



Watts College of Nursing

2024 Annual Security Report

Information for 2024-2025 Academic Year
and Crime Statistics for 2021, 2022, and 2023

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The Clery Act and Legal Requirements

The Campus Security Act requires colleges and universities to:

- Publish an annual security report every year by October 1 that contains three years of campus crime statistics and certain campus security policy statements;
- Disclose crime statistics for the campus, public areas immediately adjacent to, or running through, the campus, and certain non-campus facilities and remote classrooms. The statistics must be gathered from campus police or security, local law enforcement, and other College officials who have “significant responsibility for student and campus activities;”
- Provide “timely warning” notices of crimes that have occurred and “pose an ongoing threat to students and employees;”
- Disclose in a public crime log “any crime that occurred on campus. . . or within the patrol jurisdiction of the campus police or the campus security department and is reported to the campus police or security department;”
- Disclose any agreements with state and/or local law enforcement.

Preparation of the Annual Security Report

The Watts College of Nursing Administrative Team prepares and distributes the Annual Security Report. Watts College of Nursing Administrative Team gathers policy information and crime statistics from other Watts College of Nursing departments and Campus Security Authorities, such as the Office of Student Conduct and other offices within the Division of Student Affairs. Watts College of Nursing Administrative Team also requests crime statistics through a written request on an annual basis from the Durham Police Department, Duke University Police, and other law enforcement agencies where Watts College of Nursing operates. For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year the crime was reported. All of the crime statistics are gathered, compiled, and reported to the College community via this report, which is published by the Watts College of Nursing Administrative Team. The Watts College of Nursing Administrative Team submits the annual crime statistics published in this brochure to the Department of Education (ED). The statistical information gathered by the Department of Education is available to the public through the ED website.

Watts College of Nursing encourages members of the Watts College of Nursing community to use this report as a guide for safe practices on and off campus.

Each member of the College community receives an email that describes the report and provides its web address. For a paper copy, contact the Watts College of Nursing Administration Team at 2828 Croasdaile Drive, Durham, NC 27705 or (919) 470-7349.

WCON does not have student housing facilities. Therefore, the College is not required to provide information on Missing Student or a Fire Safety Report.

Reporting Criminal Actions or Other Emergencies

All members of the Watts College of Nursing community and all visitors are encouraged to accurately and promptly report potential criminal activity, suspicious behavior, and any emergencies on campus, on public property running thought or immediately adjacent to the campus, or in other property that is owned or controlled by Watts College of Nursing, to the Durham Police Department by calling 911. After calling local police, please submit a CSA report via the Clery email address (WattsCollegeClery@dm.duke.edu) to ensure we address the issue as appropriate. Your CSA report will be expected to include the date the incident was reported to you, the date and time the incident occurred, the location the incident took place, and a detailed description of the incident to assist WCON in properly classifying and counting the crime

for statistical disclosure purposes.

Response to a Report

Dispatchers are available upon calling 911, 24 hours a day to answer your calls. In response to a call, the Durham Police Department will take the required action, either dispatching an officer or asking the victim to report to the Durham Police Department to file an incident report. Durham Police Department will investigate a report when deemed appropriate. If assistance is required from the Durham Police Department or County, Watts College of Nursing will contact the appropriate unit. If a dating violence, domestic violence, sexual assault, or stalking occurs, the Title IX Coordinator is available to offer the victim a variety of services. All reported incidents are reviewed, and applicable information is collected and presented to the proper authority. In order to ensure that our campus remains safe, it is important for members of the campus to report this information in a timely manner.

Reporting to Meet Disclosure Requirements

Members of the community are helpful when they immediately report crimes or emergencies to the local police department (Durham Police Department) and/or to the Watts College Administration Team, Title IX Coordinator, Director of Human Resources, or a Campus Security Authority for the purpose of including them in the annual statistical disclosure and assessing them for issuing a Timely Warning Notices, when deemed necessary.

Accurate and Prompt Reporting

Crimes should be accurately and promptly reported to the Durham Police Department or the appropriate police agency, when the victim of a crime elects to, or is unable to, make such a report.

Durham Crime Stoppers

In addition to the above means of reporting incidents and obtaining resources for them, you may report crimes that you witness or have information about that occur in the City of Durham or Durham County to Durham Crime Stoppers at (919) 683-1200.

Voluntary and Confidential Reporting

Occasionally, victims of crime wish to report a crime but do not want to give their name and/or do not want to pursue action through the criminal justice system or College disciplinary systems.

If you are the victim of a crime and do not want to pursue action within the College system or the criminal justice system, you may still want to consider making a confidential report. With your permission, a city of Durham police officer or a Watts College of Nursing campus security authority, can file a report on the details of the incident without revealing your identity. The purpose of a confidential report is to comply with your wish to keep the matter confidential, while taking steps to enhance the future safety of yourself and others. With such information, Watts College of Nursing can keep an accurate record of the number of incidents involving students, employees, and visitors; determine whether there is a pattern of crime with regard to a particular location, method, or assailant; and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed as statistics in the annual crime statistics for the institution.

Pastoral and Professional Counselors

Campus “Pastoral Counselors” and “Professional Counselors,” when acting as such, are not considered to be a campus security authority for Clery Act purposes and are not required to report crimes for inclusion in the annual disclosure of crime statistics or for the purpose of a timely warning. As a matter of policy, the professional counselors at Watts College of Nursing are encouraged, if and when they deem it appropriate, to inform persons being counseled of the procedures to report crimes on a voluntary

confidential basis to Watts College of Nursing or the Durham Police Department. These positions are defined as follows:

- **Pastoral Counselor** - person who is associated with a religious order or denomination, is recognized by that religious order or denomination as someone who provides confidential counseling and is functioning within the scope of that recognition as a pastoral counselor.
- **Professional Counselor** - person whose official responsibilities include providing mental health counseling to members of the institution's community and who is functioning within the scope of his or her license or certification.

Campus Law Enforcement Policies

WCON does not have a campus police or security department. WCON sends the Durham Police Department an annual request for crime statistics associated with any of WCON's Clery geography. The Durham Police Department does not enforce College policies and will only respond to calls made by the public. There are no written agreements or memorandums of understanding regarding any topics, including the investigation of criminal incidents, between WCON and the Durham Police Department.

Security and Access to Facilities

Academic and Administrative Offices

Watts College's academic and administrative building is open to students, staff, faculty, and visitors, at a minimum, during normal business hours. After normal business hours and during breaks, these facilities are locked and only accessible to authorized individuals. There are no sworn or public safety officers that conduct routine patrols of the campus to evaluate and monitor security related matters, as the College does not have a sworn or public safety department and does not have an agreement with local police.

Academic and administrative buildings do not have security officers assigned to them; however, Watts Administrative Team members monitor the building during business hours and can have police called if needed. For schedules and protocols for specific classrooms see Watts Administrator Non-Emergency #: (919) 470-8524.

Watts College of Nursing does not have any residential facilities.

Security and Maintenance of Campus Facilities

Watts College maintains campus facilities in a manner that minimizes hazardous and unsafe conditions. Parking lots and pathways are illuminated with lighting. Watts College's Coordinator for Business and Administration is responsible for submitting a work order for any reports received about inoperable doors, burned out lights, broken windows and screens, and requests the building manager to do such things as trim bushes for safety and security reasons. Watts College personnel closely monitor any security-related maintenance problems during normal business hours until reported to and resolved by building manager personnel. Other members of the College community are helpful when they report equipment problems to Watts Administration.

Health System Security and Access

Health System buildings are equipped with a variety of card access and proximity readers to assist in controlling building access. These readers are monitored by the Building Automation System (BAS) office of Engineering & Operations. In addition, security camera systems are installed at key points throughout the medical center complex. Watts College of Nursing does not have control over these functions.

Security Awareness & Crime Prevention Programming

One of the essential ingredients of any successful crime prevention program is an informed public. It is the intent of the Watts College of Nursing to inform students of good crime prevention and security awareness practices.

Watts College of Nursing asks Duke University Police to come to campus and present different crime prevention presentations and/or trainings. During the 2023-2024 academic year, WCON offered approximately 4 crime prevention and security awareness programs. Topics such as personal safety, drug and alcohol abuse awareness and sexual assault prevention are some examples of programs offered during the prior academic year.

All crime prevention and security awareness programs encourage students and employees to be responsible for their own security and the security of others. Participants in these programs are asked to be alert, security-conscious and involved and advised to call the Durham Police Department to report suspicious behavior.

Monitoring and Recording of Criminal Activity by Students at Noncampus locations of Recognized Student Organizations

WCON does not have any officially recognized student organizations that own or control housing facilities outside of the WCON core campus. Therefore, local PD is not used to monitor and record criminal activity since there are Noncampus locations of student organizations.

Daily Crime Log

WCON does not have a campus police or security department and does not contract any local law enforcement agencies or security officers. Therefore, WCON is not required to create, maintain, or make a daily crime log available.

Timely Warning Notification

In the event a crime is reported within the Watts College of Nursing Clery geography (On Campus, Public Property, and Non-campus Property) that, in the judgment of the President, the Associate Chief Business and Financial Executive, or the Academic Officer, constitutes a serious or continuing threat, a campus wide “timely warning” notice will be issued. Timely warning Notices will be distributed as soon as pertinent information is available in a manner that withholds the names of the victims as confidential and may aid in the prevention of similar occurrences.

Timely Warnings are typically issued for the following Uniform Crime Reporting Program (UCR)/National Incident Based Reporting System (NIBRS) crime classifications:

- Murder/Non-Negligent Manslaughter
- Aggravated Assault (cases involving assaults among known parties, such as two roommates fighting, which results in an aggravated injury, will be evaluated on a case-by-case basis to determine if the individual is believed to be an ongoing threat to the larger Watts community)
- Robbery involving force or violence (cases including pick pocketing and purse snatching will typically not result in the issuance of a Timely Warning Notice, but will be assessed on a case-by-case basis)
- Sexual Assault (considered on a case-by-case basis depending on the facts of the case, when and where the incident occurred, when it was reported, and the amount of information known; cases involving sexual assault are often reported long after the incident occurred, thus there is no ability to distribute a “timely” warning notice to the community. All cases of sexual assault, including stranger and non-stranger/acquaintance cases, will be assessed for potential issuance of a Timely Warning Notice.)

- Major incidents of Arson
- Other Clery crimes as determined necessary by the Watts College of Nursing President or designee.

Timely Warning Notices are written and distributed to the community by the President, the Associate Chief Business and Financial Executive, or the Academic Officer. Timely warning notices may be issued to the campus community by blast e-mail to all Watts College of Nursing assigned email accounts. Timely warnings will not typically be distributed through any other manner. Timely warnings sent via email will have the subject title “Security Warning.”

The institution is not required to issue a Timely Warning with respect to crimes reported to a pastoral or professional counselor.

Emergency Response and Evacuation Procedures

The Watts College of Nursing Emergency Management Plan (EMP) is the College’s emergency response plan. The EMP documents the framework, processes and communications required for a successful response to, and recovery from, an emergency incident. The plan includes descriptions of categories for the classification of emergency incidents, as well as specific responsibilities and actions by level. The EMP also discusses the Administrative Team and how it is a part of the EMP. Campus emergency management provides resources and guidance for the development of these plans. Emergencies occurring on campus should be reported to the Durham Police Department at 9-1-1.

Watts College of Nursing assesses its emergency response plans and systems each year through scheduled drills, exercises and appropriate follow-through activities designed for assessment of emergency plans and capabilities. These exercises are conducted both at the department/division level, as well as the institutional level.

In conjunction with other emergency agencies, the College conducts emergency response drills and exercises each year such as tabletop exercises, field exercises, and tests of the emergency notification systems on campus. These tests, which may be announced or unannounced, are designed to assess the emergency plans and capabilities of the institution. Each test is documented and includes a description of the exercise, the date and time of the exercise, and whether it was announced or unannounced.

The Duke ALERT outdoor siren system, text message, and email systems are tested three times annually (each semester, including once during summer session). A summary of the emergency procedures and evacuation plans are publicized in conjunction with this test (exercise and drill) that meets all of the requirements of the Higher Education Opportunity Act. Watts College of Nursing Occupational and Environmental Safety Office also conducts announced and unannounced building evacuation drills each year. The Emergency Management Council EMC oversees Watts’s preparation and planning for emergencies and shares information with WCON’s Executive Committee/Leadership.

Emergency Evacuation Procedures

The emergency evacuation procedures are tested at least twice each year. Students and employees 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. The Duke’s Office of Safety and Environmental Health does not tell building occupants 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 emergency gathering locations on campus, and other factors such as the location and nature of the threat. In both cases, Duke’s Office of Safety and Environmental Health staff on the scene will communicate information to students regarding the developing situation or any evacuation status changes.

The purpose of evacuation drills is to prepare building occupants for an organized evacuation in case of a fire or other emergency. At Watts College of Nursing evacuation drills are used as a way to educate and train occupants on fire safety issues specific to their building. During the drill, occupants ‘practice’ drill procedures and familiarize themselves with the location of exits and the sound of the fire alarm.

Shelter-in-Place Procedures – What it Means to “Shelter-in-Place”

If a dangerous incident occurs, there is a significant weather event, or if the air outdoors becomes dangerous due to toxic or irritating substances, it is usually safer to stay indoors because leaving the area may expose you to the dangerous condition. Thus, to “shelter-in-place” means to make a shelter of the building that you are in, and with a few adjustments, this location can be made even safer and more comfortable until it is safe to go outside.

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

A shelter-in-place notification may come from several sources, including DukeALERT, other College employees, Durham Police, or other authorities using the College’s emergency communications tools.

How to “Shelter–in-Place”

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

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

Fire Evacuation Procedures

Watts College of Nursing regularly conducts fire drills in partnership with Campus Building ownership requiring evacuation in its facility. These drills are conducted at least annually and are used to:

- Familiarize community members to the audible and visible evacuation signals and the exit routes available to use in the event of a fire or other situation that requires immediate evacuation.
- Evaluate the performance of the employees in a fire incident and the effectiveness of the behaviors used in accordance with the fire drills and the emergency plans/site specific fire plans.

The results of the drills are documented. Evacuation procedures are as follows:

1. Close all windows and leave the overhead light ON.
2. Before opening any door, feel the door. If it is HOT, do not open it; if it is not hot, brace yourself against the door, open it slightly, and if heat or heavy smoke are present, close the door and stay in your room.
3. If you cannot leave the room, open the window, hang a sheet or other light-colored object out of the window to attract the attention of emergency personnel and then close the window. If there is a phone in the room, call Durham Police (911) and report that you are trapped. Remain calm and give your room number and building location. Stuff towels, sheets, or similar materials under all doors leading into corridors. Stay close to the floor if smoke enters the room.
4. If conditions allow you to leave the room, close, but do not lock, the door and walk directly to the nearest exit and leave the building.
5. If you are away from your room when the alarm sounds, do not return to your room, but leave the building via the nearest exit.
6. DO NOT use elevators. If hallways and/or exit stairwells are not accessible because of heavy smoke, return to your room, close the door and follow the instructions given above.
7. If you have exited the facility, stand clear of the building and report to your designated check-in area. Emergency apparatus may be maneuvering around the building.
8. Follow the directions of fire and police personnel and NEVER re-enter the building until they give permission to do so.

General Evacuation Procedures:

RACE is an acronym used to help you respond safely and correctly.

R - REMOVE ALL PERSONS IN IMMEDIATE DANGER TO SAFETY to include patients, visitors, students and employees.

A - ACTIVATE MANUAL PULL ALARM/DIAL 911. Give the following information:
The exact location of the fire (Building and Location-Area, Building Zone or Color or Zone Floor, Room Number) and the name of person calling and phone number.

C - CLOSE ALL DOORS AND WINDOWS to prevent the spread of fire and smoke.

E - EXTINGUISH THE FIRE with a portable fire extinguisher
or **EVACUATE THE AREA. DO NOT USE THE ELEVATOR.**

Fire Alarm Evacuation Policy

Evacuation is mandatory for all individuals when the fire alarm is sounding. Anyone who fails to evacuate may face disciplinary action.

Once a fire alarm sounds, do not assume that a fire alarm is a drill or false alarm. Remain calm and evacuate the facility. Remember to follow the instructions of the emergency responders. Do not re-enter the facility until authorized. If you have any information regarding the alarm, present that information immediately to the responding emergency personnel.

While evacuating, remain attentive for dangerous or criminal activity that may be associated with the evacuation notice. Fire alarm activations may be associated with incidents other than fire. It is also possible that an individual has falsely activated the alarm system. If you observe criminal or suspicious activity, report it immediately to the local police.

Emergency Notifications

Watts College of Nursing has developed a process to notify the campus community in cases of emergency. While it is impossible to predict every significant emergency or dangerous situation that may occur on campus, the following identified situations are examples which may warrant an emergency (immediate) notification after confirmation: armed/hostile intruder; bomb/explosives (threat); communicable disease outbreak; severe weather; terrorist incident; civil unrest; natural disaster; hazardous materials incident and structural fire.

Individuals can report emergencies occurring at Watts College of Nursing by calling the Durham Police Department by dialing 9-1-1.

In the event of an emergency, Watts College of Nursing will initiate and provide, without delay, immediate notifications to the appropriate segment(s) of the College community upon the confirmation of a significant emergency or dangerous situation on campus that involves an immediate threat to the health or safety of students, faculty, staff and visitors.

If the President, the Associate Chief Business and Financial Executive, or the Academic Officer or their designees, in conjunction with other College administrators, local first responders, Public Health Officials and/or the National Weather Service, confirms that there is an emergency or dangerous situation that poses an immediate threat to the health or safety of some or all members of the Watts College of Nursing community, the President, the Associate Chief Business and Financial Executive, or the Academic Officer or their designees, will collaborate to determine the content of the message and will use some or all of the systems described below to communicate the threat to the Watts College of Nursing Community or to the appropriate segment of the community, if the threat is limited to a particular building or segment of the population. Additionally, although the President, the Associate Chief Business and Financial Executive, or the Academic Officer or their designees, are the individuals that would initiate this process, Duke University officials may be the individuals that activate the emergency notification system, DukeALERT on behalf of both Duke University and Watts College of Nursing.

In considering the safety of the campus community, Watts officials will, without delay, and taking into account the safety of the community, determine the content of the emergency message and initiate the notification unless this will, in the professional judgment of responsible authorities, compromise the efforts to assist victims or to contain, respond to, or otherwise mitigate the emergency.

Notification will be made by using some or all of the following methods depending on the type of emergency: Watts College of Nursing Alert System, Duke ALERT (which contains email, cell phone text, voice message alert); fire alarm (where available), public address systems (where available), social media, website web alert bar, local media, webpage and/or in person communication, as well as Watts Hospital notification systems and processes. If any of these systems fail or the College deems it appropriate, in person communication may be used to communicate an emergency.

Watts students, faculty, and staff may sign up to receive text messages at <https://www.emergency.duke.edu/>. Community members, upon receiving a notice of an alert, should seek additional information primarily from Watts Administrative Team and the Duke University Emergency webpage at <https://emergency.duke.edu> and take actions to protect themselves and to alert others. Notification to the larger community may be made through the local media to disseminate emergency information to members of the larger community, including neighbors, parents and other interested parties. Follow-up information will be distributed using some or all of the identified communication systems (except fire alarm).

If there is an immediate threat to the health or safety of students or employees occurring on campus, an institution must follow its emergency notification procedures. An institution that follows its emergency notification procedures is not required to issue a timely warning based on the same circumstances; however, the institution must provide adequate follow-up information to the community as needed.

Drug and Alcohol Policy

Watts College of Nursing prohibits the unlawful possession, use, and sale of alcoholic beverages and illegal drugs on campus. The Durham Police Department is responsible for the enforcement of state underage drinking laws and enforcement of Federal and State drug laws.

Drug Free Schools and Communities Act

In compliance with the Drug Free Schools and Communities Act, Watts College of Nursing publishes information regarding the College's prevention programs related to drug and alcohol abuse prevention which include standards of conduct that prohibit the unlawful possession, use, and distribution of alcohol and illegal drugs on campus and at institution-associated activities; sanctions for violations of federal, state, and local laws and College policy; a description of health risks associated with alcohol and other drug use and abuse; and a description of available counseling, treatment, rehabilitation and/or re-entry programs for Watts College of Nursing students and employees. A complete description of these topics, as provided in the College's annual notification to students and employees, is available online at: <https://wattscollegeofnursing-files.cloud.duke.edu/sites/default/files/Drug%20and%20Alcohol%20Policy%20F23.pdf>.

Explanation of Crime Statistics & Terms

The crime statistics in the tables presented at the end of this report are compiled based upon Watts College of Nursing reports and those gathered from Campus Security Authorities, as well as those incidents from local law enforcement agencies.

Definition of Terms

Definitions from the Federal Uniform Crime Reporting ("UCR") Handbook

Aggravated Assault: An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could or probably would result in a serious potential injury if the crime were successfully completed.

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

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

Motor Vehicle Theft: The theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned-including joy riding).

Murder and Non-negligent Manslaughter: The willful (non-negligent) killing of one human being by

another.

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

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.

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

Weapons Law Violations: The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; all attempts to commit any of the aforementioned.

Drug Abuse Violations: Violations of state and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (demerol, methadones); and dangerous non-narcotic drugs (barbiturates, benzedrine).

Liquor Law Violations: The violation of laws or ordinances prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; and all attempts to commit any of the aforementioned acts. (Driving while intoxicated and public intoxication are NOT included in the statistics.)

Statistics for Referred Violations:

The Clery Act also includes statistics for weapons, drug, and liquor law violations as described above that are referred for disciplinary action. Clery defines “referred for disciplinary action” *as the referral of any person to any official who initiates a disciplinary action of which a record is kept and which may result in the imposition of a sanction.* All referrals are managed by the Committee on Student Academic Standing and Professionalism (CoSAPP).

Crime Definitions from the National Incident-Based Reporting System (NIBRS) User Manual from the FBI's UCR Program

Sex Offenses

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

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

B. *Incest*—Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

C. *Statutory Rape*—Sexual intercourse with a person who is under the statutory age of consent.

Crime Definitions from the Hate Crime Data Collection Guidelines and Training Manual from the FBI's UCR Program

Larceny-Theft (Except Motor Vehicle Theft)

The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Attempted larcenies are included. Embezzlement, confidence games, forgery, worthless checks, etc., are excluded.

Simple Assault

An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

Intimidation

To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

Destruction/Damage/Vandalism of Property

To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

Unfounded Crimes:

Watts College of Nursing may withhold, or subsequently remove, a reported crime from its crime statistics in the rare situation where commissioned Watts Police officers or other sworn 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.”

Location Definitions from the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act

On-Campus: (1) Any building or property that is owned or controlled by an institution within the same reasonably contiguous geographic area and is used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and (2) any building or property that is within or reasonably contiguous to the area identified in paragraph (1) that is owned by the institution, but controlled by another person, is frequently used by students and supports institutional purposes (examples include food or retail vendor).

Non-Campus Building Or Property: (1) Any building or property owned or controlled by a student organization that is officially recognized by the institution; or (2) any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

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

Reported crime statistics do not include crimes that occur in privately owned homes or businesses on or adjacent to Watts's campuses.

The crime statistics reflect those offenses mandated by the “Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act” that have been compiled by the Watts College of Nursing. These include all reports made to officials of the College who have significant responsibility for student and campus activities. Local law enforcement provides most of the public property offenses.

On Campus = Any incidents at Watts College of Nursing Campus at 2828 Croasdaile Drive, Durham, NC 27705

Non-Campus = Watts property not immediately adjacent to the main campus that is frequented by students; some examples include the Watts College of Nursing clinical sites in Durham, Duke Regional Hospital, Duke Raleigh Hospital, and certain domestic and international programs.

Public Property = Public streets passing through the campus; public property and streets immediately adjacent to and accessible from the campus as reported to the Watts College or to the Durham Police Department.

Crime Reduction Tips

Personal Safety

- Walk or jog with a friend, not alone.
- Avoid isolated areas.
- Know your limits on dates and communicate them to your partner.
- Know your limits with alcohol and do not accept drinks from others.
- Tell a friend where you are going and when you will return.
- Report concerning behaviors (unwanted texts, threats, etc.)
- Use a help phone or raise the hood and stay in your car if it breaks down (with doors locked). If people stop to assist, ask them to call the police.
- Be aware of your surroundings.

Protection from Date Rape Drugs

- Never leave your drink unattended. Because they are colorless and odorless, date rape drugs can be slipped into any type of beverage.
- Do not accept drinks from anyone but a bartender or server.
- Try to attend bars or parties with a group of friends, arranging beforehand to watch each other’s drinks.
- If you think your drink has been tampered with, seek medical attention immediately and request the hospital conduct toxicology testing.

Residential Safety

- Lock your dorm room or apartment whenever you leave and when you are sleeping.
- Do not prop open card reader doors.
- Call 9-1-1 if you see someone in the building who does not belong.
- Do not allow strangers to follow you into the building.

Workplace Safety

- Keep personal items (purses, book bags) locked up.
- Secure the work area when no one is in it.
- Report suspicious people to the police.

Protecting Your Property

- Record the serial numbers of your valuables.
- Protect your data and devices: see <https://security.duke.edu/>
- Register your bike with Parking Services.
- Keep your vehicle locked when it is parked and when you drive.
- Consider installing anti-theft or alarm devices on your vehicle.
- Do not leave textbooks, purses, or book bags unattended.
- Do not leave laptop computers unattended.

Reporting Lost or Stolen Access Cards

- Lost ID Badges or Access Fobs should be reported immediately to: wconinfo@duke.edu or by phone at: 919-470-7348.

Bystander Intervention

A bystander is someone other than the victim who is present when an act of dating violence, domestic violence, stalking or sexual assault is occurring or when a situation is occurring in which a reasonable person feels as though some protective action is required to prevent sexual assault, dating violence, domestic violence or stalking. Bystanders, if active, can prevent harm or intervene with safe and positive options before a situation gets worse. Examples of active bystander intervention include: not leaving an overly intoxicated person in a bar/party alone, walking a classmate to his/her car after class, calling police when a potentially violent situation is unfolding, not leaving an unconscious person alone (alerting an RA, EMS, campus police, etc.), or intervening when someone is being belittled, degraded or emotion-ally abused (walking victim away from abuser, contacting others for help, like counseling center, RA, Dean). While PACT is Watts's primary bystander intervention training, bystander Intervention is interweaved into every educational session during gender violence training.

How to be an Active Bystander

Bystanders play a critical role in the prevention of sexual 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.”¹ We want 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 list² of some ways to be an active bystander. Further information regarding bystander intervention may be found. 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.

- 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.
- Confront people who seclude, hit on, try to make out with, or have sex with people who are incapacitated.

¹ Burn, S.M. (2009). A situational model of sexual assault prevention through bystander intervention. *Sex Roles*, 60, 779-792.

² Bystander intervention strategies adapted from Stanford University's Office of Sexual Assault & Relationship Abuse

- Speak up when someone discusses plans to take sexual advantage of another person.
- Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.
- Refer people to on or off campus resources listed in this document for support in health, counseling, or with legal assistance.

Watts Gender Violence Intervention Services

Students may access local resources through [Durham Crisis Response Center](#) helpline (919) 403-6562.

*Seeking support from a non-confidential resource will result in outreach from Watts College of Nursing.

Sex Offender Registry

The federal Campus Sex Crimes Prevention Act, enacted on October 28, 2000, requires institutions of higher education to issue a statement advising the campus community where law enforcement agency information provided by a State concerning registered sex offenders may be obtained. It also requires sex offenders already required to register in a State to provide notice, as required under State law, of each institution of higher education in that State at which the person is employed, carries on a vocation, volunteers services or is a student.

All convicted sex offenders coming to or in North Carolina, at which the persons are employed, carry on a vocation, volunteer services, or are students are required to register with the local county sheriff's office for inclusion in the North Carolina Sex Offender and Public Protection Registry. This Registry may be viewed locally at the local county sheriff's office or accessed directly online at: <http://sexoffender.ncsbi.gov>.

(HEOA) Notification to Victims of Crimes of Violence

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

Risk Reduction: Warning Signs of Abusive Behavior and Future Risks

No victim is ever to blame for being assaulted or abused. Unfortunately, a person who is the victim of sexual assault, domestic violence or dating violence is more likely to be re-victimized. Below are some tips to help reduce your risk, recognize warnings signs of abusive behavior and avoid potential attacks.

Warning Signs of Abusive Behavior

Domestic and dating abuse often escalates from threats and verbal abuse to violence. And, while physical injury may be the most obvious danger, the emotional and psychological consequences of domestic and dating violence are also severe. Warning signs of dating and domestic violence include:

- Being afraid of your partner.
- Constantly watching what you say to avoid a "blow up."
- Feelings of low self-worth and helplessness about your relationship.
- Feeling isolated from family or friends because of your relationship.
- Hiding bruises or other injuries from family or friends.
- Being prevented from working, studying, going home, and/or using technology (including your mobile phone).
- Being monitored by your partner at home, work or school.
- Being forced or pressured to do anything you don't want to do.

Help Reduce Your Risk and Avoid Potential Attacks

- If you are being abused or suspect that someone you know is being abused, speak up or intervene.
- Get help by seeking information and support services from the Women’s Center’s Office of Gender Violence Prevention and Intervention (for students) or Personal Assistance Service (for employees).
- Learn how to look for “red flags” in relationships so you can learn to avoid some of those characteristics in future partners.
- Consider making a report with Watts College of Nursing Police, the Office of Student Conduct, and/or the Title IX Coordinator and ask for a No Contact directive from the College to prevent future contact.
- Consider getting a protective order or a no contact order from the local court. Call the Women’s Center, your local Clerk of Court or Watts College of Nursing Police for more information.
- Learn more about what behaviors constitute dating and domestic violence, understand it is not your fault, and talk with friends and family members about ways you can be supported.
- Trust your instincts—if something doesn’t feel right in a relationship, speak up or end it.

Sexual Assault Prevention

- Be aware of rape drugs.
- Try not to leave your drink unattended.
- Only drink from un-opened containers or from drinks you have watched being made and poured.
- Avoid group drinks like punch bowls.
- Cover your drink. It is easy to slip in a small pill even while you are holding your drink. Hold a cup with your hand over the top, or choose drinks that are contained in a bottle and keep your thumb over the nozzle.
- If you feel extremely tired or drunk for no apparent reason, you may have been drugged. Find your friends and ask them to leave with you as soon as possible.
- If you suspect you have been drugged, go to a hospital and ask to be tested.
- Keep track of how many drinks you have had.
- Try to come and leave with a group of people you trust.
- Avoid giving out your personal information (phone number, where you live, etc.). If someone asks for your number, take their number instead of giving out yours.

Walking Around Campus

- Make sure your cell phone is easily accessible and fully charged.
- Be familiar with where emergency phones are installed on the campus.
- Be aware of open buildings where you can use a phone.
- Take major, public paths rather than less populated shortcuts.
- Avoid dimly lit places and talk to Facilities Management if lights need to be installed in an area.
- Avoid putting music headphones in both ears so that you can be more aware of your surroundings, especially if you are walking alone.
- Walking back from the library very late at night is sometimes unavoidable, so try to walk with a friend.
- Carry a noisemaker (like a whistle) on your keychain.
- Carry a small flashlight on your keychain.

With no intent to victim blame and recognizing that only abusers are responsible for their abuse, the

following are some strategies to reduce one's risk of sexual assault or harassment (taken from Rape, Abuse, & Incest National Network, www.rainn.org):

1. **Be aware** of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
2. Try to **avoid isolated areas**. It is more difficult to get help if no one is around.
3. **Walk with purpose**. Even if you don't know where you are going, act like you do.
4. **Trust your instincts**. If a situation or location feels unsafe or uncomfortable, it probably isn't the best place to be.
5. **Try not to load yourself down** with packages or bags as this can make you appear more vulnerable.
6. **Make sure your cell phone is with you** and charged and that you have cash money.
7. **Don't allow yourself to be isolated** with someone you don't trust or someone you don't know.
8. **Avoid putting music headphones in both ears** so that you can be more aware of your surroundings, especially if you are walking alone.
9. **When you go to a social gathering, go with a group of friends**. Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.
10. **Trust your instincts**. If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.).
11. **Don't leave your drink unattended** while talking, dancing, using the restroom, or making a phone call. If you've left your drink alone, just get a new one.
12. **Don't accept drinks from people you don't know or trust**. If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don't drink from the punch bowls or other large, common open containers.
13. **Watch out for your friends, and vice versa**. If a friend seems out of it, is way too intoxicated for the amount of alcohol they've had, or is acting out of character, get him or her to a safe place immediately.
14. **If you suspect you or a friend has been drugged, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.)**. Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).
15. If you need to get out of an uncomfortable or scary situation here are some things that you can try:
 - **Remember that being in this situation is not your fault**. You did not do anything wrong, it is the person who is making you uncomfortable that is to blame.
 - **Be true to yourself**. Don't feel obligated to do anything you don't want to do. "I don't want to" is always a good enough reason. Do what feels right to you and what you are comfortable with.
 - **Have a code word with your friends or family** so that if you don't feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.
 - **Lie**. If you don't want to hurt the person's feelings it is better to lie and make up a reason to leave than to stay and be uncomfortable, scared, or worse. Some excuses you could use are: needing to take care of a friend or family member, not feeling well, having somewhere else that you need to be, etc.
16. **Try to think of an escape route**. How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you? Is there an emergency phone nearby?
17. **If you and/or the other person have been drinking**, you can say that you would rather wait until you both have your full judgment before doing anything you may regret later.

**JEANNE CLERY DISCLOSURE OF CAMPUS SECURITY POLICY AND CAMPUS
CRIME STATISTICS ACT, AS AMENDED BY THE VIOLENCE AGAINST WOMEN
REAUTHORIZATION ACT OF 2013**

Watts College of Nursing does not discriminate on the basis of sex in its educational programs, and sexual harassment and sexual violence are types of sex discrimination. Other acts can also be forms of sex-based discrimination and are also prohibited, sexually based or not, and include dating violence, domestic violence, and stalking. As a result, Watts College of Nursing 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, dating violence, and stalking, whether the incident occurs on or off campus within its program or activities, and when it is reported to a college official. In this context, Watts College of Nursing prohibits the offenses of domestic violence, dating violence, sexual assault, and stalking (as defined by the Clery Act) and reaffirms its commitment to maintain a campus environment emphasizing the dignity and worth of all members of the College community.

[Click here](#) for information on Watts College of Nursing’s Policy on Prohibited Discrimination, Harassment, and Related Misconduct.

Consent: While North Carolina law does not define “consent,” the College defines consent as an affirmative decision to engage in mutually acceptable sexual activity freely given by clear actions and/or words. Consent may not be inferred from silence, passivity, or lack of active resistance alone.

- A current or previous dating or sexual relationship is not sufficient to constitute consent, and consent to one form of sexual activity does not imply consent to other forms of sexual activity.
- Consent is not freely given when the individual is incapacitated. Consent is not freely given when the individual is coerced into sexual activity, such as, for example, through the use of physical force, threat of physical or emotional harm, undue pressure, isolation, or confinement.
- Consent may be withdrawn at any time. Once withdrawn, sexual activity must cease.
- The perspective of a reasonable person will be the basis for determining whether a Respondent knew, or reasonably should have known, whether a Complainant was able to freely give consent and whether consent was given.

Additionally, being intoxicated or incapacitated does not diminish one’s responsibility to obtain consent and will not be an excuse for Prohibited Conduct.

Federal Clery Act Definitions of Domestic Violence, Dating Violence, Sexual Assault and Stalking

Sexual Assault: Under the Clery Act, “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. Per the National Incident-Based Reporting System User Manual from the FBI UCR program, 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* is defined as the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

—*Fondling* is defined as 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* is defined as non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

—*Statutory Rape* is defined as non-forcible sexual intercourse with a person who is under the statutory age

of consent.

See “Appendix 1: Criminal Law Definitions” for the State of North Carolina criminal offenses for Sexual Assault.

Domestic Violence: Under the Clery Act, 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 and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

See “Appendix 1: Criminal Law Definitions” for the State of North Carolina criminal offenses for Domestic Violence.

Dating Violence: Under the Clery Act, 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 party’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

For the purposes of this definition-

- (i) Dating Violence includes, but is 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 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 Clery Act reporting.

See “Appendix 1: Criminal Law Definitions” for the State of North Carolina criminal offenses for Dating Violence.

Stalking: Under the Clery Act, 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 purposes of this definition—
 - (i) Course of conduct means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person’s property.
 - (ii) Substantial emotional distress means significant mental suffering or anguish that may, but does not

necessarily, re-quire medical or other professional treatment or counseling.

(iii) Reasonable persons 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 Clery Act reporting.

See “Appendix 1: Criminal Law Definitions” for the State of North Carolina criminal offenses for Stalking.

Definitions Applicable to Duke’s Policies and Procedures Related to Domestic Violence, Dating Violence, Sexual Assault, and Stalking

- **Sexual Assault:** Any of the following sexual acts directed against another person, without the consent of the Complainant, including instances where the Complainant is incapable of giving consent:
 - **Rape:** The carnal knowledge of a Complainant, without the consent of the Complainant, including instances where the Complainant is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity;
 - **Sodomy:** Oral or anal sexual intercourse with a Complainant, without the consent of the Complainant, including instances where the Complainant is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity;
 - **Sexual Assault with an Object:** To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of a Complainant, without the consent of the Complainant, including instances where the Complainant is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity;
 - **Note:** Rape, Sodomy, and Sexual Assault with an Object are all captured as Rape for Clery reporting purposes.
 - **Fondling:** The touching of the private body parts of a Complainant for the purpose of sexual gratification, without the consent of the Complainant, including instances where the Complainant is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity;
 - **Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law; or
 - **Statutory Rape:** Sexual intercourse with a Complainant who is under the statutory age of consent.
 - Sexual assault can occur between individuals of the same or different sexes and/or genders.
- **Stalking:** A course of conduct (including cyberstalking) directed at a specific person, based on that person’s protected status/characteristic, that would cause a reasonable person to fear for his/her/their safety or the safety of another, or to suffer substantial emotional distress.
 - A course of conduct means two or more acts, including but not limited to acts in which a person directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about another person, or interferes with another person’s property.
 - Substantial emotional distress means significant mental suffering or anguish.

- **Relationship Violence:** A pattern of abusive behavior in a current or former intimate relationship that is used by one partner to gain or maintain power and control over another partner. Relationship violence can be sexual, emotional, economic, or psychological actions or threats of actions that influence another person. Relationship violence includes, but is not limited to, dating violence and domestic violence as defined below.
 - **Domestic violence:** A felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the Complainant, by a person with whom the Complainant shares a child in common, by a person who is cohabitating with or has cohabitated with the Complainant as a spouse or intimate partner, by a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of North Carolina, or by any other person against an adult or youth Complainant who is protected from that person’s acts under the domestic or family violence laws of North Carolina.
 - **Dating violence:** Any act of violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the Complainant and where the existence of such a relationship is determined based on a consideration of the length, type, and frequency of interactions between the persons involved in the relationship.

Programs to Prevent Domestic Violence, Dating Violence, Sexual Assault and Stalking

The College engages in comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault and stalking that:

- A. Are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research, or assessed for value, effectiveness, or outcome; and
- B. 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 campaigns for students and that:

- A. A statement that the institution prohibits the crimes of domestic violence, dating violence, sexual assault and stalking (as defined by the Clery Act);
- B. The definitions of domestic violence, dating violence, sexual assault and stalking according to any applicable jurisdictional definitions of these terms;
- C. What behavior and actions constitute consent, in reference to sexual activity, in the State of North Carolina;
- D. The institution’s definition of consent AND the purposes for which that definition is used.
- E. 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;
- F. Information on risk reduction. Risk reduction means options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.
- G. Information regarding:
 - a. procedures victims should follow if a crime of domestic violence, dating violence, sexual assault and stalking occurs (as described in “Procedures Victims Should Follow if a Crime of Domestic Violence, Dating Violence, Sexual Assault and Stalking Occurs” elsewhere in this document)

- b. how the institution will protect the confidentiality of victims and other necessary parties (as described in “Assistance for Victims: Rights and Options” elsewhere in this document);
- c. existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both within the institution and in the community (as described in “Assistance for Victims: Rights and Options” elsewhere in this document); and
- d. options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures (as described in “Assistance for Victims: Rights and Options” elsewhere in this document);
- e. procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking (as described in “Adjudication of Violations” elsewhere in this document).

Primary Prevention and Awareness Programs

WCON engages in primary prevention efforts for new employees and new students that are designed to teach them about sexual assault, dating violence, domestic violence, and stalking as well as how to prevent these offenses before they occur. Programming covers the offenses, explains the policy, including how and to whom to report, and discusses on and off campus resources.

Ongoing Prevention and Awareness Campaigns

The College has developed an annual educational campaign consisting of an in-person and online trainings offered to students and employees that cover domestic violence, dating violence, sexual assault, and stalking.

Accommodations and Protective Measures Available for Victims

The College has procedures in place to support those who report sexual assault, domestic violence, dating violence, and stalking, including informing individuals about their right to file criminal charges as well as written notification concerning the availability of resources such as counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance and other services on and/or off campus. Measures to prevent contact between a complainant and an accused party (such as housing, academic, transportation and work accommodations) may be requested and will be offered, if reasonably available. The College will make such accommodations if the victim requests them and if they are reasonably available, regardless of whether the victim chooses to proceed with Watts’s internal disciplinary process and/or report the incident to the City of Durham Police Department or other local law enforcement.

The written notification will include information regarding accommodation options, available assistance in requesting accommodations, and how to request accommodations and protective measures (i.e., the notification will include the name and contact information for the individuals or offices that can be contacted to request accommodations).

At a victim’s request, and with the victim’s cooperation and consent, College offices will work cooperatively to assist the victim in obtaining accommodations. If reasonably available, a victim may be offered protective measures and changes to academic, living, working, and transportation situations regardless of whether the victim chooses to report the crime to campus police or local law enforcement. Examples of options for a potential change to the academic situation may be to transfer to a different section of a class, withdraw and take a class at another time if there is not option for moving to a different section, etc. Potential changes to living situations may include an offer to move to a different room or residence hall. Possible changes to work situations may include changing working hours. Possible changes in transportation may include having the student or employee park in a different location,

assisting the student or employee with a safety escort, etc.

To request changes to academic, transportation and/or working situations or protective measures, a victim should contact Duke's Office of Institutional Equity. If the victim wishes to receive assistance in requesting these accommodations, she or he should contact they should contact the Duke University's OEI by calling 919-684-8222 or emailing oi-help@duke.edu.

Procedures Victims Should Follow if a Crime of Domestic Violence, Dating Violence, Sexual Assault and Stalking Occurs

After an incident of sexual assault and/or domestic or dating violence, the victim should consider seeking medical attention. For immediate and urgent medical concerns, go directly to the Emergency Department (ED) of Duke University Hospital (off Erwin Road near Trent Hall). You can call the Watts College of Nursing Police Department at (919) 684-2444 for transportation without having to make a report. For less immediate medical concerns, schedule an appointment at Student Health at (919) 681-WELL, Employee Occupational Health and Wellness at (919) 684-3136, option 2, or your primary care physician.

In North Carolina, evidence may be collected even if you choose not to make a report to law enforcement. If you do not wish to make a report to law enforcement, please notify the Sexual Assault Nurse Examiner. It is important that victims 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 120 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. Victims of sexual assault, domestic violence, stalking, and dating violence are encouraged to also 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 College hearing boards/investigators or police.

Involvement of Law Enforcement and Campus Authorities

Although the College strongly encourages all members of its community to report violations of this 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 College will assist any victim with notifying local police if they so desire; for such assistance, contact the Watts College of Nursing Leadership team at 919-470-7344. For reporting criminal incidents occurring at the Watts campus or within Durham, contact the Durham Police Department by calling (919) 560-4427 or in person at 602 E. Main Street, Durham, NC 27701. For a public copy of your report, you may call the Durham Police Records Unit at (919) 560-4423 (option 2). Additional information about the Durham Police department may be found online at <https://durhamnc.gov/149/Police - Department>.

Whether reporting a crime to the Watts College of Nursing Leadership team or the Durham Police Department, or another law enforcement agency, an officer will make a report of the incident. The officer will ask for the nature and location of the crime, the date and time it occurred, and specific details about the incident. Depending on the type of crime, an investigator may follow up with you to gather additional details, and to update you about any progress with the incident.

If you have been the victim of domestic violence, dating violence, sexual assault, or stalking, you should report the incident promptly to the Title IX Coordinator, 2828 Croasdaile Drive Office 229 in person, in writing or by calling (919) 470-7349.

The College will provide resources on campus, off campus, or both, to include medical and mental health support, to persons who have been victims of sexual assault, domestic violence, dating violence, or stalking, and will apply appropriate disciplinary procedures 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 violators of this policy.

As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, 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, they nevertheless should consider speaking with the Watts College of Nursing Police Department or other law enforcement to preserve evidence in the event that the victim changes their mind at a later date to assist in proving that the alleged criminal offense occurred or that may be helpful in obtaining a protection order.

If a report of domestic violence, dating violence, sexual assault or stalking is reported to the College, the College will follow the procedures below, including the standard of evidence, that will be used during any disciplinary hearing on campus arising from such a report. For detailed procedures involving alleged student perpetrators, or employees or third parties as alleged perpetrators, see the Watts College of Nursing Policy on Prohibited Discrimination, Harassment, and Related Misconduct and Title IX Sexual Harassment Grievance Procedures:

Procedures the College Will Follow When a Crime of Domestic Violence, Dating Violence, Sexual Assault and Stalking is Reported

The College has procedures in place that serve to be sensitive to victims 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, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and other services on and/or off campus as well as additional remedies to prevent contact between a complainant³ and an accused party, such academic, protective orders, transportation and working situations, if reasonably available. The College will make such accommodations or protective measures, if the victim requests them and if they are reasonable available, regardless of whether the victim chooses to report the crime to the Durham Police Department or local law enforcement. Students and employees should contact the Title IX Coordinator in-person or in writing at 2828 Croasdaile Drive Office 229 or by calling (919) 470-7349.

If a report of domestic violence, dating violence, sexual assault or stalking is reported to the College, below are the procedures that the College will follow:

Incident Being Reported:	Procedures Watts College of Nursing Will Follow:	Evidentiary Standard:
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<p>Sexual Assault; Stalking; Domestic Violence; Dating Violence</p>	<ol style="list-style-type: none"> 1. Depending on when and where reported, Watts College of Nursing will provide complainant with referral to appropriate medical care. 2. Watts College of Nursing will assess immediate safety needs of complainant. 3. Watts College of Nursing will assist complainant in contacting Durham Police Department or other local law enforcement if complainant requests AND provide contact information for police. 4. Watts College of Nursing will provide complainant with referrals to on and off campus mental health providers. 5. Watts College of Nursing will assess the need to implement interim or long-term supportive measures, such as housing changes, change in class schedule, “No Contact” directive between both parties. 6. Watts College of Nursing will provide a “No Contact” directive to accused party, if deemed appropriate. 7. Watts College of Nursing will provide resources for victims to apply for a Protective Order. 8. Watts College of Nursing will notify the complainant and the respondent of the Watts Policy on Prohibited Discrimination, Harassment, and Related Misconduct and inform them of timeframes for inquiry, investigation and resolution. 9. Watts College of Nursing will inform the parties of the outcome of the investigation, whether or not the accused will be administratively charged, and what the outcome of the hearing or investigation is. 10. Watts College of Nursing 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. 11. Institution official receiving the report will forward the report to the Title IX Coordinator in accordance with the institution’s policy and procedure. 	<p>Preponderance of the Evidence</p>
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Assistance for Victims: Rights & 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 College will assist victims of sexual assault, domestic violence, dating violence, and stalking and will provide each victim with a written explanation of their rights and options.

Such written information required under the Clery Act will include:

- The procedures victims should follow if a crime of domestic violence, dating violence, sexual assault or stalking has occurred;
- Information about how the institution will protect the confidentiality of victims and other necessary parties;

- A statement that the institution will provide written notification to students and employees about victim services within the institution and in the community;
- A statement regarding the institution's provisions about options for, available assistance in, and how to request accommodations and protective measures;
- An explanation of the procedures for institutional disciplinary action.

In North Carolina, a victim of domestic violence, dating violence, sexual assault or stalking has the following rights as prescribed by law:

- To be informed of and to be present at court proceedings of the accused;
- To be heard at sentencing of the accused in the manner prescribed by law, and at other times as prescribed by law or deemed appropriate by the court;
- To receive restitution;
- To be given information about the crime, how the criminal justice system works, the rights of victims, and the availability of services for victims;
- To receive information about the conviction or final disposition and sentence of the accused;
- To receive notification of escape, release, proposed parole or pardon of the accused, or notice of a reprieve or commutation of the accused's sentence;
- To present their views and concerns to the Governor or agency considering any action that could result in the re-lease of the accused, prior to such action becoming effective;
- To confer with the prosecution.

Further, Watts College of Nursing complies with North Carolina law in recognizing protection orders. Any person who obtains an order of protection from North Carolina or any other state should provide a copy to Watts College of Nursing Police and the Title IX Coordinator.

- **County Clerk of Court—main office:** (919) 808-3003
- **County Clerk of Court—Protective Orders:** (919) 808-3345
- **Magistrate's Office, 219 S. Mangum Street, Durham:** (919) 808-3019

A complainant may then meet with Watts Police to develop a Safety Action Plan, which is a plan for Watts Police and the victim to reduce risk of harm while on campus or coming and going from campus. This plan may include, but is not limited to: escorts, special parking arrangements, changing classroom location or allowing a student to complete assignments from home, etc. The College may issue an institutional "No Contact" order to a Watts affiliate, if deemed appropriate. To the extent of the victim's cooperation and consent, College offices will work cooperatively to ensure that the complainant's health, physical safety, work and academic status are protected, pending the out-come of a formal College 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, visa and immigration assistance, and assistance in notifying appropriate local law enforcement. The College may issue an institutional "No Contact" order if deemed appropriate or at the request of the victim or accused. If the College receives a report that such an institutional "No Contact" order has been violated, the College will initiate disciplinary proceedings appropriate to the status of the accused (student, employee, etc.) and will impose sanctions if the accused is found responsible for violating the "No Contact" order.

Administrative and legal orders may include the following:

Type of Order / From which Court	Who Can File for One	Able to show	Rights of Victims	Institution's Responsibilities
<p>Domestic Violence Protection Order DVPO in NC</p> <p>(May be temporary or permanent for up to 1 year)</p> <p>Court: Civil Clerk's Office in the county where the victim or abuser reside or where the incident occurred.</p>	<p>Must have a Personal Relationship:</p> <ul style="list-style-type: none"> ■ Current or former spouse ■ Parent, child, or in some cases, Grandparent or grandchild ■ Have a child in common ■ Current or former household member ■ Person of the opposite sex whom you are dating or have dated. 	<p>Abuser:</p> <ul style="list-style-type: none"> ■ Attempted to or intentionally injured you ■ Placed you or a member of your family or household in fear of imminent serious bodily injury ■ Harassed you to such a level as to inflict substantial emotional distress ■ Committed crimes of rape or sexual offense 	<ul style="list-style-type: none"> ■ Is an order signed by a judge ■ A document that may help protect you and prevent future acts of violence ■ Intended to limit actions and behavior of the offender ■ A civil action that may legally require the abuser to do things necessary to protect you or your minor child ■ A court document that allows civil and criminal penalties when the order is violated 	<p>Many orders include place of work or school.</p> <p>If both the victim and the abuser are a part of the institution, the institution will have to work with the victim to ensure compliance with the order. In some cases, the court will work with the two involved parties to make the safest options.</p>
<p>50C Civil No contact order</p> <p>(May be Temporary or permanent for up to 1 year)</p> <p>Court: Civil Clerk's Office in the county where the victim or abuser reside or where the incident occurred.</p>	<p>Anyone who does <u>not</u> have a "personal relationship" with the offender such as an acquaintance, co-worker, neighbor, or stranger.</p>	<p>You are the victim of unlawful conduct. Such acts include nonconsensual sexual conduct, even if there was only one incident, and stalking.</p>	<ul style="list-style-type: none"> ■ Is an order signed by a judge ■ A document that may help protect you and prevent future acts of violence ■ Intended to limit actions and behavior of the offender ■ A civil action that may legally require the abuser to do things necessary to protect you or your minor child ■ A court document that allows civil and criminal penalties when the order is violated 	<p>Many orders include place of work or school.</p> <p>If both the victim and the abuser are a part of the institution, the institution will have to work with the victim to ensure compliance with the order. In some cases, the court will work with the two involved parties to make the safest options.</p>

<p>No contact directives through Student Conduct, Title IX or OIE (Indefinite or, for students, until graduation, unless complainant requests otherwise) Court: N/A</p>	<p>Any student or employee of Watts, or any victim who alleges Title IX violations by a student or employee.</p>	<ul style="list-style-type: none"> ■ The complainant must be a part of the institution. ■ Many respondents are members of the community, but non-members are welcome to report. 	<p>The no contact directive is an administrative protective measure in which violations of the order can result in administrative penalties. For students these are handled through Student Conduct and Title IX; for employees through the Office of Institutional Equity or Watts Human Relations.</p>	<p>Watts is committed to a safe and equitable environment. Watts will seek and attempt to provide accommodations and support services to anyone who reports harassment, sexual assault, stalking, or domestic and dating violence. They will also attempt to investigate and enforce any violations of no contact directives, or state mandated orders.</p>
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Confidentiality

Victims may also request that the Office of Information Technology (OIT) Service Desk at (919) 684-2200 or online at <https://oit.duke.edu/help> remove directory information on file from public sources. Students may also request a FERPA block through the Watts College of Nursing Registrar’s Office at (919) 684-2813; also, you may email to (wconregistrar@duke.edu). Individuals not affiliated with the College should contact the Watts College of Nursing Police Department.

Additionally, personally identifiable information about the victim and other necessary parties will be treated as confidential and only shared with persons with a specific need to know who are investigating/adjudicating the complaint or delivering resources or support services to the complainant. 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 College does not publish the name of crime victims nor house identifiable information regarding victims in the Watts Police Department’s Daily Crime Log or in the annual crime statistics that are disclosed in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. Furthermore, if a Timely Warning Notice is issued on the basis of a report of domestic violence, dating violence, sexual assault, or stalking, the name of the victim and other personally identifiable information about the victim will be withheld.

Title IX Compliance

The Title IX Coordinator is responsible for administration and coordination of Watts's Title IX-related policies, programs and compliance efforts at Watts College of Nursing and Watts College of Nursing Health System. The scope of this responsibility includes, among other things, oversight of complaint resolution, resources, communications and training in connection with Title IX's prohibition of discrimination based upon gender. Contact the Coordinator: wconinfo@duke.edu.

On and Off Campus Services for Victims

Upon receipt of a report of domestic violence, dating violence, sexual assault or stalking, Watts College

of Nursing will provide written notification to students and employees about existing assistance with and/or information about obtaining resources and services including counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and assistance in notifying appropriate local law enforcement. These resources include the following:

	Employees	Students
ON CAMPUS		
Counseling / Mental Health / Gender Violence	Personal Assistance Service (PAS); phone: 919-416-1727	Counseling and Psychological Services (CAPS); phone: 919-660-1000; after hours: 984-569-0592
Health Services	Employee Occupational Health & Wellness (EOHW); phone: 919-684-3136 (option #2)	N/A
Title IX Coordinator	Office of Institutional Equity; phone: 919-684-8222	Office of Institutional Equity; phone: 919-684-8222
Legal Assistance	Legal Aid of North Carolina phone: 866-219-5262	Legal Aid of North Carolina phone: 866-219-5262
Student Financial Aid	NA	Undergraduate Financial Support; phone: 919-470-8524
LGBTQA+ Advocacy & Education	Office of Institutional Equity; phone: 919-684-8222	Office of Institutional Equity; phone: 919-684-8222
Victim Assistance	N/A	Gender Violence Intervention Coordinator—serves all genders;
Pastoral Counseling	Local institutions of faith	Local institutions of faith
Police Services	Emergency Phone: 9-1-1	Emergency Phone: 9-1-1
Dean of Students	N/A	Associate Chief of Academics
Victim Advocacy	N/A	N/A
Center for Multicultural Affairs	N/A	wconadmin@duke.edu ; phone: 919-684-6756
Facilitated Anonymous Reporting	Silent Witness Program:	campus administrator. The amount of detail provided will determine the College's ability to investigate or respond.
OFF CAMPUS		
Counseling / Mental Health	Durham Crisis Response Center; phone: 919-403- 9425; Emergency: 919-403-6562	Durham Crisis Response Center; phone: 919-403-9425 Emergency: 919-403- 6562
Health Services	Watts College of Nursing Hospital,	Watts College of Nursing Hospital, 2301

	2301 Erwin Rd., Durham, NC 27710; Phone: 919-684-8111 (information)	Erwin Rd., Durham, NC 27710; Phone: 919-684-8111 (information)
Victim Advocacy	Durham Crisis Response Center helpline: 919-403-6562; https://thedcrc.org/	Durham Crisis Response Center helpline: 919-403-6562; https://thedcrc.org/
Legal Assistance	Legal Aid of North Carolina; phone: 866-219-5262	Legal Aid of North Carolina; phone: 866-219-5262
Student Financial Aid	NA	Undergraduate Financial Support; phone: 919-684-6225
Visa and Immigration Assistance	301 Roycroft Drive, Durham, NC 27703; phone: 800-375-5283 www.uscis.gov	301 Roycroft Drive, Durham, NC 27703; phone: 800-375-5283 www.uscis.gov
Durham Police	9-1-1	9-1-1

Forensic nurses also are available at the Emergency Department at Duke Regional Hospital to conduct a forensic examination so that victims may take steps to have evidence preserved in case they wish to file criminal charges or request a protection order, even at a later date. **Note: having a forensic examination does not require victims to file a police report.**

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

<https://www.rainn.org> – Rape, Abuse and Incest

National Network <https://www.justice.gov/ovw/sexual-assault> - U.S. Department of Justice

<https://www2.ed.gov/about/offices/list/ocr/index.html> - U.S. Department of Education, Office for Civil Rights

Adjudication of Violations

The college’s disciplinary process includes a prompt, fair, and impartial investigation and resolution process. In all instances, the process will be conducted in a manner that is consistent with the institution’s policy and that is transparent to the accuser and the accused. Usually, the resolution of domestic violence, dating violence, sexual assault and stalking complaints are completed within the timeframe specified in each policy the institution maintains. However, each procedure allows for extensions of timeframes for good cause with written notice to the accuser and the accused of the delay and the reason for the delay. College officials involved in the investigation or adjudication of domestic violence, dating violence, sexual assault and stalking complaints are trained annually on the issues related to domestic violence, dating violence, sexual assault, and stalking as well as how to conduct an investigation and hearing process that protects the safety of the victim and promotes accountability. Furthermore, each policy provides that:

1. The accuser and the accused will have timely notice for meetings at which the accuser or accused, or both, may be present;
2. The accuser, the accused and appropriate officials will have timely and equal access to any information that will be used during formal and informal disciplinary meeting and hearings;
3. The institutional disciplinary procedures will not be conducted by officials who have a conflict of interest or bias for or against the accuser or the accused;

4. The accuser and the accused will have the same opportunities to have others present during any institutional disciplinary proceeding. The accuser and the accused each have the opportunity to be advised by an advisor of their choice at any stage of the process and to be accompanied by that advisor to any related meeting or proceeding. The College will not limit the choice of advisor or presence for either the accuser or the accused in any meeting or institutional disciplinary proceeding. However, the role of the advisor is limited to consulting and advising his or her advisee, but cannot speak for the advisee at the meeting or hearing;
5. The accuser and the accused will be notified simultaneously, in writing, of the any initial, interim and final decision of any disciplinary proceeding; and
6. Where an appeal is permitted under the applicable policy, the accuser and the accused will be notified simultaneously in writing, of the procedures for the accused and the victim to appeal the result of the institutional disciplinary proceeding. When an appeal is filed, the accuser and the accused will be notified simultaneously in writing of any change to the result prior to the time that it becomes final as well as of the final result once the appeal is resolved.

Whether or not criminal charges are filed, the college or a person may file a complaint under the following policies, depending upon the status of the accused (student or employee):

- **Retaliation**

Retaliation against anyone participating in the resolution of a complaint is prohibited by Watts College of Nursing.

- **Hostile Work Environment**

A person alleging sexual assault, domestic violence, dating violence, or stalking may use the complaint and investigatory procedures set forth in the College's Policy Prohibiting Discrimination, Harassment, and Related Misconduct (<https://oie.Watts.edu/introduction-policies>) or Workplace Violence Prevention and Response Policy (<https://hr.Watts.edu/policies/workplace-health-safety/violence-prevention-response>) in order to remedy a hostile environment arising from these allegations.

- **Limitations on Response**

When a complainant does not consent to the disclosure of his or her name or other identifiable information to the alleged perpetrator, the College's ability to respond to the complaint may be limited.

- **Confidentiality**

Watts will attempt to protect the confidentiality of the complaint process to the extent reasonably possible.

Types of Disciplinary Proceedings Utilized in Cases of Alleged Domestic Violence, Dating Violence, Sexual Assault and Stalking:

The College has a policy and procedures document that apply to resolving complaints of sexual assault, dating violence, domestic violence, and stalking.

- 1) Policy on Prohibited Discrimination, Harassment, and Related Misconduct for Students and Employees – *Applies to VAWA offenses reported to have occurred prior to August 1, 2024*
- 2) Procedures for Responding to Discrimination and Harassment Reports and Complaints Involving Duke Faculty and Non-Faculty (Staff) Respondents – *Applies to VAWA offenses reported to have occurred on or after to August 1, 2024*
- 3) Procedures For Responding to Sex-Based Harassment Reports and Complaints Involving Student Complaints or Student Respondents – *Applies to VAWA offenses reported to have occurred on or after to August 1, 2024*

2020 Title IX Regulations: Title IX Policy and Procedure to Comply with the 2020 Title IX Regulations

Policy on Prohibited Discrimination, Harassment, and Related Misconduct for Students and Employees

1. How to File a Disciplinary Complaint Under this Policy

Students and employees that may experience, witness, or want to report domestic violence, dating violence, sexual assault, or stalking should report them immediately to the Associate Executive for Academics who will also report to the Office of Institutional Equity (OIE) at <https://oie.duke.edu/how-we-work/complaints-and-concerns/>.

2. How the College Determines Whether This Policy will be Used

The Office of Institutional Equity is made aware of instances where behaviors have been reported and/or observed. OIE is responsible for administering the Policy on Prohibited Discrimination, Harassment, and Related Misconduct and its implementing. Some types of harassment and related misconduct may be criminal in nature and can also be reported to the Durham Police Department by dialing 911 (for emergencies) or 919-684-2444 (for non-emergencies). Additionally, reports of harassing behaviors will be investigated by the Committee on Academic Standing and Professionalism.

3. Steps in the Disciplinary Process

The Committee on Academic Standing and Professionalism will investigate any report or harassing behaviors and report out to the President.

OIE will assess a complaint to determine whether it should proceed to an investigation. After an investigation, depending on the applicable procedures, an investigator or a hearing officer will determine whether there has been a violation of the Policy. Either party may request an appeal of that determination. The information obtained during the investigation will only be shared with the parties, administrators in the disciplinary process, and other university officials with a need to know. Additionally, OIE will notify Human Resources with concerns that may impact the safety of its students, employees and visitors. Human Resources has the expressed authority to implement corrective action up to and including termination as warranted.

4. Anticipated Timelines

The Committee on Academic Standing and Professionalism will review expressed concerns within five business days. The Office of Institutional Equity will seek to resolve all reports within 90 business days. In Title IX cases, the hearing officer's notification of the outcome will generally be completed within 60 business days from the parties' receipt of the final investigation report. The phrase "business days" does not include weekend days or Duke holidays. The timeframes for appeals vary, depending on the applicable procedures. The timeframes can be extended in extenuating circumstances with notice to the parties of the delay and including the reason(s) for the extension.

5. Decision-Making Process

The President in consultation with the Office of Institutional Equity has the authority to proceed in a manner that is unbiased and protects the students, faculty and reputation of the school. The investigator or hearing officer will base their decision on the information obtained through the investigation and hearing, if applicable. This includes providing both parties with the opportunity

to present their information as well as information obtained by the investigator independently.

6. *Standard of Evidence*

In all cases, investigations and/or hearings that result in a finding of more likely than not (preponderance of evidence standard) that a violation of policy occurred will lead to the initiation of disciplinary procedures against the accused individual.

7. *Possible Sanctions*

Sanctions for each type of misconduct will depend on a number of factors, including the nature of the misconduct, prior disciplinary history of the respondent, previous College response to similar conduct, and College interests.

Student sanctions may include expulsion, suspension, disciplinary probation, recommended counseling, and/or other educational sanctions.

Employee sanctions may include written warning, final written warning or suspension, and termination.

Each one of these sanctions, whether for students or employees, may be imposed for misconduct violations of dating violence, domestic violence, sexual assault, or stalking.

8. *Range of Protective Measures Available to a Victim Alleging Misconduct*

There are a range of protective measures (referred to as Supportive Measures in Policy) available to include no-contact directives, remote participation during hearings, the use of electronic platforms such as zoom, safety escorts, academic schedule modifications, changes in work or housing location or access, work schedule or job assignment modifications, leaves of absences, academic support services and accommodations (e.g., reschedule classes, transfer course sections, etc.), and/or a combination of these measures, if reasonably available.

To view the entire Policy on Prohibited Discrimination, Harassment, and Related Misconduct for Students and Employees visit: <https://oie.duke.edu/policies-procedures-and-statements/policy-prohibited-discrimination-harassment-and-related/>.

2024 Title IX Regulations: The following procedures apply to Procedure for VAWA complaints in which an employee is involved as a complainant or respondent. This complies with 106.45 of the new regulations.

Procedures for Responding to Discrimination and Harassment Reports and Complaints Involving Duke Faculty and Non-Faculty (Staff) Respondents

1. *How to File a Disciplinary Complaint Under this Policy*

Any person wishing to report suspected Prohibited Conduct involving faculty or staff as a Respondent can report directly to the Office for Institutional Equity, where Duke's Title IX Coordinator is housed:

Office for Institutional Equity
114 S. Buchanan Boulevard, Bay #8
Box 90012
Durham, North Carolina 27708
919-684-8222 | oie-help@duke.edu

<https://oie.duke.edu/reporting-process>

When making a report, an individual should identify the Complainant, the Respondent, and the specific allegations of the Prohibited Conduct. A report may be made either orally or in writing.

Making a report means that OIE (or designee, with oversight by OIE) will contact the Complainant to offer resources and support, and to identify the appropriate action to respond to the report as outlined in these Procedures.

2. *How the University Determines Whether This Policy will be Used*

These Procedures outline reporting, investigation, and report resolution procedures in cases where it is alleged that Duke faculty or staff are alleged to have engaged in Prohibited Conduct. Complaints of Sex-Based Harassment involving students are not addressed by these Procedures. Those Complaints are addressed under the Procedures for Responding to Sex-Based Harassment Reports and Complaints Involving Student Complainants or Student Respondents found below.

To view the full policy visit: <https://oie.duke.edu/policies-procedures-and-statements/procedures-faculty-staff/>

3. *Steps in the Disciplinary Process*

Once a report is received, OIE (or designee) will promptly contact the Complainant (or if the Complainant is unknown, the person who reported the conduct) with a written explanation of the following:

- The availability of Supportive Measures (and other resources) regardless of whether they choose to request or participate in an OIE or law enforcement investigation;
- How to contact confidential Duke resources;
- The Complainant's right to request an Investigation under these Procedures (or confirmation of request if made in a report);
- The option for an educational response or Alternative Resolution, where appropriate, under these Procedures;
- That OIE or the Title IX Coordinator in Sex-Based Discrimination or Harassment cases, may, under limited circumstances, initiate an investigation without a Complainant's request;
- The Complainant's right to an advisor of the Complainant's choosing;
- The Complainant's option to seek medical treatment and information on preserving potentially key forensic and other evidence;
- Duke's prohibition of Retaliation and how to report; and
- The opportunity to meet with OIE staff or the Title IX Coordinator (or designee) in person to discuss the Complainant's resources, rights, and options.

OIE (or designee) will coordinate Supportive Measures for a Complainant, as appropriate, upon receiving a report. Supportive measures cannot unreasonably burden either party and must be designed to restore or preserve a party's access to Duke's programs or activities, protect the safety of the parties or Duke's educational environment or to provide support during these Procedures. Supportive measures cannot be imposed for punitive or disciplinary reasons.

Supportive measures are also available for Respondents. A Complainant or Respondent may request modification or reversal of the decision to provide, deny, modify, or

terminate Supportive Measures applicable to them.

Simultaneous to the above outreach to the Complainant or reporting party, OIE will review the report to determine (i) whether the report includes a request for an investigation; and (ii) whether any emergency action might be necessary. If the report does not include a request for an investigation, and if OIE determines that the reported conduct, if proven, could constitute Prohibited Conduct within the scope of these Procedures, OIE will evaluate whether OIE should initiate an investigation even without a request from the Complainant.

To initiate a formal complaint/investigation about alleged Prohibited Conduct, a written statement or an oral request by the complaint should be provided to the Office for Institutional Equity (OIE). OIE will promptly review and evaluate appropriate next steps under these Procedures. If OIE determines that these criteria are met, OIE will notify the Complainant that the matter has been accepted for investigation under these Procedures. If OIE determines that these criteria are not met, OIE may dismiss the matter.

OIE may initiate an investigation if the Complainant chooses not to do so if OIE determines that the conduct as alleged presents an imminent and serious threat to the health or safety of the Complainant or other person, or that the conduct as alleged prevents Duke from ensuring equal access on the basis of sex to its education programs or activities. If OIE decides to initiate an investigation, OIE will notify the Complainant prior to doing so and appropriately address any reasonable concerns about the Complainant's safety or the safety of others, including by providing Supportive Measures. OIE's consideration of the above factors and determination as to whether to initiate an investigation will take no longer than 10 business days from OIE's receipt of the Complainant's request not to proceed with an investigation, or in cases where a Complainant is not responsive, 10 business days from OIE's last communication with the Complainant.

When a Complaint is accepted for investigation or initiated by OIE, OIE will send both parties a written Notice of Allegations that contains the following:

1. Sufficient information for the parties to respond to the allegations, including (i) identities of the parties involved in the incident(s); (ii) the conduct allegedly constituting Prohibited Conduct; and (iii) the date(s) and location(s) of the alleged incident(s), to the extent that information is available;
2. Information about these Procedures, including Alternative Resolution;
3. Notice of Duke's prohibition of Retaliation against the Complainant, the Respondent, and witnesses and how to report acts of Retaliation;
4. A statement that the Respondent is presumed not responsible for the Prohibited Conduct unless and until a determination regarding responsibility is made at the conclusion of the investigation process;
5. Notice that each party may have an advisor of their choice who may be, but is not required to be, an attorney;
6. Notice that each party (and their advisor, if any) is entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence (evidence obtained as part of the investigation will only be shared with the parties for review in Sex Discrimination and/or Sex-Based Harassment cases);
7. Notice that Duke prohibits knowingly making false statements and knowingly submitting false information during the OIE processes; and
8. Information about the availability of support and assistance through Duke resources

(including confidential resources) and the opportunity to meet with the Title IX Coordinator (or their designee) in person to discuss resources, rights, and options.

At any point prior to a determination of whether alleged conduct constitutes Prohibited Conduct, OIE has discretion to dismiss a Complaint. OIE will promptly notify the Complainant in writing of the basis for the dismissal. If the dismissal occurs after the Respondent has been notified of the allegations, OIE will notify the Respondent in writing simultaneously. Either party may appeal the dismissal.

OIE reserves the right to determine whether an educational response is appropriate in a specific case. Examples of educational responses include but are not limited to educational conversations, coaching, educational sessions, and training. An educational response will generally be completed within 30 days of the OIE's receipt of the report.

Additionally, either party may request, or OIE in its discretion may offer, the opportunity to resolve a matter using the Informal/Alternative Resolution. Alternative Resolution is a voluntary, non-punitive, remedies-based process that provides an alternative to an investigation or determination. Alternative Resolution is typically a facilitated process between the Complainant and the Respondent that seeks to identify and meet the needs of the Complainant while providing an opportunity for the Respondent to acknowledge harm and seek to repair the harm (to the extent possible) experienced by the Complainant. Remedies may include appropriate and reasonable educational, restorative, and/or accountability-focused measures as agreed to by the parties and approved by OIE.

Either party may request the Alternative Resolution process by informing OIE or the Title IX Coordinator of the request at any point prior to a determination, including before a Complaint is filed. Before OIE commences the Alternative Resolution process, both parties must provide informed consent in writing. is appropriate in a specific case. The Alternative Resolution process generally will be completed within 30 business days of the written notice. When an Alternative Resolution process is initiated, OIE will designate a trained Facilitator to work with the parties to attempt to facilitate an Alternative Resolution agreement. At any time prior to reaching a resolution, either party may withdraw, or OIE may end the Alternative Resolution process and resume the formal grievance process.

If an Alternative Resolution agreement is signed and agreed to by the Complainant, Respondent, and Title IX Coordinator (in cases involving Sex-Based Discrimination or Harassment), the resolution is binding, and the parties are precluded from resuming or starting the formal grievance process for allegations related to the Complaint. Agreements may not be appealed.

A Respondent and Complainant both have the right to appeal (i) OIE's decision to dismiss a request for investigation; and (ii) the investigator's determination regarding responsibility. The three available grounds for appeal are:

- New information that would change the outcome and was not reasonably available at the time of the dismissal/determination;
- The Title IX Coordinator or investigator had a conflict of interest or bias for or against complainants or respondents generally or the individual Complainant or Respondent specifically that would change the outcome of the matter; and/or
- Procedural irregularity that would change the outcome of the matter.

An appeal is not a re-hearing of the case or decision. OIE will provide written notice to the Appellee that an appeal has been submitted and will give the Appellee an opportunity to review the appeal statement. The Appellate Officer will provide written notification of the final decision to the Appellant and Appellee simultaneously. The Appellate Officer will notify the parties of its decision regarding an appeal in writing within 20 business days from receipt of the appeal response or any scheduled meeting. The decision of the Appellate Officer will be final and no subsequent appeals are permitted.

4. *Anticipated Timelines*

Generally, OIE will complete the initial assessment of a request for an investigation within 10 business days; the investigation of a matter within 90 business days; the determination within 15 days; and any appeal within 20 business days. Generally, an educational response or Alternative Resolution process will be completed within 30 business days. These Procedures include designated timelines for each major stage herein, however, the Office for Institutional Equity (OIE) has authority to extend such timelines for a reasonable period of time on a case-by-case basis for good cause. In the case of such an extension, OIE will notify the affected parties of the extension, including the reason(s) for the extension. Examples of good cause may include but are not limited to the complexity of the case, delays due to holiday or academic breaks, the unavailability of parties or witnesses, and inclement weather or other unforeseen circumstances.

The phrase “business days” refers to those days ordinarily recognized by the Duke administrative calendar as workdays. Unless otherwise indicated as “calendar days,” all timeframes in these Procedures refer to business days.

5. *Decision-Making Process*

The investigation will be conducted by a trained investigator. This includes collecting evidence and interviewing parties. At the conclusion of the investigation, the investigator will provide the parties with a draft report and provide them with ten business days to review the document and offer corrections or additional information. After the ten business days have expired, the investigator will review any feedback provided and work to construct a final report. The final report will be sent to the appropriate administrators. In the event the investigator finds the Respondent responsible for a violation of the Policy, OIE will consult with the appropriate administrators to determine remedies and sanctions.

After a determination regarding responsibility and, if applicable, a determination regarding appropriate remedies and/or sanctions has been made, the Complainant and Respondent will receive a simultaneous written notification including the decision regarding responsibility and, as applicable, remedies and sanctions. The written notification will accompany access to the final investigative report. The written notification will be provided within five business days of the appropriate administrator's receipt of the final investigative report and will include the rationale for the determination, and the procedures and permissible bases for the Complainant and Respondent to appeal.

The determination regarding responsibility becomes final either on the date OIE provides the parties with the written determination of the result of any appeal, or, if neither party appeals, the date on which an appeal would no longer be considered timely.

*In cases of sexual harassment involving nonconsensual penetration or touching, or acts of dating violence, domestic violence, or stalking, the Complainant and Respondent, in

compliance with the Clery Act, have the right to an advisor of their choice. The advisor may attend any meeting, interview, and/or disciplinary proceeding with the Complainant or Respondent. Parties in these complaints also have the right to know the major timeframes of the process, be provided with written notice throughout the process, have a process that is bias and conflict of interest free, and have the right to appeal.

For cases of nonconsensual sexual penetration or touching, as well as acts of dating violence, domestic violence, or stalking, the parties will be provided written notice of the outcome and any and all changes to the outcome, simultaneously. A Respondent and Complainant both have the right to appeal (i) OIE's decision to dismiss a Complaint of Sex-Based Harassment; and (ii) the investigator's determination regarding responsibility. A party wishing to appeal an investigator's determination of responsibility must file a written appeal statement within five business days of the date the final investigative report was shared with the parties. The Appellate Officer will provide written notification of the final decision to the Appellant and Appellee simultaneously. Their notice will also provide the rationale for the outcome and any associated sanctions associated with the decision.

6. *Standard of Evidence*

In all cases, investigations and/or hearings that result in a finding of more likely than not (preponderance of evidence standard) that a violation of policy occurred will lead to the initiation of disciplinary procedures against the accused individual.

7. *Possible Sanctions*

Sanctions for a finding of responsibility for Employee and Faculty Respondents include, but are not limited to progressive disciplinary action; prohibition from various academic or managerial responsibilities involving the Complainant or others; letter of reprimand placed in a Respondent's personnel file; restrictions on a Respondent's access to Duke programs or facilities; limitations on merit pay or other salary increases for a specific period; or demotion, suspension, or dismissal/termination from Duke, or a recommendation that a separate process required to impose such action be commenced.

8. *Range of Protective Measures Available to a Victim Alleging Misconduct*

Supportive Measures (referred to as supportive measures) may vary depending on what OIE deems to be reasonable, but generally may include, but are not limited to counseling; extensions of deadlines and other course-related adjustments; campus escort services; increased security and monitoring of certain areas of the campus; restrictions on contact applied to Complainant(s) and/or Respondent(s); leaves of absence; changes in class, work, housing, or extracurricular or any other activity, regardless of whether there is or is not a comparable alternative; and training and education programs related to Prohibited Conduct.

Supportive measures cannot unreasonably burden either party and must be designed to restore, or preserve a party's access to Duke's programs or activities, protect the safety of the parties or Duke's educational environment or to provide support during these Procedures. Supportive measures cannot be imposed for punitive or disciplinary reasons.

Supportive measures are also available for Respondents. A Complainant or Respondent may request modification or reversal of the decision to provide, deny, modify, or terminate Supportive Measures applicable to them. Such a request may be made to oi-help@duke.edu.

2024 Title IX Regulations: Procedure for VAWA complaints in which at least one student is involved as a complainant or respondent. This complies with 106.46 of the new regulations.

Procedures For Responding to Sex-Based Harassment Reports and Complaints Involving Student Complaints or Student Respondents

1. How to File a Disciplinary Complaint Under this Policy

For allegations involving an undergraduate, graduate, or professional Student, reports of Title IX Sexual Harassment should be reported as follows:

Office for Institutional Equity (OIE)
114 S. Buchanan Boulevard, Bay #8
Box 90012
Durham, North Carolina 27708
919-684-8222 | titleix@duke.edu
[Report an Incident to OIE](#)

Reports can also be made to this designee of the Title IX Coordinator:

Adrienne Allison
Deputy Title IX Coordinator for Students
titleix@duke.edu
919-684-8222

When making a report, an individual should identify the Complainant, the Respondent, and the specific allegations of the Prohibited Conduct. A report may be made either orally or in writing.

Making a report means that OIE (or designee, with oversight by OIE) will contact the Complainant to offer resources and support, and to identify the appropriate action to respond to the report as outlined in these procedures.

2. How the University Determines Whether This Policy will be Used

These Procedures outline reporting, investigation, and report resolution procedures in cases of Sex-Based Harassment where the conduct is allegedly perpetrated by and/or against a student. When a Complainant or Respondent is both a Duke student and a Duke employee, OIE will make a fact-specific inquiry to determine whether these Procedures apply. In making this determination, OIE will consider, at a minimum, whether the party's primary relationship with Duke is to receive an education and whether the alleged conduct occurred while the party was performing employment-related work.

To view the full policy visit: <https://oie.duke.edu/policies-procedures-and-statements/procedures-responding-sex-based-harassment-reports-and/>

3. Steps in the Disciplinary Process

Once a report is received, the Title IX Coordinator (or designee) will promptly contact the Complainant (or if the Complainant is unknown, the person who reported the conduct) with a written explanation of the following:

- The availability of Supportive Measures (and other resources) regardless of whether they choose to request or participate in an OIE or law enforcement investigation;

- How to contact confidential Duke resources;
- The Complainant's right to request an Investigation under these Procedures (or confirmation of request if made in report);
- The option for Alternative Resolution, where appropriate, under these Procedures;
- That the Title IX Coordinator may, under limited circumstances, initiate an investigation without a Complainant's request;
- The Complainant's right to an advisor of the Complainant's choosing;
- The Complainant's option to seek medical treatment and information on preserving potentially key forensic and other evidence;
- Duke's prohibition of Retaliation and how to report; and
- The opportunity to meet with the Title IX Coordinator (or designee) in person to discuss the Complainant's resources, rights, and options.

The Title IX Coordinator (or designee) will coordinate Supportive Measures for a Complainant, as appropriate, upon receiving a report. Supportive measures cannot unreasonably burden either party and must be designed to restore or preserve a party's access to Duke's education programs or activities, protect the safety of the parties or Duke's educational environment, or to provide support during these Procedures. Supportive measures cannot be imposed for punitive or disciplinary reasons.

Supportive measures are also available for Respondents. A Complainant or Respondent may request modification or reversal of the Title IX Coordinator's (or designee's) decision to provide, deny, modify, or terminate Supportive Measures applicable to them.

Simultaneous to the above outreach to the Complainant or other reporting party, OIE will review the report to determine (i) whether the report includes a request for an investigation; and (ii) whether any emergency action might be necessary. A review may include a meeting with the Complainant. This review may also include consultation as necessary with the Office of the Dean of Students, Office of the Provost, and/or Human Resources Office.

If the report does not include a request for an investigation, and if OIE determines that the reported conduct, if proven, could constitute Sex-Based Harassment within the scope of these Procedures, the Title IX Coordinator will evaluate whether the Title IX Coordinator should initiate an investigation even without a request from the Complainant.

To initiate a formal complaint/investigation about alleged Sex-Based Harassment involving a student, a written statement or an oral request by the complaint should be provided to the Office for Institutional Equity (OIE). When a Complainant requests an investigation and determination of allegations of Sex-Based Harassment involving a student (i.e., initiates a Complaint), OIE will promptly review and evaluate appropriate next steps under these Procedures. If OIE determines that these criteria are met, OIE will notify the Complainant that the Complaint has been accepted for investigation under these Procedures. This notification will be provided to the Complainant in writing and no more than 10 business days after the request for investigation is made. If OIE determines that these criteria are not met, OIE may dismiss the matter.

The Title IX Coordinator may initiate an investigation of Sex-Based Harassment involving a Student where the Complainant chooses not to do so if the Title IX

Coordinator determines that the conduct as alleged presents an imminent and serious threat to the health or safety of the Complainant or other person, or that the conduct as alleged prevents Duke from ensuring equal access on the basis of sex to its education programs or activities. If the Title IX Coordinator decides to initiate an investigation, the Title IX Coordinator (or designee) will notify the Complainant prior to doing so and appropriately address any reasonable concerns about the Complainant's safety or the safety of others, including by providing Supportive Measures. Regardless of whether an investigation is initiated by a Complainant or by the Title IX Coordinator, OIE will take appropriate prompt and effective steps designed, to the extent possible under the circumstances, to prevent further Sex-Based Harassment from continuing or recurring within Duke's education program or activity.

When a Complaint is accepted for investigation or initiated by the Title IX Coordinator, OIE will send both parties a written Notice of Allegations that contains the following:

1. Sufficient information for the parties to respond to the allegations, including (i) identities of the parties involved in the incident(s); (ii) the conduct allegedly constituting Sex-Based Harassment; and (iii) the date(s) and location(s) of the alleged incident(s), to the extent that information is available;
2. Information about these Procedures, including Alternative Resolution;
3. Notice of Duke's prohibition of Retaliation against the Complainant, the Respondent, and witnesses and how to report acts of Retaliation;
4. A statement that the Respondent is presumed not responsible for the alleged Sex-Based Harassment unless and until a determination regarding responsibility is made at the conclusion of the grievance process;
5. Notice that prior to a determination, the parties will have an opportunity to present relevant and not otherwise impermissible evidence to a trained, impartial Hearing Officer;
6. Notice that each party may have an advisor of their choice who may be, but is not required to be, an attorney;
7. Notice that each party (and their advisor, if any) is entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence;
8. Notice that Duke prohibits knowingly making false statements and knowingly submitting false information during the grievance process; and
9. Information about the availability of support and assistance through Duke resources (including confidential resources) and the opportunity to meet with the Title IX Coordinator (or their designee) in person to discuss resources, rights, and options.

At any point prior to a determination of whether alleged conduct constitutes Sex-Based Harassment, OIE has discretion to dismiss a Complaint. OIE will promptly notify the Complainant in writing of the basis for the dismissal. If the dismissal occurs after the Respondent has been notified of the allegations, OIE will notify the Respondent in writing simultaneously. Either party may appeal the dismissal.

When an investigation is initiated, OIE will designate a trained investigator who will be responsible for gathering evidence related to the allegations and conducting interviews. The Hearing Officer will be selected by OIE. Following the hearing, the Hearing Officer will consider all of the relevant evidence and determine, by a preponderance of the evidence, whether the Respondent has violated the Policy. In the event the Hearing Officer finds the Respondent responsible for a violation of the Policy, appropriate remedies and sanctions will be determined by the appropriate Duke official

OIE reserves the right to determine whether an educational response is appropriate in a specific case.

Examples of educational responses include but are not limited to educational conversations, coaching, educational sessions, and training. An educational response will generally be completed within 30 days of the OIE's receipt of the report.

Additionally, either party may request, or OIE in its discretion may offer, the opportunity to resolve a matter using the Informal/Alternative Resolution. Alternative Resolution is a voluntary, non-punitive, remedies-based process that provides an alternative to an investigation or determination. Alternative Resolution is typically a facilitated process between the Complainant and the Respondent that seeks to identify and meet the needs of the Complainant while providing an opportunity for the Respondent to acknowledge harm and seek to repair the harm (to the extent possible) experienced by the Complainant. Remedies may include appropriate and reasonable educational, restorative, and/or accountability-focused measures as agreed to by the parties and approved by the Title IX Coordinator (or designee).

Either party may request, or OIE in its discretion may offer, the Alternative Resolution process by informing the Title IX Coordinator (or designee) of the request at any point prior to a Hearing. OIE reserves the right to determine whether Alternative Resolution is appropriate in a specific case. Circumstances when OIE may decline to allow Alternative Resolution may include, but are not limited to, when OIE determines that the alleged conduct would present a future risk of harm to others. Before OIE commences the Alternative Resolution process, both parties must provide informed consent in writing. The Alternative Resolution process generally will be completed within 30 business days of the written notice. When an Alternative Resolution process is initiated, OIE will designate a trained Facilitator to work with the parties to attempt to facilitate an Alternative Resolution agreement. At any time prior to reaching a resolution, either party may withdraw, or OIE may end the Alternative Resolution process and resume the formal grievance process.

If an Alternative Resolution agreement is signed and agreed to by the Complainant, Respondent, and Title IX Coordinator (or designee), the resolution is binding, and the parties are precluded from resuming or starting the formal grievance process for allegations related to the Complaint. Agreements may not be appealed.

A Respondent and Complainant both have the right to appeal (i) OIE's decision to dismiss a Complaint of Sex-Based Harassment; and (ii) the Hearing Officer's decision regarding responsibility. An appeal is not a re-hearing of the case or decision. OIE may summarily deny an appeal if it is not based on one of the enumerated grounds for appeal.

OIE will provide written notice to the Appellee that an appeal has been submitted and will give the Appellee an opportunity to review the appeal statement. The Appellate Officer will provide written notification of the final decision to the Appellant and Appellee simultaneously. The Appellate Officer will notify the parties of its decision regarding an appeal in writing within 20 business days from receipt of the appeal response or any scheduled meeting.

4. *Anticipated Timelines*

Generally, OIE will complete the assessment of a request for an investigation within 10 business days; the investigation of a matter within 90 business days; the hearing and determination within 45 days; and any appeal within 20 business days. Generally, an Alternative Resolution process will be completed within 30 business days.

These Procedures include designated timelines for each major stage herein. The Office for Institutional Equity (OIE) has authority to extend such timelines for a reasonable period of time on a case-by-case basis for good cause. In the case of such an extension, OIE will notify the affected parties of the extension, including the reason(s) for the extension. Examples of good causes may include, but are not limited to, the complexity of the case, delays due to holiday or academic breaks, the unavailability of parties or witnesses, and inclement weather or other unforeseen circumstances.

The phrase “business days” refers to those days ordinarily recognized by the Duke administrative calendar as workdays. Unless otherwise indicated as “calendar days,” all timeframes in these Procedures refer to business days.

5. *Decision-Making Process*

The investigation will be conducted by a trained investigator. This includes collecting evidence and interviewing parties. At the conclusion of the investigation, the investigator will provide the parties with a draft report and provide them with ten business days to review the document and offer corrections or additional information. After the ten business days have expired, the investigator will review any feedback provided and work to construct a final report. The final report will be sent to the parties and will be given five business days to respond in writing to the final report. The investigator determines what, if any, final changes or additions are made for the final report. The matter will then be referred to a Hearing Officer. The Hearing Officer will determine whether the policy was violated. The Hearing Officer or OIE will render the final decision. The parties will be notified simultaneously in writing of the investigation outcome and any associated sanctions.

*In cases of sexual harassment involving nonconsensual penetration or touching, or acts of dating violence, domestic violence, or stalking, the Complainant and Respondent, in compliance with the Clery Act, have the right to an advisor of their choice. The advisor may attend any meeting, interview, and/or disciplinary proceeding with the Complainant or Respondent. Parties in these complaints also have the right to know the major timeframes of the process, be provided with written notice throughout the process, have a process that is bias and conflict of interest free, and have the right to appeal.

For cases of nonconsensual sexual penetration or touching, as well as acts of dating violence, domestic violence, or stalking, the parties will be provided written notice of the outcome and any and all changes to the outcome, simultaneously. A Respondent and Complainant both have the right to appeal (i) OIE’s decision to dismiss a Complaint of Sex-Based Harassment; and (ii) the Hearing Officer’s decision regarding responsibility. A party wishing to appeal an investigator’s determination of responsibility must file a written appeal statement within five business days of the date the final investigative report was shared with the parties. The Appellate Officer will provide written notification of the final decision to the Appellant and Appellee simultaneously. Their notice will also provide the rationale for the outcome and any associated sanctions associated with the decision.

The determination regarding responsibility becomes final either on the date OIE provides the

parties with the written determination of the result of any appeal, or, if no party appeals, the date on which an appeal would no longer be considered timely.

6. *Standard of Evidence*

In all cases, investigations and/or hearings that result in a finding of more likely than not (preponderance of evidence standard) that a violation of policy occurred will lead to the initiation of disciplinary procedures against the accused individual.

7. *Possible Sanctions*

Sanctions for a finding of responsibility for Student Respondents include: withdrawal of privileges, restitution, mental health/medical assessment/treatment, fine, exclusion, educational projects/initiatives, community service, degree revocation, admonition, formal warning, disciplinary probation, suspension, expulsion, and/or other restrictions on access to Duke programs and activities. In determining (a) sanction(s), the sanction decision-maker will consider whether the nature of the conduct at issue warrants removal from Duke, either permanent (expulsion) or temporary (suspension). Other factors pertinent to the determination of what sanction applies include, but are not limited to, the nature of the conduct at issue, prior disciplinary history of the Respondent (shared with the appropriate Duke official only upon a finding of responsibility for the allegation), previous Duke response to similar conduct, and Duke interests (e.g., in providing a safe environment for all).

8. *Range of Protective Measures Available to a Victim Alleging Misconduct*

Supportive Measures (referred to as protective measures) may vary depending on what OIE deems to be reasonable, but generally may include, but are not limited to: counseling; extensions of deadlines and other course-related adjustments; campus escort services; increased security and monitoring of certain areas of the campus; restrictions on contact applied to Complainant(s) and/or Respondent(s); leaves of absence; changes in class, work, housing, or extracurricular or any other activity, regardless of whether there is or is not a comparable alternative; and training and education programs related to Sex-Based Harassment.

Supportive measures cannot unreasonably burden either party and must be designed to restore or preserve a party's access to Duke's education programs or activities, protect the safety of the parties or Duke's educational environment, or to provide support during these Procedures. Supportive measures cannot be imposed for punitive or disciplinary reasons.

Supportive measures are also available for Respondents. A Complainant or Respondent may request modification or reversal of the Title IX Coordinator's (or designee's) decision to provide, deny, modify, or terminate Supportive Measures applicable to them. Such a request may be made to oie-help@duke.edu. The employee designated to respond to the request must be: (i) impartial; (ii) someone other than the employee who made the challenged decision; and (iii) must have the authority to modify or reverse the decision if the decision was inconsistent with the definition of supportive measures.

College-Initiated Protective Measures

In addition to those protective measures previously described the Title IX Coordinator or their designee will determine whether interim interventions and protective measures following the report of domestic violence, dating violence, sexual assault and/or stalking, which may include some or all of the following actions: reasonable academic accommodations, a "no contact" directive between the accused and the victim, transportation, and working conditions, if reasonably available. Sexual assault, domestic violence, dating violence, and stalking are criminal acts which also may subject the perpetrator to criminal and civil penalties

under federal and state law. These remedies may be applied to one, both, or multiple parties involved. Violations of the Title IX Coordinator's directives and/or protective measures may constitute related violations that may lead to additional disciplinary action. Protective measures imposed may be temporary pending the results of an investigation or may become permanent as determined by Watts College of Nursing.

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Appendix 1: N.C. Criminal Law Definitions

North Carolina Statutes: Sexual Assault, Domestic Violence, Dating Violence, and Stalking

Sexual Assault

First-degree Forcible Rape - NCGS 14-27.21:

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

- (1) Uses, threatens to use, or displays a dangerous or deadly weapon or an article which the other person reasonably believes to be a dangerous or deadly weapon.
- (2) Inflicts serious personal injury upon the victim or another person.
- (3) The person commits the offense aided and abetted by one or more other persons.

Second-degree Forcible Rape - NCGS 14-27.22:

(a) A person is guilty of second-degree forcible rape 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.

Statutory Rape

NCGS 14-27.23: A person is guilty of statutory rape of a child by an adult if the person is at least 18 years of age and engages in vaginal intercourse with a victim who is a child under the age of 13 years.

NCGS 14-27.24: A person is guilty of first-degree statutory rape if the person engages in vaginal intercourse 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.

NCGS 14-27.25: A defendant is guilty of a Class B1 felony if the defendant engages in vaginal intercourse with another person who is 15 years of age or younger and the defendant is at least 12 years old and at least six years older than the person, except when the defendant is lawfully married to the person

First-degree Forcible Sexual Offense - NCGS 14-27.26:

A person is guilty of a first degree forcible sexual offense if the person engages in a sexual act with another person by force and against the will of the other person, and does any of the following:

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

Second-degree Forcible Sexual Offense - NCGS 14-27.27:

A person is guilty of second degree forcible sexual offense 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.

Statutory Sexual Offense

NCGS 14-27.28:

A person is guilty of statutory sexual offense with a child by an adult if the person is at least 18 years of age and engages in a sexual act with a victim who is a child under the age of 13 years.

NCGS 14- 27.29:

A person is guilty of first-degree statutory sexual offense if the person engages in a sexual act 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.

NCGS 14-27.30:

A defendant is guilty of a Class B1 felony if the defendant engages in a sexual act with another person who is 15 years of age or younger and the defendant is at least 12 years old and at least six years older than the person, except when the defendant is law- fully married to the person.

Sexual Activity by a Substitute Parent or Custodian - NCGS 14- 27.31:If a defendant who has assumed the position of a parent in the home of a minor victim engages in vaginal intercourse or a sexual act with a victim who is a minor residing in the home, the defendant is guilty of a Class E felony.

If a person having custody of a victim of any age or a person who is an agent or employee of any person, or institution, whether such institution is private, charitable, or governmental, having custody of a victim of any age engages in vaginal intercourse or a sexual act with such victim, the defendant is guilty of a Class E felony.

Sexual Activity with a Student - NCGS 14-27.32:

If a defendant, who is a teacher, school administrator, student teacher, school safety officer, or coach, at any age, or who is other school personnel, and who is at least four years older than the victim engages in vaginal intercourse or a sexual act with a victim who is a student, at any time during or after the time the defendant and victim were present together in the same school, but before the victim ceases to be a student, the defendant is guilty of a Class G felony, except when the defendant is lawfully married to the student. The term "same school" means a school at which the student is enrolled and the defendant is employed, assigned, or volunteers.

A defendant who is school personnel, other than a teacher, school administrator, student teacher, school safety officer, or coach, and is less than four years older than the victim and engages in vaginal intercourse or a sexual act with a victim who is a student, is guilty of a Class I felony.

Sexual Battery - NCGS 14-27.33:

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.

Taking indecent liberties with children - NCGS 14-202.1:

A person is guilty of taking indecent liberties with children if, being 16 years of age or more and at least five years older than the child in question, he either:

Willfully takes or attempts to take any immoral, improper, or indecent liberties with any child of either sex under the age of 16 years for the purpose of arousing or gratifying sexual desire; or

Willfully commits or attempts to commit any lewd or lascivious act upon or with the body or any part or member of the body of any child of either sex under the age of 16 years.

Indecent liberties between children - NCGS 14-202.2:

A person who is under the age of 16 years is guilty of taking indecent liberties with children if the person either:

Willfully takes or attempts to take any immoral, improper, or indecent liberties with any child of either sex who is at least three years younger than the defendant for the purpose of arousing or gratifying sexual desire; or

Willfully commits or attempts to commit any lewd or lascivious act upon or with the body or any part or member of the body of any child of either sex who is at least three years younger than the defendant for the purpose of arousing or gratifying sexual desire.

Taking indecent liberties with a student - NCGS 14-202.4:

(a) If a defendant, who is a teacher, school administrator, student teacher, school safety officer, or coach, at any age, or who is other school personnel and is at least four years older than the victim, takes indecent liberties with a victim who is a student, at any time during or after the time the defendant and victim were present together in the same school but before the victim ceases to be a student, the defendant is guilty of a Class I felony, unless the conduct is covered under some other provision of law providing for greater punishment. A person is not guilty of taking indecent liberties with a student if the person is lawfully married to the student.

(b) If a defendant, who is school personnel, other than a teacher, school administrator, student teacher, school safety officer, or coach, and who is less than four years older than the victim, takes indecent liberties with a student as provided in subsection (a) of this section, the defendant is guilty of a Class I felony.

Solicitation of a Child by Computer to Commit an Unlawful Sex Act - NCGS 14-202.3:

Offense.—A person is guilty of solicitation of a child by a computer if the person is 16 years of age or older and the person knowingly, with the intent to commit an unlawful sex act, entices, advises, coerces, orders, or commands, by means of a computer or any other device capable of electronic data storage or transmission, a child who is less than 16 years of age and at least five years younger than the defendant, or a person the defendant believes to be a child who is less than 16 years of age and who the defendant believes to be at least five years younger than the defendant, to meet with the defendant or any other person for the purpose of committing an unlawful sex act. Consent is not a defense to a charge under this section.

Jurisdiction. —The offense is committed in the State for purposes of determining jurisdiction, if the transmission that constitutes the offense either originates in the State or is received in the State.

Domestic Violence

Simple Assault - NCGS 14-33(a)

Any person who commits a simple assault or a simple assault and battery or participates in a simple affray is guilty of a Class 2 misdemeanor

Assault inflicting Serious Injury - NCGS 14-33(c)(1)

Unless the conduct is covered under some other provision of law providing greater punishment, any person who commits any assault, assault and battery, or affray is guilty of a Class A1 misdemeanor if, in the course of the assault, assault and battery, or affray, he or she: Inflicts serious injury upon another person or uses a deadly weapon.

Assault on a Female - NCGS 14-33(c)(2)

Unless the conduct is covered under some other provision of law providing greater punishment, any person who commits any assault, assault and battery, or affray is guilty of a Class A1 misdemeanor if, in the course of the assault, assault and battery, or affray, he or she:

Assaults a female, he being a male person at least 18 years of age

Assault by Pointing a Gun - NCGS 14- 34

If any person shall point any gun or pistol at any person, either in fun or otherwise, whether such gun or pistol be loaded or not loaded, he shall be guilty of a Class A1 misdemeanor.

Violation of a Domestic Violence Protection Order - NCGS 50B-4.1:

Except as otherwise provided by law, a person who knowingly violates a valid protective order entered pursuant to this Chapter or who knowingly violates a valid protective order entered by the courts of another state or the courts of an Indian tribe shall be guilty of a Class A1 misdemeanor.

Dating Violence

Violation of a Domestic Violence Protection Order - NCGS 50B-4.1:

Except as otherwise provided by law, a person who knowingly violates a valid protective order entered pursuant to this Chapter or who knowingly violates a valid protective order entered by the courts of another state or the courts of an Indian tribe shall be guilty of a Class A1 misdemeanor.

Stalking

Stalking - NCGS 14-277.3A (c)

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:

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

Cyberstalking - NCGS 14- 196.3:

It is unlawful for a person to:

- (1) Use in electronic mail or electronic communication any words or language threatening to inflict bodily harm to any person or to that person's child, sibling, spouse, or dependent, or physical injury to

the property of any person, or for the purpose of extorting money or other things of value from any person.

(2) Electronically mail or electronically communicate to another repeatedly, whether or not conversation ensues, for the purpose of abusing, annoying, threatening, terrifying, harassing, or embarrassing any person.

(3) Electronically mail or electronically communicate to another and to knowingly make any false statement concerning death, injury, illness, disfigurement, indecent conduct, or criminal conduct of the person electronically mailed or of any member of the person's family or household with the intent to abuse, annoy, threaten, terrify, harass, or embarrass.

(4) Knowingly permit an electronic communication device under the person's control to be used for any purpose prohibited by this section.

(5) Knowingly install, place, or use an electronic tracking device without consent, or cause an electronic tracking device to be installed, placed, or used without consent, to track the location of any person.

(c) Any offense under this section committed by the use of electronic mail or electronic communication may be deemed to have been committed where the electronic mail or electronic communication was originally sent, originally received in this State, or first viewed by any person in this State.

[THIS SECTION LEFT INTENTIONALLY BLANK]

Crime Statistics for 2021, 2022, and 2023:

Primary Crimes	Year	On Campus	Noncampus	Public Property	Total
Murder/Non-Negligent Manslaughter	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Manslaughter by Negligence	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Rape	2023	0	7	0	7
	2022	0	3	0	3
	2021	0	0	0	0
Fondling	2023	0	1	0	1
	2022	0	10	0	10
	2021	0	0	0	0
Incest	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Statutory Rape	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Robbery	2023	0	1	0	1
	2022	0	2	0	2
	2021	0	0	0	0
Aggravated Assault	2023	0	5	0	5
	2022	0	16	0	16
	2021	0	0	0	0
Burglary	2023	0	6	0	6
	2022	0	3	0	3
	2021	0	0	0	0
Motor Vehicle Theft	2023	0	2	0	2
	2022	0	2	0	2
	2021	0	0	0	0
Arson	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0

Arrests and Referrals for Disciplinary Action	Year	On Campus	Noncampus	Public Property	Total
Liquor Law Violation Arrests	2023	0	1	0	1
	2022	0	0	0	0
	2021	0	0	0	0
Drug Law Violation Arrests	2023	0	2	0	2
	2022	0	3	0	3
	2021	0	0	0	0
Weapons Law Violation Arrests	2023	0	1	0	1
	2022	0	3	0	3

	2021	0	0	0	0
Liquor Law Violation Referrals for Disciplinary Action	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Drug Law Violation Referrals for Disciplinary Action	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Weapons Law Violation Referrals for Disciplinary Action	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0

VAWA Offenses	Year	On Campus	Noncampus	Public Property	Total
Domestic Violence	2023	0	5	0	5
	2022	0	11	0	11
	2021	0	0	0	0
Dating Violence	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Stalking	2023	0	7	0	7
	2022	0	6	0	6
	2021	0	0	0	0

**For calendar year 2022, the Noncampus Rape statistics changed from 4 to 3, Drug Arrests changed from 7 to 3, and Weapon Arrests changed from 5 to 3. When a local law enforcement agency responded to a request for calendar year 2023 data, the agency shared new information about previously provided 2022 calendar year data. The new information clarified that some crimes previously reported to the institution by the agency did not occur at the Noncampus locations from which statistics were requested, resulting in overreporting in these categories. This correction removes the overreported statistics.*

Note: Watts College of Nursing does not have any on-campus student housing facilities.

UNFOUNDED CRIMES

If a crime is reported as occurring On Campus, in or on Noncampus buildings or property, or on Public Property, and the reported crime is investigated by sworn or commissioned law enforcement authorities and found to be false or baseless, the crime is considered to be "unfounded."

Institutions must report the total number of: criminal offenses; hate crimes; and domestic violence, dating violence, or stalking incidents that have been unfounded.

There were zero (0) unfounded crimes in 2021, one (1) unfounded crime in 2022, and one (1) unfounded crime in 2023.

Note: The one disclosed unfounded crime for 2022 and the one disclosed unfounded crime for 2023 are the result of a local law enforcement agency response to our annual request for crime statistics.

HATE CRIME REPORTING:

There were no hate crimes reported in 2021, 2022 or 2023.