
 - (iii) By a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner.
 - (iv) By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
 - (v) By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
- 2) For the purposes of complying with the requirements of this section, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

In North Carolina, domestic violence means

- (a) The commission of one or more of the following acts upon an aggrieved party or upon a minor child residing with or in the custody of the aggrieved party by a person with whom the aggrieved party has or has had a personal relationship, but does not include acts of self-defense:
 - (1) Attempting to cause bodily injury, or intentionally causing bodily injury; or
 - (2) Placing the aggrieved party or a member of the aggrieved party's family or household in fear of imminent serious bodily injury or continued harassment, as defined in G.S. 14-277.3A, that rises to such a level as to inflict substantial emotional distress; or
 - (3) Committing any act defined in G.S. 14-27.2 through G.S. 14-27.7. 35
- (b) For purposes of this section, the term "*personal relationship*" means a relationship wherein the parties involved:
 - (1) Are current or former spouses;

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

Dating Violence: The term "Dating Violence" means violence committed by a person

- 1) Who is or has been in a social relationship of a romantic or intimate nature with the victim and
- 2) The existence of such a relationship shall be based on the reporting person's statement and with consideration of the length of the relationship and the frequency of the interaction between the persons involved in the relationship.

For purposes of this definition—

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

For purposes of the complying with the requirements of this section, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

In North Carolina Dating Violence is not defined, but is mentioned in the domestic violence law, and means:

- (a) The commission of one or more of the following acts upon an aggrieved party or upon a minor child residing with or in the custody of the aggrieved party by a person with whom the aggrieved party has or has had a personal relationship, but does not include acts of self-defense:
 - (1) Attempting to cause bodily injury, or intentionally causing bodily injury; or
 - (2) Placing the aggrieved party or a member of the aggrieved party's family or household in fear of imminent serious bodily injury or continued harassment, as defined in G.S. 14-277.3A, that rises to such a level as to inflict substantial emotional distress; or
 - (3) Committing any act defined in G.S. 14-27.2 through G.S. 14-27.7.
- (b) For purposes of this section, the term "*personal relationship*" means a relationship wherein the parties involved:

Are persons of the opposite sex who are in a dating relationship or have been in a dating relationship. For purposes of this subdivision, a dating relationship is one wherein the parties are romantically involved over time and on a continuous basis during the course of the relationship. A casual acquaintance or ordinary fraternization between persons in a business or social context is not a dating relationship.

Stalking: The term "stalking" means

- 1) Engaging in a course of conduct directed at a specific person that would cause a reasonable person to –
 - (i) Fear for the person's safety or the safety of others; or
 - (ii) Suffer substantial emotional distress.
- 2) For the purpose of this definition –
 - (i) *Course of conduct* means two or more acts, including, but not limited to, acts which the stalker directly, or indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property.
 - (ii) *Substantial emotional distress* means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
 - (iii) *Reasonable person* means a reasonable person under similar circumstances and with similar identities to the victim.
- 3) For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of the Clery Act reporting.

North Carolina General Statute 14-277.3

The following definitions apply to stalking for North Carolina:

- (1) Course of conduct – Two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, is in the presence of, or follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
- (2) Harasses or harassment – Knowing conduct, including written or printed communication or transmission, telephone, cellular, or other wireless telephonic communication, facsimile transmission, pager messages or transmissions, answering machine or voice mail messages or transmissions, and electronic mail messages or other computerized or electronic transmissions directed at a specific person that torments, terrorizes, or terrifies that person and that serves no legitimate purpose.
- (3) Reasonable person – A reasonable person in the victim's circumstances.
- (4) Substantial emotional distress – Significant mental suffering or distress that may, but does not necessarily, require medical or other professional treatment or counseling.
- (5) Offense – A defendant is guilty of stalking if the defendant willfully on more than one occasion harasses another person without legal purpose or willfully engages in a course of conduct directed at a specific person without legal purpose and the defendant knows or should know that the harassment or the course of conduct would cause a reasonable person to do any of the following:
 - (1) Fear for the person's safety or the safety of the person's immediate family or close personal associates.
 - (2) Suffer substantial emotional distress by placing that person in fear of death, bodily injury, or continued harassment.

V. POLICY/PROCEDURES

A. EDUCATION AND PREVENTION PROGRAMS

University of Mount Olive (UMO) provides and offers programs intended to bring awareness to and that provide initiatives and strategies to end dating violence, domestic violence, sexual assault and stalking that:

1. Are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs and are assessed for effectiveness or outcome, and;
2. Consider environmental risk and protective factors as they occur on the individual, relationship institutional, community and societal levels.

Educational programming consists of primary prevention and awareness programs for all incoming students and new employees and ongoing awareness and prevention for students and employees that:

1. Identifies domestic violence, dating violence, sexual assault and stalking as prohibited conduct;
2. Defines by using definition provided by the Department of Education as well as state law.
3. Defines what behavior constitutes domestic violence, dating violence, sexual assault and stalking;
4. Defines what behavior and actions constitute sexual activity in the State of North Carolina and/or uses the definition of consent found in the Student Code of Conduct, if state law does not define consent;
5. Provides a description of safe and positive options for bystander intervention. Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene;
6. Provides information on risk reduction. Risk reduction means options designated to decrease perpetration and bystander inaction and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.
7. Provides an overview of information contained in the Annual Security Report in compliance with the Clery Act.

University of Mount Olive will provide annual programming to bring awareness and educational material to be distributed to students and employees.

University of Mount Olive will provide resources, on campus, off campus or both, to include medical, mental health, to persons who have been victims of sexual assault, domestic violence, dating violence or stalking and will apply appropriate disciplinary procedure(s) to those who violate this policy. The procedures set forth below are intended to afford a prompt response to charges of sexual assault, domestic or dating violence and stalking, to maintain confidentiality and fairness consistent with applicable legal requirements, and to impose appropriate sanctions on violator(s) of this policy.

As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution and disciplinary proceedings or obtaining protection from abuse orders related to the incident more difficult. If a victim chooses not to make a complaint regarding an incident, he or she nevertheless should consider speaking with Campus Safety or local law enforcement agencies to preserve evidence in the event that the victim changes his/her mind at a later date.

If an incident of domestic violence, dating violence, sexual assault or stalking is reported to the university, the university will follow the procedures set forth in [Appendix 1. University Reporting Procedure](#) for students, and in [Appendix 2. University Reporting Procedure](#) for employees. In addition, the standard of evidence used by the university during any student conduct hearing or employee investigation on campus from such reports is preponderance of the evidence.

Preponderance of evidence is defined as: A preponderance of evidence presented at a student conduct hearing or employee investigation means such evidence as, when considered and compared with that opposed to it, has more convincing force and produces in the mind of the person or persons hearing the case, the belief that the alleged act of misconduct more likely occurred than not.

In other words, is it more likely than not that the student or employee did violate a university policy based on the evidence presented.

B. PROCEDURES FOR REPORTING A COMPLAINT

The University of Mount Olive has procedures in place that serve to be sensitive to those who report sexual assault, domestic violence, dating violence and stalking including informing individuals about their right to file criminal charges as well as the availability of counseling, health, victim advocacy and other services on and/or off campus as well as additional remedies to prevent contact between a complainant and an accused party, such as housing, academic, transportation and working accommodations, if reasonably available. University of Mount Olive will make such accommodations, if the victim requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to the University of Mount Olive, Campus Safety or local law enforcement. Students should contact the Vice President for Student Affairs office at 919-658-7838 and employees should contact Human Resources at 919-658-7494 for the above accommodations.

After an incident of sexual assault and/or domestic violence, the victim should consider seeking medical attention as soon as possible at Wayne Memorial Hospital located at 2700 Wayne Memorial Drive, Goldsboro, North Carolina. In North Carolina, evidence may be collected, at no cost to the victim, even if you chose not to make a report to law enforcement.

1. PROCEDURES FOR HOSPITAL COLLECTION

1. When a victim of sexual assault presents to the hospital for treatment or for a forensic medical exam, the hospital will ascertain whether the victim wishes to report the event to law enforcement.
2. If the victim does not wish to report the sexual assault to law enforcement, the hospital will not report the incident to law enforcement.
3. The hospital will have the victim complete an Anonymous Report Form. The hospital will retain one copy of this form as part of the victim's medical record. Two additional copies of this form will be required as described below.
4. The victim will sign a Consent Form which will explain the benefits of cooperating with law enforcement and the effects of delaying an interview with law enforcement, as well as information on how long the evidence will be kept and instructions on what they should do if they decide to report the incident to law enforcement.
5. Upon consent of the victim, the hospital will conduct the forensic medical exam and render any medical treatment required.

It is important that a victim of sexual assault not bathe, douche, smoke, change clothing, or clean the bed/linen/area where they were assaulted if the offense occurred within the past 96 hours so that evidence may be preserved that may assist in proving that the alleged criminal offense occurred/or is occurring or may be helpful in obtaining a protection order. In circumstances of sexual assault, if victims do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted disease(s). Victims of sexual assault, domestic violence, stalking and/or dating violence are encouraged to preserve evidence by saving text messages, instant messages, social networking pages, other communications and keeping pictures, logs or other copies of documents, if they have any, that would be useful to the university's hearing boards/investigators or police. Although the university strongly encourages all members of its community to report violations of the policy to law enforcement, it is the victim's choice whether or not to make such a report and victims have the right to decline involvement with the police. The University of Mount Olive will assist any victim with notifying local police if they so desire. The Town of Mount Olive Police Department may also be reached directly by calling 911 or 919-658-5031, or in person at 114 East James Street, Mount Olive, NC. Additional information about the Mount Olive Police Department may be found online at: <http://www.townofmountolivenc.org/police.html>.

C. ASSISTANCE FOR VICTIMS: RIGHTS AND OPTIONS

Regardless of whether a victim elects to pursue a criminal complaint or whether the offense is alleged to have occurred on or off campus, the university will assist victims of sexual assault, domestic or dating violence and stalking and will provide each victim with a written explanation of their rights and options. In North Carolina, a victim of domestic violence, dating violence, sexual assault or stalking has the following rights: The Crime Victims' Rights Act, Article 46, provides basic rights to victims as they navigate North Carolina's criminal justice system. Under this law, victims have the right to be notified of the dates and times of court proceedings and the status of appeals. Victims who wish to be kept informed throughout the trial and appeals process should notify the local District Attorney who is prosecuting the case. Once a case has reached the Attorney General's Office, the office will notify any interested victims.

Victims also have the right to be informed of a convicted defendant's release date and to voice their concerns when and if the defendant becomes eligible for work release, community leave or probation.

North Carolinians who need medical attention or who miss work because they were the victim of a crime may also qualify for compensation. Through the Crime Victims Compensation Act, North Carolina established a fund to help victims recover the costs of medical care and lost wages. For more information, please contact the Victims Compensation Fund at the NC Department of Crime Control and Public Safety or call toll-free within NC 1-800-826-6200.

A student complainant may then meet with Campus Safety and a representative of the Student Affairs Office to develop a Safety Action Plan, which is a plan for campus safety and the victim to reduce risk of harm while on campus or coming and going from campus. This plan may include, but not limited to: escorts, special parking arrangements, changing classroom location or allowing a student to complete an assignment from home. An employee complainant may contact a Human Resources representative regarding similar accommodations.

1. STEPS FOR FILING A PROTECTION FROM ABUSE ORDER:

University of Mount Olive complies with North Carolina law in recognizing Domestic Violence Protection Orders (50B orders) as well as Civil No-Contact Order (50C orders).

The university cannot apply for a legal order of protection, no contact order or restraining order for a victim from the applicable jurisdiction. The victim is required to apply directly for those services. Protection from abuse orders are available through the following process:

Step 1 - Go to the district court courthouse in the county where you live, even if you just moved there.

During business hours, go to the clerk of civil court; otherwise, go to the magistrate's office. Tell the clerk or the magistrate that you want to file for a domestic violence protective order (a "DVPO"). If you need the emergency protection of an ex parte/temporary order, inform the clerk you need an ex parte order.

Step 2 - Ask the clerk or magistrate for the court forms you'll need.

Most domestic violence prevention organizations can provide support for you while you fill out these papers.

Step 3 - Do not sign the forms until you are in front of a notary or a clerk.

The clerk can usually notarize the forms for you.

Step 4 - Carefully fill out the complaint.

On the complaint, you will be the "plaintiff" and the abuser will be the "defendant." In the small box provided for explaining why you want the DVPO, briefly describe the most recent incident of violence, using specific language (slapping, hitting, grabbing, threatening, etc.). Include details and dates, if possible. Clerks and magistrates can show you which blanks to fill in, but they cannot help you decide what to write.

If your abuser has any firearms, be sure to alert the court so the firearms can be removed from the abuser's possession. If you have children, you may also want to check the box asking for temporary custody.

Step 5 - You can ask for an ex parte/temporary order for immediate protection.

If you need immediate protection, check the box at the bottom of the complaint to ask for an ex parte order which, if a judge grants it, will take effect immediately. An ex parte order is a temporary emergency

order that a judge can grant you if you or your child are in immediate danger. (The abuser does not have to be with you or be told you are asking the judge for an ex parte order.)

Step 6 - Fill out the top part of the civil summons.

Write your name and a safe mailing address and phone number. If you are staying at a shelter, give a post office box, not the street address. Keep in mind that the abuser will receive a copy of the complaint and summons.

- When you are finished, the clerk will let you explain your situation to a judge. If the judge believes you or your children are in serious and immediate danger, s/he may give you an ex parte order which is good for 10 days, until your full court hearing.
- If you are there after business hours, some magistrates may give you an ex parte order which is good only until the case is heard by a judge, which should occur by the end of the next day on which the court is in session in the county.* You must return to the courthouse to see a judge to get an ex parte order that will last for up to 10 days, until you can have a full court hearing.

Whether the judge or magistrate grants you an ex parte order or not, you will be given a court date for a full court "hearing" within 10 days. This hearing will be in front of a judge at the time shown on the Notice of Hearing. At this hearing, your abuser and you will both have a chance to explain your sides to the judge. (NCGS § 50B-2(c1))

Step 7 - Identifying information about the defendant.

The "Identifying information about the Defendant" form is used to assist law enforcement in serving and enforcing the order. This form is not required, but may allow law enforcement agencies to locate and more quickly identify the persons involved in the case and to enforce the provisions of the order more effectively. You should provide information about:

- The description of the defendant,
- Identification information, such as driver's license and social security number.
- Defendant's current work information
- Information about defendant's permits to purchase or carry a handgun.

Step 8 - Take the forms to the Sheriff's Office.

Take the forms, including "Identifying Information About the Defendant" and "Civil Summons," to the Sheriff's Department so they can serve the defendant with the summons, complaint, and notice of hearing (and the ex parte order if one was granted). "Notice of the Hearing" is the document that tells the defendant where and when to appear for the hearing. In some counties the clerk of courts sends the forms to the sheriff, in other counties the plaintiff has to take the forms to the sheriff. Please contact your local domestic violence program or the clerk of courts to find out how this process is handled in your county. You may be asked to provide contact information about the defendant so the Sheriff can find him. You may want to give the Sheriff a picture of the defendant and any information you have that will help them locate him. The defendant must receive notice of the hearing from the Sheriff. If the defendant does not receive notice, the hearing will be rescheduled. In addition, if an ex parte order was granted, the defendant must be served with the order for it to be in effect and be enforced.

Note: If you received an ex parte order, keep a copy of it with you at all times. You may also leave a copy with your employer, children's school, or any place where you or your children often go to.

The university may issue an institutional no contact order if deemed appropriate or at the request of the victim or accused. To the extent of the victim's cooperation and consent, university offices will work cooperatively to ensure that the complainant's health, physical safety, work and academic status are protected, pending the outcome of a formal university investigation of the complaint. For example, if reasonably available, a complainant may be offered changes to academic, living or working situations in addition to counseling, health services and assistance in notifying appropriate local law enforcement. Additionally, personal identifiable information about the victim will be treated as confidential for delivering resources or support services to the complainant. For example, publicly available record-keeping for purposes of Clery Act reporting and disclosures will be made without inclusion of identifying information about the victim, as defined in 42 USC 1395 (a) (20). Further, the institution will maintain as confidential, any accommodations or protective measures provided to the victim to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

The university does not publish the names of crime victims nor house identifiable information regarding victims in the campus safety crime logs or online. Student victims may request that directory information on file be removed from

public sources by request of Registrar’s Office. Employee victims may request that directory information on file be removed from public sources by request of the office of Human Resources.

2. UMO RESOURCES FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT AND STALKING (ON-CAMPUS/STUDENTS)

Counseling	Student Health Services	919-658-7888
Health	Student Health Services	919-658-7888
Victim Advocacy	Student Health Services	919-658-7888

3. OFF MAIN UMO CAMPUS RESOURCES (STUDENTS/EMPLOYEES)

Service	Campus Location	Resource	Telephone	
Counseling	Mount Olive Evening College Goldsboro Online	Wayne Uplift 719 E. Ash Street Goldsboro, NC 27530 Non-Crisis Line	919-736-1313	
	Smithfield	Harbor, Inc. P. O. Box 1903 Smithfield, NC 27577 Non-Crisis Line	919-938-3566	
	Jacksonville	Onslow Women’s Center, Inc. 226 New Bridge Street Jacksonville, NC 28540 Non-Crisis Line	910-347-4000	
	New Bern	Coastal Women’s Shelter 1333 S. Glenburnie Road New Bern, NC 28562 Non-Crisis Line	252-638-4509	
	Research Triangle Park	Life Care Counseling & Coaching 1601 Jones Franklin Rd Suite 104 Raleigh, NC 27606	919-851-1527	
	Washington	Pamlico Counseling 408 East Eleventh St. Washington, NC 27889	252-975-2027	
	Wilmington	Carolina Counseling Center 2450 Delaney Ave Wilmington, NC 28403	910-763-9512	
	Health	Mount Olive Evening College Goldsboro Online	Wayne Memorial Hospital 2700 Wayne Memorial Drive Goldsboro, NC 27534	919-736-1110
		Smithfield	Johnston UNC Health Care 509 N. Bright Leaf Blvd. Smithfield, NC 27577	919-934-8171
Jacksonville		Onslow Memorial Hospital 317 Western Blvd. Jacksonville, NC 28546	910-577-2345	
New Bern		CarolinaEast Medical Center 2000 Neuse Blvd. New Bern, NC 28561	252-633-8111	
Research Triangle Park		Duke Raleigh Hospital 3400 Wake Forest Road Raleigh, NC 27609	919-954-3000	
Washington		Vidant Beaufort Hospital 628 East 12 th Street Washington, NC 27889	252-975-4100	
Wilmington		New Hanover Regional Medical Center 2131 S. 17 th Street Wilmington, NC 28401	910-343-7000	
Mental Health	Mount Olive Evening College	Waynesboro Family Clinic 1706 Wayne Memorial Drive	919-734-6676	

	Goldsboro Online	Goldsboro, NC 27534	
	Smithfield	Johnston Counseling Services 212 Bridge Street Smithfield, NC 27577	919-938-0921

Service	Campus Location	Resource	Telephone
Mental Health (continued)	Jacksonville	Carolina Psychological Health Services 1703 Country Club Rd, Suite 204 Jacksonville, NC 28546	910-347-3010
	New Bern	RHA Behavioral Health - New Bern 1405 S. Glenburnie Road New Bern, NC 28562	252-638-7875
	Research Triangle Park	Life Care Counseling & Coaching 1601 Jones Franklin Road, Suite 104 Raleigh, NC 27606	919-851-1527
	Washington	Vidant Behavioral Health Washington, NC 27889 1308 Highland Drive	252-946-3666
	Wilmington	New Hanover Regional Medical Center 2131 S. 17 th Street Wilmington, NC 28401	910-343-7000
Victim Advocacy	Mount Olive Evening College Goldsboro Online	Wayne Uplift 719 E. Ash Street Goldsboro, NC 27530 Non-Crisis Line	919-736-1313
	Smithfield	Harbor, Inc. P.O. Box 1903 Smithfield, NC 27577 24 Hour Crisis Hotline	919-631-5478
	Jacksonville	Onslow Women's Center, Inc. 226 New Bridge Street Jacksonville, NC 28540 Non-Crisis Line	910-347-4000
	New Bern	Coastal Women's Shelter 1333 S. Glenburnie Road New Bern, NC 28562 Non-Crisis Line	252-638-4509
	Research Triangle Park	Interact 1012 Oberlin Rd. Raleigh, NC 27605 Crisis Line	919-828-3005 or 919-828-7740
	Washington	REAL Crisis Intervention 155 N. Market St. Suite 225 Washington, NC 27889 Crisis Lines	252-946-0294
	Wilmington	Rape Crisis Center of Coastal Horizons Center 615 Shipyard Blvd. Wilmington, NC 28412 Crisis Lines	910-392-7460 or 800-672-2903

Other resources available to someone who reports being the victim of sexual assault, domestic violence, dating violence or stalking include:

<https://www.rainn.org/> -- Rape, Abuse and Incest National Network

<http://www.justice.gov/ovw/sexual-assault> -- Department of Justice

4. HOW TO BE AN ACTIVE BYSTANDER

Bystanders play a critical role in the prevention of sexual assault and relationship violence. They are “individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up, or do something about it.” The university seeks to promote a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. We may not always know what to do even if we want to help. Below is a list of some ways to be an active bystander. If you or someone else is in immediate danger, dial 911. This could be when a person is yelling at or being physically abusive towards another and it is not safe for you to interrupt.

1. Watch out for your friends and fellow students/employees. If you see someone who looks like they could be in trouble or need help, ask if they are ok.
2. Confront people who seclude, hit on, and try to make out with, or have sex with people who are incapacitated.
3. Speak up when someone discusses plans to take sexual advantage of another person.
4. Believe someone who discloses sexual assault, abusive behavior or experience with stalking.
5. Refer people to on or off campus resources listed in this document for support in health, counseling or with legal issues.

5. RISK REDUCTION

When we talk about sexual assault it is important to be clear that the responsibility for the assault lies with the perpetrator. As we move forward, however, it is important to focus on the things that we can all do to keep ourselves and others safe.

As individuals we can:

- Make arrangements to travel with friends to minimize vulnerability.
- Call Campus Safety, available 24 hours a day, (919) 658-7520.
- Trust our intuition and do not hesitate to call for help if we are feeling uneasy.

As community members witnessing a dangerous situation, we can:

- Call Campus Safety or someone else in authority.
- Tell another person. Being with others is a good idea when a situation looks dangerous.
- Yell for help.
- Ask a friend in a potentially dangerous situation if he/she wants to leave and then make sure that he/she gets home safely.

Remember that perpetrators often target people who are incapacitated.

D. ADJUDICATION OF VIOLATIONS

Whether or not criminal charges are filed, the university or a person may file a complaint under the Policy and Procedures for Sexual Misconduct alleging that a [student](#) violated the university's policy on Sexual Misconduct, Stalking, or Relationship Abuse and Violence. An [employee](#) who files a complaint would do so under the university's Non-Discrimination and Non-Harassment policy.

1. STUDENT REPORTS

A) REPORTING SEXUAL MISCONDUCT, STALKING, OR RELATIONSHIP ABUSE AND VIOLENCE

If you are the victim of Sexual Misconduct, Stalking, or Relationship Abuse and Violence, you are encouraged to report the incident immediately to the Vice President for Student Affairs or designee (919-658-7838) and/or the Campus Safety (919-658-7520). In an emergency, dial 911 to the local law enforcement agencies. [Reporting points of contact](#) for all university locations are summarized in the [Contacts](#) section of this policy.

All incidents of Sexual Misconduct involving students that are reported to the University will be reviewed by the Vice President for Student Affairs and/or their designee. The Vice President for Student Affairs and/or their designee, in cooperation with Campus Safety, also oversees compliance with the institutional policies and procedures addressing domestic violence, dating violence, sexual assault, and stalking as required by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, 20 U.S.C. § 1092(f).

While students are encouraged to report incidents of Sexual Misconduct, Stalking, or Relationship Abuse and Violence directly to the Vice President for Student Affairs Office and/or the Campus Safety, students may report these incidents to any member of the University of Mount Olive faculty or staff. Reports made to University of Mount Olive faculty or staff (including Residence Life student staff members) of these incidents which involve students will be referred to the Vice President for Student Affairs Office for assessment and will be reported to Campus Safety for Clery Act reporting purposes. The Vice President of Students Affairs or designee will provide the student making the report with a written explanation of the student's rights and options under this policy.

The University encourages reporting and seeks to remove any barriers to reporting by making the procedures for reporting transparent and straightforward. The University recognizes that an individual who has been drinking or using drugs at the time of the incident may be hesitant to make a report because of potential consequences for his/her own conduct. An individual who reports Sexual Misconduct, Stalking, or Relationship Abuse and Violence, either as a Complainant or a third party witness, will not be subject to disciplinary action by the University for his/her own personal consumption of alcohol or drugs at or near the time of the incident, provided that any such violations did not and do not place the health or safety of any other person at risk. The University may, however, initiate an educational discussion or pursue other educational remedies regarding alcohol or other drugs. This amnesty policy applies to the University's student conduct process.

B) PROTECTION AGAINST RETALIATION

Retaliation against any individual who, in good faith, makes a complaint or participates or assists in an investigation under this policy is expressly prohibited. Retaliation is itself a separate, serious violation of this policy and should be reported in the same manner as a complaint of discrimination or harassment.

Any attempt to coerce, intimidate, or retaliate against anyone who in good faith complains of a violation of this policy or who in good faith participates in an investigation under this policy will not be tolerated. If University of Mount Olive determines that retaliation has occurred, the university will take appropriate corrective and/or disciplinary action which can include removal from the university.

C) NATURE OF THE UNIVERSITY'S INQUIRY

The University will undertake an appropriate inquiry with all reports of alleged Sexual Misconduct, Stalking, or Relationship Abuse and Violence involving students, regardless of whether the person making the complaint wishes to pursue resolution of any kind. The specific steps in the University's inquiry will vary depending on the nature of the allegations; the information available to the University; whether the person complaining of the Sexual Misconduct, Stalking, or Relationship Abuse and Violence (the "Complainant") elects to pursue criminal charges, files a formal complaint with the Vice President for Student Affairs or their designee, or requests the University not to pursue action; and other factors.

As a general rule, the University will not conduct an investigation or take any remedial action without first obtaining the consent of the Complainant, and will conduct any investigation and respond to a report consistent with a Complainant's request for confidentiality or request not to pursue action. The University's ability to respond to a complaint of Sexual Misconduct, Stalking, or Relationship Abuse and Violence, to prevent its recurrence, or to address

its effects may be severely limited if the Complainant requests confidentiality, does not provide the name of the alleged perpetrator, or asks that the report not be pursued.

D) THE STUDENT CONDUCT ADMINISTRATOR

The Student Conduct Administrator is a University official authorized on a case-by-case basis by the Vice President for Student Affairs to hold an administrative hearing and impose sanctions upon any student(s) found to have violated the Student Code. In most cases, the Director of Student Conduct will serve in this role, consistent with their normal responsibilities as administrator of the student conduct system.

E) INITIATING A COMPLAINT BEFORE THE STUDENT CONDUCT HEARING OFFICER

(1) WHO MAY FILE A COMPLAINT

Any member of the University community may file charges against a student for violations of the Student Code. A charge shall be prepared in writing and directed to the Student Conduct Administrator. Any charge should be submitted as soon as possible after the event takes place, preferably within one week.

(2) INVESTIGATION

The Student Conduct Administrator may conduct an investigation to determine if the charges have merit and/or if they can be disposed of administratively by mutual consent of the parties involved on a basis acceptable to the Student Conduct Administrator. Such disposition shall be final and there shall be no subsequent proceedings. If the charges are not admitted and/or cannot be disposed of by mutual consent, the Student Conduct Administrator may serve in the same matter as the hearing administrator. If the student admits violating institutional rules, but sanctions are not agreed to, subsequent process, including a hearing if necessary, shall be limited to determining the appropriate sanction(s).

(3) CHARGING STATEMENT

All charges shall be presented to the Accused Student(s) in written form. A time shall be set for a Student Conduct Hearing, not less than two calendar days after the student has been notified.

All notification of student conduct hearings will be issued through campus post office boxes and/or email at least two weekdays prior to any proceedings. All students are responsible for checking campus post office boxes and email regularly.

F) HEARING PROCEDURES

Student Conduct Hearings shall be conducted by a Student Conduct Administrator according to the following guidelines as provided below:

1. Student Conduct Hearings normally shall be conducted in private.
2. The Complainant, Accused Student and their advisors, if any, shall be allowed to attend the entire portion of the Student Conduct Hearing at which information is received (excluding deliberations). Admission of any other person to the Student Conduct Hearing shall be at the discretion of the Student Conduct Administrator.
3. In Student Conduct Hearings involving more than one Accused Student, the Student Conduct Administrator, in his or her discretion, may permit the Student Conduct Hearings concerning each student to be conducted either separately or jointly.
4. The Complainant and the Accused Student have the right to be assisted by an advisor they choose. The advisor must be a member of the University community and may not be an attorney. The Complainant and/or the Accused Student is responsible for presenting his or her own information,

and therefore, advisors are not permitted to speak or to participate directly in any Student Conduct Hearing before a Conduct Administrator. A student should select as an advisor a person whose schedule allows attendance at the scheduled date and time for the Student Conduct Hearing because delays will not normally be allowed due to the scheduling conflicts of an advisor.

5. The Complainant, the Accused Student and the Conduct Hearing Officer may arrange for witnesses to present pertinent information to the Student Conduct Hearing. The University will try to arrange the attendance of possible witnesses who are members of the University community, if reasonably possible, and who are identified by the Complainant and/or Accused Student at least two weekdays prior to the Student Conduct Hearing. Witnesses will provide information to and answer questions from the hearing administrator(s). Questions may be suggested by the Accused Student and/or Complainant to be answered by each other or by other witnesses. This will be conducted by the Student Conduct Hearing Officer with such questions directed to the chairperson, rather than to the witness directly. This method is used to preserve the educational tone of the hearing and to avoid creation of an adversarial environment. Questions of whether potential information will be received shall be resolved in the discretion of the Student Conduct Administrator or hearing administrator.
6. Pertinent records, exhibits and any written statements may be accepted as information for consideration at a Student Conduct Hearing at the discretion of the administrator.
7. Only information presented during a Student Conduct hearing may be considered in determining student responsibility and/or violations.
8. All procedural questions are subject to the final decision of the Student Conduct Administrator.
9. After the portion of the Student Conduct Hearing concludes in which all pertinent information has been received, the Conduct Administrator shall determine whether the Accused Student has violated each section of the Student Code which the student is charged with violating.
10. The determination of responsibility shall be made on the basis of whether it is more likely than not that the Accused Student violated the Student Code.
11. Formal rules of process, procedure and/or technical rules of evidence, such as are applied in criminal or civil court, are not used in Student Code proceedings.
12. There shall be a single record, such as a tape recording, notes or completed forms, of all Student Conduct Hearings. Deliberations shall not be recorded. The record shall be the property of the University.
13. If an Accused Student, with notice, does not appear for a Student Conduct Hearing, the information in support of the charges shall be presented and considered even if the Accused Student is not present.
14. The Student Conduct Administrator may accommodate concerns for the personal safety, well-being and/or fears of confrontation of the Complainant, Accused Student and/or other witness during the hearing by providing separate facilities, by using a visual screen and/or by permitting participation by telephone, videophone, closed circuit television, video conferencing, videotape, audio tape, written statement or other means, where and as determined in the sole judgment of the Vice President for Student Affairs to be appropriate.

G) STUDENT'S BASIC RIGHTS AT A HEARING

An accused student having a hearing before the Conduct Administrator has four (4) basic rights accorded him/her, as set forth below. A complainant shall have rights "a," "b," "c," and "d" as outlined below.

- a. To avoid testifying against him/herself and to choose whether or not to testify in his/her behalf;
- b. To refute or question any evidence presented during the hearing and to question all witnesses;
- c. To bring an advisor of his/her choice to the hearing, provided the advisor is a member of the University community. For student conduct proceedings, a University community member is defined as a faculty, staff or student at the University of Mount Olive. Advisors are not permitted to address any participants in the hearing other than the person whom they are advising in the presentation of his/her case. The Student Conduct Administrator shall be notified by the accused student (or complainant) at least 24 hours prior to the hearing that the student plans to have an advisor present;
- d. To present witnesses to testify in his/her behalf. Witnesses must be able to give testimony directly relevant to the specific, alleged violation(s). Written statements rather than personal testimony are

not normally permitted, and when they are, only with the approval of the Student Conduct Administrator. It is the responsibility of the accused student and the complainant to request their witnesses to be present at the hearing. The Student Conduct Administrator shall be notified 24 hours in advance of the hearing of any witnesses requested to be present.

H) IMPOSITION OF SANCTIONS

The Student Conduct Administrator may inform the parties orally of its disposition of the charges following its determination, or it may defer giving any notice for a period not to exceed two days from closing of the hearing. In any event, the Student Conduct Administrator shall, no later than three days from the closing of the hearing, give to the Accused a written copy of the findings and sanctions if applicable. The Student Conduct Administrator shall also give to the Complainant a copy of the findings and sanctions.

I) SANCTIONS AND PROTECTIVE MEASURES

As an important purpose of the University's judicial system is to be educational, it is expected that students will learn from their experiences and not repeat violations of the Student Code. Students who do have subsequent violations should expect to be issued a more severe sanction(s).

The following sanctions may be imposed upon any student found to have violated the Student Code:

1. Warning—A notice in writing to the student that the student is violating or has violated institutional regulations.
2. Probation—A written reprimand for violation of specified regulations. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the student is found to violate any institutional regulation(s) during the probationary period.
3. Apology- Oral or written apologies to persons or groups upon whose rights the accused may have infringed. This may involve a conference under administrative supervision.
4. Loss of Privileges—Denial of specified privileges for a designated period of time.
5. Fines—Previously established and published fines may be imposed.
6. Restitution—Compensation for loss, damage or injury. This may take the form of appropriate service and/or monetary or material replacement.
7. Discretionary Sanctions—Work assignments, essays, service to the University or other related discretionary assignments.
8. Residence Hall Suspension—Separation of the student from the residence hall for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified.
9. Residence Hall Expulsion—Permanent separation of the student from the residence halls.
10. Exclusion from Extra-curricular Activities—exclusion of the student from extra-curricular activities for a prescribed period of time, usually of one or two semesters. Such activities include all University activities that are not academic in nature. These activities include, but are not limited to, participating in student government, student clubs or activities, intramural and varsity athletics, choral, forensics, use of the Pope Wellness Center and performance of an artistic and entertainment nature.
11. Social Suspension—Separation of the student from the University for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified.
12. University Expulsion—Permanent separation of the student from the University.
13. Revocation of Admission and/or Degree—Admission to or a degree awarded from the University may be revoked for fraud, misrepresentation, or other violation of University standards in obtaining the degree or for other serious violations committed by a student prior to graduation.
14. Withholding Degree—The University may withhold awarding a degree otherwise earned until the completion of the process set forth in this Student Conduct Code, including the completion of all sanctions imposed, if any.
 - More than one of the sanctions listed above may be imposed for any single violation.
 - Other than University expulsion or revocation or withholding of a degree, disciplinary sanctions shall not be made part of the student's permanent academic record, but shall become part of the student's disciplinary record. Upon graduation, the student's disciplinary record may be expunged of disciplinary actions other than University suspension, University expulsion or

revocation or withholding of a degree, upon application to the Student Conduct Administrator. Cases involving the imposition of sanctions other than University suspension, University expulsion or revocation or withholding of a degree shall be expunged from the student's confidential record five (5) years after graduation or withdrawal from the University.

J) APPEAL PROCESSES

- a. A decision reached in the Student Conduct hearing may be appealed by the Accused Student(s) to an Appeals Hearing within three (3) week days of the decision. Such appeals shall be in writing and shall be delivered to the Student Conduct Administrator or his/her designee.
- b. Except as required to explain the basis of new information, an appeal shall be limited to a review of the verbatim record of the Student Conduct Hearing and supporting documents for one or more of the following purposes:
 1. There is significant new information relevant to the case that was not available at the time of the original hearing.
 2. There is evidence that the person or Board who decided the original hearing was unduly biased in deciding the case.
 3. The sanction imposed was capricious (i.e. the sanction was very excessive when compared with previous sanctions for similar violations under similar circumstances).
 4. When specified procedural error or errors in the interpretation of University regulations are so substantial as to deny the charged student a fair hearing.
- c. Student Conduct Appellate Board

The Student Conduct Appellate Board will serve as the first level of appeals for all student conduct disciplinary matters.

1. The appellate board is a resource for hearing a student conduct appeal.
 2. The appellate board shall consist of two (2) faculty, two (2) staff and two (2) student members.
 3. The members will be selected by the Student Conduct Administrator in consultation with the Vice President for Student Affairs.
 4. An Appellate Board hearing shall consist of at least three (3) members; one (1) student, one (1) faculty and one (1) staff member for no less than three (3) members to maintain a hearing quorum.
 5. The appellate board will have 7 business days to convene a hearing.
 6. In the event that the appellate board is unable to convene in 7 business days, the appeal will be directed to the President of the University for final consideration.
- d. When a request for appeal is submitted, an appeals hearing will first determine whether or not the appeal meets the guidelines listed above and if an appeal hearing will be granted. The appeal may be denied and proceed with a review if it does not meet one of the four guidelines listed above. When an appeal is denied, the hearing will not consider further information or review the process or findings from the original student conduct hearing and will be considered final.
 - e. When a request for appeal is granted, an Appeal hearing will review all Student Conduct hearing findings and will have the authority to uphold, reverse a decision or revise the sanctions issued. The Appellate Board will have a period not to exceed two business days from the closing of the hearing to present findings.
 - f. Students may request a final appeal to the President of the University. This appeal may not be requested until all other options are exhausted in the student conduct process. The President (or their designee) will have the authority to uphold, reverse a decision or revise the sanctions issued.

The President (or their designee) will have 5 business days to hear the appeal. The President or their designee will then have a period not to exceed two business days from closing of the hearing to present findings and the decision shall be considered final.

g. Status of Student during An Appeal

The sanction imposed as a result of the original hearing shall be in effect until such time as an appeal is granted and the sanction is changed. A student who is Suspended or Expelled from the Residence Halls or the University must

abide by that sanction, unless granted permission by the Vice President for Student Affairs to remain in the Residence Halls and/or classes until such time as a decision is reached on the appeal.

K) INTERPRETATION AND REVISION

Any question of interpretation or application of the Student Code shall be referred to the Vice President for Student Affairs or his or her designee for final determination. The Student Conduct Code shall be reviewed every two (2) years under the direction of the Student Conduct Administrator.

2. EMPLOYEE REPORTS

A) TITLE IX INFORMATION

(1) STATEMENT OF NONDISCRIMINATION

University of Mount Olive does not discriminate on the basis of race, color, national origin, sex, disability, or age in its programs and activities. The University prohibits sexual harassment, including sexual violence. The following person has been designated to handle inquiries regarding the University's non-discrimination policies including Section 504:

Cordelia Wilcox, Director of Human Resources
549 Michael Martin Drive, Mount Olive, NC (919) 658-7494
cwilcox@umo.edu

The following person has been designated as the University's Title IX Coordinator:

Cordelia Wilcox, Director of Human Resources
549 Michael Martin Drive, Mount Olive, NC (919) 658-7494
cwilcox@umo.edu

Inquiries concerning the application of Title IX may be referred to the University's Title IX coordinator or to the Office of Civil Rights. You may contact the Office of Civil Rights at:

Washington DC (Metro)
Office for Civil Rights
U.S. Department of Education
400 Maryland Avenue, SW Washington, D.C. 20202-1475
Telephone: 202-453-6020
FAX: 202-453-6021; TDD: 877-521-2172
Email: OCR.DC@ed.gov

B) WORKPLACE VIOLENCE POLICY

The University of Mount Olive is committed to the prevention of workplace violence and the maintenance of a respectful working environment. A safe and secure environment is a vital requirement for fulfilling the University mission. The University reaffirms the basic right of employees to a safe and humane working environment. Every employee will be treated at all times with dignity, respect and fairness.

(1) PROHIBITED CONDUCT

The University will not tolerate any type of workplace violence committed by or against employees. Workplace violence is defined as any physical assault, threatening behavior or verbal abuse occurring in the work setting. It includes but is not limited to beatings, stabbings, shootings, sexual assaults, psychological traumas such as threats, obscene phone calls, vandalism, arson, carrying a weapon of any type (regardless of whether the owner is licensed to carry it or not), explosives, an intimidating presence, and harassment of any nature such as stalking, swearing or shouting. Such incidents may also involve students, visitors, or vendors.

(2) REPORTING PROCEDURES

Employees are responsible for notifying the appropriate supervisor, the Human Resources Department of any threats which they have witnessed, received, or have been told that another person has witnessed or received. Employees should also report any behavior they have witnessed which they regard as threatening or violent when that behavior is/or might be carried out on University property or in connection with University employment. Reports or incidents

warranting confidentiality will be handled appropriately and information will be disclosed to others only on a need-to-know basis.

(3) VIOLATIONS

To make deliberate false accusations of workplace violence violates this policy. In such instances, the complainant will be subject to disciplinary action. However, failure to prove a claim of workplace violence does not constitute proof of a false and/or malicious accusation.

Employees who, in good faith, report what they believe to be workplace violence or who cooperate in any investigation will not be subjected to retaliation. Any employee who believes he/she has been the victim of retaliation for reporting workplace violence or cooperating in an investigation should immediately contact the Human Resources Department.

(4) ENFORCEMENT

Threats, threatening conduct, or any other acts of aggression or violence in the workplace will not be tolerated. Violations of the workplace violence policy will be met with appropriate disciplinary action, up to and including dismissal from the University. Non-employees engaged in violent acts on University property will be reported to the proper civil authorities and fully prosecuted.

VI. CONTACTS

If you have been the victim of domestic violence, dating violence, sexual assault or stalking you should report the incident promptly to:

POINTS OF CONTACT FOR REPORTING IF YOU ARE A UMO STUDENT:

University of Mount Olive (UMO) Main Campus

Vice President for Student Affairs, Dan Sullivan

Calling 919-658-7838

Emailing dsullivan@umo.edu

In person at the Student Affairs Office in the Murphy Center

Campus Safety

Calling 919-658-7520

In person to a Campus Safety Officer

Local Law Enforcement

Dial 911

Call local office at 919-658-5031

In person at 114 East James Street, Mount Olive, NC.

Other UMO Locations--Points of Contact:

UMO Evening College Director [including JCC-Smithfield, Fayetteville Partnership for Children]: 919-658-7775
549 Michael Martin Drive, Mount Olive, NC 28365

UMO Jacksonville Director: 910-455-1677
2543 Onslow Drive, Jacksonville, NC 28540

UMO New Bern Director: 252-633-4464
2912 Trent Road, New Bern, NC 28562

UMO Research Triangle Park Director: 919-941-2970
5001 S. Miami Boulevard, Durham, NC 27703

UMO Goldsboro Seymour Johnson Air Force Base Director: 919-734-8585
1520 Goodson Street, Goldsboro, NC 27531

UMO Washington Director: 252-940-0146
4525 US Hwy 264 West, Washington, NC 27889

UMO Wilmington Director: 910-256-0255
1838 Sir Tyler Drive, Wilmington, NC 28405

Online Programs Dean of Extended Education: 919-381-6912
5001 S. Miami Boulevard, Durham, NC 27703

POINTS OF CONTACT FOR REPORTING IF YOU ARE A UMO EMPLOYEE:

Director of Human Resources & Title IX Coordinator, Cordelia Wilcox

Calling 919-658-7494

Emailing cwilcox@umo.edu

In person at the Human Resource Office in the Waylin Center

Campus Safety

Calling 919-658-7520

In person to a Campus Safety Officer

Local Law Enforcement

Dial 911

Call local office at 919-658-5031

In person at 114 East James Street, Mount Olive, NC.

VII. APPROVED BY

Executive Council

VIII. APPENDICES (INCLUDING ANY FORMS/INSTRUCTIONS)

[APPENDIX 1. UNIVERSITY REPORTING PROCEDURE](#)

[APPENDIX 2. UNIVERSITY REPORTING PROCEDURE](#)

IX. HISTORY/REVISION DATES

Original adoption date(s): 06/17/15

Last Amended date: 07/16/15 *[Editorial only – Table of Contents added; Appendix 1 and 2 headers/footers clarified]*

8/5/2019: substantive updates to contact information and procedures

End Date for Policy (if applicable):

X. RELATED COMPLIANCE STANDARDS/EXTERNAL POLICY DOCUMENTS:

Violence Against Women Reauthorization Act of 2013

Changes made to the Clery Act by the Violence Against Women Reauthorization Act of 2013 (VAWA).

SACSCOC Standard 13.8 (Institutional Environment)

Appendix 1. University Reporting Procedure: Students

Incident Being Reported:	Procedure University Will Follow:	Evidentiary Standard
Sexual Assault	<ol style="list-style-type: none"> 1. Depending on when reported (immediate vs delayed report), the university will provide complainant with access to medical care. 2. The university will provide written instructions on how to preserve evidence. 3. The university will assess immediate safety need of complainant. 4. The university will assist complainant with: contacting local police if complainant requests and provide information for local law enforcement agencies. 5. The university will provide complainant with referrals to campus mental health provider. 6. The university will assess need to implement interim or long-term protective measures, such as housing changes, change in class schedule, and/or “No Contact” directive between all parties. 7. The university will provide a “No Trespass” directive to accused party if deemed appropriate. 8. The university will provide written instructions on how to apply for Protective Order. 9. The university will provide a copy of the Sexual Misconduct Policy to complainant and inform the complainant regarding timeframes for inquiry, investigation and resolution. 10. The university will inform the complainant of the outcome of the investigation, whether or not the accused will be administratively charged and what the outcome of the hearing is. 11. The university will enforce the anti-retaliation policy and take immediate and separate action against parties that retaliate against a person for complaining of sex-based discrimination or for assisting in the investigation. 	Preponderance of the evidence
Incident Being Reported:	Procedure University Will Follow:	Evidentiary Standard
Stalking	<ol style="list-style-type: none"> 1. The university will assess immediate safety needs of complainant. 2. The university will assist complainant with contacting local law enforcement agencies if complainant requests and complainant provided with contact information for local police department. 3. The university will provide written instructions on how to apply for Protective Order. 4. The university will provide written instructions on how to preserve evidence. 5. The university will assess need to implement interim or long-term protective measures, such as housing changes, change in class schedule, “No Contact” directive between both parties. 6. The university will provide a “No Trespass” directive to accused party if deemed appropriate. 	Preponderance of the evidence
Incident Being Reported:	Procedure University Will Follow:	Evidentiary Standard
Domestic Violence	<ol style="list-style-type: none"> 1. The university will assess immediate safety needs of complainant. 2. The university will assist complainant with contacting local law enforcement agencies if complainant requests and complainant provided with contact information for local law enforcement agencies. 3. The university will provide written instructions on how to apply for Protective Order. 4. The university will provide written instructions on how to preserve evidence. 	Preponderance of the evidence

	<ol style="list-style-type: none"> 5. The university will assess need to implement interim or long-term protective measures, such as housing changes, change in class schedule, “No Contact” directive between both parties. 6. The university will provide a “No Trespass” directive to accused party if deemed appropriate. 	
Incident Being Reported:	Procedure University Will Follow:	Evidentiary Standard
Dating Violence	<ol style="list-style-type: none"> 1. The university will assess immediate safety needs of complainant. 2. The university will assist complainant with contacting local law enforcement agencies if complainant request and complainant provided with contact information for local law enforcement agencies. 3. The university will provide written instructions on how to apply for Protective Order. 4. The university will provide written instructions on how to preserve evidence. 5. The university will assess need to implement interim or long-term protective measures, such as housing changes, change in class schedule, “No Contact” directive between both parties. 6. The university will provide a “No Trespass” directive to accused party if deemed appropriate. 	Preponderance of the evidence

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Appendix 2. University Reporting Procedure: Employees

Incident Being Reported:	Procedure University Will Follow:	Evidentiary Standard
Sexual Assault	<ol style="list-style-type: none"> 1. Depending on when reported (immediate vs delayed report), the university will provide complainant with access to medical care. 2. The university will provide written instructions on how to preserve evidence. 3. The university will assess immediate safety need of complainant. 4. The university will assist complainant with: contacting local police if complainant requests and provide information for local law enforcement agencies. 5. The university will provide complainant with contact information for a mental health provider through BlueCross BlueShield and the Employee Assistance Program (EAP). 6. The university will assess need to implement interim or long-term protective measures, such as working from remote location or from residence, and “No Contact” directive between all parties. 7. The university will provide a “No Trespass” directive to accused party if deemed appropriate. 8. The university will provide written instructions on how to apply for Protective Order. 9. The university will provide a copy of the Sexual Harassment Policy to complainant and inform the complainant regarding timeframes for inquiry, investigation and resolution. 10. The university will inform the complainant of the outcome of the investigation, whether or not the accused will be administratively charged and what the outcome of the hearing is. 11. The university will enforce the anti-retaliation policy and take immediate and separate action against parties that retaliate against a person for complaining of sex-based discrimination or for assisting in the investigation. 	Preponderance of the evidence
Incident Being Reported:	Procedure University Will Follow:	Evidentiary Standard
Stalking	<ol style="list-style-type: none"> 1. The university will assess immediate safety needs of complainant. 2. The university will assist complainant with contacting local law enforcement agencies if complainant requests and complainant provided with contact information for local police department. 3. The university will provide written instructions on how to apply for Protective Order. 4. The university will provide written instructions on how to preserve evidence. 5. The university will assess need to implement interim or long-term protective measures, such as working from remote location or from residence, and/or “No Contact” directive between both parties. 6. The university will provide a “No Trespass” directive to accused party if deemed appropriate. 	Preponderance of the evidence
Incident Being Reported:	Procedure University Will Follow:	Evidentiary Standard
Domestic Violence	<ol style="list-style-type: none"> 1. The university will assess immediate safety needs of complainant. 2. The university will assist complainant with contacting local law enforcement agencies if complainant requests and complainant provided with contact information for local law enforcement agencies. 3. The university will provide written instructions on how to apply for Protective Order. 4. The university will provide written instructions on how to preserve evidence. 5. The university will assess need to implement interim or long-term protective measures, such as working from remote location or residence, and/or “No Contact” directive between both parties. 6. The university will provide a “No Trespass” directive to accused party if deemed appropriate. 	Preponderance of the evidence

Incident Being Reported:	Procedure University Will Follow:	Evidentiary Standard
Dating Violence	<ol style="list-style-type: none"> 1. The university will assess immediate safety needs of complainant. 2. The university will assist complainant with contacting local law enforcement agencies if complainant request and complainant provided with contact information for local law enforcement agencies. 3. The university will provide written instructions on how to apply for Protective Order. 4. The university will provide written instructions on how to preserve evidence. 5. The university will assess need to implement interim or long-term protective measures, such as working from remote location or residence and/or “No Contact” directive between both parties. 6. The university will provide a “No Trespass” directive to accused party if deemed appropriate. 	Preponderance of the evidence

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