

# UNC Asheville Sexual Misconduct and Interpersonal Violence Policy

The University of North Carolina at Asheville, in honor of its rich liberal arts tradition, takes pride in a commitment to learning, creativity, diversity, sustainability, engaged citizenship, equity, trust and integrity. Students, as integral members of the UNC Asheville community, should conduct themselves in a manner that consistently represents the university in a positive light and exemplifies responsible citizenship. To that end, responsible citizenship includes an expectation that members actively participate in behavior that complements and upholds the values and mission of UNC Asheville. Members of the university community are expected to engage in conduct that contributes to the culture of integrity and honor upon which the University of North Carolina at Asheville is grounded. Acts of sexual misconduct, sexual harassment, dating violence, domestic violence and stalking jeopardize the health and welfare of our campus community and the larger community as a whole. Therefore, UNC Asheville stands strongly behind prohibited acts of dating violence, domestic violence, sexual assault and stalking as those terms are defined for purposes of the Clery Act.

## I. Scope

The Sexual Misconduct and Interpersonal Violence Policy applies to UNC Asheville students, faculty, staff, guests, visitors, and third parties.

## II. Definitions

The University of North Carolina Asheville's Code of Community Standards identifies sexual misconduct as follows:

### **Sexual misconduct includes but is not limited to:**

1. **Sexual assault/Non-consensual sexual intercourse:** engaging in vaginal, oral or anal intercourse or penetration without that person's consent with any object regardless of how slight, by force or coercion. Penetration can include, but is not limited to, penis, tongue, finger, or oral copulation.

An example of sexual assault is rape. Someone putting their finger, tongue, mouth, penis or object in or on your vagina, penis, or anus without consent is an example of sexual assault.

Engaging in sexual intercourse without the use of a condom is an example of sexual assault when the parties involved agreed upon the use of a condom. For example, if involved persons agree to sexual acts with the use of a condom and one of those persons removes the condom (or fails to use it) without the expressed consent of the other person, that is sexual assault

Having oral, vaginal, anal intercourse while they are incapacitated or asleep is sexual assault.

2. **Non-consensual sexual contact:** engaging in the intentional touching of another person's genitalia, groin, breast, buttock or clothing covering them, or forcing a person to touch another's intimate parts as listed above without that person's consent.

An example of non-consensual sexual contact is when someone purposefully touches the breasts of another person without their consent.

An example of non-consensual sexual contact is when someone is compelled by another to touch one's intimate body parts without consent.

3. **Sexual exploitation:** is the act of taking nonconsensual, unjust or abusive sexual advantage of another for one's own advantage or benefit; or to benefit or advantage anyone other than the one being exploited; even if that behavior does not constitute rape, sexual assault or sexual harassment.

Examples of sexual exploitation include but are not limited to prostituting another person; nonconsensual sexually-oriented photographing of another person; video or audio taping of sexual activity without the participant(s)'s consent; consensually agreeing to the videotaping or audio recording of sexual activity with a person and then sharing, disseminating, or distributing the video or audio recording without that person's consent; sharing explicit photos of someone without their consent; going beyond the boundaries of consent, such as allowing others to observe sexual activity without the consent of a partner; and inducing incapacitation with the result of inflicting sexual misconduct on another person or with the result of creating an opportunity for a third party to inflict sexual misconduct on another person. Sexual exploitation includes voyeurism.

An example of sexual exploitation is catfishing: creating a fictitious profile, picture, pseudonym for the purpose of deceiving someone into a romantic or intimate relationship. Knowingly sending/posting unwelcome images and/or unsolicited messages to another person.

4. **Voyeurism:** Voyeurism is the act of spying, peeping, or watching, others engage in sexual activity or activity usually considered a private nature.

An example of voyeuristic behavior includes, but is not limited to watching, taking pictures, videos or audio recordings of another person engaging in a private act, such as sexual activity, undressing, using the restroom or bathing.

5. **Indecent exposure:** indecent exposure is defined as the exposure of the private or intimate parts of the body in a lewd manner in public or in private in the presence

of someone else or the act of someone who exposes or assists someone in exposing their private parts for the purpose of sexual gratification.

An example of indecent exposure is when a roommate walks thru the residence in the nude.

An example of indecent exposure is flashing another person by exposing their genitalia to that person.

6. **Sexual harassment:** Sexual harassment is considered prohibited conduct as stated in IV, C. of the Student Code of Community Standards and UNC Asheville Sexual Harassment Policy. Depending upon the nature and severity of the harassment, it may also qualify as sexual misconduct.

**The two categories of sexual harassment are:**

**Quid Pro Quo:** Sexual harassment presented as a “bargain” (quid pro quo). Unwelcome sexual advances, requests for sexual favors, and other verbal and physical conduct of a sexual nature by one in a superior position or conduct of a sexual nature by one in a perceived superior position constitutes “bargained-for sexual harassment” when submission by another is made either an explicit or implicit term or condition of employment or of academic standing.

For example, if a faculty member instructs a student the only way for them to pass a class is for the student to engage in and submit to the sexual advances of the faculty member.

An example of quid pro quo harassment is when a university employee causes a student to believe that they must submit to unwelcome sexual advances as the only means to participate in a school, athletic, or an extracurricular program.

**Environmental Sexual Harassment:** Unwelcome sexual advances, requests for sexual favors, and other verbal and physical conduct of a sexual nature constitute “environmental sexual harassment.” Such conduct has the purpose or effect of creating an intimidating, hostile or offensive environment which unreasonably interferes with another’s work, academic performance or privacy. A hostile work environment will be gauged on elements of severity, pervasiveness, and persistence as examined with a measure of being subjectively unwelcome or objectively unwelcome.

Examples of environmental sexual harassment includes unwanted sexual looks or gestures, unwanted sexual teasing, jokes, remarks or questions. Touching or rubbing one self’s sexually in the presence of another person, sexual comments or cat calls.

**Please note: Title IX requires institutions to respond to both sexual violence and sexual harassment.**

Sexual harassment is also a violation of university policy. The University's Sexual Harassment Policy can be found at <https://administration.unca.edu/policies/3157>. The support services, education, prevention, outreach and the rights of the student victim and accused (if a student) are similar to the information noted in this policy.

The Title IX Office will coordinate all university compliance efforts, process all Title IX incidents, coordinate all grievance procedures, and examine the campus climate to identify and address any pattern of systematic problems. Should you experience sexual harassment you may contact Dr. Jill Moffitt, Title IX Administrator at (828-232-5658) or [jmoffitt@unca.edu](mailto:jmoffitt@unca.edu), located in Governors Hall or Keishea Boyd, Assistant Title IX Coordinator at (828-258-7872) or [kboyd3@unca.edu](mailto:kboyd3@unca.edu), located in Highsmith Student Union, office 103. In response to faculty and staff complaints, the Title IX Office will work in collaboration with Kim Fisher, Benefits and Employee Relations Manager, (828-350-4589) [kfisher@unca.edu](mailto:kfisher@unca.edu) located at 116E Phillips Hall.

**Consent: The state of NC does not define consent; however, UNCA defines.** 'Consent' is an understandable exchange of affirmative actions or words which indicate an active, knowing and voluntary agreement to engage in mutually agreed upon sexual activity. An action is "without that person's consent" when it is inflicted upon a person who has not freely and actively given consent. Furthermore, North Carolina General Statutes defines the age of consent of 16.

Consent is not freely given when it is in response to coercion, force or threat of force. Consent is not freely given when a person is asleep, unconscious, or when a person is incapacitated by the (voluntary or involuntary) use of drugs or alcohol or when the person is physically helpless and the person performing the act knows or should reasonably know that the other person is incapacitated or otherwise physically helpless.

A person is not required to physically resist sexual conduct in order to show lack of consent. Silence does not imply consent. Consent can be withdrawn at any time. Past consent for sexual activity does not imply ongoing future consent. Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another...

The University of North Carolina Asheville's Code of Community Standards identifies dating violence, domestic violence and stalking through the following section of the Student Code of Community Standards:

7. **Domestic Violence:** A crime and act of violence committed;
  - by a current or former spouse or intimate partner of the victim
  - by a person with whom the victim shares a child in common

- by a person who is cohabitating with or has cohabitated with the victim as spouse or intimate partner
  - by a person similarly situated to a spouse of the victim under the domestic violence or family violence laws of the jurisdiction in which the crime of violence occurred
  - by any other person against an adult or youth victim who is protected from that person's act under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
8. **Dating Violence:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of the interaction between the persons involved in the relationship.
- Dating violence includes but is not limited to, sexual or physical abuse or threats of such abuse
  - Dating violence does not include acts covered under the definition of domestic violence.
9. Physical abuse, domestic/dating violence, threats, intimidation, harassment, coercion, and/or any other conduct which threatens or endangers the health or safety of any person includes but is not limited to:
1. Conduct which threatens, coerces, harasses or intimidates another person or identifiable group of persons, in a manner that is unlawful or in violation of a constitutionally valid university policy, while on university premises or at university activities based upon a person's race, color, religion, national origin, gender, sexual orientation, gender-identity, creed, disability or veteran status.
  2. Unlawful harassment which leads to a hostile environment. Unlawful harassment includes contact that creates a hostile environment by meeting the following criteria:
    - a. Directed towards a particular person or persons;
    - b. Based upon the person's race, color, religion, national origin, gender, sexual orientation, gender-identity, creed, disability or veteran status;
    - c. Unwelcome;
    - d. Severe or pervasive;
    - e. Objectively offensive;
    - f. So reasonably interferes with the target person's employment, academic pursuits, or participation in University sponsored activities as to effectively deny equal access to the University's resources and opportunities.

**10. Stalking includes but is not limited to:**

- a. Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
- b. fear for their safety or the safety of others
- c. suffer substantial emotional stress

The university addresses violations of this policy and the Student Code of Community Standards. Violations of the Sexual Misconduct and Interpersonal Policy and the Student Code of Community Standards may also be violations of law, and for that purpose, included in this document are the North Carolina General Statutes which address rape, sexual assault, domestic and dating violence and stalking.

Acts of sexual misconduct may constitute a policy violation and a violation of NC state law; therefore, dual investigations may occur. The proceedings and outcomes of each are independent of one another.

**North Carolina General Statutes**

§ 14-27.21. First-degree forcible rape.

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

§ 14-27.22. Second-degree forcible rape.

- a) A person is guilty of rape in the second degree if the person engages in vaginal intercourse with another person:
  1. By force and against the will of the other person; or
  2. Who is mentally disabled, mentally incapacitated, or physically helpless, and the person performing the act knows or should reasonably know the other person is mentally disabled, mentally incapacitated, or physically helpless.

§ 14-27.26. First-degree forcible sexual offense.

- a) A person is guilty of a sexual offense in the first degree if the person engages in a sexual act:
  1. With a victim who is a child under the age of 13 years and the defendant is at least 12 years old and is at least four years older than the victim; or
  2. With another person by force and against the will of the other person, and:
    - a. Employs or displays a dangerous or deadly weapon or an article which the other person reasonably believes to be a dangerous or deadly weapon; or

- b. Inflicts serious personal injury upon the victim or another person; or
- c. The person commits the offense aided and abetted by one or more other persons.

§ 14-27.27. Second-degree forcible sexual offense.

- a) A person is guilty of a sexual offense in the second degree if the person engages in a sexual act with another person:
  - 1. By force and against the will of the other person; or
  - 2. Who is mentally disabled, mentally incapacitated, or physically helpless, and the person performing the act knows or should reasonably know that the other person is mentally disabled, mentally incapacitated, or physically helpless.

§ 14-27.33. Sexual battery.

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

§ 50B-1. Domestic violence; definition.

- a) Domestic violence means the commission of one or more of the following acts upon an aggrieved party or upon a minor child residing with or in the custody of the aggrieved party by a person with whom the aggrieved party has or has had a personal relationship, but does not include acts of self- defense:
    - 1. Attempting to cause bodily injury, or intentionally causing bodily injury; or
    - 2. Placing the aggrieved party or a member of the aggrieved party's family or household in fear of imminent serious bodily injury or continued harassment, as defined in G.S. 14-277.3A, that rises to such a level as to inflict substantial emotional distress; or
    - 3. Committing any act defined in G.S. 14-27.21 through G.S. 14-27.31.
- (b) For purposes of this section, the term "personal relationship" means a relationship wherein the parties involved:
- a. Are current or former spouses;
  - b. Are persons of opposite sex who live together or have lived together;
  - c. Are related as parents and children, including others acting in loco parentis to a minor child, or as grandparents and grandchildren. For purposes of this subdivision, an aggrieved party may not obtain an order of protection against a child or grandchild under the age of 16;
  - d. Have a child in common;
  - e. Are current or former household members;
  - f. Persons of the opposite sex who are in a dating relationship or have been in a dating relationship. For purposes of this subdivision, a dating

relationship is one wherein the parties are romantically involved over time and on a continuous basis during the course of the relationship. A casual acquaintance or ordinary fraternization between persons in a business or social context is not a dating relationship.

The following definitions apply in this Chapter:

1. Abuse. – To physically or mentally harm, harass, intimidate, or interfere with the personal liberty of another.
2. Civil no-contact order. – An order granted under this Chapter, which includes a remedy authorized by G.S. 50C-5.
3. Nonconsensual. – A lack of freely given consent.
4. Sexual conduct. – Any intentional or knowing touching, fondling, or sexual penetration by a person, either directly or through clothing, of the sexual organs, anus, or breast of another, whether an adult or a minor, for the purpose of sexual gratification or arousal. For purposes of this subdivision, the term shall include the transfer or transmission of semen.
5. Repealed by Session Laws 2004-199, s. 50, effective August 17, 2004.
6. Stalking. – On more than one occasion, following or otherwise harassing, as defined in G.S. 14-277.3A(b)(2), another person without legal purpose with the intent to do any of the following:
  - a. Place the person in reasonable fear either for the person's safety or the safety of the person's immediate family or close personal associates.
  - b. Cause that person to suffer substantial emotional distress by placing that person in fear of death, bodily injury, or continued harassment and that in fact causes that person substantial emotional distress.
7. Unlawful conduct. – The commission of one or more of the following acts by a person 16 years of age or older upon a person, but does not include acts of self-defense or defense of others:
  - a. Nonconsensual sexual conduct, including single incidences of nonconsensual sexual conduct.
  - b. Stalking.
8. Victim. – A person against whom an act of unlawful conduct has been committed by another person not involved in a personal relationship with the person as defined in G.S. 50B-1(b). (2004-194, s. 1; 2004-199, s. 50; 2007-199, s. 1; 2009-58, s. 6.)

§ 50C-2 Information on the process for obtaining a no contact order can be found at <http://www.ncleg.net/gascripts/statutes/StatutesTOC.pl?Chapter=0050C>

#### § 14-190.5A. Disclosure of private images

An act to protect the public from revenge posting online by making it a criminal offense to disclose certain images in which there is a reasonable expectation of privacy and to make indecent exposure that occurs on private premises a criminal offense.

(a) Definitions. – The following definitions apply in this section:

1. Disclose. – Transfer, publish, distribute, or reproduce.

2. Image. – A photograph, film, videotape, recording, digital, or other reproduction.
3. Intimate parts. – Any of the following naked human parts: (i) male or female genitals, (ii) male or female pubic area, (iii) male or female anus, or (iv) the nipple of a female over the age of 12.
4. Personal relationship. – As defined in G.S. 50B-1(b).
5. Reasonable expectation of privacy. – When a depicted person has consented to the disclosure of an image within the context of a personal relationship and the depicted person reasonably believes that the disclosure will not go beyond that relationship.
6. Sexual conduct. – Includes any of the following:
  - a. Vaginal, anal, or oral intercourse, whether actual or simulated, normal or perverted.
  - b. Masturbation, excretory functions, or lewd exhibition of uncovered genitals.
  - c. An act or condition that depicts torture, physical restraint by being fettered or bound, or flagellation of or by a nude person or a person clad in undergarments or in revealing or bizarre costume.

(b) Offense. – A person is guilty of disclosure of private images if all of the following apply:

1. The person knowingly discloses an image of another person with the intent to do either of the following:
2. Coerce, harass, intimidate, demean, humiliate, or cause financial loss to the depicted person.
3. Cause others to coerce, harass, intimidate, demean, humiliate, or cause financial loss to the depicted person.
4. The depicted person is identifiable from the disclosed image itself or information offered in connection with the image.
5. The depicted person's intimate parts are exposed or the depicted person is engaged in sexual conduct in the disclosed image.
6. The person discloses the image without the affirmative consent of the depicted person.
7. The person discloses the image under circumstances such that the person knew or should have known that the depicted person had a reasonable expectation of privacy.

§ 14-277.3A. Stalking.

- a. Legislative Intent. – The General Assembly finds that stalking is a serious problem in this State and nationwide. Stalking involves severe intrusions on the victim's personal privacy and autonomy. It is a crime that causes a long lasting impact on the victim's quality of life and creates risks to the security and safety of the victim and others, even in the absence of express threats of physical harm. Stalking conduct often becomes increasingly violent over time.

The General Assembly recognizes the dangerous nature of stalking as well as the strong connections between stalking and domestic violence and between stalking and sexual assault. Therefore, the General Assembly enacts this law to encourage effective intervention by the

criminal justice system before stalking escalates into behavior that has serious or lethal consequences. The General Assembly intends to enact a stalking statute that permits the criminal justice system to hold stalkers accountable for a wide range of acts, communications, and conduct. The General Assembly recognizes that stalking includes, but is not limited to, a pattern of following, observing, or monitoring the victim, or committing violent or intimidating acts against the victim, regardless of the means.

- b. Definitions. – The following definitions apply in this section:
  - 1. Course of conduct. – Two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, is in the presence of, or follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
  - 2. Harasses or harassment. – Knowing conduct, including written or printed communication or transmission, telephone, cellular, or other wireless telephonic communication, facsimile transmission, pager messages or transmissions, answering machine or voice mail messages or transmissions, and electronic mail messages or other computerized or electronic transmissions directed at a specific person that torments, terrorizes, or terrifies that person and that serves no legitimate purpose.
  - 3. Reasonable person. – A reasonable person in the victim's circumstances.
  - 4. Substantial emotional distress. – Significant mental suffering or distress that may, but does not necessarily, require medical or other professional treatment or counseling.
- 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:
  - 1. Fear for the person's safety or the safety of the person's immediate family or close personal associates.
  - 2. Suffer substantial emotional distress by placing that person in fear of death, bodily injury, or continued harassment

Additional information regarding NC General Statutes can be found by going to <http://www.ncleg.net/gascripts/Statutes/StatutesTOC.pl?Chapter=0014> or by contacting University Police.

### **III. Confidentiality, Privacy, and Reporting**

On campus, there are resources that can offer confidentiality when reporting. These resources can discuss options with you and offer advice without any obligation to tell anyone of the incident unless you want them to. There are also resources on campus for you to report crimes and policy violations that will take action when you report your victimization to them. Neither the university nor the law requires them to divulge private information that is shared with them

except in certain circumstances, some of which are described below. A victim may seek assistance from these university officials without starting a formal process that is beyond the victims' control, or violates his/her privacy.

- A. Confidential Disclosure:** If you desire that details of an incident be kept confidential, you should speak with an on-campus mental health counselor, campus health service providers, or an off-campus rape crisis or domestic violence resources (OurVoice, Helpmate) who can maintain confidentiality. Campus counselors are available to help you free of charge, and can be seen on an emergency basis. In addition, you may speak to an on and/or off-campus with members of the clergy and chaplains, who will also keep reports made to them confidential.
  
- B. Reporting to those that will maintain the privacy of what you share:** You can seek guidance from certain resources who are not required to tell anyone else your private, personally identifiable information unless there is cause for fear for your safety, or the safety of others. For purposes of Clery reporting, numerical data of Title IX incidents for UNCA are disclosed; however, a victims' personally identifiable characteristics will never be disclosed. Personally identifiable information includes a victim's first and last name, student identification number, social security number, campus/home/email address, driver license number or any other information such as date of birth, racial or ethnic background or religious affiliation.
  
- C. All staff and faculty of UNC Asheville are considered responsible employees.** Responsible employees are agents of the University that are required to report sexual misconduct disclosures to the Title IX Office. The moment a responsible employee learns of a sexual misconduct incident that moment is when the University is notified of misconduct and required to meet all Title IX Obligations from this moment. Responsible employees that fail to report sexual misconduct disclosures fail to meet the Title IX obligations expected of the University and jeopardize the safety and security of the larger community. Failure to report will result in immediate disciplinary action, including termination.

Responsible employees are those required for purposes of putting the institution on notice and mandatory reporting to the Title IX Office is required. If you are unsure of someone's duties and ability to maintain your privacy, ask them before you talk to them. They will be able to tell you and help you make decisions about who can help you best. The Health and Counseling Department exists as your confidential option they will not share any personally identifiable information about your report unless you give permission.

**D. Non-Confidential Reporting Options:** You are encouraged to speak to officials of the institution to make formal reports of incidents if you choose.

1. Faculty/Staff
2. University Administrators (Board of Trustees, Human Resources, Deans, Assistant Deans, Assistant Vice Chancellors and Provosts, Vice Chancellors, Provost, Directors and Chairs).
3. Student Residential Assistants
4. University Police

The university considers these individuals to be “responsible employees”. Notice to them is official notice to the institution. Responsible employees have a duty to report an incident of sexual misconduct to the Title IX Administrator and/or the Assistant Title IX Coordinator. You have the right and can expect to have incidents of sexual misconduct to be taken seriously by the institution when formally reported. These incidents will be thoroughly investigated and properly resolved through the appropriate administrative procedures. Formal reporting means that only people who need to know will be told, and information will be shared only as necessary with investigators, witnesses, and the accused individual.

**E. Reporting Options:**

1. Title IX Administrator, Jill Moffitt – [jmoffitt@unca.edu](mailto:jmoffitt@unca.edu) or 828-232-5658
2. Assistant Title IX Coordinator, Keishea Boyd – [kboyd3@unca.edu](mailto:kboyd3@unca.edu) or 828-258-7872
3. Campus Police – [pub\\_safety@unca.edu](mailto:pub_safety@unca.edu) or 828-251-6710
4. Make a report to any responsible employee of the university, and they will report it to the Title IX Administrator or Assistant Title IX Coordinator as they are mandated to do.
5. Report Anonymously Online – <https://police.unca.edu/anonymous-report>

If a student complainant does not want to pursue a formal resolution or requests that the complaint be kept confidential, the Title IX Office will honor their request *if possible*. The Title IX Office will weigh the request for confidentiality against the greater and imminent threat to the campus community and examine the incident for a pattern of behavior by an alleged individual. Title IX nevertheless requires the university to investigate and take reasonable action in response to the complainant’s information. The student complainant will be informed that the university’s ability to respond may be limited if confidentiality is requested.

The university may conduct a preliminary investigation into the alleged misconduct or assault and weigh the request for confidentiality against the following factors: the seriousness of the alleged misconduct, whether there have been other complaints against the same accused and the accused’s right to receive information about the allegations. The complainant will be informed if the university is unable to maintain confidentiality. In addition, the complainant has the right to end an informal investigation at any time provided no imminent threat to the campus

arises and there is no pattern of behavior by an alleged that needs to be addressed. In addition, the complainant may request that an informal investigation becomes a formal investigation at any point.

UNCA offers various reporting options for its community. Therefore, individuals who are classified as Campus Security Authority and Responsible Employees are mandated to report all incidents of sexual misconduct. Any individual who fails to report an incident of sexual misconduct will be held responsible and subject to disciplinary actions.

### **Amnesty**

The university has a medical amnesty policy to encourage third party reporting. Should students report a medical concern related to drug, alcohol or sexual violence and they themselves have been using drugs and alcohol excessively, they will not be found responsible for their use provided they have called the appropriate authorities to administer care. This is not extended to those that commit sexually violent crimes and amnesty can only be granted to students up to three times in an academic year. The full medical amnesty policy is listed online and in the student handbook.

### **Faculty and Staff Respondents**

Students wishing to report sexual misconduct involving faculty and staff are encouraged to do so utilizing the contact information for reporting issues listed above. Additionally, students may wish to review the faculty and staff process for resolving issues of sexual misconduct between students and faculty/staff. These processes can be found online as part of the [Title IX website \(https://titleix.unca.edu/\)](https://titleix.unca.edu/) and it is recommended that students review these processes when reporting with the Title IX Office, or with a process adviser assigned throughout the duration of university investigations involving faculty and staff.

### **Resources and Remedies Available:**

All individuals (complainants, witnesses, care takers, and respondents) involved in sexual misconduct cases are offered a variety of remedies and resources to help minimize, deal, and eventually heal from the effects of sexual misconduct. The Title IX Office provides and makes readily available a pamphlet to all individuals involved in a case detailing the rights, options, and resources of all available options regarding counseling, health and mental health advocacy, victim advocacy, legal assistance, financial aid assistance and immigration assistance. These services are offered to all victims whether the incident occurred on or off campus.

Depending on the incident, the individual being helped, and the unique circumstances each individual must navigate during this process - remedies may vary. Below is a list of example remedies that the university offers to individuals involved in sexual misconduct incidents. The following list describes the options available. When a complainant and respondent meets with the Title IX they will be offered such accommodations. In addition, if a complainant or

respondent seeks such accommodations at a later date, they can contact the Title IX Office. Accommodations and assistance may be requested by a complainant to the Title IX Office regardless of whether the victim chooses to pursue a formal investigation or seek law enforcement involvement. UNCA is obligated to comply with a complainant’s reasonable request for a living and/or academic change.

<b>All Parties</b>	<b>Complainant</b>	<b>Respondent</b>
Counseling Services	Process Advisor	Process Advisor
Education/Prevention	Complainant Advocate	Support Advocate
No Contact	Living Modification	Individualized Safety Plan
Anti-Retaliation	Academic Schedule Change	Coursework extensions
Residence Hall Ban	Coursework extensions	
Other remedies as needed	Individualized Safety Plan	

In addition to these remedies and resources, the university works with community partners to further support individuals involved in sexual misconduct incidents. Community partners include but are not limited to Mission Hospital, OurVoice, Helpmate, Sexual Assault Nurse Examiners, the District Attorney, Buncombe County Sheriff’s Office, Youth OutRight, and Asheville Police Department.

**IV. Procedural Considerations for Sexual Misconduct Incidents**

Any person may file a report of sexual misconduct against a UNC Asheville student or student organization, faculty member, or staff member under this policy. If the report is alleging misconduct by a person who is not a student, the Title IX Administrator or the Assistant Title IX Coordinator can provide assistance with reporting and addressing the alleged misconduct.

- A. Geographic Jurisdiction. This policy applies to any allegation of sexual misconduct against a student, regardless of where the alleged misconduct occurred. The Title IX Office, the Sexual Misconduct and Interpersonal Violence Policy and the disciplinary proceedings holds jurisdiction over behaviors in UNCA educational programs and activities. This policy is applicable when an event is sponsored by UNCA or an incident occurs on property owned or leased by the university. Remedies and measures may also be implemented to reduce the effect of sexual misconduct on a complainant and to the UNCA campus for violations which occur in an off campus program or activity.

- B. **Timing of Reports and Availability of Procedures.** As long as UNC Asheville has jurisdiction over the reported student, there is no time limit to invoking this policy in cases of alleged sexual misconduct. Nevertheless, persons are encouraged to report alleged sexual misconduct as soon as possible in order to maximize the university's ability to respond promptly and effectively.

Where the responding party is a degree candidate, the reporting party is encouraged to consult with the Title IX Office concerning the responding party's intended date of graduation and to file a report in a timely manner in cases where authority over the student would otherwise be lost due to pending graduation. In no circumstances will the University permit an impending graduation to compromise its processes for resolution. The conferral of a degree may therefore be held, if necessary, until proper resolution of any sexual misconduct charges, provided that a hearing/resolution opportunity will be scheduled for the earliest practicable date that can accommodate the parties and their witnesses.

- C. **Retaliation.** It is a violation of university policy to retaliate against any person making a report of sexual misconduct or against any person cooperating in the investigation of (including testifying as a witness to) any allegation of sexual misconduct. Retaliation includes intimidation, threats, or harassment against any such reporting party or third party. Retaliation should be reported promptly to the Title IX Office and may result in disciplinary action independent of the sanction or interim measures imposed in response to the underlying allegations of sexual misconduct.
- D. **Standard of Proof.** The Department of Education's Office of Civil Rights has interpreted Title IX to allow schools to evaluate reports of alleged sexual misconduct under a "preponderance of the evidence" standard and that's the standard adopted by the University policies and procedures governing sexual misconduct and Title IX violations. A preponderance of the evidence exists when a reasonable person, after careful balancing of available information, would conclude a violation has occurred and the student/organization/faculty/staff member is found responsible for university violations. The standard is met if a reasonable person believes the occurrence of the "alleged act/incident" is more likely than not true.
- E. **Sanctions.** Primary sanctions for sexual harassment, non-consensual sexual contact, indecent exposure, voyeurism, and sexual exploitation range from, loss of privileges, educational outreach assessments, residence hall suspension, residence hall relocation, educational activity sanctions, prevention strategies, probation, to suspension for an academic year to permanent dismissal from the university.

Primary sanctions for non-consensual sexual intercourse range from university suspension, university expulsion, to revocation of admission and/or degree.

- F. **Related Misconduct.** In accordance with this policy, the Sexual Misconduct Hearing Board is empowered to hear allegations of, and to impose sanctions for sexual misconduct and any violations of the Community Code of Standards at UNC Asheville pending against the responding party directly related to the alleged sexual misconduct or any alleged violations of this policy.
  
- G. **Criminal Process.** Sexual misconduct may constitute both a violation of university policy and criminal activity. The University encourages persons to report alleged sexual misconduct promptly to campus or local law enforcement agencies. Criminal investigations may be useful in the gathering of relevant evidence, particularly forensic evidence. The standards for finding a violation of criminal law are different from the standards for finding a violation of this policy. Criminal investigations or reports are not determinative of whether sexual misconduct, for the purposes of this policy, has occurred. In other words, conduct may constitute sexual misconduct under this policy even if it not a crime or law enforcement agencies lack sufficient evidence of a crime and therefore decline to prosecute. The reporting party in such cases may request that the Dean of Students identify a senior member of the Office of the Dean of Students to assist him or her in seeking and attending a meeting with the local prosecutor to gain an understanding of the decision to decline prosecution.
  
- H. The filing of a report of sexual misconduct to the university's Title IX Office under this policy is independent of any criminal investigations or proceedings by law enforcement agencies, and (except that the university's investigation may be delayed temporarily while the criminal investigators are gathering evidence) the university will cooperate with law enforcement. If a student opts to file a report with local law enforcement, the university will not wait for the conclusion of a criminal investigation or proceedings to commence its own investigation and take interim measures to the protect the reporting party and the university community, if necessary. If a sexual misconduct report has been made to the university and to law enforcement, investigations may occur simultaneously.
  
- I. **Procedures for alleged violations of the sexual misconduct policy.**
  - a. When an incident of sexual misconduct is reported, the Title IX Administrator or Assistant Title IX Coordinator or designee (Title IX Investigators) ensures that the reporting party is offered, has access to, and is provided continued remedies to address the effects of the behavior without interruption to the

educational attainment of the reporting party. (Examples include the provision of a confidential counselor, a complainant advocate, academic schedule change, retake a course or withdraw (without penalty), no contact order, or housing accommodations when/where applicable) at no additional cost to the student. Remedies should also include strategies and tools to stop the behavior of the accused when appropriate and necessary.

Additionally, those accused of sexual misconduct will be provided with tools, resources, and remedies such as process advisers and counseling.

- b. The Title IX Administrator or Assistant Title IX Coordinator may endorse interim measures such as interim suspension during the course of an investigation. Such prompt measures are enacted to protect the safety and security of the campus. Interim measures differ than sanctions.
- c. Interim measures or protective measures may be implemented to protect complainants and respondents. Interim measures consist of no contact orders (NCO), safety plans, security escorts, academic accommodations, housing reassignments, parking accommodations, changes in work schedules, or interim suspension.
- d. No student is permitted to withdraw from enrollment after being charged with a serious violation of the code prior to imposition of a sanction(s) or a finding of not responsible.
- e. The Title IX Administrator or the Assistant Title IX Coordinator assigns reports of sexual misconduct to trained Title IX investigators to examine each report and ensure the integrity of the investigation process. The Title IX Administrator or the Assistant Title IX Coordinator strategizes with the investigators to ensure that all information and leads are being thoroughly examined. Title IX investigators will investigate the reports and submit a comprehensive report to the Title IX Administrator or the Assistant Title IX Coordinator and the Citizenship Education Office.
- f. The Title IX Office assigns unbiased investigators in an attempt to eliminate a conflict of interest. If either party believes there will be a bias or a conflict of interest with any of the investigators, they may request the Title IX Administrator or the Assistant Title IX Coordinator remove and replace an investigator.
- g. All investigators are certified annually and must complete ongoing annual training through the Title IX Office. Training topics include but are not limited to, analyzing and evaluating conduct which constitutes unwelcomed behavior, determinants of a hostile environment, victim trauma, asking appropriate questions, due process rights, and analysis of information.
- h. Both parties involved in sexual misconduct cases will be offered, by the Title IX Administrator, a process adviser, an advocate (complainant advocate; support advocate) of their choosing, and/or an attorney at any time during the process for resolving alleged violations of sexual misconduct.

- i. All investigations will be adequate, prompt, fair and impartial. Both parties may be interviewed in the presence of an attorney (of their choosing), a support person and process advocate. Both parties will have the opportunity to have witnesses interviewed and evidence presented in the investigation.
- j. Neither parties are restricted from discussing nor sharing information related to the complaint with others that may support them or assist them in presenting their case. However, in doing so, those communications should not violate a No Contact Order (if established by the university) or constitute retaliation under the University's Retaliation Policy.
- k. The Citizenship Education Office determines, based on the Investigative Report, what violations outlined in the report will result in formal charges, if any.
- l. Complainants and Respondents will each be notified of each step in an investigation.
- m. If an investigative report deems a policy violation occurred, both the complainant and respondent will be afforded equal and timely access to information and documents to be used for an administrative resolution or sexual misconduct hearing board, including the university's investigative report.
- n. For sexual misconduct cases, the university's investigation of the report (including the preparation of formal charges, if any) will be completed promptly and thoroughly. If a case of alleged sexual misconduct is not resolved through the administrative resolution (a.k.a. "informal resolution") process - a process that the responding party has the right to choose - the matter will be scheduled for a hearing before the Sexual Misconduct Hearing Board (SMHB).
- o. The Title IX Office will assign unbiased board members to each SMHB proceeding to remove a conflict of interest. When a SMHB is scheduled, the complainant and the respondent will be informed of the date, time and location of the proceeding. Both parties will be informed of the names of the SMHB members and if there is a conflict of interest, both parties involved will have the opportunity to challenge the composition of the SMHB assigned to their case prior to the hearing.
- p. The SMHB is comprised of 3-5 faculty and staff campus community members that are trained continuously throughout the academic year to develop competencies required of SMHB members in order effectively, impartially, and adequately resolve sexual misconduct cases for which they are charged. (See section J for details on SMHB training, purpose, and competencies.) No students serve on these boards.
- q. Both the complainant and the respondent are afforded equal opportunity to have a process advisor, legal counsel, support person, and expert testimony of their choice at the hearing. Equal restrictions apply in forbidding process

advisors, legal counsel, and support persons for addressing the board. In addition, cross examination of one another or witness by the complainant and respondent are forbade. However, cross examination thru the Hearing Chair can occur.

- r. The reporting party is encouraged, but not required, to be present throughout the hearing. The reporting party, the charged party, attorneys, advocates, advisers, or the SMHB may not ask repetitive questions of any witness. Upon prior conclusion, either party or the Title IX Investigator assigned to the case may make summary comments in the hearing.
- s. Both parties have a right not to have their unrelated past sexual histories discussed in the hearing. The past sexual relationship between the complainant and any others aside from the respondent will be presumed as inadmissible evidence. The Chair of the SMHB, in consultation with the Director of Citizenship Education or designee, will determine whether proposed testimony regarding past sexual history between the parties is related to the case at issue and may be introduced during the hearing.
- t. The reporting party may choose to be physically separated from the responding party during hearing proceedings. Similarly, the responding party may choose to be physically separated from the reporting party during hearing proceedings. This choice should be made at least two working days prior to the hearing.
- u. The SMHB will hear the case and determine the appropriate sanctions based on the information provided and in line with the Community Code of Standards enforced by the Citizenship Education Office. The sanctions must include provisions for preventing the behavior from reoccurring, including dismissal from the university.
- v. All SMHB cases are audio recorded and transcribed. Recordings become part of the student's educational record protected by FERPA. Access to such recordings are restricted to the Title IX Office and can only be released if subpoenaed by a court order. For the purpose of the appeal process, only the written transcript of the hearing will be provided for the appellate to consider.
- w. Notification of the outcome of the hearing and any sanction(s) imposed will be provided in writing to both parties, at approximately the same time, by the Citizenship Education Office. The Title IX Administrator or the Assistant Title IX Coordinator is also notified of the outcome and sanctions.
- x. Following the outcome of a SMHB, both parties have a right to appeal the outcome/determination of the investigation, the findings of the hearing and the sanctions and remedies. Both parties will be informed of the pursuit of an appeal, the appeal status, and have an opportunity to participate.
- y. Appeals to sexual misconduct cases will follow the same appeal policy and procedures as outlined in the Community Code of Standards through the Dean of Students.

## J. Sexual Misconduct Hearing Boards

- a. The purpose of the panel is to hear cases and reports involving incidents of sexual misconduct that violate The Sexual Misconduct and Interpersonal Violence Policy and the Community Code of Standards. The SMHB is considered a separate hearing panel from the Conduct Boards that adjudicate violations of the standards that do not fall under sexual misconduct.
- b. Composed of 3-5 faculty and staff members; no students.
- c. The SMHB is part of the Citizenship Education process, but specific to sexual misconduct incidents. The Title IX Administrator or the Assistant Title IX Coordinator in partnership with the Citizenship Education Office provides oversight, guidance, training, and ongoing assessment of the SMHB.
- d. Board members are required to complete 12 hours of training per semester (that is specific to necessary competencies for hearing cases of sexual misconduct and making an appropriate decision regarding educational and punitive sanctions for those found responsible).
- e. Training competencies include: Familiarity with basic rules of evidence regarding relevance, credibility and rape shield rules; thoroughly versed in an analytical approach to determining if a policy was violated; comprehension on questioning and deliberation techniques; understand Rape Trauma Syndrome and common rape myths; sensitization to what the complainant and respondent is experiencing are all general competencies the board is expected to have in order to hear sexual misconduct cases.
- f. The SMHB will determine if an individual is responsible through a majority quorum. The SMHB is expected to give full consideration of the facts, due process rights, complainant rights, standard of proof, and relevant circumstances of each case before determining if the individual is responsible.
- g. The SMHB must unanimously agree to the possible sanctions that correspond with the violation for individuals found responsible.
- h. Parties involved in the SMHB are permitted to have their advisers, advocates, and/or attorneys present and participate in the hearings as outlined in the Community Code of Standards and Citizenship Education Process.
- i. The SMHB will hear cases involving students accused of sexual misconduct who removed themselves from the university prior to conduct proceedings but have applied for readmission to the University. A condition of readmission requires these individuals to submit to a hearing as if they had never left school. If found responsible, the student must comply with the applicable sanctions before being readmitted.
- j. SMHB hearings are not open to the public. Complainants may be accommodated if they choose not to see the accused during the hearing. Witnesses are kept separate during the hearing process. The hearing is audio

recorded. All SMHB hearings will take place in private, comfortable, and adequately sized location.

## **V. Education, Prevention and Outreach**

The University of North Carolina Asheville provides educational programming on sexual assault, sexual misconduct, sexual harassment, dating and domestic violence prevention, stalking and personal safety through a variety of avenues. UNCA offers primary prevention programs for all incoming students and new employees.

In addition, we offer continual awareness programs throughout the academic year for our entire student and employee population. Programs offered are comprehensive, intentional and integrated. Our initiatives, strategies, and campaigns are intended to end dating violence, domestic violence, sexual assault and stalking. Furthermore, programmatic efforts are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs and assessed for value and effectiveness and consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community and societal levels.

The university employs a team approach in providing education, prevention, and outreach opportunities for the campus community to learn, invest, and be active participants in the safety and wellbeing of the campus. The team is chaired by the Assistant Title IX Coordinator and served by various members of the following campus units: Student Activities Involvement Leadership (SAIL), Residential Education, Campus Police, Health and Counseling, Human Resources, Student Government Association and other student organizations. Furthermore, the education team provides programs and activities, often in collaboration with OurVOICE and Helpmate, two local agencies which work with survivors of sexual assault, dating/domestic violence and stalking.

The Sexual Assault Education and Prevention Committee (SAPEC, chaired by the Assistant Title IX Coordinator) offers ongoing prevention and awareness campaigns that are sustained over time. Programs are designed to increase the understanding of topics relevant to and skills for addressing dating violence, domestic violence, sexual assault and stalking. Promotion of such events use an array of strategies.

1. Social Media Posts
2. Email blasts
3. Bulletin Board notifications
4. Posters
5. Advertisements at student resource fairs
6. Calendar of events on the Title IX Webpage
7. Strategic presentation to individual groups on campus (fraternities and sororities, athletics, residence halls.)
8. Classroom Lectures
9. Informing faculty of events to facilitate attendance for class credit (PAL).

Programming across these units are represented through the following initiatives and are ever-changing and improving to serve the needs of the community.

1. AlcoholEdu, Haven, and U of 9 (online alcohol, consent, and sexual respect program for students, coordinated by Title IX Office)
2. emBark (New Student Orientation)
3. Bulldog Model (Residence hall programming)
4. Nonviolent Sexuality (SAIL programming)
5. Rape Aggression Defense (Campus Police and Health and Counseling)
6. Personal Safety Presentations and Tips to Student Organizations (Campus Police)
7. Peer Education Advocacy and Training (SpeakUp, Health and Counseling peer interns)
8. Educational and Prevention sessions specific to Athletic Coaches, Student Athletes, International Students, and Fraternities and Sororities (Title IX Office)
9. New Employee Orientation for Faculty and Staff (Human Resources)
10. Sexual Harassment Training for Faculty and Staff (Human Resources)
11. Responsible Employee Training annually for student employees (Title IX Office)
12. Annual online training for Title IX and Responsible Employees for all faculty and staff (Title IX Office and Human Resources)
13. Online training for Title IX, Reporting, and Sexual Misconduct and Interpersonal Violence Policy for all students tied to their OnePort Accounts (Title IX Office)
14. Campus Security Authority and Clery Training (Campus Police and Title IX Office)
15. Campus Sexual Assault Response Team Initiatives (Campus Police)
16. SUSO (Speak Up, Speak Out, Bystander Intervention Program, Health & Counseling)
17. INTERVENE (student organization of men committed to eliminating sexual assault)

### **Bystander Intervention**

Often the most effective ways to help is through intervention by peers. As students and members of this campus community, each should be invested in the well-being of their peers. If you see something going on with a fellow student that doesn't seem right, say something to someone and consider doing something to help. Do not be afraid to talk to a friend or acquaintance about your concern for them and provide them with assistance. Below are some ways a bystander could intervene. BARK and INTERVENE also provides bystander intervention programs and trainings to expand a student's knowledge and skills for intervention.

- Notice the issue: Listen to your gut instincts. If something doesn't look or feel right about a situation, take a few moments to assess the situation.
- Interpret the urgency: Now that the situation has been briefly assessed, determine the urgency of the situation. Is this something that is an emergency? Is this

something where someone needs help? Is this something myself (or perhaps 2 of us) could address and assist with?

- Take responsibility: Take responsibility for providing help. Whether intervening firsthand or calling for help, once the decision is made to offer assistance, follow through is vital.

Ways to provide help:

- Call police, an RA, a friend to assist.
- Help the person leave the situation; connect them with friends or help them get home safely.
- Confront the behavior which is occurring, address the issue.

### **Risk Reduction:**

Risk Reduction is defined as options designed to decrease perpetration and bystander inaction; increase empowerment for victims in order to promote safety and help individuals and communities address conditions that facilitate violence. Here are a few steps that can be taken.

1. Watch out for your friends and have your friends watch out for you.
2. Trust your instincts.
3. Be aware of your surroundings.
4. Avoid isolated areas and walk or jog with a friend.
5. Walk with a purpose and try not to load yourself down with packages or bags.
6. Make sure your cell phone is charged and accessible.
7. Avoid putting headphones in both ears.
8. If you suspect that 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.).
9. Tell a friend where you are going and when you will return. The free “Rocky Shield” Safety App offers a safety check feature called “Friend Watch”. This is a peer-to-peer safety service which allows users to designate a group of friends to receive notifications.
10. Here are some things you can try if you need to get out of an uncomfortable or scary situation:
  - a. ***Remember that being in this situation is not your fault.*** You did not do anything wrong; it is the person that is making you uncomfortable that is to blame.
  - b. ***Use a Campus Emergency Phone.*** Campus Blue Lights and Call Box Phones are located throughout campus to provide assistance to anyone in distress. Activate the light and keep moving. Ask for a safety escort. Calling University Police from the Rocky Shield application will provide UNC Asheville dispatchers with your profile information and internal positioning (on campus buildings only).
  - c. ***Have a code word with your friends or family.*** 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.

- d. **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 or scared. Some excuses you could use are: needing to take care of a friend or family member, not feeling well, or having somewhere else that you need to be, etc.

**Try to think of an escape route.** How would you try to get out of the room? Where are the doors? Where are the windows? Are there people around who might be able to help you? Is there an emergency phone nearby?

### **Assessment and Review:**

The Sexual Assault Prevention and Education Committee (SAPEC) will be responsible for the annual evaluation, review, and revision of all sexual misconduct policies. In addition, SAPEC will update procedures, training, education, and prevention mechanism implemented on campus based on current guidance, law, regulation, and mandates. The work and philosophy of SAPEC is aligned with the campus culture and our commitment to resolving issues of sexual misconduct through an educative lens, while protecting the safety and well-being of the community where appropriate.

SAPEC is chaired by the Assistant Title IX Coordinator, and members serve in 2 year rotations. Members include representatives from faculty, staff, Human Resources, Campus Police, Fraternity and Sorority Life, Athletics, Residential Education, and Student Life.

### **Distribution:**

This policy and corresponding procedures will be disseminated to the campus community annually in the following ways:

1. Policy distributed to all incoming students during orientation sessions in the summer.
2. Notice to the campus community regarding the university's non-discrimination statement, Title IX Administrator and Assistant Title IX Coordinator contact information, Title IX Website, and the Policy and Procedures that govern Title IX on this campus.
3. Online training for Faculty and Staff regarding Responsible Employee, Campus Security Authority, and Sexual Harassment. Employees are required to complete this training annual. The policies and procedures governing faculty and staff sexual misconduct issues are included in the training.
4. Title IX Website – available to students, faculty, staff, and guests. Policies and procedures regarding minors on campus are included as relevant information and can also be accessed from this site.
5. All students will receive notification of the community code of standards and these policies and procedures will be listed in the handbook for each academic year.
6. Fraternity and Sorority life will receive the policies and procedures as part of their required training in IFC, PHC, and NPHC.

7. Student Athletes will receive the information in their athletic meetings that are mandatory and will do so once a semester.
8. Programs on campus that host minors will receive the policies and procedures when they receive the recommendations and reporting mechanism for protecting minors that visit campus.
9. Visitors on campus can access information via the public safety website or in person at the Campus Police Station.

## **VI. Guide for Students Who Have Been Sexually Assaulted**

Sexual assault is an act of violence. Crimes of violence affect everyone, regardless of gender and can occur in any relationship, whether you are straight, gay, lesbian, transgender, queer or questioning - sexual violence affects everyone. Victims of a sexual assault are often in a state of disbelief and shock – feeling angry, fearful, and helpless – and can also be feeling shame and guilt. The variety of emotions which can be experienced by a victim of sexual assault can be overwhelming and he/she may not know who they can ask for help. We provide this guide in an effort to help give students resources to assist in their recovery and to help prevent a future assault. We encourage students to seek help from the resources presented.

### **A. If a student is sexually assaulted, the student should:**

1. *Get to a safe place* as soon as possible.
2. *Try to preserve physical evidence.* Do not wash, bathe, shower, douche, use the toilet or change clothing. If changing clothes is unavoidable, put all the clothing you were wearing in a paper bag, not a plastic bag. Do not move any physical items which may have been touched by the assailant.
3. *Get medical attention as soon as possible.* It is important to address your physical health needs. In addition it is important in order to preserve and collect evidence should you decide later to pursue legal action. Effective evidence collection must occur no later than seventy-two (72) hours after the assault and must include a physical examination at a local emergency room. DNA and forensic evidence collection is vital and will be collected by medical staff specially trained in working with patients who have been assaulted. Medical attention will also be paid to treating injuries, testing for pregnancy and sexually transmitted diseases. Medications to prevent sexually transmitted diseases and pregnancy and protect against HIV transmission may also be offered. General health care is also available at Student Health and Counseling 828-251-6520. Student Health Services can provide information on STIs and pregnancy prevention. Medical attention is vital and does not mean you must pursue criminal action. Transportation can be arranged by calling University Police. If your injuries are critical or life-threatening, please call 911.
4. *Contact University Police by calling 828-251-6710.* Calling University Police does not mean you must pursue criminal charges. Officers are trained to help assist you in securing medical attention and professional counseling. In

addition they are able to assure that evidence related to the incident which is collected and properly preserved should you decide later to prosecute. (More information regarding reporting options can be found below.)

5. *Talk with a counselor.* They can provide you with emotional support as well as additional resources in a confidential environment. To contact our Health and Counseling Center, call 828-251-6517 or after hours, call University Police at 251-6710 and ask to speak with a counselor – they will page the counselor on call for you. A student can confidentially discuss sexual or interpersonal violence with our UNC Asheville counselors. You can also call the OurVOICE Sexual Assault Crisis Center of Asheville at 828-255-7576.
6. *Talk.* Turn to those you trust – your friends, family or someone who can help support you through your recovery. You can also find numerous support people in the university community. Being able to talk about and process what has happened is a vital step in your recovery.
7. *Consider your options.* You have the ability to consider criminal action as well as pursuing action through the Citizenship Education process on campus (if your assailant is a student). This document provides you with information on both avenues. If you have questions you can call the University Police, the Citizenship Education Coordinator or the Dean of Students (their numbers can be found further in this policy).

## **B. Past Abuse**

It is not uncommon for a sexual assault victim to withdraw and never tell anyone of the incident. Whether the assault occurred years ago or recently, please seek out assistance. Our Counseling Center is here to help at 828-251-6517. You can also contact the OurVOICE Sexual Assault Crisis Center of Asheville at 828-255-7576.

## **C. Medical Treatment**

It is very important to seek out medical attention so you can be assessed and treated for any physical injuries. Evaluation of sexual assault includes the testing and treatment for sexually transmitted diseases, medication to prevent pregnancy and the preservation, collection and documentation of evidence of the assault (which would aid in criminal prosecution, should you decide to pursue legal action). DNA and forensic evidence should be collected immediately, preferably within the first seventy two hours. Evidence can be collected later but the quality and quantity of the evidence can be greatly impacted. Medical attention is vital and does not mean you must pursue criminal charges. Should you deem your injuries critical or life-threatening, please call 911.

### **Immediate Emergency Services**

A special exam should be conducted as soon as possible after a sexual assault. Even if there are no physical injuries, this special exam,

which includes a rape kit, is recommended to maintain all legal options. The exam is performed by an emergency department physician and/or a specially trained nurse. A nurse is also present throughout the procedure and you are welcome to have a support person with you as well. **Note:** Routinely, hospital staff will contact the police whenever treatment is provided for injuries that could be the result of a crime. Although the police are contacted and may respond, this does not mean you have to proceed with criminal charges.

#### **Transportation**

University Police are able to help with transportation to the hospital if necessary. You can reach University Police at 828-251-6710.

#### **Non-emergency Medical Procedures**

Non-emergency medical treatment can be obtained from our Student Health and Counseling Center in Weizenblatt Hall from 8 am to 5 pm, Monday through Friday, 828-251-6520. After hours care can be obtained from local providers and urgent care centers. The Buncombe County Health Department is also available for free or reduced fee services.

### **D. Counseling, Resources and Emotional Support**

#### **1. University Counseling Services**

Student Counseling Center 828-251-6517

*For after hours access, contact Campus Police at 828-251-6710*

<http://healthandcounseling.unca.edu/>

#### **2. Community Counseling Services**

OurVOICE (sexual assault)

828-255-7576

<http://www.ourvoicenc.org/>

Helpmate (domestic violence)

828-254-0516

<http://www.helpmateonline.org/>

*(both agencies' services are available 24 hours a day)*

### **E. Criminal Investigation and Charges**

University Police are required by law to provide information on all sexual assaults and other felonies to the local District Attorney's office. In the majority of cases reported to the district attorney, the decision to pursue criminal charges rests with the victim.

If you chose to pursue criminal charges, a lawyer from the local District Attorney's office will provide you with legal representation for the proceedings without cost. A lawyer from the District Attorney's office and/or a personal attorney may also provide legal advice to assist you in making a decision with regards to prosecution. OurVOICE

advocates have extensive experience working with the judicial system and you are encouraged to utilize their services.

University Police investigate all crimes that occur on campus. If technical expertise or additional investigative help is needed, the NC State Bureau of Investigation may be called in to assist. If crimes happen off campus within the Asheville city limits, Asheville Police is likely to be the primary investigative agency. If crimes happen in outlying areas outside the city limits, local police or Buncombe County Sherriff's Department would likely be the primary investigative agency. University Police will provide law enforcement support if requested. Officers understand that the questions related to the incident can be difficult for victims. You may request the presence of a support person during police interviews.

If you choose to pursue criminal prosecution and the assailant is taken into custody, the suspect will be taken before a magistrate and charged with the appropriate offence. A suspect or student under investigation for any criminal offence by the University Police has a constitutional right to have a lawyer present during questioning; however the student/suspect does not have a right to have a support person other than their lawyer.

## **VII. Guide for Students Who Are Experiencing Relationship / Domestic Violence and/or Stalking**

Relationship/domestic violence and stalking can, like sexual assault, affect everyone, regardless of gender and can occur in any relationship, whether you are straight, gay, lesbian, transgender, queer or questioning. Victims of relationship/domestic abuse and stalking can experience a myriad of emotions, including fear, anger, self-blame, betrayal, as well as feelings of shame and guilt.

The extensive resources, both on campus and in the community which help victims of sexual assault, are also available to victims of relationship/domestic violence and stalking. The Citizenship Education process provides victims of relationship/domestic violence and stalking with the same resources and rights in our process as noted above for sexual misconduct. The Title IX Administrator and the Dean of Students are available to go over avenues for resolution, available campus resources, as well as interim actions and accommodations. University Police can provide information regarding pursuing criminal action (or connecting your with law enforcement in the appropriate jurisdiction), a personal safety plan, as well as information on obtaining a protective order. If a protective order is obtained, it is recommended that University Police keep a copy on file. If the order is against a student, University Police, the Title IX Administrator as well as the Dean of Students can assist with its implementation in the campus environment (which may include, when possible, adjustment of class schedule, on campus room assignment and working with both parties to avoid contact).

## VIII. Resource Directory

### 1. Emergency

On campus: 828-251-6710

Off campus: 911

### 2. Student Health and Counseling Center

828-251-6520

<http://healthandcounseling.unca.edu/>

### 3. Hospital

Mission Hospital: 828-213-1111

### 4. Buncombe County Family Justice Center

35 Woodfin St. Asheville, NC 28801

#### Community Victim Services

OurVOICE (Victim Services Outreach Intervention Counseling and Education) of Asheville (Sexual Assault Agency)

828-255-7576

<http://www.ourvoicenc.org/>

Helpmate (Domestic Violence

Agency) 828-254-0516

<http://www.helpmateonline.org/>

### 5. Police and Legal Information

University Police: 828-251-6710

Asheville City Police: 828-259-5877

Buncombe County Sheriff's Office: 828-250-4474

Buncombe County District Attorney's Office: 828-232-2500

### 6. University Resources and Departments

- Title IX Administrator, Dr. Jill Moffitt, Assistant Vice Chancellor for Student Life, 828-232-5658
- Assistant Title IX Coordinator, Keishea Boyd, 828-258-7872
- Dean of Students Office: 828-250-2370
- Citizenship Education Coordinator: 828-251-6700
- Residential Education Office: 828-251-6700
- Vice Chancellor for Student Affairs: 828-251-6474

### 7. North Carolina Coalition Against Sexual Assault

919-871-1015

<http://www.nccasa.org/>

### 8. Rape, Abuse and Incest National Network

1-800-656-HOPE

<http://www.rainn.org/>

### 9. National Sexual Violence Resource Center

717-909-0710 & 877-739-3895 (toll free)

<http://www.nsvrc.org/>

**10. Office of Civil Rights**

1-800-421-3481

<https://wdcrobcop01.ed.gov/CFAPPS/>

[OCR/contactus.cfm](https://wdcrobcop01.ed.gov/CFAPPS/OCR/contactus.cfm)

**11. University Police Department Information and Campus Crime Statistics**

<http://www.unca.edu/publicsafety/>

**12. Student Code of Community Standards and Citizenship Education Process** <https://studenthandbook.unca.edu/student-code-community-standards>