

# ANNUAL SECURITY REPORT AND FIRE SAFETY REPORT



**Johnson & Wales University  
Charlotte 2023**

# INTRODUCTION

This report is intended to provide you — the students, faculty and staff of Johnson & Wales University — with information and statistics on crime, crime prevention, fire incidents and fire safety on campus. The report describes how the campus security system works and how you can access this system in an emergency. It covers safety and security in student housing, academic and administrative buildings, the university's policies on alcohol and drugs, and substance abuse prevention and education programs currently in place.

Working through Campus Safety & Security, the university makes every effort to prevent crime on campus. However, Johnson & Wales also recognizes the crucial role that individuals must play in protecting themselves and others from harm. The university encourages all students, faculty and staff to use the personal safety tips provided by Campus Safety & Security and to report immediately all crimes, suspicious activities or emergencies occurring on or off campus to Campus Safety & Security or to local police.

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## **CAMPUS SAFETY & SECURITY**

All members of the Campus Safety & Security department undergo a nationwide criminal records check and are certified in first aid and cardiopulmonary resuscitation. Each officer attends mandatory in-service training to keep up to date on regulations, policies and procedures. Members of Campus Safety & Security have developed highly cooperative relationships with members of federal, state, and local law enforcement agencies to advance prompt and efficient action in apprehending alleged criminals and preventing crime.

University security officers aid local police by responding to problems on city streets whenever Johnson & Wales students are involved in incidents. In addition, our campus crime prevention officers have developed relationships with local community policing officers. The director of Campus Safety & Security actively participates in local emergency planning efforts toward disaster preparedness with the assistance of the Johnson & Wales Providence Campus emergency management director.

Campus Safety & Security officers do not carry firearms and have no arrest powers. The university does not have written agreements with local law enforcement agencies for the investigation of criminal offenses. Campus security officers enforce university policies and procedures including the Student Code of Conduct on university premises. The university does not have any officially recognized student organizations with off-campus locations.

## REPORTING A CRIME OR OTHER EMERGENCY

*The university adheres to the following policy regarding the reporting of crime: Johnson & Wales University strongly encourages the prompt and accurate reporting of all criminal or suspicious activities occurring on or near campus. A student, employee, or campus security authority who has witnessed any suspicious or apparent criminal action should immediately contact Campus Safety & Security at 980-598-1900 (24-hour assistance) or local police at 911, especially when the victim is unable to make such a report. Each employee or student designated as a campus security authority has been instructed to report all criminal or suspicious activity occurring on or near campus to Safety & Security or local police.*

Reports of criminal actions or other emergencies occurring on or near campus or in any other building or property owned or controlled by the university or a recognized student organization, should be made to any security officer or the Campus Safety & Security Dispatch Center, located at 215 Cedar St. (Cedar Hall South), first floor, 980-598-1900. Criminal actions and other emergencies should also be reported to the local police or fire department by dialing 911 or 9911 from a university phone. Officers are instructed to immediately evaluate each report and take appropriate action, such as contacting an emergency medical team, calling building security or reporting the issue to local police.

Information, signed or anonymous, on any criminal or safety issue can be mailed to Johnson & Wales University, Campus Safety & Security, Attn: Director, 801 West Trade St., Charlotte, NC, 28202. A report can also be made on the [Silent Witness](#) form at [safety.jwu.edu/charlotte.html](http://safety.jwu.edu/charlotte.html).

The university cannot guarantee confidentiality in all cases. Statistics related to confidential and/or anonymous reports of crime that occur in the Clery reportable jurisdiction will be included in the Annual Security Report.

JWU is not required to include crimes reported only to a pastoral or professional counselor in the crime statistics published in this report. Students who seek personal counseling on campus are advised that if the student shares information regarding the commission of an offense that the university counselor considers to be an imminent threat to others, the counselor may release the information to appropriate authorities including university administration, Campus Safety & Security, the local police, or the student's parents or guardians. Students are also advised that the university will release information when required by law.

Campus Safety & Security maintains a daily crime log listing the nature, date, time, and general location of each crime and the disposition of the complaint, if known. The crime log for the most recent 60-day period is available for review during normal business hours at Campus Safety & Security. Requests for crime log information dated prior to the 60-day time period will be provided upon request. To keep the campus community informed on an ongoing basis, the university will alert the community of certain crimes in a manner that is timely and will aid in the prevention of similar crimes. An alert will be issued and posted for all Clery Act crimes that are reported to campus security authorities, or are reported to the university by local police agencies, and are considered by the university to represent a serious or continuing threat to students, employees, and our campus community. The alert will include any pertinent information related to the incident and helpful crime prevention information. Crime alerts will withhold the name of the victim as confidential.

Crime alerts and safety tips will also be posted on Campus Safety & Security's website: [safety.jwu.edu/charlotte.html](http://safety.jwu.edu/charlotte.html). Links to all crime alerts are also located in the Safety & Security group channel in jwuLink. Crime alerts may also be emailed to the campus community. Additionally, alerts are posted on designated Campus Safety & Security bulletin boards throughout campus. Crime alerts can be found at [alerts.jwu.edu/charlotte](http://alerts.jwu.edu/charlotte).

## SECURITY OF CAMPUS FACILITIES

**Residence Halls:** To protect students, staff and guests, campus security officers patrol the perimeters of residence halls 24 hours a day on foot or by golf cart. Additional patrols are assigned to problem areas as needed. Residence halls are monitored by hall directors, receptionists, resident assistants, and/or security officers. All visitors are required to sign in at the front desk of Cedar Hall North and Cedar Hall South. The visitor must leave a picture ID at the desk while they are in the facility. Security officers are posted at the front desk of Cedar Hall North and Cedar Hall South residence halls between the hours of midnight to 8 a.m. on all days students are in residence. Security officers patrol the perimeter of all campus buildings 24 hours each day, seven days each week. To further control access, all residence halls have exit door alarms, closed-circuit cameras, and electronic card-access door locks.

**Administrative and Academic Buildings:** Access to administrative and academic buildings is primarily accomplished through the electronic access control system.

**Timely Maintenance for Security:** Any maintenance problem affecting resident housing, administration, or classroom areas receives a work order, prioritized for security issues.

Throughout the campus, outdoor lights, cameras and emergency call boxes are installed. University ID access card readers are installed at all building entrances on campus. All incoming and outgoing calls on the main security telephone line are digitally recorded to improve the department's response efforts. Each of the foregoing systems and equipment is routinely checked for proper operation.

## **KEEPING THE UNIVERSITY COMMUNITY INFORMED**

A major goal of the university is to keep students, faculty and staff informed about campus security procedures and to encourage them to act responsibly to promote their own safety and the safety of others. All new students are instructed on how to report a crime or emergency, the functions and services of Campus Safety & Security, and the consequences of possessing drugs or alcohol or other prohibited behavior both on- and off-campus as listed in the [Student Handbook](#).

**Campus Safety & Security:** Campus Safety & Security posts information on available programs and services on bulletin boards throughout the campus and Stay Safe on Campus pamphlets at New Student Orientations, Wildcat Welcome, scheduled programming venues, and the Dispatch Center. Submissions on subjects such as travel safety, personal safety and crime prevention are provided on jwuLink and X, formerly known as Twitter, and the Charlotte Campus Newsletter (published monthly).

**Emergency Notification System to Enhance Emergency Preparedness:** The safety of students, faculty and staff is a constant priority at the university. The ability to quickly provide notice, accurate information and instructions with minimum delay during a situation is crucial. To accomplish this JWU has selected Blackboard Connect, a multi-modal communication service that allows JWU campus leaders and security personnel to deliver time-sensitive voice mail and text message notifications to students, faculty and staff during unforeseen events or emergencies.

This system complements our existing campus emergency response plans, which are continuously updated to be responsive to both man-made and natural disasters. University and campus leaders have integrated our computer systems with the system. The system is only used during emergencies and for related tests which are conducted once per semester. Additional information about our Emergency Notification System is available on our jwuAlerts page at [alerts.jwu.edu/charlotte](http://alerts.jwu.edu/charlotte).

**Missing Student Policy:** Any person who believes a JWU residential student is missing should immediately report the situation to Campus Safety & Security or to any member of the JWU Residential Life staff. In the event another university office or employee other than a member of Campus Safety & Security receives a report of a missing student, that person shall immediately notify Campus Safety & Security of the report received.

Upon receipt of a missing student notification, Campus Safety & Security will make a determination of when to implement missing student procedures based on whether there are unusual or suspicious circumstances surrounding the student's absence and/or whether the student has been absent from campus without explanation for more than 24 hours.

**Official Notification Procedures:** Campus Safety & Security together with other authorized JWU officials will, after the student has been missing for 24 hours or sooner, if they deem it advisable to do so based upon the circumstances presented, initiate official notification procedures according to the Missing Student Response Policy then in place. If no such policy is in place, Campus Safety & Security shall notify local police and/or other local law enforcement and shall also contact the following in the order they deem advisable:

- The missing student's confidential contact, if any (see below for information on registering a confidential contact)
- The parent(s) or legal guardian as well as any other designated contact person of any missing unemancipated student or student under the age of 18
- The regular emergency contact provided to Health Services by the student. Once the student has been located, further notifications will not be made.

**Confidential Contact Option for Resident Students:** A confidential contact is someone in addition to the student's regular emergency contact whom the student would like JWU to contact if the student is missing.

Only Campus Safety & Security and a limited number of other authorized JWU officials will have access to the identity of a student's confidential contact in the event a student is missing. JWU will not disclose the identity of a confidential contact to anyone else (other than local law enforcement if needed for the investigation of the student's disappearance or as otherwise required by law).

Only students who live in a university residential building have the option of registering a confidential contact. Confidential contacts may be registered by email from a student's JWU-issued email address. Instructions for registering a confidential contact can be found at [safety.jwu.edu/charlotte.html](http://safety.jwu.edu/charlotte.html).

Any student who would like to receive assistance concerning the registration of their confidential contact information may contact Campus Safety & Security.

## **Statement of Policy Regarding Emergency Response and Evacuation Procedures**

Johnson & Wales University has adopted a University Emergency Management Plan as a guide for emergency management and coordination of emergency operations. This Statement of Policy describes the following procedures to facilitate notification and evacuation responses in an emergency:

- The procedures to notify the campus community upon confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on campus and/or at a non-campus residential building;
- The process that JWU will use to confirm that there is a significant emergency and to determine whether to initiate the notification system, whom to notify, and the content of the notification;
- A list of the titles of the JWU employees responsible for carrying out the above process;
- Procedures for disseminating emergency information to the larger community;
- JWU's procedures to test the emergency response and evacuation procedures; and
- Where to obtain JWU's emergency response and evacuation procedures.

**Notification Procedures in the Event of Significant Emergencies or Dangerous Situations:** Pursuant to the University Emergency Management Plan, JWU will, without delay, taking into account the safety of the community, immediately notify the appropriate campus community upon confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on campus unless the notification will, in the professional judgment of responsible authorities, compromise efforts to assist victims or to contain, respond to, or otherwise mitigate the emergency. Each campus has implemented an emergency notification system, called Blackboard Connect, that can send notices via voice messages and text messages to student cell or home numbers and employee cell or office phone numbers. This system is used in order for JWU to quickly provide notice and accurate information and instructions to the university community during an unforeseen event or emergency. In order for the university to communicate effectively and in a timely manner, including in emergency situations, all students are required to manage and update, via jwuLink, their permanent and on-campus/commuter addresses and telephone contact information (including cellphone numbers) so that they are current at all times. To update, go to the Academics page > Personal Info > select Emergency Contacts and/or Addresses and Phone Numbers. Employees should visit the Help Desk website, [it.jwu.edu](http://it.jwu.edu), to update office phone numbers. To update home or cellphone numbers, employees should visit [gateway.jwu.edu](http://gateway.jwu.edu) > Resources > Emergency Contacts. Other forms of communication may be used to relay emergency messages including, but not limited to, email, voicemail and campus hotlines.

**Process to Confirm that There Is a Significant Emergency and Initiate the Emergency Notification System:** JWU will follow the following process to determine whether there is a significant emergency and whether to initiate the system, and if so, whom to notify and the content of the notification. Upon discovery or report of a possible emergency, the situation will be assessed by the ranking Campus Safety & Security officer to determine

- the type of crime, if situation is a criminal incident
- the hazards involved, including whether there is an immediate threat to the health or safety of students or employees occurring on campus
- the magnitude of the problem
- the resources threatened
- whether access to a particular area must be restricted to first responders from local/area emergency service providers or evacuation of a building is required

The ranking Campus Safety & Security officer and the chair of the Crisis Management Team will determine if it is appropriate to activate the University Emergency Management Plan and whether to make an emergency notification, whom to notify, and the content of the notification. In addition, they will also determine whether a notification will, in their professional judgment or in consultation with appropriate police, fire, or other federal, state, and local emergency services personnel, compromise efforts to assist victims or to contain, respond to, or otherwise mitigate the emergency. Follow-up notifications will continue as the situation progresses until the immediate threat is resolved.

**Titles of JWU Employees Responsible for Carrying Out the Emergency Notification Process:** The following JWU employees (or their designees) have primary responsibility for determining whether there is an emergency requiring a notification and/or carrying out the notification process:

- Director of Campus Safety & Security
- The campus president
- The emergency management director, Providence Campus
- Executive director of operations
- The director of communications & media relations, Charlotte Campus

**Procedures for Disseminating Emergency Information to Parents/Guardians and the Larger Community:** JWU will liaise with local, state, and federal emergency services personnel and with regulatory agencies, as applicable, during an emergency.

**Procedures to Test Emergency Response and Evacuation Procedures:** JWU will test its emergency response and evacuation procedures on at least an annual basis, through regularly scheduled drills, exercises and appropriate follow-through activities designed for the assessment and evaluation of emergency plans and capabilities, including by publicizing its procedures in conjunction with at least one test per calendar year and documenting a description of each test as well as the date and time of the test and whether it was announced or unannounced. JWU will conduct drills to assess its emergency plans and procedures, to determine the readiness of emergency responders for resolving questions of coordination and clarifying roles and responsibilities, and to promote awareness of potential hazards. Whenever feasible, observers from outside agencies will be present throughout the drill to analyze and evaluate each component of the response and to make recommendations as needed.

Tabletop exercises will be conducted periodically with various response team members as a technique for evaluating specific aspects of the Emergency Response Plan. These exercises will be developed and coordinated by the campus Crisis Management Team and will seek to include external community members and government emergency service providers.

**Where to Obtain Emergency Response and Evacuation Procedures:** Students and employees may access the University Emergency Management Plan and procedures for their campus on the jwuAlerts page at [alerts.jwu.edu/charlotte](https://alerts.jwu.edu/charlotte). We urge you to familiarize yourself with the emergency and evacuation procedures for your campus. See the emergency quick reference procedures which are published at the end of the Annual Security Report. The quick reference procedures are also posted throughout campus.

## **CAMPUS SEX CRIMES PREVENTION ACT (CSCPA)**

The CSCPA provisions appear in section 121 of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16921) and subsection (j) of the Wetterling Act [42 U.S.C. 14071(j)]. As provided in subsection (j), any person required to register under a state sex offender registration program must notify the state concerning each institution of higher education in the state at which the person is a student or works, and of each change in enrollment or employment status of the person at such an institution.

State procedures must also ensure that information concerning a registrant enrolled or working at an institution of higher education is promptly made available to a law enforcement agency having jurisdiction where the institution is located, and entered into the appropriate state records or data system.

In accordance with requirements of the Campus Sex Crimes Prevention Act, information concerning registered sex offenders employed, enrolled as a student, or carrying on a vocation at this institution can be obtained, to the extent permitted by law, by contacting the North Carolina State Bureau of Investigation at 919-662-4500 or online at [sexoffender.ncsbi.gov](https://sexoffender.ncsbi.gov).

## CRIME PREVENTION

Because Johnson & Wales University believes crime prevention begins with awareness, the university takes every opportunity to heighten that awareness. New student orientations cover topics such as crime prevention, street smarts, maximizing safety in the city, sexual assault awareness, residence hall safety and alcohol/substance abuse.

**Programs:** Crime prevention tips are published on each crime alert and are also posted regularly on bulletin boards located throughout the campus. Campus Safety & Security programs address topics such as personal safety, property protection, sexual assault prevention, travel and vehicle safety, and identity theft, and are available to students and staff. These programs are offered monthly during the academic year. Dates and times of these programs are announced on posters, bulletin boards and the university's CCTV Events Channel.

To teach students how to prevent all types of sexual assault, including acquaintance rape, educational programs (active and passive) are held in the residence halls. These programs are collaboratively sponsored by Campus Safety & Security, resident assistants, and other Student Affairs staff.

**Project ID:** As a practical approach to crime (theft) prevention, Campus Safety & Security will assist students with engraving valuables such as laptops, etc. with a recognized identification code free of charge.

**Silent Witness:** This crime prevention initiative was implemented for the purpose of providing students a means to convey safety and security concerns with anonymity. We continue to emphasize the direct reporting of incidents to Campus Safety & Security because the chances for successful mitigation and non-reoccurrence are far greater. See [safety.jwu.edu/charlotte.html](http://safety.jwu.edu/charlotte.html) for more information.

**JWU Safe Walk:** This safety and security escort service program is available to students, faculty and staff in the immediate area of the campus upon request.

**Emergency Blue Light Call-Boxes:** These devices are strategically placed on campus and connect directly to the 24 hour dispatcher for safety and security.

**Social Norming:** JWU uses the American College Health Associations National College Health Assessment to collect information regarding students' health behaviors. JWU uses the information collected to educate and normalize the healthy choices our students are making. By utilizing a social norms approach we are correcting misperceptions students commonly hold, such as overestimating their peers' substance use and other health choices.

**Vector's AlcoholEdu** is an online, non-opinionated, science-based alcohol abuse prevention course that: motivates behavior change, resets unrealistic expectations, links student choices to academic and personal success and helps students practice healthier and safer decision-making. Whether or not students drink alcohol, AlcoholEdu for College will empower students to make well-informed decisions about alcohol and help students better cope with the drinking behavior of peers.

**Vector's Prescription Drug Abuse** course is designed to empower students with the skills and knowledge they need to make safe and healthy decisions about prescription drugs. The course introduces students to the science of addiction and provides information about the proper use, storage, and disposal of opioids, stimulants, and depressants. It prepares students to identify signs of abuse and addiction and equips learners with tactics for refusal and bystander intervention.

**Vector's Sexual Assault Prevention for Undergraduates** is an online learning platform that addresses the critical issues of sexual assault, relationship violence, and stalking. The program is an interactive module that encourages students to reflect on their personal values and expectations in relationships as a foundation for personal engagement. The program's primary focus is to promote healthy relationships based on positive communication and respect. The program demonstrates for students the warning signs of abuse, and situations that may be challenging or confusing regarding consent in their own relationships and those of others.

**Student Health 101** is a monthly electronic magazine that provides relevant health and wellness information to students. Topics covered include sexual health and responsibility, sexual assault prevention, alcohol and other drugs, body image, sleep habits, mental health, study skills, environmental health, safety, stress management, money management and more.

**Bystander Intervention Training** is offered annually at a minimum at all university campuses to provide students with increased skill to safely intervene and/or respond to potential power-based personal violence. Trainings are guided by evidence-based curriculum, such as Green Dot and MVP Mentors in Violence Prevention.

Trainings, consultations and resources are provided to faculty, staff and students on substance abuse and addiction when requested.

## STUDENT SEXUAL ASSAULT AND RELATIONSHIP VIOLENCE POLICY — CHARLOTTE CAMPUS

Johnson & Wales University (JWU) prohibits sexual assault and relationship violence, which may include dating violence, domestic violence, stalking, and sexual exploitation. These offenses constitute violations of university policy, including the Prohibited Discrimination and Harassment (including Sexual Harassment) Policy, the Policy Governing [Reporting of Misconduct and Whistleblowing](#), and [Student Code of Conduct](#). These offenses can also constitute violations of state and federal laws and may constitute a violation of the university's [Title IX Policy and Procedures](#).

The university provides proceedings and resources for community members affected by sexual assault and relationship violence (see [Getting Help](#)) and offers programming designed to educate the community and prevent the occurrence of such offenses (see [Education and Prevention](#)).

### Definitions

**Dating violence** means 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 interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual or physical abuse or threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

**Domestic violence** means crimes 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 a spouse or intimate partner;
- 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
- 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.

**Sexual assault** means any sexual act directed against another person, by force, threat of force, coercion or without consent, including instances where the person is incapable of giving consent. Sexual assault includes rape, fondling, incest and statutory rape.

*Fondling* means the touching (with a hand or any other part of the body) of another person's clothed or unclothed sex organs, breasts, groin, buttocks or anus for the purpose of sexual arousal, sexual gratification or abuse, without consent of the person, including instances where the person is incapable of giving consent. Fondling also includes being forced to touch (with a hand or any other part of the body) another person's clothed or unclothed sex organs, breasts, groin, buttocks or anus, without consent, including instances where the person is incapable of giving consent.

*Consent* means conduct that signifies through words or behaviors that the parties have indicated agreement to engage in sexual activity.

- Past consent does not imply future consent.
- Silence or absence of resistance, by itself, may not imply consent.
- Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another.
- Consent can be withdrawn at any time.
- Coercion, force, or threat of force invalidates consent.

*Coercion* means express or implied threats of any harm that would place a reasonable individual in fear of immediate or future harm and that is employed to make someone engage in sexual activity.

*Force* means the actual use or threat of physical violence that is employed to make someone engage in sexual acts.

*Incapable of giving consent* means that because of the person's age or temporary or permanent mental incapacity the person cannot give intelligent, knowing and voluntary consent. Where it is determined that complainant was incapable of giving intelligent, knowing and voluntary consent, the respondent will be held responsible only if it is determined that the respondent either knew or a reasonable person in the same position would have known that the complainant was incapable of giving intelligent, knowing and voluntary consent.

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

*Rape* means 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 consent, including instances where the person is incapable of giving consent.

*Statutory rape* means sexual intercourse with a person who is under the statutory age of consent.

**Sexual exploitation** means taking sexual advantage of another individual's nudity or sexuality without consent and includes, but is not limited to,

- causing, or attempting to cause, the incapacitation of another person in order to make that person vulnerable to sexual acts;
- recording or photographing of private sexual activity and/or an individual's intimate parts (including breasts, buttocks, genitalia or groin);
- dissemination, streaming or posting of recordings, photos or other images of an individual's sexual acts and/or intimate parts (including breasts, buttocks, genitalia or groin);
- voyeurism (watching or taking pictures, videos or audio recordings of another person engaging in sexual acts);
- allowing third parties to observe private sexual acts;
- knowingly or recklessly exposing another person to a significant risk of sexually transmitted infection or virus; and/or
- exposing one's genitals to another individual.

**Stalking** means a course of conduct directed at a specific person that would cause a reasonable person to

- fear for the person's safety or the safety of others; or
- suffer substantial emotional distress.

*Course of conduct* means 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, follows, monitors, observes, surveils, threatens or communicates to or about a person, or interferes with a person's property.

*Reasonable person* means a reasonable person under similar circumstances and with similar identities to the victim.

*Substantial emotional distress* means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

If there is reason to believe that Johnson & Wales University's rules prohibiting sexual assault and relationship violence have been violated, either on or off campus, the administration will review and, when appropriate, will pursue disciplinary action through the university's [Title IX Policy and Procedure](#) or the [Conduct Review Process](#), Human Resources & Payroll, and/or through any other available proceedings. When an individual accused of this behavior is not a member of the university community, the university will determine the appropriate response depending upon the nature of the individual's relationship with the university and other factors.

In considering these offenses, the university will, if required by law, refer to applicable state law.

## Education and Prevention

Johnson & Wales University takes a proactive stance to educate its community regarding sexual harassment and methods of prevention, including addressing societal or environmental causes, alcohol use, awareness-raising, bystander behavior, definition of consent, healthy sexuality and relationships, risk reduction, and self-defense.

JWU's programs may be in-person or online (depending in part on health and safety considerations). Programs may include a mix of guest speakers, university staff members, externally created programs, and university-created programs, in the sole discretion of the university.

For students, education about sexual harassment begins at new student orientation, where incoming students and involved families are invited to participate in educational sessions addressing the university's stance against sexual harassment.

New student orientation staff members are trained to handle issues of sexual harassment and participate in programming designed to help students understand university expectations and policy (including where to obtain resources and where to report violations); the intersection between alcohol and sexual harassment; and ways to reduce the risk of, as well as prevent, sexual harassment. This programming promotes safety and introduces options to decrease perpetration, increase reporting, and empower individuals to take safe and comfortable bystander action.

Students are also encouraged to learn about safe and effective forms of bystander intervention to prevent harm or intervene when there is a risk of sexual assault, dating violence, domestic violence, or stalking. Bystander intervention means safe and positive options an individual may carry out that proactively promote safe and respectful interactions before the precursors to harm occur. 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. The university addresses bystander behavior by participating in programs like Green Dot as a core component of its comprehensive violence prevention efforts.

Prevention and education efforts continue throughout the year and are supported by multiple departments, such as Student Engagement, Residential Life, and Athletics. This programming targets some combination of the following: addressing societal or environmental causes, alcohol use, awareness-raising, bystander behavior, definition of consent, healthy sexuality and relationships, risk reduction, and self-defense. The university provides education through its "Consent Initiative," which informs students about the university's expectations and policy (including where to obtain resources and where to report violations); the intersection between alcohol and sexual harassment; and ways to reduce the risk of, as well as prevent, sexual harassment.

Literature addressing issues of sexual harassment is available from multiple departments including Athletics, Campus Safety & Security ("CS&S"), Community Standards & Conduct, Counseling Services, Equity & Compliance Services; the Bridge for Diversity, Equity & Social Justice; Health Services, Residential Life, and Student Engagement.

Many of the educational initiatives offered to students are open to employees, and employees have the opportunity and are encouraged to participate in a variety of educational programs. In addition, employees are offered programming on the [Prohibited Discrimination and Harassment \(including Sexual Harassment\) Policy](#), the [Title IX Policy and Procedures](#), and this Policy.

For information regarding sexual assault and relationship violence awareness and prevention programming, contact [Title IX coordinator](#) or the directors of [the Bridge for Diversity, Equity & Social Justice](#). Upcoming programs can also be found on [jwuLink](#) and the student calendar.

## Steps to Follow if an Offense Occurs

If you believe you are the victim of sexual assault or relationship violence (including dating violence, domestic violence, stalking or sexual exploitation), you are encouraged to take the following steps:

1. Seek a safe place and call the police or CS&S. Information about reporting is found below.
2. Seek immediate medical attention. A medical examination is important to diagnose and treat any injuries (including internal injuries) or infections which may have resulted from the incident. Getting a medical examination does not mean that individuals are required to report the incident to the police or the university; however, the hospital may retain forensic examination information as part of the medical record and may contact a law enforcement agency to provide the agency with the evidence kit. The forensic examination information may be helpful if individuals should choose to report to police or the university or otherwise seek to enforce their rights.
3. Try to avoid the following pending a medical examination:

- a. Washing anything (including hands, mouth, and face) or showering.
  - b. Going to the bathroom, brushing teeth, eating, drinking, douching, or changing clothes.
4. It is recommended to bring an extra set of clothes to the hospital.  
Time sensitive steps: Some actions are more effective or only may be taken within a few days after an incident of sexual harassment. Individuals may wish to consult with medical personnel quickly regarding these items:
  - a. Preventative treatments for pregnancy and sexually transmitted infections
  - b. Evidence collection
  - c. Toxicology testing if there are signs that drugs or alcohol may have facilitated the incident of sexual misconduct.
5. Consider steps to preserve and record physical and other evidence, which may be important to enforce rights or obtain remedies (including pressing criminal charges or seeking a civil protective order).
  - a. Details that may be important to identify the allegedly responsible individual include the perpetrator's name (if known) and a description of the perpetrator (including clothing worn and a physical description of the perpetrator), and the details of the incident of sexual harassment (including, for example, the location, possible witnesses, etc.).
  - b. If individuals do change or have access to other materials like sheets or blankets present during the assault/violence, those materials can be brought to the hospital or given to law enforcement for evidence collection. Individuals should use a paper bag, not a plastic bag, if they choose to transport any of these materials on their own. Note that this is by no means an exhaustive summary regarding evidence preservation, which is outside the scope of this Policy.
  - c. Individuals may also consider preserving electronic evidence and other relevant information, such as communications from the perpetrator (including email, text messages, mail, instant messaging, etc.).
6. Seek confidential counseling services. Individuals can obtain confidential counseling assistance whether or not they file a report.
7. Seek assistance regarding obtaining interim supportive or protective measures at the university, including no-contact orders and changes to university academic, living, student financial aid, visa and immigration, working, and transportation situations, regardless of whether individuals choose to report the sexual misconduct. The Title IX coordinator or CS&S will provide individuals with written information about university and community resources for changing situations or addressing needs.
8. Create a safety plan. The Title IX coordinator, CS&S, and other university administrators are able to assist individuals with creating such a plan. Community organizations may be able to assist as well.

Individuals may seek a protective order or similar order from a court. Please note that the local authorities are responsible for the enforcement of these items and not CS&S, but CS&S will provide assistance.

## Reporting Offenses to the University

**Consider your reporting options.** Your options include

- reporting the offense to law enforcement authorities by dialing 911 or contacting the appropriate police at the numbers listed in [Getting Help](#). Campus authorities will assist you with notifying law enforcement authorities, if desired;
- reporting the offense to CS&S (see [Getting Help](#) for your campus information);
- reporting the offense to a Residential Life staff member (such as your RA or area coordinator);
- reporting the offense to the university's [Title IX coordinator](#); and/or
- reporting the offense to any of the other organizations or departments listed in [Getting Help](#).

If you wish to report confidentially or are uncertain about your next step you may call counseling services (see [Getting Help](#) for your campus information).

Johnson & Wales University strongly urges students to report criminal offenses to local police and CS&S so the university can take appropriate measures to provide help to the complainant and prevent future crimes.

However, you have the right not to report the matter.

Johnson & Wales University strives to be supportive and accommodating for all victims of sexual assault and relationship violence. University representatives will make every effort to help in these ways:

1. We will meet with you privately at a place of your choice on campus to take a statement, explain your options, and provide you with a written list of rights and resources.
2. We will treat information that you share with the highest level of discretion.
3. CONFIDENTIALITY: We will do our best to honor your request to maintain confidentiality, provided your request does not interfere with our obligation to provide a safe, non-discriminatory environment for all students.
  - The university will evaluate a request to maintain confidentiality and consider several factors in evaluating such a request:
    1. The totality of known circumstances
    2. The seriousness of the offense
    3. Whether the prohibited conduct involved physical violence or use of weapons
    4. Whether the report reveals a pattern of prohibited conduct
    5. Whether the respondent has a history of arrests or is the subject of prior reports indicating a history of violence
    6. Whether multiple respondents were involved
    7. Complainant's age
    8. Any other available and relevant information and evidence
  - The university's crime log will not include identifying information about the complainant to the extent permissible by law.
  - Please be advised that if we honor a request to maintain confidentiality, our ability to meaningfully investigate the incident and pursue disciplinary action against the respondent may be limited.
  - Any accommodations or protective measures provided to you will be kept confidential, to the extent that maintaining such confidentiality will not impair the ability of the university to provide the accommodation or protective measures.
  - If we cannot honor your request to maintain confidentiality, we will inform you and, to the extent possible, only share information with people responsible for handling our response to the incident.
4. We will not prejudge you.
5. We will treat you and your particular situation with courtesy, sensitivity, dignity, understanding, and professionalism.
6. If you feel more comfortable talking with either a counselor or representative of a specific gender, we will do our best to accommodate your request.
7. We will assist you in arranging for any hospital treatment or medical needs.
8. We can assist you in privately contacting local law enforcement officials, counseling, CS&S, advising and other available resources, both on campus and in the community as set forth in [Getting Help](#).
9. We will fully investigate your report with respect and discretion.
10. We will continue to be available for you — to answer your questions, explain the systems and processes involved, and be willing listeners.
11. We will consider your report seriously, without bias based on a protected category.
12. We will provide written notification of rights and options, including interim and protective measures.

## Getting Help

After a sexual assault or an incident of dating violence, domestic violence, stalking, sexual exploitation and/or retaliation, there are many options. Understanding and choosing between these options can feel confusing and overwhelming. You are not alone.

Information, support and resources are available on and off-campus to help students. The university provides a non-exhaustive list of organizations and departments by campus that offer or arrange for immediate support and response, including arrangements for emergency services, if needed; transportation to medical resources; contact with local authorities; information regarding criminal and civil proceedings and/or the university's Conduct Review Process or Human Resources procedures, as appropriate; advocacy services; referrals/advice about university and community counseling services; and assistance with personal safety concerns.

Many of these resources are available to respondents as well. Community members are encouraged to seek assistance and locate resources that are right for them.

*For additional information, see the Getting Help Listings, Charlotte Campus Complainant Resource Info Sheet, Respondent Info Sheet and State Laws Section of this report.*

## Criminal and Disciplinary Action: What Action May Be Taken

1. **General Statement:** Johnson & Wales University is committed to complying with the federal legal requirement that it provide a "prompt, fair, and impartial" adjudication process for complainants (the reporting students, employees, or third-parties) and respondents (the responding parties) in sexual misconduct matters ("Fairness"). The concept of Fairness means the university will comply with the explicit provisions in its processes and policies; the concept of Fairness does not give students any rights other than those in the explicit provisions of university processes and policies. Such processes and policies are not intended to, and do not, create a contractual agreement with any student or other individual, and it does not grant any student or other individual any contractual rights. When the university receives a good faith report or other information alleging that a university student or an employee has engaged in sexual misconduct the university may commence an investigation.
2. **Criminal Prosecution:** If you choose to pursue criminal prosecution through the courts, the incident should be reported to the police. Remember, a police report does not require a victim to prosecute and campus personnel are available to assist you when notifying the police. Please see Getting Help for sources of assistance for victims when moving through the prosecution process.
3. **Enforcement of Protective Orders:** If you have obtained a protective order from the court system, contact the [Title IX coordinator](#). The Title IX coordinator will disseminate the protective order to CS&S and will arrange for necessary supportive measures to allow the beneficiary of the protective order access to class, work, housing and transportation. Although CS&S will be made aware of the protective order, neither CS&S nor the university can enforce the protective order.
4. **University Disciplinary Action:** If you choose to report the matter to the university, the incident should be reported to CS&S. Please see [Getting Help](#) for contacting CS&S. Sexual assault and relationship violence (including dating violence, domestic violence, stalking, and sexual exploitation) are violations of the university's [Sexual Assault and Relationship Violence Policy](#), the [Prohibited Discrimination and Harassment \(including Sexual Harassment\) Policy](#), the [Student Code of Conduct](#), as well as state and federal law, including Title IX of the Education Amendments of 1972 (Title IX). Sexual assault, sexual harassment, and relationship violence alleged to have been committed by students are addressed through the university's [Conduct Review Process](#) for claims that do not fall within the scope of JWU's Title IX Policy and Procedures. If any matter is dismissed as outside the scope of Title IX, then, in the sole discretion of the university, the university may bring charges and address such conduct under the Conduct Review Process, which will apply to matters outside the scope of Title IX. The university shall take such steps as needed to ensure compliance with any other university rules, including the Student Code of Conduct. Such steps could include taking disciplinary action against respondents who are not subject to adjudication under Title IX or are found not responsible for violations of the Title IX Policy and Procedures. For avoidance of doubt, a respondent may be found not responsible for Title IX violations but, thereafter, be found responsible for violations of any other university Rules, including violations of the Student Code of Conduct and Title VII. Please see the [Conduct Review Process](#) and the university's [Title IX Policy and Procedures](#) for more information about the rights of parties related to complaints of sexual assault and relationship violence. Possible sanctions for a violation of the Student Code of Conduct regarding sexual assault and relationship violence are set forth in [Sanctions for Individuals](#).

**When any one of the options above is pursued, you do not forfeit your right to pursue the remaining options.** Compliance with the items listed above does not constitute a violation of the Family Educational Rights and Privacy Act (20 U.S.C. 1232g).

## CONDUCT REVIEW PROCESS

The Johnson & Wales University (JWU) Conduct Review Process, like the Student Code of Conduct, is designed to help the university maintain a safe, healthy, and positive environment for living, learning, and working, where students act lawfully and in compliance with university codes, practices, policies, procedures, or rules (collectively, “Rules”), and act with civility, honesty, integrity, and respect for themselves and others and the university community and the communities in which we live. The Conduct Review Process is used to support and enforce the Student Code of Conduct by providing procedures for determining whether a student is responsible or not responsible for a violation of the Student Code of Conduct.

The Conduct Review Process applies to all violations by students of any Rules, except that it is subject to JWU’s policy governing Academic Integrity, and it does not apply to claims that fall within the scope of JWU’s Title IX Policy and Procedures. If any matter is dismissed as outside the scope of Title IX, then, in the sole discretion of the university, the university may bring charges and address such conduct under the Conduct Review Process, which will apply to matters outside the scope of Title IX. The university shall take such steps as needed to ensure compliance with any other university Rules, including the Student Code of Conduct. Such steps could include taking disciplinary action against respondents who are not subject to adjudication under the Title IX Policy and Procedures or are found not responsible for violations of the Title IX Policy and Procedures. For avoidance of doubt, a respondent may be found not responsible for Title IX violations but, thereafter, be found responsible for violations of any other university Rules, including, for example, violations of the Student Code of Conduct and Title VII.

Johnson & Wales University reserves the right to make changes to the Rules and any provisions contained in the Student Handbook at any time at its sole discretion. Notice of substantial changes will be shared via JWU email, which should be checked frequently for important updates from across JWU.

The university administers the Conduct Review Process in good faith, making every reasonable effort to be fair to all involved (“Fairness”); the concept of Fairness means the university will comply with the explicit provisions in the Conduct Review Process; the concept of Fairness does not give students any rights other than those in the explicit provisions of the Conduct Review Process. Further, the Conduct Review Process is not intended to, and does not, create a contractual agreement with any student or other individual, and it does not grant any student or other individual any contractual rights.

JWU may pursue any and all conduct charges against a respondent irrespective of whether there is any complainant, and references herein to complainants herein shall not be construed to mean that there must be a complainant or complainant participation as a condition of the procedures at issue.

Community Standards and Conduct generally follows the procedures contained in the JWU Communications with Students section of the Student Handbook whenever contact with students is necessary.

The university’s Conduct Review Process does not replace the local, state, or federal civil or criminal court system. Generally, the outcome of civil or criminal proceedings concerning a violation will not control or be binding on the outcome of the Conduct Review Process for the same violation, subject to the exception articulated below.

There is an exception to that general rule in cases where students plead guilty to or are found guilty of crimes. The university has legitimate concerns if any of its students are convicted of crimes, even crimes that do not involve the university or other university students or personnel. In appropriate circumstances, the university may, in its sole discretion, impose sanctions, on the basis of the conviction alone, without following the Conduct Review Process, even in cases where the crime does not violate a specific provision of the Student Code of Conduct. Sanctions may include university suspension, dismissal, or the revocation of an earned degree. In the case of false or misleading statements on admissions applications, admissions personnel shall have full discretion to rescind the offer of admission and require dismissal of the student involved without following the Conduct Review Process.

If a student is criminally charged with violation of any law, at any point during their time at the university, from acceptance to graduation, the student must notify the Community Standards and Conduct office immediately. Likewise, if a student pleads guilty to or is convicted of any crime at any point during their time at the university, from acceptance to graduation, the student must notify the Community Standards and Conduct office immediately. If a student fails to notify the Community Standards and Conduct office, the student may be charged with a violation of the Student Code of Conduct for failure to comply. Sanctions may include university suspension, dismissal, or the revocation of an earned degree. All students should be aware that it is the policy of the university to cooperate with local, state, and federal law enforcement authorities in the investigation of crime. The university will not provide a sanctuary against criminal prosecution. In extraordinary or unusual cases, the university chancellor or either campus president may bypass the Conduct Review Process as such person determines appropriate in such person’s discretion.

## Recordings

To preserve the private nature of the Conduct Review Process, no participants may make their own recordings of any kind, at any stage of the process, which includes, but is not limited to, educational conversations, informational meetings, and hearings.

## Reports of Violations and Notification

Any individual who witnesses or becomes aware of an alleged violation of the Student Code of Conduct should report the violation to Campus Safety & Security, any professional staff member of Residential Life, the vice president of student affairs/dean of students, Equity & Compliance, or Community Standards and Conduct. Alleged violations may also be reported ([link.jwu.edu/pages/report-it](http://link.jwu.edu/pages/report-it)). Once an alleged violation is reported, an incident report will be prepared describing the nature and circumstances of the incident and the parties involved. Campus Safety & Security and other appropriate departments may conduct further investigation if additional or supplemental information is needed. All incident reports are reviewed in Community Standards and Conduct, and those that warrant action are then referred for an informal warning letter, informal conflict resolution, an educational conversation or a hearing, depending upon the nature of the alleged concern or violation. The [types of sanctions](#) the university may impose are described at [catalog.jwu.edu/handbook/studentaffairs/studentcodeofconduct/sanctionsforindividuals](http://catalog.jwu.edu/handbook/studentaffairs/studentcodeofconduct/sanctionsforindividuals). They include, but are in no way limited to, removal from housing, suspension of privileges, suspension from the university, dismissal from the university, degree revocation, and payment of fines/restitution.

## Types of Resolution Options

### Informal Warning Letter

An informal warning letter is an email communication from a designated Student Conduct administrator identifying a concern or issue that can be remedied by informing or reminding the student of the university's Rules. Students who receive an informal warning letter will not be charged with any violations of the Student Code of Conduct or receive any sanctions.

### Informal Conflict Resolution

In some cases, in which a complaint is related to an interpersonal conflict, the parties may be offered the opportunity to resolve the matter through informal conflict resolution. Both parties must voluntarily agree to informally resolve the conflict. If informal conflict resolution is unsuccessful, the case may be referred back for resolution via an administrative hearing. When a student is referred for, and agrees to informal conflict resolution, the student will not be charged with any violations of the Student Code of Conduct or receive any sanctions.

### Educational Conversation

When a student is referred for an educational conversation, the student will not be charged with any violations of the Student Code of Conduct or receive any sanctions. However, a designated Student Conduct administrator will engage the student in a conversation to ensure that the student understands the behavioral expectations of Johnson & Wales University. Students who fail to attend an educational conversation will receive a hold on their account preventing future registration until they attend an educational conversation.

### Acknowledgement of Responsibility

Prior to a hearing, the student may be asked whether they wish to waive the hearing by acknowledging responsibility. In these cases, the student will receive an official notification describing the alleged violation(s), the associated charge(s), and the sanction(s) that will be imposed if the student acknowledges responsibility. If the student acknowledges responsibility for the violation(s)/associated charge(s) and agrees to the sanction(s), the student will not be entitled to an appeal. If the student acknowledges responsibility for the violation(s)/associated charge(s) but does not agree to the sanction(s), a sanctions-only administrative hearing will proceed, and the student will not be entitled to an appeal, except as to the sanction(s) imposed. If the student does not acknowledge responsibility for the violation(s)/associated charge(s), an administrative hearing will proceed.

### Sanctions-Only Administrative Hearing

Sanctions-only administrative hearings will be held before a single hearing officer, designated by Community Standards and Conduct.

Prior to the sanctions-only hearing, the student will receive an official notification describing the alleged violation(s)/associated charge(s), the student's acceptance thereof, the sanction(s) outlined in the student's charge letter, and the time and place for the sanctions-only hearing. Enrolled students will receive this notification via their JWU email account. Remember that it is the student's responsibility to check their JWU email account regularly.

The role of the hearing officer will be to consider the proposed sanction(s), the student's response thereto, the student's past conduct history, and any other evidence the hearing officer deems appropriate. Character witnesses and character statements will not be considered.

There shall be no appeal from a sanctions-only administrative hearing.

### **Administrative Hearing**

A student who is formally charged with violating the Student Code of Conduct will be entitled to an administrative hearing, unless the student accepts responsibility for the violation(s)/associated charge(s). Administrative hearings are held before a single hearing officer, designated by Community Standards and Conduct.

The role of the hearing officer is to consider information provided from the investigation, complainant, respondent and any witnesses, in order to make a finding of "responsible" or "not responsible."

When a student is referred for a hearing, the student will receive an official notification describing the alleged violation, the associated charge(s), and the time and place for the hearing. In cases in which a finding of "responsible" may result in university suspension, dismissal, or revocation of a degree, a Community Standards and Conduct staff member will notify the student of the possible outcome and offer them the opportunity to participate in an informational meeting, ahead of the formal notice of an administrative hearing by the hearing officer. Enrolled students will receive this notification via their JWU email account. Remember that it is the student's responsibility to check their JWU email account regularly.

### **Generally Applicable Procedures**

Community Standards and Conduct and/or the appropriate student conduct administrator will consult the student's academic schedule prior to scheduling any meetings or hearings. If there is a legitimate need to reschedule an educational conversation, informational meeting, or hearing, the student must contact Community Standards and Conduct as early as possible before the scheduled date to request rescheduling. Community Standards and Conduct will determine whether the request to reschedule is reasonable. Depending on the circumstances, meetings and hearings may be held in person or via telephone/video conferencing.

When an incident report is received that involves a student respondent not currently enrolled in classes, the student will receive a hold on their account preventing future registration until the conduct matter is resolved. In the case of pending conduct proceedings, the university may place a hold on the student's account, preventing the conferral of a degree and withholding a respondent's diploma pending resolution of the conduct proceedings and application of sanctions, if any.

Students requesting an accommodation to fully participate in the Conduct Review Process must contact Accessibility Services/the Academic & Career Excellence (ACE) Center on their respective campus. A representative from Accessibility Services/ACE will make a determination regarding the request.

### **Protective or Interim Measures for All Matters**

Protective or interim measures (such as No Contact Orders, room relocations, classroom relocations, interim suspensions, etc.) may be available at any point during the course of the investigation and hearing and will remain in effect until the conclusion of the Conduct Review Process, including any appeals process. The university will complete the Conduct Review Process within a reasonably prompt time frame, usually within 60 days, but this time frame may be extended in certain cases, in which case written notice will be provided to all parties describing the reason for extension.

If a student violates any protective or interim measures or the directions of a university representative to avoid another person, the student will be charged with a violation of the Student Code of Conduct for failure to comply.

The university may temporarily discontinue student access to any part of the campus as an interim measure if it determines (1) the student has failed to comply with university directives or respond to university outreaches; (2) the student constitutes a threat to health and safety; or (3) the student is suspended or dismissed (pending any appeal).

### **Administrative Hearing Procedures**

Students have the right to participate in the Conduct Review Process without having past student conduct violations discussed or used when a decision of responsibility is being made concerning a current alleged violation; however, past violations may be considered when determining a sanction for an individual found to be responsible for a violation of the Student Code of Conduct. Students have the obligation to participate in

the Conduct Review Process, as a witness, when asked by a university representative. Complainants are permitted to participate in the Conduct Review Process insofar as Community Standards and Conduct determines in its sole discretion that such participation is appropriate (e.g., in cases where it would be helpful to the Conduct Review Process). Community Standards and Conduct may disclose the outcome of the Conduct Review Process to the complainant as required or permitted by applicable laws.

*Complainants and respondents shall:*

- Be advised of the hearing process. For cases that may result in suspension, dismissal, or revocation of a degree, the student will be offered an opportunity to have an informational meeting with a Community Standards and Conduct staff member prior to the hearing. Students have the right to acknowledge responsibility — thus waiving their right to a hearing and appeal — during an informational meeting.
- Be permitted to review the incident report and/or allegations and any supplemental information. In cases that may result in suspension, dismissal, or revocation of a degree, if requested, the university will provide the student with a redacted copy of the unusual incident report related to the complaint; however, the student will be required to agree, in writing, to keep the report confidential.
- Be permitted to submit a written statement, responding to the incident report and/or allegations ahead of the hearing. If a student wishes to submit a statement, it must be sent directly to the hearing officer no less than one business day (and not less than 24 hours) before the hearing.
- Be accompanied by an advisor of their choice during the hearing and any related meetings. An advisor may not be any person who was involved in the investigation as a reporting party or who is a witness. If Community Standards and Conduct determines there is a conflict of interest related to the advisor, Community Standards and Conduct reserves the right to disqualify an advisor. The student would then be required to obtain a new advisor. Advisors may attend the hearing with the student but cannot participate in any manner. This means, among other things, an advisor may not speak on the student's behalf, nor ask questions of others; the advisor may observe. If the student would like to consult their advisor during the course of the hearing, they may request a brief recess to speak with their advisor privately outside the hearing room. It is in the hearing officer's discretion whether to grant the request. When possible, the hearing officer will make reasonable adjustments in order to accommodate an advisor's schedule. However, the hearing officer is not obligated to reschedule meetings and/or hearings to accommodate the advisor. A student may select a new advisor in the event of a scheduling conflict. It is the student's responsibility to correspond with their advisor about the logistics of any meetings or hearings.
- Be permitted to present witnesses with personal, relevant knowledge of the incident; however, the statements of other witnesses, such as character witnesses, will not be considered. Personal knowledge means knowledge gained through firsthand observation or experience. Students must provide to the hearing officer the names, contact information, and a brief summary of the information that any witness will present during the hearing no less than 48 hours before the hearing date/time. The hearing officer may choose not to hear from the witness if the information is not relevant, is expressly addressed in the incident report, or is redundant. The hearing officer has discretion to decide whether to hear from a witness directly or whether to consider only a written statement of the witness, if the witness is unable to participate in the live hearing. The hearing officer may ask questions of the witness if hearing the witness live. If hearing the witness live, the complainant and respondent may submit questions of the witness for the hearing officer to consider. The hearing officer will decide whether to ask the submitted question(s). Students will not have the opportunity to directly question witnesses or other parties. It is the responsibility of the complainant and respondent to arrange for the witness to attend the hearing or to have the witness submit a written statement. All written statements must be submitted directly from the witness, through the witness's JWU email account or by a notary public, to the hearing officer no less than one business day (and not less than 24 hours) before the hearing date/time. Failure of a witness to participate in the hearing does not invalidate the hearing or outcome. The hearing officer may request the attendance of witnesses not proposed by the parties.
- Be permitted to offer relevant evidence. While most relevant evidence should be presented during the investigation, students may submit additional relevant evidence that supports or rebuts the allegations about whether or not there was a violation of the Student Code of Conduct for the hearing officer's consideration; students must submit such relevant evidence to the hearing officer at least 48 hours prior to the hearing date/time. Evidence is relevant if it has any tendency to make a fact more or less probable -than it would be without the evidence and the fact is of consequence in determining a matter in dispute. Relevant evidence may include, for example, documents, emails, photographs, receipts, social media posts, texts, timelines, videos, etc. When applicable, any documents provided will be shared with the other parties. Evidence of character, habits, personality or reputation are not generally relevant to whether a violation of the Student Code of Conduct occurred. The hearing officer has discretion to decide whether the submitted evidence is relevant.

- Be permitted to hear and provide a response to evidence presented during the hearing.
- Be permitted to request a reasonable delay to a hearing. This request will be reviewed by Community Standards and Conduct, which will make a decision in its discretion as to whether the request can be granted or denied.

*During the Administrative Hearing:*

- A recording of the hearing shall be made, but only if a finding of responsibility could result in suspension, dismissal, or revocation of a degree. The recording may be made available to the appellate officer but only if relevant to the appeal.
- Rules of evidence and/or procedures that are used in criminal or civil court proceedings will not apply.
- Complainants and respondents may, if they choose, provide opening statements, present any witnesses that have been identified and verified to have relevant knowledge, as outlined above, and provide closing statements. The hearing officer may ask questions of complainants, respondents, and their witnesses.
- Any unexcused failure to attend a hearing will result in the hearing being held in the student's absence. The hearing officer will then make a decision based on the available information, without the benefit of the student's participation in the hearing.

## Outcome

*Upon the conclusion of the Administrative Hearing (in which the outcome would NOT result in suspension, dismissal, or revocation of degree):*

- The hearing officer will determine responsibility for the alleged violation(s) using a "more likely than not" standard.
- If the student is found responsible for one or more violations of the Student Code of Conduct, the hearing officer will determine the most appropriate sanction(s) based on the circumstances of the incidents and the student's past conduct history.
- The hearing officer or Community Standards and Conduct staff member will prepare the appropriate outcome notification that will outline the findings, sanctions and information regarding the appeal process. This notice will be sent to the student's JWU email account.

*Upon the conclusion of the Administrative Hearing (in which the outcome MAY result in suspension, dismissal, or revocation of degree):*

- The hearing officer will determine responsibility for the alleged violation(s) using a "more likely than not" standard. If the hearing officer is not a Community Standards and Conduct staff member, the hearing officer will refer the case back to Community Standards and Conduct for sanction consideration.
- If the student is found responsible for one or more violations of the Student Code of Conduct, Community Standards and Conduct will determine the most appropriate sanction(s) based on, but not limited to, the circumstances of the incidents and the student's past conduct history.
- A Community Standards and Conduct staff member will prepare the appropriate outcome notification that will outline the findings, sanctions and information regarding the appeal process. This notice will be sent to the student's JWU email account.

## Appeal

Except as expressly indicated elsewhere herein, the decision of the hearing officer is final unless it can be demonstrated that one of the following has occurred:

- There is relevant, new information that was not available at the time of the hearing and that reasonably could have altered the outcome of responsibility.
- The Conduct Review Process, as outlined, was not followed.

To request an appeal, a student must submit a request in writing to Community Standards and Conduct. Written appeals must be submitted using the [Appeal Request Form \(cm.maxient.com/reportingform.php?JohnsonandWalesUniv&layout\\_id=4\)](http://cm.maxient.com/reportingform.php?JohnsonandWalesUniv&layout_id=4). **Only appeals submitted using the online form will be considered.** The request must be submitted within five business days after the date of notification of the outcome of the hearing. The appeal must state clearly the basis for the appeal and explain how any of these grounds would have reasonably altered the

outcome of responsibility. Students should include any supporting information or documentation that is relevant to their appeal request.

**Disagreement with the sanctions imposed shall not constitute grounds for appeal.**

For cases in which the hearing officer was a Residential Life staff member, the director of Community Standards and Conduct or their designee will serve as the appellate officer. For cases heard by Community Standards and Conduct staff, the vice president of student affairs/dean of students or their designee will serve as the appellate officer. For all Academic Integrity cases, the provost or the provost's designee will serve as the appellate officer.

Upon receipt of the appeal, the appellate officer will review the appeal and case file. There is no option to meet with or present information to the appellate officer. For this reason, it is important that students submit sufficient information and documentation along with their appeal. A decision concerning the appeal generally will be available within 10 business days after the appeal has been received. When the appeal review is unable to be completed within the 10 business-day time frame, the parties will be notified of the delay and reason for the delay.

The sanction(s) outlined in the outcome notice will not go into effect until the conclusion of the appeal process. If interim measures were placed, those conditions will remain in effect until the conclusion of the appeal process. The appeal will either

- Be denied or
- Be granted, remanding the case back for a new hearing

The decision of the appellate officer will be final. The student will receive a final written decision from the appeal officer, which will set forth the outcome of the appeal.

## Sanctions Approval

Notwithstanding anything to the contrary herein, after the appeal process, if any, is completed or expires, any sanction shall be approved as follows: (1) for a sanction of dismissal or revocation of a degree, by the applicable campus vice president of student affairs/dean of students, or such person's designee, (2) for any Grade Sanction, by the provost or such person's designee, and (3) for any other sanction, by the director of community standards and conduct or that person's designee. If the applicable campus vice president of student affairs/dean of students, provost, or director of community standards and conduct, or any such person's designee does not approve the sanction, they have full authority to modify it in any fashion that they see fit. It is expected that the sanctions decision will rarely be modified. The decision of the applicable campus president, the director of Community Standards and Conduct, or either such person's designee shall be made in no more than fifteen (15) days and need not be accompanied by any reasoned decision.

**At any time in the Conduct Review Process, Community Standards and Conduct or any other university employee involved in this process, may consult with other appropriate university personnel, including a university dean, an associate dean, or some other appropriate personnel.**

## Complaints of Sexual Harassment, Sexual Assault, Sexual Exploitation, Dating Violence, Domestic Violence, and Stalking

For complaints of sexual harassment, sexual assault, sexual exploitation, dating violence, domestic violence, and stalking, the following procedures will apply in connection with the Conduct Review Process, in addition to the procedures outlined above:

- University officials involved in the investigation and hearing will receive annual training on issues related to sexual harassment, sexual assault, sexual exploitation, dating violence, domestic violence and stalking, and how to conduct such an investigation.
- Both parties will be simultaneously informed in writing of the outcome of the hearing and any appeal, including when such results become final. This includes disclosure to the parties of any sanction imposed that pertains to a sex offense and any sanction imposed that directly relates to the complainant with respect to other alleged sexual harassment violations. The parties do not need to submit a request for such information.
- Protective or interim measures (such as No Contact Orders, room relocations, classroom relocations, interim suspensions, etc.) may be available during the course of the investigation and hearing. The university will complete the Conduct Review Process within a reasonably prompt time frame, usually within 60 days, but this time frame may be extended in certain cases, in which case written notice will be provided to all parties describing the reason for extension.

- Retaliation, including intimidation, threats, coercion or discrimination, against any individual who has made a good faith complaint, or who has participated in the Conduct Review Process, is unlawful and in violation of university policy. Anyone found to have engaged in retaliation will be subject to disciplinary action up to and including dismissal or termination from the university.

### Sanctions for Individuals (Students)

If a student is found responsible for a violation of the Student Code of Conduct, the student will be given one or more sanctions. Sanctions are designed to help prevent future Student Code of Conduct violations, educate students on appropriate behavior required to succeed in the workplace and live in society, and where appropriate, remedy any damage done.

**List of all possible sanctions for dating violence, domestic violence, sexual assault or stalking offenses:**

Dating violence or domestic violence	Interim Suspension
	University Dismissal
	University Suspension
	Conduct Probation
	Conduct Probation with Restrictions
	No-Contact order
	Housing Relocation or Removal
	Suspension of Privileges
	Educational Sanctions
	Degree Deferral and Revocation
Stalking	Interim Suspension
	University Dismissal
	University Suspension
	Conduct Probation
	Conduct Probation with Restrictions
	No-Contact Order
	Housing Relocation or Removal
	Suspension of Privileges
	Educational Sanctions
	Degree Deferral and Revocation
Sexual assault (including rape, fondling, incest and statutory rape)	Interim Suspension
	University Dismissal
	University Suspension
	Conduct Probation (fondling only)
	Conduct Probation with Restrictions
	No-Contact Order
	Housing Relocation or Removal
	Suspension of Privileges

#### Degree Deferral and Revocation

At any time before a degree is awarded, a student may have their academic degree deferred and be prohibited from participating in commencement activities until sanctions are completed. The university may determine that revoking a degree or withholding transcripts is a proper remedy in individual cases.

#### University Dismissal

Permanent dismissal from the university (noted in the student’s education records), which prohibits the student from attending the university (at any campus or learning site, or online) or any university events and from entering or being present without permission on any property of the

university. A student who is dismissed from the university will still be responsible for certain tuition and housing charges, subject to any applicable refund policy. Students who are dismissed hereunder shall not be readmitted to the university.

### **University Suspension**

A temporary suspension from the university, which prohibits the student from attending the university (at any campus or learning site, or online) or any university events and from entering or being present without permission on any property of the university. During a university suspension, a community standards and conduct hold is placed on the student's academic record, which prevents the student from registering for classes and/or graduating. Requests for reinstatement after a university suspension will not be granted until all conditions of the suspension have been met and all other sanctions have been completed. Students who receive a university suspension will be provided information regarding the appropriate steps for requesting reinstatement to the university. As with dismissal, a student who is suspended from the university will still be responsible for certain tuition and housing charges, subject to any applicable refund policy. When a student returns from suspension, the student will be placed on conduct probation for a minimum of one semester.

### **Permanent Removal from Housing**

Permanent removal from university housing, which prohibits the student from living or being a guest in any university or campus housing. In the case of removal from housing, the student is required to pay room and board charges for the remainder of the semester during which the removal takes effect.

### **Temporary Removal from Housing**

A temporary removal from university housing, which prohibits the student from living or being a guest in any university or campus housing and from entering into a new housing contract for the duration of the removal. Requests for new housing contracts after a removal are handled by the vice president of student affairs/dean of students or their designee; a new student housing contract will be permitted only if the student is able to demonstrate to the satisfaction of the vice president of student affairs/dean of students or their designee that the student will not engage in any further violations of the Student Code of Conduct, and all other conditions of the removal, if any, have been met and all sanctions have been completed. As with permanent removal from housing, the student will be responsible to pay room and board charges for the remainder of the semester during which the removal takes effect.

### **Suspension of Privileges**

A suspension of privileges, which prohibits the student from participating in specified activities (such as intercollegiate or intramural athletics, campus events, extracurricular activities, student life activities, student leadership positions, student organizations, etc.) or from entering certain university buildings or facilities (such as residence halls, dining centers, university fitness or athletic facilities, certain administrative or academic buildings, parking garages/lots, etc.) or other areas of the university during the period of the suspension.

### **Interim Suspensions**

An immediate, temporary suspension that remains in effect until the Conduct Review Process has been completed, including any appeals process. An interim suspension can be a suspension from the university, housing, a classroom, an academic course, lab, practicum, and/or a suspension of privileges. Interim suspensions are used when the university perceives that because of the nature of the alleged violation or other factors, an interim suspension is advisable to help protect an individual or the university community, property or the normal operations of the university until the Conduct Review Process has been completed. The university may take into account any prior disciplinary history, any pattern of complaints that may exist, and any other factors the university deems relevant in its sole discretion.

### **Conduct Probation with Restrictions**

Conduct probation with restrictions is a designated period of time in which the student must demonstrate that they will not engage in further violations of the Student Code of Conduct. During this probationary period, the student is restricted from representing the university through programs such as intercollegiate athletics and student leadership positions. Students on Conduct Probation with Restrictions may also be restricted from participating in programs that involve university travel and/or Study Abroad. A student who receives a sanction of conduct probation with restrictions and is involved in an additional incident during their probationary period, may be placed on interim suspension pending the Conduct Review Process and may face more severe sanctions, up to and including university suspension or dismissal.

**Conduct Probation**

Conduct probation is a designated period of time in which the student must demonstrate that they will not engage in further violations of the Student Code of Conduct. A student who receives a sanction of conduct probation and has subsequent policy violations during their probationary period, may face more severe sanctions, up to and including suspension or dismissal.

**Conduct Warning**

A warning given to the student, which indicates that additional sanctions will be imposed if the student engages in future violations of the Student Code of Conduct.

**Academic Conduct Warning**

A warning given to a student, which indicates that additional sanctions will be imposed if the student engages in future academic integrity violations.

**Fines**

Monetary penalties, which must be paid by the date specified when the sanction is given.

**Restitution**

The purpose of restitution is to make good or compensate the university for loss, damage or injury. Restitution can take the form of a monetary payment, the repair or replacement of damaged property, or participation in a campus or community work or service project. Restitution must be completed by the date specified when the sanction is given.

**Community Service**

Community service includes providing services to the university or a recognized nonprofit agency of the student's choice for a specified number of hours or a particular work or service project. Community service must be completed by the date specified when the sanction is given.

**No Contact Order**

A No Contact Order is a requirement to avoid another person or persons and not have any direct or indirect contact with such person(s), including email, text messages, mail, telephone, instant messaging, face-to-face contact, social media interactions or any contact through a third party. A No Contact Order requires the student to take action to avoid encounters with the other person(s). In cases where a No Contact Order impacts class, lab or work activities, the student should notify the student's professors and/or supervisors to address any situations that may conflict with the No Contact Order. A No Contact Order may also be imposed as an interim action while a case is pending. If a student fails to abide by the No Contact Order, the student may be placed on interim suspension from the university and will be charged with a violation of the Student Code of Conduct for failure to comply.

**Housing Relocation**

Required relocation to another room within the university housing system.

**Educational Sanctions**

In addition to other sanctions, a student found responsible for violating the Student Code of Conduct may be assigned educational sanctions, such as required attendance at an educational program relevant to the violation for which the student was found responsible, reflective/research papers, classes, seminars, interviews, presentations, projects and/or other creative sanctions. Educational sanctions must be completed by the date specified when the sanction is given.

**Parent/Guardian Notification**

The university may report alcohol or drug violations to the student's parents or guardians if the student is under the age of 21.

## GETTING HELP LISTINGS

### Community Help

#### Medical

*Victims of sexual assault are encouraged to request a specially trained Sexual Assault Nurse Examiner (SANE) at the emergency department.*

#### Atrium Health Carolinas Medical Center (CMC) Main

1000 Blythe Boulevard, Charlotte, NC 28204

704-355-2000

#### Novant Health Presbyterian Medical Center

200 Hawthorne Lane, Charlotte, NC 28204

704-384-4000

#### Police

##### EMERGENCY

911

Charlotte-Mecklenburg non-emergency crime reporting

704-336-7600

#### Community

[Safe Alliance](#) provides victims of sexual assault, dating/domestic violence and stalking with information, advocacy, counseling, shelter, referral and support services.

- ☐ 980-771-HOPE (4673) (24-hour)

#### [NC – Coalition Against Domestic Violence](#)

- ☐ 919-956-9124 (Monday through Friday, 8 a.m.–5 p.m.)

Information regarding protective orders can be obtained at the Victim Assistance Office, 720 E. 4<sup>th</sup> St., Room 204, Charlotte, North Carolina, at 704-336-4126, Monday through Friday, 8 a.m.–5 p.m.

#### [National Sexual Assault Hotline / Rape, Abuse + Incest National Network \(RAINN\)](#)

- ☐ 1-800-656-HOPE (4673) (24-hour), [rainn.org](http://rainn.org)

#### [National Domestic Violence Hotline](#)

- ☐ 1-800-799-SAFE (7233) (24-hour)

The [National Center for Victims of Crime](#) provides online tools and information for victims of stalking, and links to local resources nationwide.

- ☐ 1-855-4-VICTIM (855-484-2846) (Monday through Friday, 9 a.m.–5 p.m.)

[Love is Respect](#) provides support and information regarding dating violence.

- ☐ 1-866-331-9474 (24-hour) via text, phone and live chat / Text “loveis” to 22522. You can also visit [loveisrespect.org/for-yourself/contact-us](http://loveisrespect.org/for-yourself/contact-us) for more information.

### CONFIDENTIAL On-Campus Help

Upon receipt of a report of sexual misconduct, confidential resources will not report information shared with them to the police, Campus Safety & Security or college officials without your permission, except for extreme emergency circumstances.

*For students to obtain confidential on-campus services*

#### Counseling Services

Cedar Hall South, Suite 100

980-598-1710 (by appointment, 8:30 a.m.– 4:30 p.m.)

In case of an emergency, the on-call counselor is available after-hours through Campus Safety & Security (980-598-1900).

**Health Services**

Academic Center, second floor  
980-598-1700

*University confidential resources may provide non-identifying information to be counted for the Annual Security Report.*

**For employees to obtain confidential counseling services**

Employees may contact the university's employee assistance provider, Coastline EAP, at 1-800-445-1195.

**NON-CONFIDENTIAL On-Campus Help**

Johnson & Wales employees who cannot guarantee confidentiality will nevertheless maintain your privacy. Any information you provide to a non-confidential resource will be kept private and used only as necessary to investigate and address a concern and/or to notify the Title IX coordinator, who is responsible for tracking patterns of sexual misconduct and for detecting systemic issues.

**Campus Safety & Security**

Cedar Hall South, Suite 113, 980-598-1900 (24-hours, seven days a week)

**Anonymous Report** to Campus Safety & Security through [Silent Witness](#) (online only)

**Title IX Coordinator / Nondiscrimination Coordinator**

Matthias Rubekeil, 8 Abbott Park Place, Providence, Rhode Island, 401-598-2703

**Residential Life**

(24 hours a day in each residence hall)

Resident Assistants, Area Coordinators, Director of Residential Life

**Dean of Students**

Cedar Hall South, Suite 108, 980-598-1830

**Community Standards and Conduct**

Cedar Hall South, Suite 107, 980-598-1820

**Human Resources**

8 Abbott Park Place, Providence, Rhode Island, 401-598-1034

Reports may also be made anonymously by filling out an online report via the [Equity & Compliance Services](#) webpage; or by calling the **JWU Reporting Hotline** and leaving a message by dialing 1-833-JWU-LINE (1-833-598-5463).

Any student or employee who reports to the university pursuant to one of the above reporting options that he or she has been a victim of sexual assault, dating violence, domestic violence or stalking, whether the offense occurred on or off campus, shall be provided with a written explanation of the student or employee's rights and options under this policy and other relevant university procedures.

## RIGHTS AND OPTIONS FOR COMPLAINANTS IN SEXUAL MISCONDUCT MATTERS

### I. POLICY AGAINST DISCRIMINATION, HARASSMENT AND RETALIATION

#### A. Non-Discrimination and Non-Harassment Statements

1. Johnson & Wales University prohibits and does not tolerate sexual misconduct (defined to include dating violence, domestic violence, sexual assault, or stalking). This document is intended to help victims of sexual misconduct understand their rights and options.
2. Johnson & Wales University is committed to fostering a learning and work environment that is free from prohibited discrimination and harassment. The university prohibits discrimination on the basis of age, color, disability, gender identity or expression, genetic information, marital status, national origin, pregnancy, race, religion, sex, sexual orientation, status as a protected veteran, or any other unlawful basis in administration of its admission policies, educational policies, employment, financial aid, or any other university program or activity. It admits qualified students to all activities, courses, and programs generally accorded or made available to students at the university.

#### B. No-Retaliation Statement

1. Johnson & Wales University prohibits retaliation, including coercion, discrimination, intimidation, or threats, against any individual who has made a good faith complaint, who has cooperated as a witness or a complainant in the investigation of such a complaint, or who has participated as a witness or complainant in any university proceeding. Any person found to have engaged in retaliation, or to have encouraged others to engage in retaliation, will be subject to disciplinary action up to and including termination of employment or dismissal from the university.

#### C. Contact about Policies

1. The following individual has been designated to handle inquiries regarding the university's nondiscrimination, non-harassment, and no-retaliation policies:

- Matthias Rubekiel  
Title IX Coordinator  
Nondiscrimination Coordinator/Section 504 Coordinator  
Equity & Compliance Services  
8 Abbott Park Place  
Providence, RI 02903  
401-598-2703  
[Matthias.Rubekiel@jwu.edu](mailto:Matthias.Rubekiel@jwu.edu)

2. Title IX is a federal law that prohibits discrimination based on sex at institutions of higher education. Sexual misconduct can constitute a violation of Title IX. The Title IX coordinator oversees all Title IX complaints and investigations. The Title IX coordinator is available to meet with students and employees to provide support and answer questions about (a) 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 and (b) how to request changes to academic, living, transportation, and working situations or protective measures. The Title IX coordinator is a neutral resource and is available to assist both complainants and respondents.

#### D. Additional Information

1. You may obtain additional information, including the full Prohibited Discrimination and Harassment (including Sexual Harassment) Policy, the Title IX Policy and Procedures and the Sexual Assault and Relationship Violence Policy, by contacting Equity & Compliance Services or by visiting the university's website at [jwu.edu/compliance](http://jwu.edu/compliance).
2. Inquiries concerning the application of the notice of nondiscrimination may also be referred to the Office for Civil Rights, U.S. Department of Education, Customer Service Team, 400 Maryland Avenue, SW, Washington, DC, 20202-1100, 800-421-3481.

### II. PROCEDURES TO FOLLOW IN REPORTING SEXUAL MISCONDUCT

#### A. Preservation of Evidence

1. If you wish to pursue a criminal complaint or to seek a court order, it is important to preserve relevant evidence, including but not limited to by recording the name of the perpetrator (if known) and the perpetrator's description (including age, clothing, distinguishing marks, eye color, hair color, height, race, weight, etc.), details of the alleged crime, the location where the alleged crime occurred, and the direction of travel of any vehicle involved.
2. Best practices to preserve evidence with respect to sexual misconduct include seeking medical attention from a hospital emergency department immediately after the event and:
  - a. Avoid washing anything (including your hands, mouth, and face) or showering
  - b. Avoid going to the bathroom, brushing your teeth, changing clothes, drinking, douching, or eating.
  - c. Bring an extra set of clothes with you to the hospital.

3. If you do change or have access to other materials like sheets or blankets present during the assault/violence, those materials can be brought to the hospital or given to law enforcement for evidence collection. Please use a paper bag, not a plastic bag, if you choose to transport any of these materials on your own.
4. You should also preserve electronic evidence and other relevant information such as communications from the perpetrator (i.e., emails, social media posts, texts, or other materials).
5. Victims of sexual assault may request a specifically trained sexual assault nurse examiner at each of the following hospitals:
  - Carolinas Medical Center (CMC) Main** / 1000 Blythe Boulevard, Charlotte, NC, 28204 / 704-355-2000
  - Presbyterian Medical Center** / 200 Hawthorne Lane, Charlotte, NC, 28204 / 704-384-4000

**B. How and To Whom To Report**

1. If you believe you are the victim of sexual misconduct, you are encouraged to report the incident and seek out information, support services, and any assistance you need to support your health and safety. You have the right to report the incident anonymously.
2. If you wish to discuss the incident with a confidential resource or if you are uncertain about your next step:
  - a. Students may call Counseling Services (401-598-1016), Health Services (401-598-1104) or the directors of the Bridge for Diversity, Equity & Social Justice (401-598-2248 / 401-598-1784).
  - b. Employees may contact the Counseling Referral Service Provider, Coastline EAP (401-732-9444 or 1-800-445-1195).
3. Johnson & Wales University strongly urges community members to report criminal offenses to local police and Campus Safety & Security.
4. Your reporting options include:
  - a. Reporting the offense to law enforcement authorities by dialing 911 or contacting the appropriate local police department.
    - Emergency: 911
    - Charlotte-Mecklenburg non-emergency crime reporting: 704-336-7600
  - b. Reporting the sexual misconduct to the university for investigation by Campus Safety & Security (and for the filing of a disciplinary complaint):
    - Cedar Hall South, Suite 113, 980-598-1900 (24-hours, seven days a week)
    - Anonymous Report to Campus Safety & Security through [Silent Witness](#) (online only)
  - a. Reporting the sexual misconduct to a Residential Life staff member (as to students only)
  - b. Reporting the misconduct to the university's Title IX coordinator
    - Matthias Rubekiel  
Title IX Coordinator  
Nondiscrimination Coordinator/Section 504 Coordinator  
Equity & Compliance Services  
8 Abbott Park Place  
Providence, RI 02903  
(401) 598-2703  
[Matthias.Rubekiel@jwu.edu](mailto:Matthias.Rubekiel@jwu.edu)

**C. Options about the Involvement of Law Enforcement and Campus Authorities**

1. You have the option of notifying law enforcement authorities and obtaining assistance from campus authorities in notifying law enforcement authorities if you choose to enlist it.
2. It is your right to decline to notify law enforcement authorities or campus authorities.
3. However, if you would like a prosecutor to pursue criminal prosecution through the courts, you should report the incident to the police. In a criminal proceeding, the evidentiary standard used is "beyond a reasonable doubt." Potential sanctions include a variety of criminal sanctions, including incarceration.

**D. Court Orders**

1. You may seek an order of protection, a court-ordered no-contact order, a (temporary) restraining order, or other similar orders from a court.
2. The local police are responsible for the enforcement of such orders and not Campus Safety & Security, but Campus Safety & Security and the Title IX coordinator will provide you with assistance and support you through this process.

3. Information regarding protective orders can be obtained at the Victim Assistance Office, 720 E. 4th St., Room 204, Charlotte, N.C., at 704-336-4126, Monday through Friday, 8 a.m.–5 p.m.
4. When an allegation of sexual misconduct is made against a student, that student will generally receive a university issued “no-contact” order, which will remain in effect until at least the hearing/adjudication process has been completed.

### III. CONFIDENTIALITY

#### A. Disclosure of Your Name and Protecting your Privacy

1. If you request that your name not be revealed to the accused party, the university’s ability to meaningfully investigate the incident and pursue disciplinary action against the respondent may be limited. The Title IX coordinator will evaluate a request to maintain confidentiality and consider various factors in evaluating such a request. In some instances, the university may not be able to honor your request for confidentiality in order to meet the university’s obligation to provide a safe, non-discriminatory environment for all members of its community. If the university determines that it cannot honor your request to maintain confidentiality, the university will inform you and, to the extent possible, only share information with people responsible for handling the university’s response to the incident. If you request the university not investigate the incident, the university will consider your request but may not honor it to meet the university’s obligation to provide a safe, non-discriminatory environment for all members of its community. Please note that formal complaints under Title IX require that your name is revealed to the respondent. Please see the university’s Title IX Policy and Procedures for additional information about the Title IX process.<sup>1</sup>

#### B. Disclosures of Accommodations

1. If you choose to report sexual misconduct to the university, any accommodations or protective measures provided to you will be kept confidential, to the extent that maintaining such confidentiality will not impair the ability of the university to provide the accommodations or protective measures or impair the investigatory process.

#### C. University Reporting Obligations

1. In reporting information about crimes, including under the Clery Act, the university will not include information about you in its crime log to the extent permissible by law.

### IV. ACCOMMODATIONS AND PROTECTIVE MEASURES

1. You may seek assistance with obtaining changes to academic, living, transportation, and working situations or protective measures by contacting the Title IX coordinator (Matthias Rubekeil / 401-598-2703 / [Matthias.Rubekeil@jwu.edu](mailto:Matthias.Rubekeil@jwu.edu)).
2. The university will provide such accommodations or protective measures if the complainant requests them, and they are reasonably available, regardless of whether you choose to report the crime to local law enforcement or Campus Safety & Security.

### V. DISCIPLINARY PROCEDURES FOR SEXUAL MISCONDUCT

#### A. General Statement

1. Johnson & Wales University is committed to complying with the federal legal requirement that it provide a “prompt, fair, and impartial” adjudication process for complainants (the reporting students, employees, or third parties) and respondents (the responding parties) in sexual misconduct matters (“Fairness”). The concept of Fairness means the university will comply with the explicit provisions in its processes and policies; the concept of Fairness does not give students any rights other than those in the explicit provisions of university processes and policies. Such processes and policies are not intended to, and do not, create a contractual agreement with any student or other individual, and it does not grant any student or other individual any contractual rights. When the university receives a good faith report or other information alleging that a university student or an employee has engaged in sexual misconduct, the university may commence an investigation.

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<sup>1</sup> [ju.edu/files/pdfs/about/title-ix-policy-and-procedure.pdf](http://ju.edu/files/pdfs/about/title-ix-policy-and-procedure.pdf)

## B. Procedures for Students

1. If a student chooses to file a complaint with the university alleging sexual misconduct,<sup>2</sup> the student should report to Campus Safety & Security or the Title IX coordinator.
2. Sexual misconduct alleged to have been committed by students is addressed through the university's Conduct Review Process and, as applicable, in accordance with Title IX and relevant state and federal law.<sup>3</sup> Please see the university's Title IX Policy and Procedures for additional information about the Title IX process.<sup>4</sup>
3. Possible sanctions for a violation of the Student Code of Conduct regarding sexual assault and relationship violence are set forth in Sanctions.<sup>5</sup>
4. Parties will have the following rights in connection with the Conduct Review Process:
  - a. The right to Fairness in the adjudicatory process, as defined above and subject to the caveats above.
  - b. The right to a hearing conducted by unbiased university officials who receive annual training on (1) issues related to sexual harassment, sexual assault, sexual exploitation, dating violence, domestic violence, and stalking and (2) how to conduct an investigation.
  - c. The right to a hearing process that protects the safety of the parties and promotes accountability. Hearing officers and adjudicators use the "more likely than not" (preponderance of the evidence) standard to evaluate alleged violations.
  - d. The right to present relevant materials and witnesses with personal, relevant knowledge of the incident as outlined above.
  - e. The right to be accompanied to the hearing and any related meeting by an advisor of their choice. The advisor may accompany the student but may not participate in any manner. Please see the university's Title IX Policy and Procedures for additional information about the role of advisors in the Title IX process.
  - f. The right to be informed in writing of the outcome of the hearing and any appeal, including when such results become final. This includes disclosure to the parties of any sanction imposed that pertains to a sex offense and any sanction imposed that directly relates to the complainant with respect to other alleged sexual harassment violations. The parties do not need to submit a request for such information. In addition, for any crime of violence, the university will, upon written request and in accordance with applicable law, disclose to the complainant all sanctions imposed against the respondent. If the complainant is deceased as a result of the crime of violence, the outcome of the hearing and sanctions will be provided to the complainant's next of kin if so requested.
  - g. The right to request an appeal. A student who acknowledges responsibility will not be entitled to an appeal.
  - h. The university will take steps to prevent the recurrence of any harassment, correct any discriminatory effects on the complainant and others, and implement protective or interim measures as requested and as the university deems appropriate pursuant to applicable law. The university will complete the Conduct Review Process within a reasonably prompt time frame, usually within 60 days, but will allow for the extension of time frames for good cause with written notice to the complainant and respondent of the delay and the reason for the delay.

## C. Procedures for Employees

1. If an employee chooses to file a complaint with the university alleging sexual misconduct, the employee should contact Campus Safety & Security, the Title IX coordinator, or Human Resources. The complaint process will be governed by Human Resources procedures for complaints, and, as applicable, in accordance with Title IX and relevant state and federal law, and the investigation will be conducted by designated university staff. Please see the university's Title IX Policy and Procedures for additional information about the Title IX process.<sup>6</sup>
2. The scope of possible sanctions will include one or more of the following: an educational conversation, additional training, disciplinary action, no-contact order, transfer of position, removal of administrative appointment, demotion, suspension, or termination of employment.
3. Parties will have the following rights in connection with the examination of the complaint by Human Resources:
  - a. The right to Fairness in the adjudicatory process, as defined above and subject to the caveats above.

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<sup>2</sup> Sexual misconduct violates the university's Sexual Assault and Relationship Violence Policy available at [catalog.jwu.edu/handbook/generalinformationandpolicies/sexualassaultpolicy](http://catalog.jwu.edu/handbook/generalinformationandpolicies/sexualassaultpolicy), the Prohibited Discrimination and Harassment (including Sexual Harassment) Policy available at [catalog.jwu.edu/handbook/generalinformationandpolicies/discriminationandharassment](http://catalog.jwu.edu/handbook/generalinformationandpolicies/discriminationandharassment), the Student Code of Conduct available at [catalog.jwu.edu/handbook/studentaffairs/studentcodeofconduct](http://catalog.jwu.edu/handbook/studentaffairs/studentcodeofconduct) as well as state and federal law, including Title IX of the Education Amendments of 1972 (Title IX). JWU's Title IX Policy and Procedures are available at [ju.edu/files/pdfs/about/title-ix-policy-and-procedure.pdf](http://ju.edu/files/pdfs/about/title-ix-policy-and-procedure.pdf).

<sup>3</sup> [catalog.jwu.edu/handbook/studentaffairs/studentcodeofconduct/conductreviewprocess](http://catalog.jwu.edu/handbook/studentaffairs/studentcodeofconduct/conductreviewprocess)

<sup>4</sup> [ju.edu/files/pdfs/about/title-ix-policy-and-procedure.pdf](http://ju.edu/files/pdfs/about/title-ix-policy-and-procedure.pdf)

<sup>5</sup> [catalog.jwu.edu/handbook/studentaffairs/studentcodeofconduct/sanctionsforindividuals](http://catalog.jwu.edu/handbook/studentaffairs/studentcodeofconduct/sanctionsforindividuals)

<sup>6</sup> [ju.edu/files/pdfs/about/title-ix-policy-and-procedure.pdf](http://ju.edu/files/pdfs/about/title-ix-policy-and-procedure.pdf)

- b. The right to an investigation and proceeding conducted by unbiased university officials who receive annual training on (1) issues related to sexual harassment, sexual assault, sexual exploitation, dating violence, domestic violence, and stalking and (2) how to conduct an investigation.
- c. The right to a proceeding that protects the safety of the parties and promotes accountability. University officials and adjudicators use the “more likely than not” standard to evaluate alleged violations.
- d. The right to be accompanied to the proceeding by an advisor of their choice. The advisor may accompany the party but may not participate in any manner during the proceeding. Please see the university’s Title IX Policy and Procedures for additional information about the role of advisors in the Title IX process.<sup>7</sup>
- e. The right to bring any relevant materials and witnesses with personal, relevant knowledge of the incident to the proceeding.
- f. The right to be informed in writing of the outcome of the proceeding, including when such results become final. This includes disclosure to the parties of any sanction imposed that pertains to a sex offense and any sanction imposed that directly relates to the complainant with respect to other alleged sexual harassment violations. The parties do not need to submit a request for such information. In addition, for any crime of violence, the university will, upon written request and in accordance with applicable law, disclose to the complainant all sanctions imposed against the respondent. If the complainant is deceased as a result of the crime of violence, the outcome of the proceeding and sanctions will be provided to the complainant’s next of kin if so requested.
- g. The university will take steps to prevent the recurrence of any harassment, correct any discriminatory effects on the complainant and others, and implement protective or interim measures as requested by the complainant and the university deems appropriate pursuant to applicable law. The university will complete the examination of the complaint within a reasonably prompt time frame, usually within 60 days but will allow for the extension of time frames with written notice to the complainant and respondent of the delay.

**D. Additional Information about the Investigatory Process**

1. Student Process

- a. Investigators from Campus Safety & Security investigate student complaints. Please see the university’s Title IX Policy and Procedures for additional information about the Title IX investigation process.<sup>8</sup> Investigators are tasked with preparing a report which contains relevant information about the allegation. Usually, an investigator will start by meeting with the complainant and conducting an in-person interview to learn more about the nature of the complaint. The investigator will then determine if it is necessary to meet with any other witnesses who might have relevant information and conduct additional interviews with any such witnesses.
- b. Generally speaking, at this point in the process you will be notified about the allegation and that an investigation has started. The investigator will schedule a meeting to gather information and hear from you. Your participation in the investigation is voluntary, and you do not have to speak to the investigator if you choose not to. You have the right to bring an advisor of your choice to this or any subsequent meetings. You are encouraged to inform the investigator about any witnesses who might have relevant information. The investigator will also accept other relevant evidence — for example emails, photographs, social media postings, text messages, and videos. Sometimes, after you met with the investigator, additional information is needed, and the investigator might reach out to you, the complainant, or other witnesses to obtain clarification or to ask follow-up questions.
- c. Once the information gathering process is completed, the investigator will create a report. This report is shared with other university officials on a need-to-know basis only and with Community Standards & Conduct, which will determine whether any of the alleged behaviors violate the Student Code of Conduct. A hearing officer from Community Standards & Conduct will schedule a meeting with you to explain the next steps in the process.
- d. A variety of departments can provide support to you and answer questions during this time. Counseling and Health Services are available to assist you. These are generally confidential resources. You may also contact representatives from Community Standards & Conduct to answer questions and to provide more explanation about the process. The Title IX coordinator is also available to answer questions and provide support and assistance regarding interim or protective measures at the university, including no-contact orders and changes to university academic, living, student financial aid, visa and immigration, working, and transportation situations.

2. Employee Process

- a. Human Resources will investigate employee complaints. The Title IX coordinator will assess the reported information and address any immediate health or safety concerns. If you request an investigation or disciplinary action, or if the Title IX coordinator determines that an investigation is warranted, the Title IX coordinator will subsequently initiate and oversee an investigation. The Title IX coordinator may designate an internal investigator and/or an experienced external investigator to conduct the investigation. Depending on the circumstances, the investigator may collaborate with the respondent’s supervisor when conducting the investigation. Please see the university’s Title IX Policy and Procedures for additional information about the Title IX investigation process.<sup>9</sup>

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<sup>7</sup> [ju.edu/files/pdfs/about/title-ix-policy-and-procedure.pdf](http://ju.edu/files/pdfs/about/title-ix-policy-and-procedure.pdf)

<sup>8</sup> [ju.edu/files/pdfs/about/title-ix-policy-and-procedure.pdf](http://ju.edu/files/pdfs/about/title-ix-policy-and-procedure.pdf)

<sup>9</sup> [ju.edu/files/pdfs/about/title-ix-policy-and-procedure.pdf](http://ju.edu/files/pdfs/about/title-ix-policy-and-procedure.pdf)

- b. The investigation is a neutral fact-gathering process. During the investigation each of the parties will have an opportunity to be heard and to submit information and corroborating evidence. The investigator will notify and meet separately with you, the respondent and any third-party witnesses, as appropriate, and will gather relevant and available evidence and information.
- c. In cases where the Title IX Policy and Procedures are not applicable, the vice president of human resources (“vice president”) or his or her designee will review reports and evidence to make a determination of responsibility based on a preponderance of the evidence. If the vice president reaches a finding of no responsibility, the matter will be considered resolved, and the investigation will be closed. If the vice president reaches a finding of responsibility, the vice president will determine appropriate sanctions. The scope of possible sanctions will include one or more of the following: educational conversation and additional training, disciplinary action, no-contact order, transfer of position, removal of administrative appointment, demotion, suspension, and/or termination of employment. Any sanction or combination of sanctions imposed upon the respondent will be documented in his or her personnel file. The decision of the vice president is final and is not subject to further university appeal or grievance. The Title IX coordinator will provide both you and the respondent with a notice of final outcome. Please see the university’s Title IX Policy and Procedures for additional information about cases adjudicated under the Title IX process.<sup>10</sup>

**E. Additional Policies and Codes**

1. Sexual Assault and Relationship Violence Policy for Students
2. Sexual Assault and Relationship Violence Policy for Employees
3. Prohibited Discrimination and Harassment (including Sexual Harassment) Policy
4. Student Code of Conduct
5. Title IX Policy and Procedures
6. Employee Code of Conduct

**VI. ASSISTANCE IN THE INSTITUTION AND THE COMMUNITY**

**A. Statement about Assistance**

1. This section provides information about 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. Although the university does not provide legal assistance and certain other services noted, legal assistance and such other services are available outside the university community.

**B. Confidential Counseling**

1. Upon receipt of a report of sexual misconduct, the confidential resources noted below will not report information shared with them to the police, Campus Safety & Security, or college officials without your permission, except for in extreme emergency circumstances.
  - a. For students to obtain confidential on-campus services:
    - Counseling Services / Academic Center, second floor / 980-598-1710 (by appointment, 8:30 a.m.– 4:30 p.m.)  
In case of an emergency, the on-call counselor is available after-hours through Campus Safety & Security (980-598-1900).
    - Health Services / Academic Center, second floor / 980-598-1700
    - Directors; Bridge for Diversity. Equity & Social Justice; Providence Campus / 401-598-2248 / 401-598-1784
  - b. For employees to obtain confidential counseling services:
    - (1) Employees may contact the university’s employee assistance provider, Coastline EAP, at 401-732-9444 or 1-800-445-1195.

**C. Non-University Helplines**

1. [Safe Alliance](#) provides victims of sexual assault, dating/domestic violence and stalking with information, advocacy, counseling, shelter, referral and support services. 980-771-HOPE (4673) (24-hour)
2. [NC – Coalition Against Domestic Violence](#) / 919-956-9124 (Monday through Friday, 8 a.m.–5 p.m.)
3. [National Sexual Assault Hotline / Rape, Abuse + Incest National Network \(RAINN\)](#): 1-800-656-HOPE (4673) (24-hour), [rainn.org](http://rainn.org)
4. [National Domestic Violence Hotline](#): 1-800-799-SAFE (7233) (24-hour)
5. The [National Center for Victims of Crime](#) provides online tools and information for victims of stalking and links to local resources nationwide. 1-855-4-VICTIM (855-484-2846) (Monday through Friday, 9 a.m.– 5 p.m.)

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<sup>10</sup> [ju.edu/files/pdfs/about/title-ix-policy-and-procedure.pdf](http://ju.edu/files/pdfs/about/title-ix-policy-and-procedure.pdf)

6. [Love is Respect](#) provides support and information regarding dating violence. 1-866-331-9474 (24-hour) via text, phone and live chat. Text “loveis” to 22522. You can also visit [loveisrespect.org/for-yourself/contact-us](#) for more information.

**D. Non-University Legal Assistance**

1. Mecklenburg County Bar Association Volunteer Lawyers Program **704-375-8624**  
This program provides assistance for low-income clients.
2. Charlotte Public Defender’s Office **704-686-0900**  
Public Defenders represent indigent criminal defendants and indigent respondents in civil cases in which there is a right to counsel.
3. Mecklenburg County District Attorney’s Office **704-686-0700**  
The District Attorney’s office provides resources for victims of crime. [charmckda.com](#)
4. Legal Aid of North Carolina **866-219-5262**  
Legal Aid of North Carolina is a statewide, nonprofit law firm that provides free legal services in civil matters to low-income people. [legalaidnc.org](#)
5. North Carolina Department of Justice **919-716-6400**  
The Attorney General’s office provides resources for victims of crime. [ncdoj.gov](#)
6. International House **704-333-8099**  
International House provides legal services for low-income immigrants. [ihclt.org](#)
7. Latin American Coalition **704-531-3848**  
Non-profit organization offering low-cost and/or free immigration related legal services through its Immigrant Rights Program. [latinamericancoalition.org](#)
8. Muslim American Society – Immigrant Justice Center **919-345-8105**  
Provides low-cost legal advice for immigration issues. [masijc.org](#)
9. Campaign for Southern Equality **828-242-1559**  
Provides a LGBTQ-friendly attorney referral service for North Carolina. [southernequality.org/legal-resources/north-carolina](#)
10. Freedom Center for Social Justice **980-729-8454**  
Provides support and advocacy for transgendered people, elders, people of color, youth, sexual minorities and communities of faith. [fcsj.org](#)
11. Duke University School of Law Legal Clinics  
Law students provide legal services for the community. [law.duke.edu/clinics](#)  
Client intake is handled through [Legal Aid of North Carolina](#).

## RIGHTS AND OPTIONS FOR RESPONDENTS IN SEXUAL MISCONDUCT MATTERS

### I. POLICY AGAINST DISCRIMINATION, HARASSMENT AND RETALIATION

#### A. Non-Discrimination and Non-Harassment Statements

1. Johnson & Wales University prohibits and does not tolerate sexual misconduct (defined to include dating violence, domestic violence, sexual assault, or stalking) and sexual harassment. This document is intended to help respondents in sexual misconduct matters understand their rights and options.
2. Johnson & Wales University is committed to fostering a learning and work environment that is free from prohibited discrimination and harassment. The university prohibits discrimination on the basis of age, color, disability, gender identity or expression, genetic information, marital status, national origin, pregnancy, race, religion, sex, sexual orientation, status as a protected veteran, or any other unlawful basis in administration of its admission policies, educational policies, employment, financial aid, or any other university program or activity. It admits qualified students to all activities, courses, and programs generally accorded or made available to students at the university.

#### B. No-Retaliation Statement

1. Johnson & Wales University prohibits retaliation, including coercion, discrimination, intimidation, or threats, against any individual who has made a good faith complaint, who has cooperated as a witness or a complainant in the investigation of such a complaint, or who has participated as a witness or complainant in any university proceeding. Any person found to have engaged in retaliation, or to have encouraged others to engage in retaliation, will be subject to disciplinary action up to and including termination of employment or dismissal from the university.

#### C. Contact about Policies

1. The following individual has been designated to handle inquiries regarding Title IX and the university's nondiscrimination, non-harassment, and no-retaliation policies:

Matthias Rubekil  
Title IX Coordinator  
Nondiscrimination Coordinator/Section 504 Coordinator  
Equity & Compliance Services  
8 Abbott Park Place  
Providence, RI 02903  
401-598-2703  
[Matthias.Rubekil@jwu.edu](mailto:Matthias.Rubekil@jwu.edu)

2. Title IX is a federal law that prohibits discrimination based on sex at institutions of higher education. Sexual misconduct can constitute a violation of Title IX. The Title IX coordinator oversees all Title IX complaints and investigations in order to provide prompt, fair, and equitable resolutions. The Title IX coordinator is available to meet with students and employees to provide support and answer questions about (a) 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 and (b) how to request changes to academic, living, transportation, and working situations or protective measures. The Title IX coordinator is a neutral resource and is available to assist both complainants and respondents.

#### D. Additional Information

1. You may obtain additional information, including the full Prohibited Discrimination and Harassment (including Sexual Harassment) Policy, the Title IX Policy and Procedures and the Sexual Assault and Relationship Violence Policy, by contacting Equity & Compliance Services or by visiting the university's website at [jwu.edu/compliance](http://jwu.edu/compliance).
2. Inquiries concerning the application of the notice of nondiscrimination may also be referred to the Office for Civil Rights, U.S. Department of Education, Customer Service Team, 400 Maryland Avenue, SW, Washington, DC, 20202-1100, 800-421-3481.

### II. DISCIPLINARY PROCEDURES FOR SEXUAL MISCONDUCT

#### A. General Statement

1. Johnson & Wales University is committed to complying with the federal legal requirement that it provide a "prompt, fair, and impartial" adjudication process for complainants (the reporting students, employees, or third parties) and respondents (the responding parties) in sexual misconduct matters ("Fairness"). The concept of Fairness means the university will comply with the explicit provisions in its processes and policies; the concept of Fairness does not give students any rights other than those in the explicit provisions of university processes and policies. Such processes and policies are not intended to, and do not, create a contractual agreement with any student or other individual, and it does not grant any student or other individual any contractual rights. When the university receives a good faith report or other information alleging that a university student or an employee has engaged in sexual misconduct, the university may commence an investigation.

## B. Procedures for Students

1. If a student chooses to file a complaint with the university alleging sexual misconduct,<sup>11</sup> the student should report to Campus Safety & Security or the Title IX coordinator.
2. Sexual misconduct alleged to have been committed by students is addressed through the university's Conduct Review Process and, as applicable, in accordance with Title IX and relevant state and federal law.<sup>12</sup> Please see the university's Title IX Policy and Procedures for additional information about the Title IX process.<sup>13</sup>
3. Possible sanctions for a violation of the Student Code of Conduct regarding sexual assault and relationship violence are set forth in Sanctions.<sup>14</sup>
4. Parties will have the following rights in connection with the Conduct Review Process:
  - b. The right to Fairness in the adjudicatory process, as defined above and subject to the caveats above.
  - c. The right to a hearing conducted by unbiased university officials who receive annual training on (1) issues related to sexual harassment, sexual assault, sexual exploitation, dating violence, domestic violence, and stalking and (2) how to conduct an investigation.
  - d. The right to a hearing process that protects the safety of the parties and promotes accountability. Hearing officers and adjudicators use the "more likely than not" (preponderance of the evidence) standard to evaluate alleged violations.
  - e. The right to present relevant materials and witnesses with personal, relevant knowledge of the incident as outlined above.
  - f. The right to be accompanied to the hearing and any related meeting by an advisor of their choice. The advisor may accompany the student but may not participate in any manner. Please see the university's Title IX Policy and Procedures for additional information about the role of advisors in the Title IX process.
  - g. The right to be informed in writing of the outcome of the hearing and any appeal, including when such results become final. This includes disclosure to the parties of any sanction imposed that pertains to a sex offense and any sanction imposed that directly relates to the complainant with respect to other alleged sexual harassment violations. The parties do not need to submit a request for such information. In addition, for any crime of violence, the university will, upon written request and in accordance with applicable law, disclose to the complainant all sanctions imposed against the respondent. If the complainant is deceased as a result of the crime of violence, the outcome of the hearing and sanctions will be provided to the complainant's next of kin if so requested.
  - h. The right to request an appeal. A student who acknowledges responsibility will not be entitled to an appeal.
  - i. The university will take steps to prevent the recurrence of any harassment, correct any discriminatory effects on the complainant and others, and implement protective or interim measures as requested and as the university deems appropriate pursuant to applicable law. The university will complete the Conduct Review Process within a reasonably prompt time frame, usually within 60 days, but will allow for the extension of time frames for good cause with written notice to the complainant and respondent of the delay and the reason for the delay.

## C. Procedures for Employees

1. If an employee chooses to file a complaint with the university alleging sexual misconduct, the employee should contact Campus Safety & Security, the Title IX coordinator, or Human Resources. The complaint process will be governed by Human Resources procedures for complaints and the investigation will be conducted by designated university staff. Please see the university's Title IX Policy and Procedures for additional information about the Title IX process.<sup>15</sup>
2. The scope of possible sanctions will include one or more of the following: an educational conversation, additional training, disciplinary action, no-contact order, transfer of position, removal of administrative appointment, demotion, suspension, or termination of employment.
3. Parties will have the following rights in connection with the examination of the complaint by Human Resources:
  - a. The right to Fairness in the adjudicatory process, as defined above and subject to the caveats above.
  - b. The right to a proceeding conducted by unbiased university officials who receive annual training on (1) issues related to sexual harassment, sexual assault, sexual exploitation, dating violence, domestic violence, and stalking and (2) how to conduct an investigation.

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<sup>11</sup> Sexual misconduct violates the university's Sexual Assault and Relationship Violence Policy available at [catalog.jwu.edu/handbook/generalinformationandpolicies/sexualassaultpolicy](http://catalog.jwu.edu/handbook/generalinformationandpolicies/sexualassaultpolicy), the Prohibited Discrimination and Harassment (including Sexual Harassment) Policy available at [catalog.jwu.edu/handbook/generalinformationandpolicies/discriminationandharassment](http://catalog.jwu.edu/handbook/generalinformationandpolicies/discriminationandharassment), the Student Code of Conduct available at [catalog.jwu.edu/handbook/studentaffairs/studentcodeofconduct](http://catalog.jwu.edu/handbook/studentaffairs/studentcodeofconduct) as well as state and federal law, including Title IX of the Education Amendments of 1972 (Title IX).

<sup>12</sup> See [catalog.jwu.edu/handbook/studentaffairs/studentcodeofconduct/conductreviewprocess](http://catalog.jwu.edu/handbook/studentaffairs/studentcodeofconduct/conductreviewprocess).

<sup>13</sup> [ju.edu/files/pdfs/about/title-ix-policy-and-procedure.pdf](http://ju.edu/files/pdfs/about/title-ix-policy-and-procedure.pdf)

<sup>14</sup> See [catalog.jwu.edu/handbook/studentaffairs/studentcodeofconduct/sanctionsforindividuals](http://catalog.jwu.edu/handbook/studentaffairs/studentcodeofconduct/sanctionsforindividuals).

<sup>15</sup> [ju.edu/files/pdfs/about/title-ix-policy-and-procedure.pdf](http://ju.edu/files/pdfs/about/title-ix-policy-and-procedure.pdf)

- c. The right to a proceeding that protects the safety of the parties and promotes accountability. University officials and adjudicators use the “more likely than not” standard to evaluate alleged violations.
- d. The right to be accompanied to the proceeding by an advisor of their choice. The advisor may accompany the party but may not participate in any manner during the proceeding. Please see the university’s Title IX Policy and Procedures for additional information about the role of advisors in the Title IX process.<sup>16</sup>
- e. The right to bring any relevant materials and witnesses with personal, relevant knowledge of the incident to the proceeding.
- f. The right to be informed in writing of the outcome of the proceeding, including when such results become final. This includes disclosure to the parties of any sanction imposed that pertains to a sex offense and any sanction imposed that directly relates to the complainant with respect to other alleged sexual harassment violations. The parties do not need to submit a request for such information. In addition, for any crime of violence, the university will, upon written request and in accordance with applicable law, disclose to the complainant all sanctions imposed against the respondent. If the complainant is deceased as a result of the crime of violence, the outcome of the proceeding and sanctions will be provided to the complainant’s next of kin if so requested.
- g. The university will take steps to prevent the recurrence of any harassment, correct any discriminatory effects on the complainant and others, and implement protective or interim measures as requested by the complainant and the university deems appropriate pursuant to applicable law. The university will complete the examination of the complaint within a reasonably prompt time frame, usually within 60 days but will allow for the extension of time frames with written notice to the complainant and respondent of the delay.

#### **D. Additional Information about the Investigatory Process**

##### **1. Student Process**

- a. Investigators from Campus Safety & Security investigate student complaints. Please see the university’s Title IX Policy and Procedures for additional information about the Title IX investigation process. Investigators are tasked with preparing a report which contains relevant information about the allegation. Usually, an investigator will start by meeting with the complainant and conducting an in-person interview to learn more about the nature of the complaint. The investigator will then determine if it is necessary to meet with any other witnesses who might have relevant information and conduct additional interviews with any such witnesses.
- b. Generally speaking, at this point in the process you will be notified about the allegation and that an investigation has started. The investigator will schedule a meeting to gather information and hear from you. Your participation in the investigation is voluntary and you do not have to speak to the investigator if you choose not to. You have the right to bring an advisor of your choice to this or any subsequent meetings. You are encouraged to inform the investigator about any witnesses who might have relevant information. The investigator will also accept other relevant evidence — for example text messages, social media postings, photographs and videos, and emails. Sometimes, after you meet with the investigator, additional information is needed, and the investigator might reach out to you, the complainant, or other witnesses to obtain clarification or to ask follow-up questions.
- c. Once the information gathering process is completed, the investigator will create a report. This report is shared with other university officials on a need-to-know basis only. The report will be forwarded to Community Standards who will determine whether any of the alleged behaviors violate the Student Code of Conduct. A hearing officer from Community Standards will schedule a meeting with you to explain the next steps in the process and to give you an opportunity to review the report.
- d. A variety of departments can provide support to you and answer questions during this time. Counseling and Health Services are available to assist you. These are generally confidential resources. You may also contact representatives from the Community Standards and Student Conduct office to answer questions and to provide more explanation about the process. The Title IX coordinator is also available to answer questions and provide support and assistance regarding interim or protective measures at the university, including no-contact orders and changes to university academic, living, student financial aid, visa and immigration, working, and transportation situations.

##### **2. Employee Process**

- a. Human Resources will investigate employee complaints. The Title IX coordinator will assess the reported information and address any immediate health or safety concerns. If you request an investigation or disciplinary action, or if the Title IX coordinator determines that an investigation is warranted, the Title IX coordinator will subsequently initiate and oversee an investigation. The Title IX coordinator may designate an internal investigator and/or an experienced external investigator to conduct the investigation. Depending on the circumstances, the investigator may collaborate with the respondent’s supervisor when conducting the investigation. Please see the university’s Title IX Policy and Procedures for additional information about the Title IX investigation process.<sup>17</sup>
- b. The investigation is a neutral fact-gathering process. During the investigation each of the parties will have an opportunity to be heard and to submit information and corroborating evidence. The investigator will notify and

<sup>16</sup> [ju.edu/files/pdfs/about/title-ix-policy-and-procedure.pdf](http://ju.edu/files/pdfs/about/title-ix-policy-and-procedure.pdf)

<sup>17</sup> [ju.edu/files/pdfs/about/title-ix-policy-and-procedure.pdf](http://ju.edu/files/pdfs/about/title-ix-policy-and-procedure.pdf)

meet separately with the complainant, you and any third-party witnesses, as appropriate, and will gather relevant and available evidence and information.

- c. In cases where the Title IX Policy and Procedures are not applicable, the vice president of human resources (“vice president”) or his or her designee will make a determination of responsibility based on a preponderance of the evidence. If the vice president reaches a finding of no responsibility, the matter will be considered resolved and the investigation will be closed. If the vice president reaches a finding of responsibility, the vice president will determine appropriate sanctions. The scope of possible sanctions will include one or more of the following: educational conversation and additional training, disciplinary action, no-contact order, transfer of position, removal of administrative appointment, demotion, suspension, and/or termination of employment. Any sanction or combination of sanctions imposed upon you will be documented in your personnel file. The decision of the vice president is final and is not subject to further university appeal or grievance. Post-adjudication rights as provided by state and federal law are not abrogated. The Title IX coordinator will provide both complainant and you with a notice of final outcome. Please see the university’s Title IX Policy and Procedures for additional information about cases adjudicated under the Title IX process.<sup>18</sup>

#### **E. Additional Policies and Codes**

1. Sexual Assault and Relationship Violence Policy for Students
2. Sexual Assault and Relationship Violence Policy for Employees
3. Prohibited Discrimination and Harassment (including Sexual Harassment) Policy
4. Student Code of Conduct
5. Title IX Policy and Procedures
6. Employee Code of Conduct

### **III. ASSISTANCE IN THE INSTITUTION AND THE COMMUNITY**

#### **A. Institutional and Community Assistance**

##### **1. Confidential On-campus Help**

- a. Student Counseling Services / Academic Center, second floor / 980-598-1710  
(by appointment, 8:30 a.m.– 4:30 p.m.)
- b. Student Health Services / Academic Center, second floor / 980-598-1700
- c. Directors; Bridge for Diversity, Equity & Social Justice / 401-598-2248 / 401-598-1784, Providence Campus
- d. For employees to obtain confidential counseling services  
Employees may contact the university’s employee assistance provider, Coastline EAP, at 401-732-9444 or 1-800-445-1195.

##### **2. Other Non-Confidential On-Campus Help**

- a. Johnson & Wales employees who cannot guarantee confidentiality will nevertheless maintain your privacy. Any information you provide to a non-confidential resource will be kept private and used only as necessary to investigate and address a concern and/or to notify the Title IX coordinator, who is responsible for tracking patterns of sexual misconduct and for detecting systemic issues.
- b. Campus Safety & Security / 980-598-1900 (24 hours a day, seven days a week) / Cedar Hall South, Suite 113
- c. Title IX Coordinator/Nondiscrimination Coordinator  
Matthias Rubkeil / 401-598-2703 / 8 Abbott Park Place / [Matthias.Rubkeil@jwu.edu](mailto:Matthias.Rubkeil@jwu.edu)
- d. Residential Life (24 hours a day in each residence hall)
- e. Dean of Students / 980-598-1835 / Cedar Hall South
- f. Community Standards and Conduct / 980-598-1807 / Wildcat Center
- g. Human Resources / 980-598-1006 / Gateway Center

#### **B. Statement about Legal Assistance**

1. This section provides information about legal assistance outside the university; the university does not provide legal assistance.

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<sup>18</sup> [jwu.edu/files/pdfs/about/title-ix-policy-and-procedure.pdf](http://jwu.edu/files/pdfs/about/title-ix-policy-and-procedure.pdf)

**C. Non-University Legal Assistance (the university does not provide legal assistance)**

1. Mecklenburg County Bar Association Volunteer Lawyers Program **704-375-8624**  
This program provides assistance for low-income clients.
2. Charlotte Public Defender's Office **704-686-0900**  
Public Defenders represent indigent criminal defendants and indigent respondents in civil cases in which there is a right to counsel.
3. Mecklenburg County District Attorney's Office **704-686-0700**  
The District Attorney's office provides resources for victims of crime.  
[charmckda.com](http://charmckda.com)
4. Legal Aid of North Carolina **866-219-5262**  
Legal Aid of North Carolina is a statewide, nonprofit law firm that provides free legal services in civil matters to low-income people. [legalaidnc.org](http://legalaidnc.org)
5. North Carolina Department of Justice **919-716-6400**  
The Attorney General's office provides resources for victims of crime. [ncdoj.gov](http://ncdoj.gov)
6. International House **704-333-8099**  
International House provides legal services for low-income immigrants. [ihclt.org](http://ihclt.org)
7. Latin American Coalition **704-531-3848**  
Non-profit organization offering low-cost and/or free immigration related legal services through its Immigrant Rights Program. [latinamericancoalition.org](http://latinamericancoalition.org)
8. Muslim American Society – Immigrant Justice Center **919-345-8105**  
Provides low-cost legal advice for immigration issues. [masijc.org](http://masijc.org)
9. Campaign for Southern Equality **828-242-1559**  
Provides a LGBTQ-friendly attorney referral service for North Carolina.  
[southernequality.org/legal-resources/north-carolina](http://southernequality.org/legal-resources/north-carolina)
10. Freedom Center for Social Justice **980-729-8454**  
Provides support and advocacy for transgendered people, elders, people of color, youth, sexual minorities and communities of faith. [fcsj.org](http://fcsj.org)
11. Duke University School of Law Legal Clinics  
Law students provide legal services for the community. [law.duke.edu/clinics](http://law.duke.edu/clinics)  
Client intake is handled through [Legal Aid of North Carolina](http://legalaidnc.org).

## NORTH CAROLINA STATE LAWS

Johnson & Wales University encourages individuals to report any incidents which may be violations of State Law to law enforcement authorities. Doing so does not preclude an individual from reporting the incident to the university. The following definitions and statutes are taken from the North Carolina General Laws that may be relevant to misconduct described in this policy.

### Sexual Assault

#### Article 7B – Rape and Other Sex Offenses

##### **§ 14-27.20. Definitions.**

The following definitions apply in this Article:

(1) Repealed by Session Laws 2018-47, s. 4(a), effective December 1, 2018.

(1a) Against the will of the other person. – Either of the following: a. Without consent of the other person. b. After consent is revoked by the other person, in a manner that would cause a reasonable person to believe consent is revoked.

(2) Mentally incapacitated. – A victim who due to any act is rendered substantially incapable of either appraising the nature of his or her conduct, or resisting the act of vaginal intercourse or a sexual act.

(2a) Person who has a mental disability. – A victim who has an intellectual disability or a mental disorder that temporarily or permanently renders the victim substantially incapable of appraising the nature of his or her conduct, or of resisting the act of vaginal intercourse or a sexual act, or of communicating unwillingness to submit to the act of vaginal intercourse or a sexual act.

(3) Physically helpless. – Any of the following: a. A victim who is unconscious. b. A victim who is physically unable to resist an act of vaginal intercourse or a sexual act or communicate unwillingness to submit to an act of vaginal intercourse or a sexual act.

(4) Sexual act. – Cunnilingus, fellatio, anilingus, or anal intercourse, but does not include vaginal intercourse. Sexual act also means the penetration, however slight, by any object into the genital or anal opening of another person's body. It is an affirmative defense that the penetration was for accepted medical purposes.

(5) Sexual contact. – Any of the following: a. Touching the sexual organ, anus, breast, groin, or buttocks of any person. b. A person touching another person with their own sexual organ, anus, breast, groin, or buttocks. c. A person ejaculating, emitting, or placing semen, urine, or feces upon any part of another person.

(6) Touching. – As used in subdivision (5) of this section, means physical contact with another person, whether accomplished directly, through the clothing of the person committing the offense, or through the clothing of the victim. (1979, c. 682, s. 1; 2002-159, s. 2(a); 2003-252, s. 1; 2006-247, s. 12(a); 2015-181, s. 2; 2018-47, s. 4(a); 2019-245, ss. 5(a), 6(c).)

##### **§ 14-27.21. First-degree forcible rape.**

(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.

(b) Any person who commits an offense defined in this section is guilty of a Class B1 felony.

(c) Upon conviction, a person convicted under this section has no rights to custody of or rights of inheritance from any child born as a result of the commission of the rape, nor shall the person have any rights related to the child under Chapter 48 or Subchapter 1 of Chapter 7B of the General Statutes. (1979, c. 682, s. 1; 1979, 2nd Sess., c. 1316, s. 4; 1981, c. 63; c. 106, ss. 1, 2; c. 179, s. 14; 1983, c. 175, ss. 4, 10; c. 720, s. 4; 1994, Ex. Sess., c. 22, s. 2; 2004-128, s. 7; 2015-181, ss. 3(a), (b); 2017-30, s. 1.)

##### **§ 14-27.22. Second-degree forcible rape.**

(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 has a mental disability or who is mentally incapacitated or physically helpless, and the person performing the act knows or should reasonably know the other person has a mental disability or is mentally incapacitated or physically helpless.

(b) Any person who commits the offense defined in this section is guilty of a Class C felony.

(c) Upon conviction, a person convicted under this section has no rights to custody of or rights of inheritance from any child conceived during the commission of the rape, nor does the person have any rights related to the child under Chapter 48 of the General Statutes or Subchapter 1 of Chapter 7B of the General Statutes. (1979, c. 682, s. 1; 1979, 2nd Sess., c. 1316, s. 5; 1981, cc. 63, 179; 1993, c. 539, s. 1130; 1994, Ex. Sess., c. 24, s. 14(c); 2002-159, s. 2(b); 2004-128, s. 8; 2015-181, ss. 4(a), (b); 2018-47, s. 4(b).)

##### **§ 14-27.23. Statutory rape of a child by an adult.**

(a) 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.

(b) A person convicted of violating this section is guilty of a Class B1 felony and shall be sentenced pursuant to Article 81B of Chapter 15A of the General Statutes, except that in no case shall the person receive an active punishment of less than 300 months, and except as provided in subsection (c) of this section. Following the termination of active punishment, the person shall be enrolled in satellite-based monitoring for life pursuant to Part 5 of Article 27A of Chapter 14 of the General Statutes.

(c) Notwithstanding the provisions of Article 81B of Chapter 15A of the General Statutes, the court may sentence the defendant to active punishment for a term of months greater than that authorized pursuant to G.S. 15A-1340.17, up to and including life imprisonment without parole, if the court finds that the nature of the offense and the harm inflicted are of such brutality, duration, severity, degree, or scope beyond that normally committed in such crimes, or considered in basic aggravation of these crimes, so as to require a sentence to active punishment in excess of that authorized pursuant to G.S. 15A-1340.17. If the court sentences the defendant pursuant to this subsection, it shall make findings of fact supporting its decision, to include matters it considered as egregious aggravation. Egregious aggravation can include further consideration of existing aggravating factors where the conduct of the defendant falls outside the heartland of cases even the aggravating factors were designed to cover.

Egregious aggravation may also be considered based on the extraordinarily young age of the victim, or the depraved torture or mutilation of the victim, or extraordinary physical pain inflicted on the victim.

(d) Upon conviction, a person convicted under this section has no rights to custody of or rights of inheritance from any child born as a result of the commission of the rape, nor shall the person have any rights related to the child under Chapter 48 or Subchapter 1 of Chapter 7B of the General Statutes.

(e) The offense under G.S. 14-27.24 is a lesser included offense of the offense in this section. (2008-117, s. 1; 2015-181, s. 5(a), 5(b).)

**§ 14-27.24. First-degree statutory rape.**

(a) 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.

(b) Any person who commits an offense defined in this section is guilty of a Class B1 felony.

(c) Upon conviction, a person convicted under this section has no rights to custody of or rights of inheritance from any child born as a result of the commission of the rape, nor shall the person have any rights related to the child under Chapter 48 or Subchapter 1 of Chapter 7B of the General Statutes. (1979, c. 682, s. 1; 1979, 2nd Sess., c. 1316, s. 4; 1981, c. 63; c. 106, ss. 1, 2; c. 179, s. 14; 1983, c. 175, ss. 4, 10; c. 720, s. 4; 1994, Ex. Sess., c. 22, s. 2; 2004-128, s. 7; 2015-181, s. 6.)

**§ 14-27.25. Statutory rape of person who is 15 years of age or younger.**

(a) 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.

(b) Unless the conduct is covered under some other provision of law providing greater punishment, a defendant is guilty of a Class C 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 more than four but less than six years older than the person, except when the defendant is lawfully married to the person. (1995, c. 281, s. 1; 2015-62, s. 1(a); 2015-181, s. 7(a), (b).)

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

(a) 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) 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.

(b) Any person who commits an offense defined in this section is guilty of a Class B1 felony. (1979, c. 682, s. 1; 1979, 2nd Sess., c. 1316, s. 6; 1981, c. 63; c. 106, ss. 3, 4; c. 179, s. 14; 1983, c. 175, ss. 5, 10; c. 720, s. 4; 1994, Ex. Sess., c. 22, s. 3; 2015-181, ss. 8(a), (b); 2017-30, s. 2.)

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

(a) 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 has a mental disability or who is mentally incapacitated or physically helpless, and the person performing the act knows or should reasonably know that the other person has a mental disability or is mentally incapacitated or physically helpless.

(b) Any person who commits the offense defined in this section is guilty of a Class C felony. (1979, c. 682, s. 1; 1979, 2nd Sess., c. 1316, s. 7; 1981, c. 63; c. 179, s. 14; 1993, c. 539, s. 1131; 1994, Ex. Sess., c. 24, s. 14(c); 2002-159, s. 2(c); 2015-181, ss. 9(a), (b); 2018-47, s. 4(c).)

**§ 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 has a mental disability or who is mentally incapacitated or physically helpless, and the person performing the act knows or should reasonably know that the other person has a mental disability or is mentally incapacitated or physically helpless.

(b) Any person who commits the offense defined in this section is guilty of a Class A1 misdemeanor. (2003-252, s. 2; 2015-181, s. 15; 2018-47, s. 4(d).)

**§ 14-27.33A. Sexual contact or penetration under pretext of medical treatment.**

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

- (1) Incapacitated. – A patient's incapability of appraising the nature of a medical treatment, either because the patient is unconscious or under the influence of an impairing substance, including, but not limited to, alcohol, anesthetics, controlled substances listed under Chapter 90 of the General Statutes, or any other drug or psychoactive substance capable of impairing a person's physical or mental faculties.
- (2) Medical treatment. – Includes an examination or a procedure.
- (3) Patient. – A person who has undergone or is seeking to undergo medical treatment.
- (4) Sexual contact. – The intentional touching of a person's intimate parts or the intentional touching of the clothing covering the immediate area of the person's intimate parts, if that intentional touching can reasonably be construed as being for the purpose of sexual arousal or gratification, done for a sexual purpose, or done in a sexual manner.
- (5) Sexual penetration. – Sexual intercourse, cunnilingus, fellatio, anal intercourse, or any other intrusion, however slight, of any part of a person's body or of any object into the genital or anal openings of another person's body, regardless of whether semen is emitted, if that intrusion can reasonably be construed as being for the purpose of sexual arousal or gratification, done for a sexual purpose, or done in a sexual manner.

- (b) Offense; Penalty. – Unless the conduct is covered under some other provision of law providing greater punishment, a person who undertakes medical treatment of a patient is guilty of a Class C felony if the person does any of the following in the course of that medical treatment:
- (1) Represents to the patient that sexual contact between the person and the patient is necessary or will be beneficial to the patient's health and induces the patient to engage in sexual contact with the person by means of the representation.
  - (2) Represents to the patient that sexual penetration between the person and the patient is necessary or will be beneficial to the patient's health and induces the patient to engage in sexual penetration with the person by means of the representation.
  - (3) Engages in sexual contact with the patient while the patient is incapacitated.
  - (4) Engages in sexual penetration with the patient while the patient is incapacitated.
- (c) This section does not prohibit a person from being charged with, convicted of, or punished for any other violation of law that is committed by that person while violating this section.
- (d) The court may order a term of imprisonment imposed for a violation of this section to be served consecutively to a term of imprisonment imposed for any other crime, including any other violation of law arising out of the same transaction as the violation of this section. (2019-191, s. 43(a).)

## Dating Violence

North Carolina state law does not provide a definition for dating violence.

## Domestic Violence

### Chapter 50 B

#### **§ 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. 14-27.33.
- (b) For purposes of this section, the term "personal relationship" means a relationship wherein the parties involved:
- (1) Are current or former spouses;
  - (2) Are persons of opposite sex who live together or have lived together;
  - (3) Are related as parents and children, including others acting in loco parentis to a minor child, or as grandparents and grandchildren. For purposes of this subdivision, an aggrieved party may not obtain an order of protection against a child or grandchild under the age of 16;
  - (4) Have a child in common;
  - (5) Are current or former household members;
  - (6) Are persons of the opposite sex who are in a dating relationship or have been in a dating relationship. For purposes of this subdivision, a dating relationship is one wherein the parties are romantically involved over time and on a continuous basis during the course of the relationship. A casual acquaintance or ordinary fraternization between persons in a business or social context is not a dating relationship.
- (c) As used in this Chapter, the term "protective order" includes any order entered pursuant to this Chapter upon hearing by the court or consent of the parties. (1979, c. 561, s. 1; 1985, c. 113, s. 1; 1987, c. 828; 1987 (Reg. Sess., 1988), c. 893, ss. 1, 3; 1995 (Reg. Sess., 1996), c. 591, s. 1; 1997-471, s. 1; 2001-518, s. 3; 2003-107, s. 1; 2009-58, s. 5; 2015-181, s. 36.)

## Stalking

### § 14-277.3A. Stalking.

#### **§ 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.

(d) Classification. – A violation of this section is a Class A1 misdemeanor. A defendant convicted of a Class A1 misdemeanor under this section, who is sentenced to a community punishment, shall be placed on supervised probation in addition to any other punishment imposed by the court. A defendant who commits the offense of stalking after having been previously convicted of a stalking offense is guilty of a Class F felony. A defendant who commits the offense of stalking when there is a court order in effect prohibiting the conduct described under this section by the defendant against the victim is guilty of a Class H felony.

(e) Jurisdiction. – Pursuant to G.S. 15A-134, if any part of the offense occurred within North Carolina, including the defendant's course of conduct or the effect on the victim, then the defendant may be prosecuted in this State. (2008-167, s. 2.)

## Consent

North Carolina Criminal Law prohibits engaging in sexual activity by force and against the will of the other person or acts that are against people who are mentally incapacitated or physically helpless. Against a person's will can be: without consent entirely; or after consent is given and then later revoked by the other person, in a manner that would cause a reasonable person to believe consent is revoked. N.C.G.S. 14-27.20(1a).

## EMPLOYEE SEXUAL ASSAULT AND RELATIONSHIP VIOLENCE POLICY — CHARLOTTE CAMPUS

Johnson & Wales University (JWU) prohibits sexual assault and relationship violence, which may include dating violence, domestic violence, stalking, and sexual exploitation. These offenses constitute violations of university policy, including the Prohibited Discrimination and Harassment (including Sexual Harassment) Policy and the [Student Code of Conduct](#). These offenses can also constitute violations of state and federal laws and may constitute a violation of the university's [Title IX Policy and Procedures](#). Visit "Policies and Resources" at [jwu.edu/compliance](http://jwu.edu/compliance).

The university provides proceedings and resources for community members affected by sexual assault and relationship violence (see [Getting Help](#)), and offers programming designed to educate the community and prevent the occurrence of such offenses (see [Education and Prevention](#)).

### Definitions

**Dating violence** means 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 interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual or physical abuse or threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

**Domestic violence** means crimes 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 a spouse or intimate partner;
- 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
- 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.

**Sexual assault** means any sexual act directed against another person, by force, threat of force, coercion or without consent, including instances where the person is incapable of giving consent. Sexual assault includes rape, fondling, incest and statutory rape.

*Fondling* means the touching (with a hand or any other part of the body) of another person's clothed or unclothed sex organs, breasts, groin, buttocks or anus for the purpose of sexual arousal, sexual gratification or abuse, without consent of the person, including instances where the person is incapable of giving consent. Fondling also includes being forced to touch (with a hand or any other part of the body) another person's clothed or unclothed sex organs, breasts, groin, buttocks or anus, without consent, including instances where the person is incapable of giving consent.

*Consent* means conduct that signifies through words or behaviors that the parties have indicated agreement to engage in sexual activity.

- Past consent does not imply future consent.
- Silence or absence of resistance, by itself, may not imply consent.
- Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another.
- Consent can be withdrawn at any time.
- Coercion, force, or threat of force invalidates consent.

*Incapable of giving consent* means that because of the person's age or temporary or permanent mental incapacity the person cannot give intelligent, knowing, and voluntary consent. Where it is determined that complainant was incapable of giving intelligent, knowing, and voluntary consent, the respondent will be held responsible only if it is determined that the respondent either knew — or a reasonable person in the same position would have known — that the complainant was incapable of giving intelligent, knowing and voluntary consent.

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

*Coercion* means express or implied threats of any harm that would place a reasonable individual in fear of immediate or future harm and that is employed to make someone engage in sexual activity.

*Force* means the actual use or threat of physical violence that is employed to make someone engage in sexual acts.

*Rape* means 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 consent, including instances where the person is incapable of giving consent.

*Statutory rape* means sexual intercourse with a person who is under the statutory age of consent.

**Sexual exploitation** means taking sexual advantage of another individual's nudity or sexuality without consent and includes, but is not limited to,

- causing, or attempting to cause, the incapacitation of another person in order to make that person vulnerable to sexual acts;
- recording or photographing of private sexual activity and/or an individual's intimate parts (including breasts, buttocks, genitalia or groin);
- dissemination, streaming or posting of recordings, photos or other images of an individual's sexual acts and/or intimate parts (including breasts, buttocks, genitalia or groin);
- voyeurism (watching or taking pictures, videos or audio recordings of another person engaging in sexual acts);
- allowing third parties to observe private sexual acts;
- knowingly or recklessly exposing another person to a significant risk of sexually transmitted infection or virus; and/or
- exposing one's genitals to another individual.

**Stalking** means a course of conduct directed at a specific person that would cause a reasonable person to

- fear for the person's safety or the safety of others; or
- suffer substantial emotional distress.

*Course of conduct* means 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, follows, monitors, observes, surveils, threatens or communicates to or about a person, or interferes with a person's property.

*Reasonable person* means a reasonable person under similar circumstances and with similar identities to the victim.

*Substantial emotional distress* means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

If there is reason to believe that Johnson & Wales University's rules prohibiting sexual assault and relationship violence have been violated, either on or off campus, the administration will review and, when appropriate, will pursue disciplinary action through the university's Title IX Policy and Procedure or the [Conduct Review Process](#), Human Resources & Payroll, and/or through any other available proceedings. When an individual accused of this behavior is not a member of the university community, the university will determine the appropriate response depending upon the nature of the individual's relationship with the university and other factors.

In considering these offenses, the university will, if required by law, refer to applicable state law.

## **Education and Prevention**

JWU takes a proactive stance to educate its community regarding sexual harassment and methods of prevention, including addressing societal or environmental causes, alcohol use, awareness-raising, bystander behavior, definition of consent, healthy sexuality and relationships, risk reduction, and self-defense.

JWU's programs may be in-person or online (depending in part on health and safety considerations). Programs may include a mix of guest speakers, university staff members, externally created programs, and university-created programs, in the sole discretion of the university.

For students, education about sexual harassment begins at new student orientation, where incoming students and involved families are invited to participate in educational sessions addressing the university's stance against sexual harassment.

New student orientation staff members are trained to handle issues of sexual harassment and participate in programming designed to help students understand university expectations and policy (including where to obtain resources and where to report violations); the intersection between alcohol and sexual harassment; and ways to reduce the risk of, as well as prevent, sexual harassment. This programming promotes safety and introduces options to decrease perpetration, increase reporting, and empower individuals to take safe and comfortable bystander action.

Students are also encouraged to learn about safe and effective forms of bystander intervention to prevent harm or intervene when there is a risk of sexual assault, dating violence, domestic violence, or stalking. Bystander intervention means safe and positive options an individual may carry out that proactively promote safe and respectful interactions before the precursors to harm occur. 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. The university addresses bystander behavior by participating in programs like Green Dot as a core component of its comprehensive violence prevention efforts.

Prevention and education efforts continue throughout the year and are supported by multiple departments, such as Student Engagement, Residential Life, and Athletics. This programming targets some combination of the following: addressing societal or environmental causes, alcohol use, awareness-raising, bystander behavior, definition of consent, healthy sexuality and relationships, risk reduction, and self-defense. The university provides education through its “Consent Initiative,” which informs students about the university’s expectations and policy (including where to obtain resources and where to report violations); the intersection between alcohol and sexual harassment; and ways to reduce the risk of, as well as prevent, sexual harassment.

Literature addressing issues of sexual harassment is available from multiple departments including Athletics, Campus Safety & Security (“CS&S”), Community Standards & Conduct, Counseling Services, Equity & Compliance Services; the Bridge for Diversity, Equity & Social Justice; Health Services, Residential Life, and Student Engagement.

Many of the educational initiatives offered to students are open to employees, and employees have the opportunity and are encouraged to participate in a variety of educational programs. In addition, employees are offered programming on the [Prohibited Discrimination and Harassment \(including Sexual Harassment\) Policy](#), the Title IX Policy and Procedures, and this Policy.

For information regarding sexual assault and relationship violence awareness and prevention programming, contact the [Title IX coordinator](#) or the directors of [the Bridge for Diversity, Equity & Social Justice](#). Upcoming programs can also be found on [jwuLink](#) and the student calendar.

## Steps to Follow If an Offense Occurs

If you believe you are the victim of sexual assault or relationship violence (including dating violence, domestic violence, stalking or sexual exploitation), you are encouraged to take the following steps:

1. Seek a safe place and call the police or CS&S. Information about reporting is found below.
2. Seek immediate medical attention. A medical examination is important to diagnose and treat any injuries (including internal injuries) or infections which may have resulted from the incident. Getting a medical examination does not mean that individuals are required to report the incident to the police or the university; however, the hospital may retain forensic examination information as part of the medical record and may contact a law enforcement agency to provide the agency with the evidence kit. The forensic examination information may be helpful if individuals should choose to report to police or the university or otherwise seek to enforce their rights.
3. Try to avoid the following pending a medical examination:
  - a. Washing anything (including hands, mouth and face) or showering.
  - b. Going to the bathroom, brushing teeth, eating, drinking, douching, or changing clothes.
4. It is recommended to bring an extra set of clothes to the hospital.

Time sensitive steps: Some actions are more effective or only may be taken within a few days after an incident of sexual harassment. Individuals may wish to consult with medical personnel quickly regarding these items:

  - a. Preventative treatments for pregnancy and sexually transmitted infections
  - b. Evidence collection
  - c. Toxicology testing if there are signs that drugs or alcohol may have facilitated the incident of sexual misconduct

5. Consider steps to preserve and record physical and other evidence, which may be important to enforce rights or obtain remedies (including pressing criminal charges or seeking a civil protective order).
  - a. Details that may be important to identify the allegedly responsible individual include the perpetrator's name (if known) and a description of the perpetrator (including clothing worn and a physical description of the perpetrator), and the details of the incident of sexual harassment (including, for example, the location, possible witnesses, etc.).
  - b. If individuals do change or have access to other materials like sheets or blankets present during the assault/violence, those materials can be brought to the hospital or given to law enforcement for evidence collection. Individuals should use a paper bag, not a plastic bag, if they choose to transport any of these materials on their own. Note that this is by no means an exhaustive summary regarding evidence preservation, which is outside the scope of this Policy.
  - c. Individuals may also consider preserving electronic evidence and other relevant information, such as communications from the perpetrator (including email, text messages, mail, instant messaging, etc.).
6. Seek confidential counseling services. Individuals can obtain confidential counseling assistance whether or not they file a report.
7. Seek assistance regarding obtaining interim supportive or protective measures at the university, including no-contact orders and changes to university academic, living, student financial aid, visa and immigration, working, and transportation situations, regardless of whether individuals choose to report the sexual misconduct. The Title IX coordinator or CS&S will provide individuals with written information about university and community resources for changing situations or addressing needs.
8. Create a safety plan. The Title IX coordinator, CS&S and other university administrators are able to assist individuals with creating such a plan. Community organizations may be able to assist as well.
9. Individuals may seek a protective order or similar order from a court. Please note that the local authorities are responsible for the enforcement of these items and not CS&S, but CS&S will provide assistance.

## Reporting Offenses to the University

**Consider your reporting options.** Your options include

- reporting the offense to law enforcement authorities by dialing 911 or contacting the appropriate police at the numbers listed in [Getting Help](#). Campus authorities will assist you with notifying law enforcement authorities, if desired;
- reporting the offense to CS&S (see [Getting Help](#) for your campus information);
- reporting the offense to a Residential Life staff member (such as your RA or area coordinator);
- reporting the offense to the university's [Title IX coordinator](#); and/or
- reporting the offense to any of the other organizations or departments listed in [Getting Help](#).

If you wish to report confidentially or are uncertain about your next step you may call Counseling Services (see [Getting Help](#) for your campus information).

Johnson & Wales University strongly urges students to report criminal offenses to local police and CS&S so the university can take appropriate measures to provide help to the complainant and prevent future crimes.

However, you have the right not to report the matter.

Johnson & Wales University strives to be supportive and accommodating for all victims of sexual assault and relationship violence. University representatives will make every effort to help in these ways:

1. We will meet with you privately at a place of your choice on campus to take a statement, explain your options, and provide you with a written list of rights and resources.
2. We will treat information that you share with the highest level of discretion.
3. CONFIDENTIALITY: We will do our best to honor your request to maintain confidentiality, provided your request does not interfere with our obligation to provide a safe, non-discriminatory environment for all students.
  - The university will evaluate a request to maintain confidentiality and consider several factors in evaluating such a request:

1. The totality of known circumstances
  2. The seriousness of the offense
  3. Whether the prohibited conduct involved physical violence or use of weapons
  4. Whether the report reveals a pattern of prohibited conduct
  5. Whether the respondent has a history of arrests or is the subject of prior reports indicating a history of violence
  6. Whether multiple respondents were involved
  7. Complainant's age
  8. Any other available and relevant information and evidence
- The university's crime log will not include identifying information about the complainant to the extent permissible by law.
  - Please be advised that if we honor a request to maintain confidentiality, our ability to meaningfully investigate the incident and pursue disciplinary action against the respondent may be limited.
  - Any accommodations or protective measures provided to you will be kept confidential, to the extent that maintaining such confidentiality will not impair the ability of the university to provide the accommodation or protective measures.
  - If we cannot honor your request to maintain confidentiality, we will inform you and, to the extent possible, only share information with people responsible for handling our response to the incident.
4. We will not prejudge you.
  5. We will treat you and your particular situation with courtesy, sensitivity, dignity, understanding and professionalism.
  6. If you feel more comfortable talking with either a counselor or representative of a specific gender, we will do our best to accommodate your request.
  7. We will assist you in arranging for any hospital treatment or medical needs.
  8. We can assist you in privately contacting local law enforcement officials, counseling, CS&S, advising and other available resources, both on campus and in the community as set forth in [Getting Help](#).
  9. We will fully investigate your report with respect and discretion.
  10. We will continue to be available for you — to answer your questions, explain the systems and processes involved, and be willing listeners.
  11. We will consider your report seriously, without bias based on a protected category.
  12. We will provide written notification of rights and options, including interim and protective measures.

## Getting Help

After a sexual assault or an incident of dating violence, domestic violence, stalking, sexual exploitation and/or retaliation, there are many options. Understanding and choosing between these options can feel confusing and overwhelming. You are not alone.

Information, support and resources are available on and off-campus to help students. The university provides a non-exhaustive list of organizations and departments by campus that offer or arrange for immediate support and response, including arrangements for emergency services, if needed; transportation to medical resources; contact with local authorities; information regarding criminal and civil proceedings and/or the university's Conduct Review Process or Human Resources procedures, as appropriate; advocacy services; referrals/advice about university and community counseling services; and assistance with personal safety concerns.

Many of these resources are available to respondents as well. Community members are encouraged to seek assistance and locate resources that are right for them.

*For additional information, see the Getting Help Listings, Charlotte Campus Complainant Resource Document, Respondent Resource Document and State Laws Section of this report.*

## **Criminal and Disciplinary Action: What Action May Be Taken**

- 1. General Statement:** Johnson & Wales University is committed to complying with the federal legal requirement that it provide a “prompt, fair and impartial” adjudication process for complainants (the reporting students, employees or third parties) and respondents (the responding parties) in sexual misconduct matters (“Fairness”). The concept of Fairness means the university will comply with the explicit provisions in its processes and policies; the concept of Fairness does not give students any rights other than those in the explicit provisions of university processes and policies. Such processes and policies are not intended to, and do not, create a contractual agreement with any student or other individual, and it does not grant any student or other individual any contractual rights. When the university receives a good faith report or other information alleging that a university student or an employee has engaged in sexual misconduct, the university may commence an investigation.
- 2. Criminal Prosecution:** If you choose to pursue criminal prosecution through the courts, the incident should be reported to the police. Remember, a police report does not require a victim to prosecute and campus personnel are available to assist you when notifying the police. Please see [Getting Help](#) for sources of assistance for victims when moving through the prosecution process.
- 3. University Disciplinary Action:** If you choose to report the matter to the university, the incident should be reported to Campus Safety & Security, the Title IX coordinator, or Human Resources. Please see [Getting Help](#) for contacting Campus Safety & Security and Human Resources. Sexual assault, sexual harassment and relationship violence alleged to have been committed by students are addressed through the university’s Conduct Review Process for claims which do not fall within the scope of JWU’s Title IX Policy and Procedures. If any matter is dismissed as outside the scope of Title IX, then, in the sole discretion of the university, the university may bring charges and address such conduct under the Conduct Review Process, which will apply to matters outside the scope of Title IX. The university shall take such steps as needed to ensure compliance with any other university Rules, including the Student Code of Conduct. Such steps could include taking disciplinary action against respondents who are not subject to adjudication under the Title IX Policy and Procedures or are found not responsible for violations of the Title IX Policy and Procedures. For avoidance of doubt, a respondent may be found not responsible for Title IX violations but, thereafter, be found responsible for violations of any other university Rules, including violations of the Student Code of Conduct and Title VII. Please see the [Conduct Review Process](#) and the university’s Title IX Policy and Procedures for more information about the rights of parties related to complaints of sexual assault and relationship violence. Possible sanctions for a violation of the Student Code of Conduct regarding sexual assault and relationship violence are set forth in [Sanctions for Individuals](#).

Claims involving employees that fall within the scope of JWU’s Title IX Policy and Procedures are addressed through the procedures outlined in the [Title IX Policy and Procedures](#). **Please see the university’s Title IX Policy and Procedures for additional information about the Title IX process.**

As required pursuant to CFR (34 CFR 668.46), where allegations of sexual assault, stalking, dating and domestic violence involving employees are concerned and the university’s Title IX policy and procedures are not applicable, the following procedure shall be used:

- The Title IX coordinator will assess the reported information and address any immediate health or safety concerns. If a complainant requests an investigation or disciplinary action, or if the Title IX coordinator determines that an investigation is warranted, the Title IX coordinator will subsequently initiate and oversee an investigation. The Title IX coordinator may designate an internal investigator and/or an experienced external investigator to conduct a prompt, thorough, fair, and impartial investigation. Depending on the circumstances, the investigator may collaborate with the respondent’s supervisor when conducting the investigation.
- The investigation is a neutral fact-gathering process. During the investigation, each of the parties will have an opportunity to be heard and to submit information and corroborating evidence. The investigator will notify and meet separately with the complainant, the respondent and any third-party witnesses, as appropriate, and will gather relevant and available evidence and information.
- The vice president of human resources (“vice president”) or his or her designee will review reports and evidence to make a determination of responsibility based on a preponderance of the evidence. If the vice president reaches a finding of no responsibility, the matter will be considered resolved and the investigation will be closed. If the vice president reaches a finding of responsibility, the vice president will determine appropriate sanctions. The scope of possible sanctions will include one or more of the following: educational conversation and additional training, disciplinary action, no-contact order, transfer of position, removal of administrative appointment, demotion, suspension, and/or termination of employment.
- Any sanction or combination of sanctions imposed upon a respondent will be documented in respondent’s personnel file. The decision of the vice president is final and is not subject to further university appeal or grievance. Post-adjudication rights as provided by state and federal law are not abrogated.

- The Title IX coordinator will provide both complainant and respondent with a notice of final outcome.
- Nothing in the foregoing shall limit the university from pursuing its standard disciplinary and termination procedures for other alleged matters.

**When any one of the options above is pursued, you do not forfeit your right to pursue the remaining options.** Compliance with the items listed above does not constitute a violation of the Family Educational Rights and Privacy Act (20 U.S.C. 1232g).

### **Rights of the Complainant and Employee-Respondent (the “Parties”) for Complaints of Sexual Assault, Sexual Exploitation, Dating Violence, Domestic Violence and Stalking**

For complaints of sexual assault, sexual exploitation, dating violence, domestic violence and stalking alleged to have been committed by an employee, the parties will have the following rights in connection with the examination of the complaint by Human Resources:

- The right to Fairness in the adjudicatory process, as defined above and subject to the caveats above.
- The right to a proceeding conducted by unbiased university officials who receive annual training on issues related to sexual harassment, sexual assault, sexual exploitation, dating violence, domestic violence and stalking and how to conduct an investigation
- The right to a proceeding that protects the safety of the parties and promotes accountability. University officials use the "more likely than not" standard to evaluate alleged violations
- The right to be accompanied to the proceeding by an advisor of their choice. The advisor may accompany the party but may not participate in any manner during the proceeding. Please see the university’s [Title IX Policy and Procedures](#) for additional information about the role of advisors in the Title IX process.
- The right to bring any relevant materials and witnesses with personal, relevant knowledge of the incident to the proceeding
- The right to be informed in writing of the outcome of the proceeding, including when such results become final. This includes disclosure to the parties of any sanction imposed that pertains to a sex offense and any sanction imposed that directly relates to the complainant with respect to other alleged sexual harassment violations. The parties do not need to submit a request for such information. In addition, for any crime of violence, the university will, upon written request and in accordance with applicable law, disclose to the complainant all sanctions imposed against the respondent. If the complainant is deceased as a result of the crime of violence, the outcome of the proceeding and sanctions will be provided to the complainant's next of kin if so requested.

The university will take steps to prevent the recurrence of any harassment, correct any discriminatory effects on the complainant and others, and implement protective or interim measures as requested and as required by law. The university will complete the examination of the complaint within a reasonably prompt time frame, usually within 60 days, but will allow for the extension of time frames with written notice to the complainant and respondent of the delay.

*Johnson & Wales University prohibits retaliation, including intimidation, threats, coercion or discrimination, against any individual who has made a good faith complaint, who has cooperated as a witness or a complainant in the investigation of such a complaint, or who has participated as a witness or complainant in any university proceeding. Any person found to have engaged in retaliation, or to have encouraged others to engage in retaliation, will be subject to disciplinary action up to and including termination of employment or dismissal from the university.*

## DRUGS AND ALCOHOL

**The following statement constitutes Johnson & Wales University's policy regarding drugs and alcohol on campus:**

As stated in the university's [Drug and Alcohol Policy](#), possession or use of alcoholic beverages anywhere on university premises is prohibited, with few exceptions. The exceptions to the policy are as follows:

Residents of the City View Towers and Cedar Hall South residential facilities who are age 21 years or older, that have signed a Special Agreement regarding residents ages 21 or older for those facilities and participated in a required university alcohol workshop, may possess and use alcoholic beverages in their own apartment/room in accordance with the Special Agreement and applicable laws. The Special Agreement sets forth detailed requirements for such residents, including approved types of alcohol, the amount of alcohol permitted per resident and rules on hosting guests.

Alcohol is not permitted to be possessed or used by any other residents in the other residence halls regardless of a student being of legal drinking age.

Illegal drugs, including unlabeled medication bottles or bottles of medication that are not prescribed to the person who possesses them, are prohibited. In addition, items intended to aid in the use of illegal drugs or excessive alcohol consumption (i.e., bongs, pipes, hookahs, needles, funnels) or items perceived to be for drug use are also prohibited on campus. If a residential life team member suspects a residential student is in violation of a policy behind a locked door, the residential life team member reserves the right to enter the room at any time to ensure the safety of the residents.

Please refer to the [Student Code of Conduct](#) for details regarding alcohol and drug violations.

### Drug and Alcohol Policy

As a recipient of federal aid and federal grants, Johnson & Wales University (JWU) adheres to the Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act of 1989.

In accordance with these laws, Johnson & Wales University (JWU) prohibits the unlawful manufacture, distribution, dispensation, possession, and use of controlled substances, drug paraphernalia, and alcohol at the workplace and in the educational setting. Possession or use of alcoholic beverages anywhere on university property is prohibited, except for legal use in the workplace or educational settings sanctioned by the university. "Unlawful" for these purposes means in violation of federal, state, or local statutes, regulations, ordinances, or applicable case law. "Workplace" is defined as either university premises or any place where university business is conducted away from university premises. "Educational setting" includes both university premises and approved educational sites off campus.

Johnson & Wales University is not, and cannot be considered, a protector or sanctuary from the existing laws of local, state or federal governments.

#### Sanctions

**Students:** Disciplinary sanctions that may be imposed on a student found to be in violation of this policy include, but are not limited to, revocation of certain privileges, community service, conduct warnings, conduct probation, fines or restitution for loss, suspension or dismissal from the university and/or university housing, referral to alcohol education or other similar classes, and possible referral to local authorities consistent with applicable law. The university reserves the right to notify parents of alcohol and drug violations by students who are under the applicable legal drinking age, consistent with applicable law. Students who are Pell Grant recipients must notify the university within five days of any criminal drug statute conviction for a violation occurring on or off university premises while conducting university business or activities.

**Employees:** All employees must abide by this policy and must disclose to the university any criminal drug or drug-related conviction. Employees who violate this policy will be subject to disciplinary action up to and including separation of employment and possible referral to the appropriate authorities consistent with applicable law.

**All:** JWU sanctions will be consistent with local, state and federal laws.

### Effects of Alcohol and Controlled Substances

For examples of the effects of alcohol and controlled substances, please see [drugabuse.gov/sites/default/files/cadchart.pdf](http://drugabuse.gov/sites/default/files/cadchart.pdf).

## **JWU's Substance Abuse Prevention Program**

### **Students**

Several programming initiatives and alternatives are available to help students examine their own behavior related to alcohol and other drugs (AOD).

- Counseling Services provides an assessment of AOD usage for all students who seek counseling.
- Referrals to community resources are available for individuals with more long-term or complex needs. A number of AA/NA/Al-Anon groups hold meetings close to campus and in the larger local community.
- Counseling Services offers AOD prevention through programming efforts with various student groups and Student Affairs departments.
- Counseling Services also collaborates with Community Standards and Conduct to provide educational and other resources for students with problematic drinking behavior and drug use.
- For further information, students should call Counseling Services at 980-598-1710.

### **Employees**

An Employee Assistance Program (EAP) is available for university (non-student) employees and their family members. This important benefit allows eligible persons the opportunity to access professional and confidential counseling services for help in dealing with personal issues, including alcohol and drug problems. This benefit is administered by Coastline EAP. Coastline EAP can be contacted at 800-445-1195, or at [www.coastlineeap.com](http://www.coastlineeap.com). For further information regarding this benefit, you may also contact Human Resources & Payroll at 980-598-1025.

For additional information, please review the resources and data available at [samhsa.gov](http://samhsa.gov). The Substance Abuse and Mental Health Services Administration (SAMHSA) is the agency within the U.S. Department of Health and Human Services that leads public health efforts to advance the behavioral health of the nation. SAMHSA's mission is to reduce the impact of substance abuse and mental illness on America's communities.

## **Examples of Potential Violations and Penalties for Drug and Alcohol Offenses**

### **Examples of Violations**

Federal, state and local laws prohibit the unlawful manufacture, distribution, dispensation, possession, and use of controlled substances and alcohol.

It is unlawful for anyone under the age of 21 to possess or purchase alcoholic beverages, for anyone to purchase alcohol for or furnish alcohol to anyone under the age of 21, and for anyone to misrepresent one's age, such as by falsifying an identification card.

It is unlawful to operate a motor vehicle under the influence of controlled substances or alcohol.

### **Examples of Penalties**

Depending on the offense involved, potential penalties may include (among others): suspension or loss of the offender's driver's license or driving privileges; fines (including fines of hundreds or hundreds of thousands of dollars); and imprisonment for various terms up to a term of life. A student will become ineligible to receive Title IV (Higher Education Act) federal financial aid for a period following conviction for an offense under any federal or state law involving the possession or sale of illegal drugs for conduct occurring during a period of enrollment during which the student received Title IV (Higher Education Act) federal financial aid.

### **Statutory Citations**

For examples of federal law violations and penalties related to controlled substances, visit:

[iecc.edu/sites/default/files/inline-files/IECC\\_Federal\\_Trafficking\\_Penalties.pdf](http://iecc.edu/sites/default/files/inline-files/IECC_Federal_Trafficking_Penalties.pdf)

As to state law violations and penalties, examples include the following:

- North Carolina General Statutes governing drugs and alcohol, Chapter 90, Article 5 ([North Carolina Controlled Substances Act](#)) and Chapter 18B ([Regulation of Alcoholic Beverages](#)), may be accessed online.

Please note that this policy does not contain a comprehensive listing of all potential legal violations and penalties.

## **CALL FOR HELP POLICY**

Johnson & Wales University is committed to creating and maintaining a community that fosters the health and safety of every student, as well as personal responsibility and decision making. If a student is experiencing an alcohol or drug related emergency, the health and wellness of that student is the most important concern. Johnson & Wales wants to encourage students to call for help for themselves or on behalf of others, when they witness or are made aware of such an emergency.

As such, any individual who, in good faith, calls for help in a medical emergency related to alcohol or drug use, or who discloses any incident of violence to Johnson & Wales University officials or law enforcement, will not be subject to JWU's Conduct Review Process for alcohol or drug use policy violations occurring at or near the time of the commission of the reported incident. This policy also applies to student organizations and their members involved in the reported incident.

Any person who makes a good-faith report either as a complainant, respondent, or a third-party witness, will not be held accountable through the university's Conduct Review Process related to alcohol or drug use with respect to the reported incident, but may be required to meet with an administrator for an educational conversation. An administrator may also encourage the student to attend an educational program or utilize on-campus resources. Failure to participate in an educational conversation will result in a hold being placed on the student's account.

This policy does not apply to individuals who did not seek assistance for a medical emergency related to alcohol or other drugs, but instead, were found to be in need of assistance by university officials (including but not limited to resident assistants, CS&S officers, faculty members, etc.).

This policy is not intended to shield or protect those students or organizations in cases of extreme, flagrant, or repeated violations of the Student Code of Conduct. In cases where extreme, flagrant, or repeated violations occur, the university reserves the right to implement the Conduct Review Process on a case-by-case basis, regardless of the manner in which the incident was reported. For such cases, the dean of students or designee will make the final determination as to the applicability of this policy.

This policy will not exempt students and organizations from being held accountable for violations regarding other behaviors including, but not limited to, assault, vandalism, domestic or dating violence, sexual assault, sexual harassment, sexual exploitation, and stalking.

In any emergency, Johnson & Wales University strongly encourages students to call Campus Safety & Security or 911 for immediate assistance.

This policy is not intended to address possible violations of criminal laws or their consequences outside the university. This policy only applies to the university's Conduct Review Process. Criminal or police action may still occur separately from Community Standards and Conduct.

## CRIME STATISTICS

Crime statistics for Johnson & Wales University are prepared by Campus Safety & Security. Johnson & Wales University compiles its crime statistics using the uniform crime reporting system of the Department of Justice, Federal Bureau of Investigation, including any modifications pursuant to the Hate Crime Statistics Act and the Violence Against Woman Reauthorization Act of 2013 (VAWA).

Please note that the university's crime statistics include not only crimes that have been reported to state and local police authorities, but also crimes reported to campus security authorities that may not have been reported to the police (for example, minor violations of the Student Code of Conduct or crimes where the victim chooses not to press criminal charges).

The primary source for Johnson & Wales University's statistics is reports received by the university's Campus Safety & Security. All crimes involving university students, personnel and/ or property are required to be reported to Campus Safety & Security. Other individuals who have significant responsibilities for student and campus activities are also surveyed. If these individuals disclose any crimes that may not have been reported to Campus Safety & Security, the crimes are also included in the crime statistics.

Finally, the crime statistics include crimes that have occurred in or on non-campus buildings and property owned or controlled by Johnson & Wales University or by an officially recognized student organization, as well as on public property (including thoroughfares, streets, sidewalks, and parking facilities) that is adjacent to and accessible from the campus. The university requests information on these crimes from state and/or local police agencies for inclusion in the crime statistics whether or not they were previously reported to campus security authorities.

This report is published in compliance with U.S. Public Law 101-542, The Student Right-To-Know and Campus Security Act. Published in September 2023. For additional copies, contact Johnson & Wales University Campus Safety & Security at 980-598-1900 or visit [safety.jwu.edu/charlotte.html](https://safety.jwu.edu/charlotte.html).

## MISSION & GUIDING PRINCIPLES

Johnson & Wales University ... an exceptional education that inspires professional success and lifelong personal and intellectual growth.

In support of our mission and recognizing the importance of preserving our unique student-centered culture, we are guided by the following principles:

- Undertake continuous improvement and planning for a sustainable future.
- Foster an evidence-based teaching and learning environment.
- Support faculty scholarship to advance our status as a teaching and learning institution.
- Maximize student potential by enriching our academic programs with experiential and work-integrated learning.
- Value our faculty and staff.
- Embrace diversity for a richly inclusive community.
- Practice ethical citizenship in all aspects of university life.
- Act as a good steward of our resources to support the needs of our students, faculty and staff.

## **ANNUAL DISCLOSURE OF CRIME STATISTICS**

## CLERY ACT REPORTING — 2022

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crimes Statistics Act (formerly the Campus Security Act)

CATEGORY	VENUE	2022	
CRIMINAL HOMICIDE	On campus*	0	
	Murder and Non-Negligent	In dormitories or other residential facilities	0
	Manslaughter	In or on a non-campus building or property	0
		On public property	1
Negligent Manslaughter	On campus*	0	
		In dormitories or other residential facilities	0
		In or on a non-campus building or property	0
		On public property	0
SEX OFFENSES	On campus*	2	
	Rape	In dormitories or other residential facilities	2
		In or on a non-campus building or property	0
		On public property	0
Fondling	On campus*	1	
		In dormitories or other residential facilities	1
		In or on a non-campus building or property	0
		On public property	0
Statutory Rape	On campus*	0	
		In dormitories or other residential facilities	0
		In or on a non-campus building or property	0
		On public property	0
Incest	On campus*	0	
		In dormitories or other residential facilities	0
		In or on a non-campus building or property	0
		On public property	0
ROBBERY	On campus*	0	
		In dormitories or other residential facilities	0
		In or on a non-campus building or property	0
		On public property	0
AGGRAVATED ASSAULT	On campus*	0	
		In dormitories or other residential facilities	0
		In or on a non-campus building or property	0
		On public property	0
BURGLARY	On campus*	0	
		In dormitories or other residential facilities	0
		In or on a non-campus building or property	0
		On public property	0
ARSON	On campus*	0	
		In dormitories or other residential facilities	0
		In or on a non-campus building or property	0
		On public property	0
MOTOR VEHICLE THEFT	On campus*	0	
		In dormitories or other residential facilities	0
		In or on a non-campus building or property	0
		On public property	0

CATEGORY	VENUE	2022
<b>ARREST FOR</b>		
Liquor law violations	On campus*	0
	In dormitories or other residential facilities	0
	In or on a non-campus building or property	0
	On public property	0
Drug-related violations	On campus*	0
	In dormitories or other residential facilities	0
	In or on a non-campus building or property	0
	On public property	0
Weapons possession	On campus*	0
	In dormitories or other residential facilities	0
	In or on a non-campus building or property	0
	On public property	0
<b>DISCIPLINARY REFERRALS:</b>		
Liquor law violations	On campus*	7
	In dormitories or other residential facilities	7
	In or on a non-campus building or property	0
	On public property	0
Drug-related violations	On campus*	18
	In dormitories or other residential facilities	18
	In or on a non-campus building or property	0
	On public property	0
Weapons possession	On campus*	0
	In dormitories or other residential facilities	0
	In or on a non-campus building or property	0
	On public property	0
<b>HATE CRIMES</b>		<b>0</b>
<b>VAWA ACT REPORTING TEMPLATE</b>		
The Violence Against Women Act (VAWA) Disclosure of Campus Security Policy and Campus Crimes Statistics Act		
Dating Violence	On campus*	1
	In dormitories or other residential facilities	1
	In or on a non-campus building or property	0
	On public property	0
Domestic Violence	On campus*	0
	In dormitories or other residential facilities	0
	In or on a non-campus building or property	0
	On public property	0
Stalking	On campus*	0
	In dormitories or other residential facilities	0
	In or on a non-campus building or property	0
	On public property	0

Unfounded Reports: "0" — There were no Clery reportable incidents removed from the foregoing crime statistics due to being determined unfounded in 2022.

*\*This category includes all on-campus incidents, including those listed in the category "In dormitories or other residential facilities." Therefore, the two categories are not cumulative, but duplicative.*

## CLERY ACT REPORTING — 2021

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crimes Statistics Act (formerly the Campus Security Act)

CATEGORY	VENUE	2021	
CRIMINAL HOMICIDE	On campus*	0	
	Murder and Non-Negligent	In dormitories or other residential facilities	0
	Manslaughter	In or on a non-campus building or property	0
		On public property	0
Negligent Manslaughter	On campus*	0	
		In dormitories or other residential facilities	0
		In or on a non-campus building or property	0
		On public property	0
SEX OFFENSES	On campus*	2	
	Rape	In dormitories or other residential facilities	2
		In or on a non-campus building or property	0
		On public property	0
Fondling	On campus*	1	
		In dormitories or other residential facilities	1
		In or on a non-campus building or property	0
		On public property	0
Statutory Rape	On campus*	0	
		In dormitories or other residential facilities	0
		In or on a non-campus building or property	0
		On public property	0
Incest	On campus*	0	
		In dormitories or other residential facilities	0
		In or on a non-campus building or property	0
		On public property	0
ROBBERY	On campus*	1	
		In dormitories or other residential facilities	0
		In or on a non-campus building or property	0
		On public property	0
AGGRAVATED ASSAULT	On campus*	0	
		In dormitories or other residential facilities	0
		In or on a non-campus building or property	0
		On public property	0
BURGLARY	On campus*	0	
		In dormitories or other residential facilities	0
		In or on a non-campus building or property	0
		On public property	0
ARSON	On campus*	0	
		In dormitories or other residential facilities	0
		In or on a non-campus building or property	0
		On public property	0
MOTOR VEHICLE THEFT	On campus*	0	
		In dormitories or other residential facilities	0
		In or on a non-campus building or property	0
		On public property	0

CATEGORY	VENUE	2021
<b>ARREST FOR</b>		
Liquor law violations	On campus*	0
	In dormitories or other residential facilities	0
	In or on a non-campus building or property	0
	On public property	0
Drug-related violations	On campus*	2
	In dormitories or other residential facilities	2
	In or on a non-campus building or property	0
	On public property	0
Weapons possession	On campus*	0
	In dormitories or other residential facilities	0
	In or on a non-campus building or property	0
	On public property	0
<b>DISCIPLINARY REFERRALS:</b>		
Liquor law violations	On campus*	12
	In dormitories or other residential facilities	12
	In or on a non-campus building or property	0
	On public property	0
Drug-related violations	On campus*	27
	In dormitories or other residential facilities	27
	In or on a non-campus building or property	0
	On public property	0
Weapons possession	On campus*	3
	In dormitories or other residential facilities	3
	In or on a non-campus building or property	0
	On public property	0
<b>HATE CRIMES</b>		<b>0</b>
<b>VAWA ACT REPORTING TEMPLATE</b>		
The Violence Against Women Act (VAWA) Disclosure of Campus Security Policy and Campus Crimes Statistics Act		
Dating Violence	On campus*	1
	In dormitories or other residential facilities	1
	In or on a non-campus building or property	0
	On public property	0
Domestic Violence	On campus*	0
	In dormitories or other residential facilities	0
	In or on a non-campus building or property	0
	On public property	0
Stalking	On campus*	1
	In dormitories or other residential facilities	0
	In or on a non-campus building or property	0
	On public property	0

Unfounded Reports: "0" — There were no Clery reportable incidents removed from the foregoing crime statistics due to being determined unfounded in 2021.

*\*This category includes all on-campus incidents, including those listed in the category "In dormitories or other residential facilities." Therefore, the two categories are not cumulative, but duplicative.*

## CLERY ACT REPORTING — 2020

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crimes Statistics Act (formerly the Campus Security Act)

CATEGORY	VENUE	2020
CRIMINAL HOMICIDE	On campus*	0
Murder and Non-Negligent Manslaughter	In dormitories or other residential facilities	0
	In or on a non-campus building or property	0
	On public property	0
Negligent Manslaughter	On campus*	0
	In dormitories or other residential facilities	0
	In or on a non-campus building or property	0
	On public property	0
SEX OFFENSES:	On campus*	1
Rape	In dormitories or other residential facilities	1
	In or on a non-campus building or property	0
	On public property	0
Fondling	On campus*	1
	In dormitories or other residential facilities	0
	In or on a non-campus building or property	0
	On public property	0
Statutory Rape	On campus*	0
	In dormitories or other residential facilities	0
	In or on a non-campus building or property	0
	On public property	0
Incest	On campus*	0
	In dormitories or other residential facilities	0
	In or on a non-campus building or property	0
	On public property	0
ROBBERY	On campus*	0
	In dormitories or other residential facilities	0
	In or on a non-campus building or property	0
	On public property	0
AGGRAVATED ASSAULT	On campus*	0
	In dormitories or other residential facilities	0
	In or on a non-campus building or property	0
	On public property	0
BURGLARY	On campus*	0
	In dormitories or other residential facilities	0
	In or on a non-campus building or property	0
	On public property	0
ARSON	On campus*	0
	In dormitories or other residential facilities	0
	In or on a non-campus building or property	0
	On public property	0
MOTOR VEHICLE THEFT	On campus*	0
	In dormitories or other residential facilities	0
	In or on a non-campus building or property	0
	On public property	0

CATEGORY	VENUE	2020
<b>ARREST FOR</b>		
Liquor law violations	On campus*	0
	In dormitories or other residential facilities	0
	In or on a non-campus building or property	0
	On public property	0
Drug-related violations	On campus*	0
	In dormitories or other residential facilities	0
	In or on a non-campus building or property	0
	On public property	0
Weapons possession	On campus*	0
	In dormitories or other residential facilities	0
	In or on a non-campus building or property	0
	On public property	0
<b>DISCIPLINARY REFERRALS:</b>		
Liquor law violations	On campus*	5
	In dormitories or other residential facilities	5
	In or on a non-campus building or property	0
	On public property	0
Drug-related violations	On campus*	43
	In dormitories or other residential facilities	43
	In or on a non-campus building or property	0
	On public property	0
Weapons possession	On campus*	0
	In dormitories or other residential facilities	0
	In or on a non-campus building or property	0
	On public property	0
<b>HATE CRIMES</b>		0
<b>VAWA ACT REPORTING TEMPLATE</b>		
The Violence Against Women Act (VAWA) Disclosure of Campus Security Policy and Campus Crimes Statistics Act		
Dating Violence	On campus*	0
	In dormitories or other residential facilities	0
	In or on a non-campus building or property	0
	On public property	0
Domestic Violence	On campus*	3
	In dormitories or other residential facilities	3
	In or on a non-campus building or property	0
	On public property	0
Stalking	On campus*	0
	In dormitories or other residential facilities	0
	In or on a non-campus building or property	0
	On public property	0

Unfounded Reports: "0" — There were no Clery reportable incidents removed from the foregoing crime statistics due to being determined unfounded in 2020.

*\*This category includes all on-campus incidents, including those listed in the category "In dormitories or other residential facilities." Therefore, the two categories are not cumulative, but duplicative.*



# EMERGENCY PROCEDURES QUICK REFERENCE

See the JWU Alerts Page at [www.jwu.edu/alerts/Charlotte](http://www.jwu.edu/alerts/Charlotte) for detailed information

## WHAT TO DO IN CASE OF:

### Fires

- Activate the nearest fire alarm pull station.
- **Call 911** and Campus Safety & Security at 980-598-1900.
- Notify other building occupants.
- Help those needing assistance to leave the area.
- Confine the fire by closing doors as you exit.
- Evacuate the building at the nearest exit.
- Go to your rally point and stay with your class.
- **DO NOT** re-enter the building until authorized to do so by emergency personnel.

### Building Evacuation Procedures

- When the fire alarm is activated, evacuation is **MANDATORY**.
- Do not use elevators.
- Take personal belongings with you.
- Shut off stoves and ovens in kitchens and culinary labs.
- Close doors as you exit.
- Move away from the building to your rally point or a safe area.

### Shelter-in-Place

- Suspend all activities.
- Proceed immediately to an interior room or, if available, a designated shelter-in-place location for the building.
- Do not use elevators.
- Close all windows and doors and ensure that all HVAC systems and elevators are shut down.
- Remain calm.
- Stay in the shelter area until otherwise instructed by university personnel or the authorities.

### Active Shooter/Lockdown

- If possible, exit the building and call 911 and Campus Safety & Security at 598-1900. **(RUN)**
- If you cannot exit, leave the hallway immediately and/or remain behind closed doors in a locked or barricaded room. **(HIDE)**
- Silence your cellphone.
- Stay away from windows; shut off lights and close blinds/shades.
- Remain calm and quietly call 911 and Campus Safety & Security at 980-598-1900.
- Leave the room only when authorities have arrived and instructed you to do so.
- Do not leave or unlock the door to see what is happening.
- If faced with no other option and harm is imminent, make use of nearby items to incapacitate the attacker. **(FIGHT)**
- Do not assume someone else has called 911

### Suspicious Behavior/Persons of Concern

- Do not physically confront the person.
- Do not let anyone into a locked room or building.
- Do not block a person's access to an exit.
- Call Campus Safety & Security at 980-598-1900.

### Suspicious Packages

- Do not touch or disturb the object or package.
- Evacuate the area immediately.
- Call Campus Safety & Security at 980-598-1900.
- Notify your professor, RD, RA or other university administrator.

### Weather Emergencies

Call the Alert Information Line at 980-598-4636 for class cancellation and other emergency information

### Medical

#### Cardiac Arrest or Heart Attack

- Assess the scene for danger.
- Check the victim.
- Call or instruct someone to **call 911** and Campus Safety & Security at 980-598-1900.
- Locate an Automatic External Defibrillator (AED), if one is available.
- Perform CPR if trained and willing to do so.

#### Bleeding

- Apply firm but gentle pressure to the wound with a clean cloth or tissue.
- Have the person lie down.
- **Call 911** and Campus Safety & Security at 980-598-1900.

#### Burns

- Remove the cause of the burn.
- Flush the area with water.
- Do not apply a dressing, creams or lotions.
- **Call 911** and Campus Safety & Security at 980-598-1900.

### Hazardous Materials Spills

- If the incident is indoors, close all doors in order to isolate the area. If it is safe to do so.
- From a safe area call Campus Safety & Security at 980-598-1900.
  - Be prepared to provide the following information:
    - o Name and quantity of the material
    - o Time and location of the incident
    - o If anyone is injured or exposed to the material
    - o If fire or explosion is involved
    - o Your name, phone number and location
  - Evacuate if necessary.

### Bomb Threats

- Remain calm.
- Get as much information as possible.
- **Call 911** and Campus Safety & Security at 980-598-1900.

### Gas Leaks, Fumes & Vapors

- If you smell natural gas
- Do not pull the fire alarms.
  - Do not touch light switches or electrical equipment.
  - Go to a safe place and call Campus Safety & Security at 980-598-1900.
  - Clear the area immediately if instructed to **drop**.
  - Provide your name, phone number and location along with the location of the odor.
  - Provide as many details as possible.

### Flooding

- Flooding can occur due to major rainstorms, water main breaks or loss of power to sump pumps. In case of imminent or actual flooding:
- If you can do so safely
    - o Secure vital equipment, records, and hazardous materials.
    - o Shut off non-essential electrical equipment.
    - o Move all people to a safe area away from the building in danger.
    - o Call Campus Safety & Security at 980-598-1900.
    - o Do not return to the building until instructed to do so by Campus Safety & Security or Facilities.

### Media Inquiries

Direct **ALL** media inquiries to Communications and Media Relations at 980-598-1004.

In an emergency, call 911 and Campus Safety & Security at 980-598-1900.

911 (or 9+911 from university phones)  
Maintenance/Facilities: 980-598-1920

Campus Safety & Security: 980-598-1900  
Alert Information Line: 980-598-4636

## 2023 ANNUAL FIRE SAFETY REPORT

All fires are to be reported to the ranking Campus Safety & Security officer or to one of the following administrators at each campus (these JWU employees and their designees also have primary responsibility for determining whether there is an emergency requiring a notification and/or carrying out the notification process):

- The director of Campus Safety & Security
- The campus president
- Executive director of operations
- The communications & media relations manager

**Campus Safety & Security Contact Information:** 980-598-1900

### Fire Logs

A fire log with the nature, date, time and location of any fire that occurred in an on-campus housing facility for the most recent 60-day period is available for review during normal business hours at Campus Safety & Security at your campus. Requests for fire log information dated prior to the 60-day time period will be provided upon request.

Fires in Residential Facilities — 2022						
Residential Facilities	Total Fires in Each Building	Fire Number	Cause of Fire	Number of Injuries That Required Treatment at a Medical Facility	Number of Deaths Related to a Fire	Value of Property Damage Caused by Fire
Cedar Hall South 215 S Cedar St.	0	0	N/A	N/A	N/A	N/A
Cedar Hall North 715 W 4 <sup>th</sup> St.	0	0	N/A	N/A	N/A	N/A
City View Towers* 425 W 5 <sup>th</sup> St.	0	0	N/A	N/A	N/A	N/A

\*City View Towers was sold in summer 2022.

Fires in Residential Facilities — 2021						
Residential Facilities	Total Fires in Each Building	Fire Number	Cause of Fire	Number of Injuries That Required Treatment at a Medical Facility	Number of Deaths Related to a Fire	Value of Property Damage Caused by Fire
Cedar Hall South 215 S Cedar St.	0	0	N/A	N/A	N/A	N/A
Cedar Hall North 715 W 4 <sup>th</sup> St.	0	0	N/A	N/A	N/A	N/A
City View Towers 425 W 5 <sup>th</sup> St.	2	1	Unintentional cooking fire	0	0	\$0
City View Towers 425 W 5 <sup>th</sup> St.		2	Unintentional cooking fire	0	0	\$0

Fires in Residential Facilities — 2020						
Residential Facilities	Total Fires in Each Building	Fire Number	Cause of Fire	Number of Injuries That Required Treatment at a Medical Facility	Number of Deaths Related to a Fire	Value of Property Damage Caused by Fire
Cedar Hall South 215 S Cedar St.	0	0	N/A	N/A	N/A	N/A
Cedar Hall North 715 W 4 <sup>th</sup> St.	0	0	N/A	N/A	N/A	N/A
City View Towers 425 W 5 <sup>th</sup> St.	1	1	Unintentional cooking fire	0	0	\$0

**Fire Safety Equipment**

**Cedar Hall North**

The building has a full fire sprinkler system and each dorm room has a local smoke detector. There are smoke and heat detectors in all the hallways with a pull station at every exit. There are fire extinguishers in every hallway and each floor has two exits. There are multiple fire hose connections on each floor, and outside the building. Two fire drills were held in Cedar Hall North during 2021.

**Cedar Hall South**

The building has a full fire sprinkler system and each dorm room has a local smoke detector. There are smoke and heat detectors in all the hallways with a pull station at every exit. There are fire extinguishers in every hallway and each floor has two exits. There are multiple fire hose connections on each floor, and outside the building. Two fire drills were held in Cedar Hall South during 2021.

**Fire Drills and Fire Equipment — Calendar Year 2022**

A total of seven (7) fire drills were held at residential facilities. The university plans for future improvements in fire safety, if determined necessary by the institution. During 2022, three (3) of the fire drills were held at City View Towers.

**Smoking Policy**

Effective July 1, 2015 on the Charlotte Campus, all uses of tobacco-related products are prohibited by students, faculty, staff and visitors:

- Consistent with applicable laws;
- In all university-owned and leased property and facilities including, but not limited to, common work areas, classrooms, conference and meeting rooms, private offices, elevators, hallways, stairs, restrooms, vehicles and all other enclosed facilities;
- On university grounds including, but not limited to, parking areas, loading docks of university facilities, athletic and recreational facilities, lectures, conferences, meetings and social events held on university property.

For purposes of this policy, tobacco-related products include cigarettes, electronic cigarettes, cigars, cigarillos, blunts, pipes, bidis, hookahs, chewing tobacco, dip, smokeless tobacco, snuff or any other items containing or reasonably resembling tobacco or prohibited products.

## Emergency Procedures

Note: For campus-specific procedures, please go to [alerts.jwu.edu/charlotte](https://alerts.jwu.edu/charlotte) and link to the Emergency Management Plan.

Effective emergency response requires the coordinated efforts of staff, faculty and students. Each member of the JWU community should be prepared to act promptly when faced with an emergency. This includes knowing the following:

- Evacuation routes, exit points and rally points; where rally point leaders, or their designee(s), will attempt to take an accounting (roll call) of employees, students, guests and visitors after evacuation
- When and how to evacuate a building
- Locations of emergency supplies and materials, such as fire extinguishers, pull alarms and first aid kits
- Proper procedures for notifying emergency responders about an emergency in your building or work area
- Potential exposures to hazardous materials or processes in and around your work area, as well as any means of protecting yourself in the event of an emergency
- Proper procedures for location specific emergencies (e.g., snowstorm, hurricane, contagious disease outbreak, ice storm)
- Campus emergency contact phone numbers

### Emergency Evacuations

In the event of evacuation, campus procedures shall be followed as closely as possible. Evacuations may be the correct course of action in some instances, and direction in these cases will be provided by the incident commander, his/her designee and/or a local emergency services agency.

If the decision is made to evacuate one or more university buildings:

- Stay calm, do not rush, and do not panic.
- Safely stop your work. If time permits and it is safe to do so, shut off all computers, copy/fax machines, cooking equipment including ovens, stoves, fryolators, etc.
- Gather your personal belongings if it is safe to do so. (Reminder: Take prescription medications out with you if at all possible.)
- No one shall remain in the building and no one shall re-enter the building without the authorization of the incident commander or the responding emergency services agency.
- Upon exiting the building, students, faculty and staff should report to the designated rally point. See the table(s) in the appropriate campus plan for the list of evacuation procedures and rally point locations.
- Once at the rally point, students, faculty and staff shall remain at the rally point unless otherwise directed by university or emergency response personnel. Students, staff and faculty MUST check in with their rally point leader or building manager to attempt to provide an account of occupants to the incident commander. The incident commander must be notified if students, staff and/or faculty have not successfully evacuated or are missing.

### Emergency Evacuations for People With Disabilities

- Evacuate people with disabilities if possible.
- DO NOT use elevators, unless authorized to do so by police or fire personnel.
- If the situation is life threatening, call 911.
- Check on people with special needs during an evacuation. A “buddy system,” where people with disabilities arrange for volunteers to alert them and assist them in an emergency is a good method.
- Attempt a rescue evacuation ONLY if you have had rescue training or the person is in immediate danger and cannot wait for professional assistance.
- Always ask someone with a disability how you can help BEFORE attempting any rescue technique or giving assistance. Ask how he or she can best be assisted or moved, and whether there are any special considerations that need to come with that person.

## **Training and Exercises**

Training and exercises are an integral part of the university's emergency response program. The level and type of training received by each individual will vary according to that individual's responsibilities within the program. The training shall be developed and provided by the appropriate departments or external agencies.

It is the responsibility of each (building) occupant to become familiar with general evacuation procedures, and to know the evacuation routes and assembly areas that are listed in the emergency plan. Faculty and staff shall also attend training(s) given by their department leads on an annual basis.

Conducting drills is essential for assessing emergency plans and procedures, for determining the readiness of emergency responders for resolving questions of coordination and clarifying roles and responsibilities, and for promoting awareness of potential hazards.

In addition to drills, tabletop exercises shall be conducted periodically with various response team members as a less involved technique for evaluating specific aspects of the emergency response program. These exercises will be developed and coordinated by the Crisis Management Team and will seek to include external community members and government emergency service providers.

Whenever feasible, observers from within JWU and from outside agencies should be present throughout the drill to analyze and evaluate each component of the response, and to make recommendations as needed.

## **Maintenance of the University Emergency Management Plan**

The University Emergency Management Plan will be subject to ongoing changes (and improvements) based on the results of actual events, post-exercise drills and activities, and input from units and departments tasked in the plan. There shall be an annual review process; however, incremental changes, modifications and adjustments to the plan will be made as conditions change. The Emergency Operations Team shall be responsible for documenting the training of staff and for retaining that documentation.

Emergency Response and Evacuation Procedures are also available on the jwuAlerts page at [alerts.jwu.edu/charlotte](https://alerts.jwu.edu/charlotte).

## **Fire Safety Information for Students**

### **Fire Safety Rules**

Residence hall fire exits and fire escapes (if present) are to be used in the event of actual emergency conditions and must be kept clear of obstacles and impediments at all times. Fire escapes (if present) are off limits except during emergencies. Violators are subject to fines and disciplinary action.

Fire alarms and extinguishers are placed in residence halls for your safety and that of other residents. You are reminded that use of the equipment, except in the case of fire, jeopardizes the safety of all residents, subjects the violator to fines and disciplinary action (up to and including dismissal from the university), and constitutes a serious criminal offense under the laws of the state.

You must exit the building whenever a fire alarm sounds, during routine fire drills and when illegal or unauthorized use of this equipment has occurred. Fire drills are conducted periodically in each residence hall.

### **Residence Hall — Fire/Explosion Evacuation Procedures**

- The person who discovers a fire should pull the fire alarm and leave the immediate area.
- All building occupants should evacuate the building via the nearest safe exit upon sounding of the fire alarm. If the primary route is blocked by fire, the secondary route should be used.
- DO NOT RUN.
- DO NOT use elevators for evacuation.
- Once outside, occupants should proceed to their building's designated rallypoint.
- When an alarm is sounded in a residence hall, reception area personnel shall call Campus Safety & Security.
- Every effort will be made for RAs/area coordinators, or other assigned person(s), to knock on the doors of the rooms on their floor to alert residents to evacuate the building. Reception area personnel will also take the guest check-in book and residence list before leaving the building unless there is fire or smoke in the immediate area.

- Once occupants arrive at their rally point, students shall report to their RA/area coordinator or other assigned person(s) if they are exiting from a residence hall, or their professor if exiting from a classroom. University employees shall report to their supervisors.
- Residence hall staff shall attempt to account for all occupants and ask questions as necessary to determine if all students have left the building.
- The highest-ranking Campus Safety & Security staff member at the site shall attempt to account for all occupants. Residence hall staff, professors and supervisors shall notify Campus Safety & Security of any missing persons. Campus Safety & Security will report any missing occupants to the fire department.
- The student/employee who discovers the situation and begins the evacuation shall contact Campus Safety & Security (at the rally point) to give the location and type of fire (oil, paper, etc.). As a back-up, once Campus Safety & Security is contacted, they will notify the fire department of the alarm situation.
- Upon fire department arrival, the highest-ranking Campus Safety & Security employee and the student/employee who discovered the fire shall report the location and type of fire and any missing occupants.
- Campus Safety & Security (or the incident commander) shall contact an ambulance and hospital if students/employees are injured.
- The fire department will notify Campus Safety & Security when it is safe to re-enter the building. Campus Safety & Security will then inform RAs/RDs, professors and employees of their decision.

For campus-specific response and evacuation procedures, please go to [alerts.jwu.edu/charlotte](https://alerts.jwu.edu/charlotte) and link to the Emergency Management Plan. University emergency management and fire safety training programs are available students via jwuLink. See the emergency quick reference procedures which are published in this report. The quick reference procedures are also posted throughout campus.

### **Prohibited Items in Residence Halls**

The following items are not allowed within JWU residence halls due to existing Johnson & Wales University policy, fire safety laws, and federal, state and local laws. Possession of any of the following items may result in seizure and/or destruction of the item(s) by a university representative and may result in student conduct action. This list is subject to change without notice.

- Alcoholic beverages and containers, including empty and decorative ones; wine glasses, margarita glasses, martini glasses and shot glasses (possession or use of alcohol is not permitted anywhere on university property, except for legal use at events, operations, programs or facilities sanctioned by the university)
- Narcotics, drugs (including alternative drugs such as synthetic THC and prescription medications that are not in your name) and drug-related items (including hookahs) or items perceived to be for drug use. Refer to the university's [Drug and Alcohol Policy](#) for more information.
- Firearms (including realistic replicas of firearms); weapons (including realistic replicas of weapons) including but not limited to knives with a blade over three inches (excluding university-issued culinary knife kits), brass knuckles and swords; ammunition (not limited to live ammunition) including shell casings; and related paraphernalia, BB guns and air guns are prohibited. Refer to the university's [Firearms Policy](#) for more information.
- Flammable liquids, chemicals of any kind, combustible decorations, explosive materials, and other similar materials, except for sealed containers not exceeding one-ounce capacity
- Fire/open flame materials or unapproved high-heat producing devices, including, but not limited to, candles, lanterns, incense, incense burners, halogen lights/ lamps, lava lamps, camping stoves, fireworks, firecrackers, hookahs, neon signs, rope lights, charcoal grills and sunlamps
- Gasoline, kerosene and other fuels
- Wall/ceiling tapestries, flags, or other wall or ceiling coverings
- Mopeds, motorcycles, scooters and other similar vehicles including gasoline-powered toys or mini bikes are prohibited. Bicycles may not be kept in hallways, stairwells, or public areas inside the residence halls
- Additional furniture (without prior approval of the residence director)
- Large power tools, air conditioners, open-coil appliances, heaters, portable washing machines (dishes or clothes)
- Cooking equipment including, but not limited to: immersion heaters/coils, pottery water-warmers, ovens, hot plates, blenders, fryers, grills (including George Forman grills), toaster ovens/toasters, hot pots, fry pans, stoves and exposed burners (including popcorn poppers without self-contained heating units), griddles, crock pots, blenders, mixers, food processors, dehydrators

- Additional microwaves or refrigerators since a MicroFridge® is provided in each room
- Oversized radios, speakers, stereo systems
- Pets (except fish in a bowl or tank under five gallons — only one per room, suite or apartment). Residential Life offers small pet-friendly communities in Cedar Hall North and South. Pet must be approved through Residential Life and meet all requirements outlined in the Pet Friendly Communities Application and Agreement. A student residing in a pet and animal friendly community is permitted to have one pet only. JWU Pet and Animal Friendly Communities permit a student to have/bring an animal in the following categories: dogs up to 40 lbs. (non-aggressive and state/city approved breeds), cats, small caged mammals, turtles, and lizards that can comfortably live in a five-gallon tank or smaller. No animal that has to be fed a live animal for survival, wildlife, poisonous or endangered species, farm, lab, or production animals are permitted. All pets and animals must be pre-approved by Residential Life prior to the animal arriving to the campus and be at least one year old. No other pet or animal is allowed in university housing, including pets that live at home. (Pets from home are not permitted to visit.) Restricted breeds include pit bulls, Akitas, German shepherds, any wolf hybrid, or any breed not permitted by city or county ordinances. See FAQs for more details.
- Unlawfully obtained street, traffic and construction signs
- Antennas or wires extending outside room windows
- Satellite devices (i.e., Direct TV)
- Items that may affect the safety or security of the residence hall
- Hoverboards

### **Student Code of Conduct**

Conduct that violates the [Student Code of Conduct](#) includes (but is not limited to)

- Use of physical force or violence
- Threatened use of physical force or violence
- Dating violence or domestic violence
- Disorderly Conduct, which may include, but is not limited to, public intoxication or disturbing the peace
- Endangering or threatening the health of safety
- Intentional possession of a dangerous article or substance which may be used to injure or cause discomfort to any person
- Possession of firearms, ammunition, shell casings, BB guns, air guns, airsoft guns, fireworks, incendiary devices, explosives and items that resemble a firearm
- Initiating or circulating a report or warning of an impending bombing, fire, or other crime, emergency, or catastrophe, knowing that the report is false
- Intentionally or recklessly starting a fire
- Misuse of or tampering with fire safety equipment (e.g., fire extinguishers, smoke detectors, exit signs and pull stations)
- Hazing (see the university's [Hazing Policy](#))
- Aiding, abetting, encouraging, or participating in a riot, commotion, or disturbance
- Possession of weapons, including, but not limited to, knives with a blade of three inches or longer (excluding university-issued culinary knives), brass knuckles, swords and items that resemble a weapon
- Animal abuse or neglect

See the [Student Handbook](#) for additional information regarding the Student Code of Conduct.

## **Residence Hall Safety Rules**

Do not

- sit on window ledges or climb in and out of windows
- place objects on window ledges
- leave your door unlocked
- leave valuables unsecured
- use roofs, awnings or balconies
- cook in residence halls (with the exception of approved areas)
- use athletic equipment in halls, common areas or rooms
- hang items on sprinklers
- check in or sponsor visitors you do not know

Residence hall fire exits and fire escapes (when present) are to be used in the event of actual emergency conditions and must be kept clear of obstacles and impediments at all times. Fire escapes (when present) are off limits except during emergencies. Violators are subject to fines and disciplinary action.

Fire alarms and extinguishers are placed in residence halls for your safety and that of other residents. You are reminded that use of the equipment, except in the case of fire, jeopardizes the safety of all residents, subjects the violator to fines and disciplinary action (up to and including dismissal from the university) and constitutes a serious criminal offense under the laws of the state.

You must exit the building whenever a fire alarm sounds, during routine fire drills and when illegal or unauthorized use of this equipment has occurred. Fire drills are conducted periodically in each residence hall.

## **Residence Hall Health & Safety Inspections and Room Searches**

Johnson & Wales University reserves the right to key-in and search bags (upon entry), residence hall rooms, MicroFridges®, refrigerators, room safes and packages at any time for fire, health and safety hazards, for prohibited items and for maintenance and inventory reasons.

The university also reserves the right to inspect and search residents' rooms in the event that a violation of the Student Code of Conduct occurs or is believed to have occurred. Resident assistants will perform routine safety inspections of students' rooms each term. Room searches are conducted by members of Campus Safety & Security.

## **NOTICE OF NONDISCRIMINATION**

Johnson & Wales University does not discriminate on the basis of race, color, national origin, age, sex, sexual orientation, religion, disability, gender identity or expression, genetic information, marital status, pregnancy, veteran status, or any other legally protected status in its programs, activities or employment. It admits qualified students to all the rights, privileges, programs and activities generally accorded or made available to students at the university.

Johnson & Wales University has instituted these policies to ensure a nondiscriminatory environment and to meet legal requirements, including but not limited to Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, Title VII of the Civil Rights Act of 1964, and the Americans with Disabilities Act of 1990.

Johnson & Wales University also does not tolerate harassment of any kind. The university prohibits sexual harassment and sexual misconduct, which are a form of sex discrimination.

Inquiries regarding application Title IX and its implementing regulation and any inquiries regarding the university's nondiscrimination and harassment policies can be made to

Title IX Coordinator/Nondiscrimination Coordinator/Section 504 Coordinator  
Equity & Compliance Services  
8 Abbott Park Place, Providence, RI 02903  
401-598-2703 / [titleix@jwu.edu](mailto:titleix@jwu.edu)

[Refer to the JWU Equity & Compliance Services webpage](#) for more information ([jwu.edu/compliance](http://jwu.edu/compliance)).

Inquiries concerning the application of the notice of nondiscrimination may also be referred to the appropriate governmental agencies listed below:

The Office for Civil Rights, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, DC, 20202-1100, 800-421-3481

**Rhode Island**

Equal Employment Opportunity Commission, John F. Kennedy Federal Building, 475 Government Center, Boston, MA 02203, 617-565-3200

Rhode Island State Commission for Human Rights, 180 Westminster St., 3rd Floor, Providence, RI 02903-3768, 401-222-2661

**Massachusetts**

Equal Employment Opportunity Commission, John F. Kennedy Federal Building, 475 Government Center, Boston, MA 02203, 617-565-3200

Massachusetts Commission Against Discrimination, One Ashburton Place, 6th Floor, Room 601, Boston, MA 02108, 617-994-6000

**North Carolina**

Equal Employment Opportunity Commission, 129 West Trade St., Suite 400, Charlotte, NC 28202, 800-669-4000

North Carolina Human Relations Commission, 116 W. Jones St., Suite 2109, Raleigh, NC 27601, 919-807-4420 (Mailing Address: North

Carolina Human Relations Commission, 1318 Mail Service Center, Raleigh, NC 27699-1318)

For additional information, visit [jwu.edu/about-jwu/equity-and-compliance-services](http://jwu.edu/about-jwu/equity-and-compliance-services).

## APPENDIX A:

### TITLE IX POLICY AND PROCEDURES

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**I. Policy Statement**

- A. Johnson & Wales University (also “JWU”) prohibits sexual harassment (defined to include sexual assault, dating violence, domestic violence, and stalking and retaliation for reporting any such alleged conduct), which may also violate federal and state law. The university has adopted this policy and the accompanying procedures (collectively, “Policy”) to comply with its legal obligations under Title IX of the Education Amendments of 1972 (“Title IX”), entitled Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, codified at 34 C.F.R. Part 106, <https://www2.ed.gov/about/offices/list/ocr/docs/titleix-regs-unofficial.pdf> (“Title IX Regulations”).
- B. This Policy applies to all JWU community members.
- C. This Policy is not intended to, and does not, create a contractual agreement with any student, employee, or other individual, and it does not grant any student, employee, or other individual any contractual rights. Instead, this Policy is intended solely to comply with Title IX. This Policy is subject to revision at any time for any reason without any notice other than its posting on the university’s website.

**II. Application of Policy**

- A. This Policy will apply to all matters determined to fall under Title IX. If any matter is dismissed as outside the scope of Title IX, then, in the sole discretion of the university, the university may bring charges and address such conduct under any other applicable university codes, policies, practices, procedures, or rules (collectively, “Rules”), which will apply to matters outside the scope of Title IX. Only for avoidance of doubt, that includes the “Prohibited Discrimination and Harassment (including Sexual Harassment) Policy” as it relates to Title VII of the Civil Rights Act of 1964 (“Title VII”). The university shall take such steps as needed to ensure compliance with any other university Rules. Such steps could include taking disciplinary action against respondents who are not subject to adjudication under this Policy or are found not responsible for violations of this Policy. For avoidance of doubt, a respondent may be found not responsible for Title IX violations but, thereafter, be found responsible for violations of any other university Rules and including violations of Title VII.

**III. Title IX Coordinator**

- A. The Title IX coordinator monitors the university’s compliance with Title IX. This includes responding to reported conduct that could trigger this Policy. As a neutral resource for complainants and respondents, the Title IX coordinator is available to answer questions about the Policy, the associated process, and available resources. All references in this Policy to the Title IX coordinator shall include the Title IX coordinator’s designee.
- B. The Title IX coordinator can be contacted by phone, mail, email or in person during regular business hours (subject to appointment and availability, depending on the Title IX coordinator’s schedule and depending on health and safety considerations):

Matthias Rubekeil, JD Title IX Coordinator 91 Friendship Street Providence, RI 02903 Telephone: 401-598-2703 Email: <a href="mailto:titleix@jwu.edu">titleix@jwu.edu</a>
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**IV. Education about Sexual Harassment and Prevention**

- A. JWU takes a proactive stance to educate its community regarding sexual harassment and methods of prevention, including addressing societal or environmental causes, alcohol use, awareness-raising, bystander behavior, definition of consent, healthy sexuality and relationships, risk reduction, and self-defense.
- B. JWU’s programs may be in-person or online (depending in part on health and safety considerations). Programs may include a mix of guest speakers, university staff members, externally created programs and university-created programs, in the sole discretion of the university.
- C. For students, education about sexual harassment begins at new student orientation, where incoming students and involved families are invited to participate in educational sessions addressing the university’s stance against sexual harassment.
- D. New student orientation staff members are trained to handle issues of sexual harassment and participate in programming designed to help students understand university expectations and policy (including where to obtain resources and where to report violations); the intersection between alcohol and sexual harassment; and ways to reduce the risk of, as well as prevent, sexual harassment. This programming promotes safety and introduces options to decrease perpetration, increase reporting, and empower individuals to take safe and comfortable bystander action.
- E. Students are also encouraged to learn about safe and effective forms of bystander intervention to prevent harm or intervene when there is a risk of sexual assault, dating violence, domestic violence, or stalking. Bystander intervention means safe and positive options an individual may carry out that proactively promote safe and respectful interactions before the precursors to harm occur. 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. The university addresses bystander behavior by participating in programs like Green Dot as a core component of its comprehensive violence prevention efforts.
- F. Prevention and education efforts continue throughout the year and are supported by multiple departments, such as Student Engagement, Residential Life, and Athletics. This programming targets some combination of the following: addressing societal

or environmental causes, alcohol use, awareness-raising, bystander behavior, definition of consent, healthy sexuality and relationships, risk reduction, and self-defense. The university provides education through its “Consent Initiative,” which informs students about the university’s expectations and policy (including where to obtain resources and where to report violations); the intersection between alcohol and sexual harassment; and ways to reduce the risk of, as well as prevent, sexual harassment.

- G. Literature addressing issues of sexual harassment is available from multiple departments including Athletics, Campus Safety & Security (“CS&S”), Community Standards and Conduct, Counseling Services, Equity & Compliance Services; the Bridge for Diversity, Equity & Social Justice; Health Services, Residential Life, and Student Engagement.
- H. Many of the educational initiatives offered to students are open to employees, and employees have the opportunity and are encouraged to participate in a variety of educational programs. In addition, employees are offered programming on the Prohibited Discrimination and Harassment (including Sexual Harassment) Policy, the Sexual Assault and Relationship Violence Policy, and this Policy.
- I. For information regarding sexual harassment awareness and prevention programming, contact the Title IX coordinator or the directors of the Bridge for Diversity, Equity & Social Justice. Upcoming programs can also be found on jwuLink and the student calendar.

**V. Steps to Follow if Sexual Harassment Occurs**

- A. Individuals who believe that they are the victim of sexual harassment, particularly in cases involving sexual assault, stalking or dating/domestic violence, should take the following steps:
  - 1. Seek a safe place and call the police or CS&S. Information about reporting is found below.
  - 2. Seek immediate medical attention. A medical examination is important to diagnose and treat any injuries (including internal injuries) or infections which may have resulted from the incident. Getting a medical examination does not mean that individuals are required to report the incident to the police or the university; however, the hospital may retain forensic examination information as part of the medical record and may contact a law enforcement agency to provide the agency with the evidence kit. The forensic examination information may be helpful if individuals should choose to report to police or the university or otherwise seek to enforce their rights.
  - 3. Try to avoid the following pending a medical examination:
    - a) Washing anything (including hands, mouth, and face) or showering.
    - b) Going to the bathroom, brushing teeth, eating, drinking, douching, or changing clothes.
    - c) It is recommended to bring an extra set of clothes to the hospital.
  - 4. Time sensitive steps: Some actions are more effective or only may be taken within a few days after an incident of sexual harassment. Individuals may wish to consult with medical personnel quickly regarding these items:
    - a) Preventative treatments for pregnancy and sexually transmitted infections
    - b) Evidence collection
    - c) Toxicology testing if there are signs that drugs or alcohol may have facilitated the incident of sexual harassment
  - 5. Consider steps to preserve and record physical and other evidence, which may be important to enforce rights or obtain remedies (including pressing criminal charges or seeking a civil protective order).
    - a) Details that may be important to identify the allegedly responsible individual include the perpetrator’s name (if known) and a description of the perpetrator (including clothing worn and a physical description of the perpetrator), and the details of the incident of sexual harassment (including, for example, the location, possible witnesses, etc.).
    - b) If individuals do change or have access to other materials like sheets or blankets present during the assault/violence, those materials can be brought to the hospital or given to law enforcement for evidence collection. Individuals should use a paper bag, not a plastic bag, if they choose to transport any of these materials on their own. Note that this is by no means an exhaustive summary regarding evidence preservation, which is outside the scope of this Policy.
    - c) Individuals may also consider preserving electronic evidence and other relevant information, such as communications from the perpetrator (including email, text messages, mail, instant messaging, etc.).
  - 6. Seek confidential counseling services. Individuals can obtain confidential counseling assistance whether or not they file a report.
  - 7. Seek assistance regarding obtaining interim supportive or protective measures at the university, including no-contact orders and changes to university academic, living, student financial aid, visa and immigration, working, and transportation situations, regardless of whether individuals choose to report the sexual harassment. The Title IX coordinator or CS&S will provide individuals with written information about university and community resources for changing situations or addressing needs.
  - 8. Create a safety plan. The Title IX coordinator, CS&S, and other university administrators are able to assist individuals with creating such a plan. Community organizations may be able to assist as well.
  - 9. Individuals may seek a protective order or similar order from a court. Please note that the local authorities are responsible for the enforcement of these items and not CS&S, but CS&S will provide assistance.

**VI. Reporting Options**

A. JWU encourages all individuals to promptly report any potential violations of this Policy. Individuals have several reporting options, including reporting to law enforcement or reporting to the university, including reporting to the Title IX coordinator, CS&S, or other university officials. An individual may choose to report only to one of the foregoing or may choose not to report at all.

1. Reporting to Law Enforcement

a) Individuals who believe that they are the victim of a crime involving sexual harassment (like sexual assault, dating violence, domestic violence, and stalking), are strongly encouraged to contact law enforcement authorities and file a criminal complaint by dialing 911 or contacting local police. A report to law enforcement is separate from a report to the university. JWU CS&S will assist with notifying law enforcement authorities, if so desired. However, individuals are not required to seek out assistance from law enforcement authorities.

*Providence*

<b>Emergency</b>	<b>911</b>
Providence Police Department (non-emergency line)	401.272.3121 
Cranston Police Department (non-emergency line)	401-942-2211 
Massachusetts: Rehoboth Police Department (non-emergency line)	(508) 252-3722 

*Charlotte*

<b>Emergency</b>	<b>911</b>
Charlotte-Mecklenberg Police Department (non-emergency line)	704-336-7600

2. Reporting to the University

a) General Statements about Reporting

- (1) Individuals who have been a victim of sexual harassment will be provided with a written list of rights and resources available at the university and in the community, such as information about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, and student financial aid. The university will also provide written notification about options for, available assistance in, and how to request changes to academic, living, transportation, and working situations and protective measures.
- (2) The university will maintain as confidential any accommodations or protective measures provided to the complainant, to the extent that maintaining such confidentiality would not impair the ability of the university to provide the accommodations or protective measures and except as otherwise provided under applicable law.

b) Reporting to the Title IX Coordinator

- (1) Individuals who would like to pursue the procedures outlined in this Policy or who would like to seek additional information about the university's procedures should contact the Title IX coordinator.

c) Reporting to CS&S

- (1) Individuals may also report to JWU's CS&S. CS&S is available 24/7/365 and works closely with the university's Title IX coordinator to appropriately address reports of sexual harassment.

Providence Campus Safety & Security 264 Weybosset St., Providence, RI 401-598-1103  (24 hours a day, 7 days a week)  Charlotte Campus Safety & Security Cedar Hall South, Suite 113 980-598-1900 (24 hours a day, 7 days a week)
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d) Reporting Anonymously

- (1) Individuals may make a report about conduct covered by this Policy without disclosing their name by using the online form located at [ju.edu/about-ju/equity-and-compliance-services](http://ju.edu/about-ju/equity-and-compliance-services).
- (2) Individuals may also call 833-JWU-LINE to report. This line is not equipped with caller ID features.
- (3) Individuals should note that an anonymous report might limit the university's ability to respond to the allegations.

**VII. Confidential Resources**

- A. JWU has confidential resources who are not required to share any information provided to them by an individual unless the individual gives them express permission, or as otherwise permitted or required by law. Individuals should direct any questions about the confidentiality status of an individual to the Title IX coordinator.
- B. Resources for Students
  - 1. On campus, students may seek out JWU employees in Counseling Services and Health Services for support. These employees serve in a professional capacity that provides them confidential status under the law. Students may also contact the directors of the Bridge for Diversity, Equity & Social Justice (Korina Ramsland Short and Michael Waugh) who serve as a confidential resource designated by the university.

Providence Campus  
*Counseling Services*  
Wales Hall, second floor, 401-598-1016

Appointments are available. In case of an emergency, the on-call counselor is available after hours by calling 1-888-222-4805 or through Campus Safety & Security (401-598-1103).

*Health Services*  
Harborside Campus: 401-598-1151, Harborside Academic Center  
Downcity Campus: 401-598-1104, Wales Hall, third floor

*Bridge for Diversity, Equity & Social Justice*  
Bridge Center  
Korina Ramsland Short, director, 401-598-2248  
Michael Waugh, director, 401-598-1784

Charlotte Campus  
*Counseling Services*  
Cedar Hall South, Suite 102  
980-598-1710 (by appointment, 8:30 a.m.– 4:30 p.m.)

In case of an emergency, the on-call counselor is available after-hours through Campus Safety & Security (980-598-1900).

*Health Services*  
Academic Center, second floor  
980-598-1700

*University confidential resources may provide non-identifying information to be counted for the Annual Security Report.*

- C. Resources for Employees
  - 1. Employees may contact the university’s employee assistance provider, Coastline EAP, at 401-732-9444 or 800-445-1195.

**VIII. Supportive Measures**

- A. Supportive measures are non-disciplinary and non-punitive accommodations and services JWU offers, as reasonably available, after an individual reports an incident of sexual harassment. Individuals are not required to file a Formal Complaint in order to receive supportive measures. The Title IX coordinator will work with individuals and may consult with other JWU employees, if appropriate, to determine which supportive measures should be implemented.
- B. Supportive measures are offered without fee or charge and are available to both complaining and responding parties; they are intended to support individuals’ safety, deter sexual harassment, and restore or preserve continued access to educational or workplace programs and activities. The university will maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair JWU’s ability to provide the supportive measures and to the extent disclosure is not otherwise mandated by law.
- C. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.

**IX. Prohibited Conduct**

- A. Retaliation
  - 1. JWU strictly prohibits retaliation against individuals because of their good faith report of prohibited conduct or their participation in any proceeding under this Policy. Retaliation means any adverse action or conduct taken by individuals or groups of individuals that may reasonably be perceived to discourage reasonable individuals from making a report or adversely affecting their educational or work environment. Retaliation may include intimidation, threats, coercion, adverse employment or educational actions, other forms of harassment, whether oral or written, by any individuals, including the parties, or others acting on their behalf with their consent.

B. Sexual Harassment

1. Sexual harassment is a form of sex discrimination prohibited by federal and state laws and university policy. Sexual harassment is defined as conduct on the basis of sex that satisfies one or more of the following:

- a) Quid Pro Quo Sexual Harassment
  - (1) An employee of the university conditioning the provision of an aid, benefit, or service of the university on an individual's participation in unwelcome sexual conduct.
- b) Unwelcome Conduct
  - (1) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the university's education program or activity.
- c) Clery Act Crimes: Sexual assault, dating violence, domestic violence, and stalking.

Crime	Statute	Definition
Sexual Assault (Rape)	<input type="checkbox"/> 20 U.S.C. § 1092(f)(6)(A)(v) <input type="checkbox"/> Definition used by the National Incident-Based Reporting System (NIBRS)	Rape means the carnal knowledge of a person, 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 or physical incapacity.
Sexual Assault (Sodomy)	<input type="checkbox"/> 20 U.S.C. § 1092(f)(6)(A)(v) <input type="checkbox"/> Definition used by NIBRS	Sodomy means oral or anal sexual intercourse with another person, 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 or physical incapacity.
Sexual Assault (With An Object)	<input type="checkbox"/> 20 U.S.C. § 1092(f)(6)(A)(v) <input type="checkbox"/> Definition used by NIBRS	To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, 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 or physical incapacity.
Sexual Assault (Fondling)	<input type="checkbox"/> 20 U.S.C. § 1092(f)(6)(A)(v) <input type="checkbox"/> Definition used by NIBRS	Fondling means 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 or physical incapacity.
Sexual Assault (Incest / Statutory Rape)	<input type="checkbox"/> 20 U.S.C. § 1092(f)(6)(A)(v) <input type="checkbox"/> Definition used by NIBRS	<p>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.</p> <p>Statutory Rape is defined as non-forcible sexual intercourse with a person who is under the statutory age of consent.</p>
Dating Violence	34 U.S.C. § 12291(a)(10)	<p>Dating violence means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> The length of the relationship</li> <li><input type="checkbox"/> The type of relationship</li> <li><input type="checkbox"/> The frequency of interaction between the persons involved in the relationship</li> </ul>
Domestic Violence	34 U.S.C. § 12291(a)(8)	Domestic Violence includes felony or misdemeanor crimes 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 a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or 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.
Stalking	34 U.S.C. § 12291(a)(30)	Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others; or suffer substantial emotional distress.

#### Definition of Consent

Consent means conduct that signifies through words or behaviors that the parties have indicated agreement to engage in sexual activity.

- Past consent does not imply future consent.
- Silence or absence of resistance, by itself, may not imply consent.
- Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another.
- Consent can be withdrawn at any time.
- Coercion, force, or threat of force invalidates consent.

Incapable of giving consent means that because of the person's age or temporary or permanent mental incapacity the person cannot give intelligent, knowing and voluntary consent. Where it is determined that complainant was incapable of giving intelligent, knowing and voluntary consent, the respondent will be held responsible only if it is determined that the respondent either knew or a reasonable person in the same position would have known that the complainant was incapable of giving intelligent, knowing and voluntary consent.

Coercion means express or implied threats of any harm that would place a reasonable individual in fear of immediate or future harm and that is employed to make someone engage in sexual activity.

Force means the actual use or threat of physical violence that is employed to make someone engage in sexual acts.

### X. Reports and Formal Complaints

#### A. Reports

1. After receiving a report alleging that sexual harassment has occurred, the Title IX coordinator, in consultation with other university administrators, as appropriate, will assess the information and contact the complainant to initiate a conversation about available supportive measures and to share information about available on-campus and off-campus resources. The Title IX Coordinator will also discuss the grievance process outlined in this Policy, provide a copy of this Policy, and explain to the complainant how to file a Formal Complaint, if so desired. These initial steps are not an investigation of the alleged conduct, but they enable the university to assess any health and safety needs of the involved parties and, if applicable, the entire JWU community.
2. If an emergency situation warrants it, the university will conduct an individualized safety or risk analysis and may elect to remove a respondent through interim suspension or administrative leave. The university will provide respondent notice of such a decision as soon as practicable and will allow respondent to appeal the decision by contacting one of the appellate officers listed below within five days of the decision and submitting a written statement explaining why the respondent claims the interim measure is not warranted. The appellate officer will issue a decision within two days of receiving the appeal; that decision shall be final.
3. The identities of the complainant and respondent will not be disclosed except as necessary to carry out the disciplinary process or as otherwise permitted under applicable law.

#### B. Formal Complaints

1. The Formal Complaint is a written document filed by the complaining party online or with the Title IX coordinator, requesting the university initiate the grievance process and begin an investigation of an allegation that sexual harassment occurred. In some instances, such as situations involving alleged serious threats, serial predation, violence, or weapons, the Title IX coordinator may sign a Formal Complaint.
2. A Formal Complaint is different from a report of alleged sexual harassment. While a report allows a complaining party to receive supportive measures, a Formal Complaint is required if the complaining party wishes to initiate an investigation or pursue an informal resolution.
3. How to submit a Formal Complaint:
  - a) Before filing a Formal Complaint, the university recommends that individuals contact the Title IX coordinator to discuss the process.
  - b) A Formal Complaint can be a written or electronic document that contains the complaining party's physical or digital signature or otherwise indicates that the complaining party is the person filing the Formal Complaint. It must allege sexual harassment against a respondent and request that the university investigate the allegation of sexual harassment.
  - c) Individuals must file the Formal Complaint either online or with the Title IX coordinator and may download a form from the university website to use to submit to the Title IX coordinator (generally by email or mail or, if circumstances permit, in person).
  - d) Third parties are unable to file a Formal Complaint on behalf of another individual. However, in the case of a parent or guardian who has the legal right to act on behalf of a minor, they may act on the complaining individual's behalf.
  - e) In cases where there is more than one complainant or respondent in matters the Title IX coordinator, in its sole discretion, deems related or where a cross-complaint has been filed by a respondent against a complainant, the university will consider the consolidation of Formal Complaints in appropriate cases.

4. Dismissal of Formal Complaints
    - a) Once a Formal Complaint is filed, the Title IX coordinator will review the Formal Complaint to determine whether the alleged incident falls under the auspice of Title IX.
    - b) In certain instances, the Title IX coordinator will be required to dismiss the Formal Complaint. Such instances consist of incidents where the allegations, if true, would not meet the jurisdictional conditions set forth by the Title IX regulations.
    - c) Mandatory dismissal would be required in the following instances (“Mandatory Dismissal”):
      - (1) The alleged incident does not meet the definition of sexual harassment as outlined by this Policy.
      - (2) The alleged incident occurred during a time where the complainant was not a person located in the United States.
      - (3) The alleged incident occurred to a person who, at the time of filing a Formal Complaint, is not participating in or attempting to participate in the university’s education program or activity.
      - (4) The alleged incident did not occur within the university’s education program or activity. Education program or activity includes locations, events, or circumstances over which the university exercised substantial control over both the respondent and the context in which the sexual harassment occurred, and also includes any building owned or controlled by a student organization that is officially recognized by JWU.
    - d) The Title IX coordinator will also consider dismissal of a Formal Complaint in the following instances (“Discretionary Dismissal”):
      - (1) The complainant notifies the Title IX coordinator in writing that the complainant would like to withdraw the Formal Complaint or any allegations therein.
      - (2) The respondent is no longer enrolled or employed by the university.
      - (3) Specific circumstances prevent the university from gathering evidence sufficient to reach a determination as to the allegations contained in the Formal Complaint.
  5. As discussed below, the university offers (a) an informal resolution process for certain types of cases and (b) a formal grievance process. In these processes, the university will not ask questions about or use evidence that is protected by a legally recognized privilege in any proceeding hereunder, unless the person holding the privilege waives the privilege.
- C. Next Steps and Time-Frames
1. The university strives to resolve complaints promptly and has designated appropriate time frames for each step of the process.
  2. Once a Formal Complaint alleging sexual harassment and requesting investigation has been submitted to the Title IX coordinator, the Title IX coordinator will acknowledge receipt of the Formal Complaint and send a written notice of the allegations to the parties. This notice will be generated as soon as practicable, but no more than ten (10) calendar days after the receipt of the Formal Complaint.
  3. After the parties receive notice, the university will begin its investigation. The investigation will take no more than sixty (60) calendar days, but it may be extended in ten (10) calendar day intervals with written notice to the parties explaining the reason for the extension.
  4. If both parties agree to informal resolution after the Title IX coordinator receives a Formal Complaint, any ongoing investigation will be put on hold while the informal resolution process takes place. Informal resolution will take no more than sixty (60) calendar days but may be extended in ten (10) calendar day intervals with written notice to the parties explaining the reason for the extension. If a party withdraws from the informal resolution process, the university will promptly resume the investigation and the time frame for its completion will be extended to compensate for the delay due to the attempt at informal resolution.

**XI. Informal Resolution**

- A. JWU offers an informal resolution process to address certain Formal Complaints falling under this Policy. In cases involving alleged serious threats, serial predation, violence, or weapons, the Title IX coordinator may determine that Informal Resolution is not available. The informal resolution process will not be available for matters involving allegations that an employee engaged in sexual harassment against a student.
- B. In order to proceed in such a fashion, parties are required to provide their voluntary, written consent to the informal resolution process.
- C. At any time prior to reaching an agreement through the informal resolution process, parties have the right to withdraw from the informal resolution process and elect the university’s formal grievance process with respect to a Formal Complaint. Withdrawal from the informal resolution process must be in writing.
- D. Information shared during an informal resolution process cannot be used in any subsequent university proceeding, should the parties withdraw from the informal resolution process.
- E. Through the Informal Resolution process, parties will reach agreed upon outcomes. These agreements might include a

commitment to seek counseling, training opportunities, modification to class, work, and campus schedules, mutual restriction of contact between parties, changes to housing locations, etc. The terms of these agreements will be communicated in writing by the university representative overseeing the informal resolution process.

- F. Agreements reached through the informal resolution process cannot be appealed and preclude the parties from going through the formal grievance process based on the same allegations as in the Formal Complaint. The parties agree to abide by any written agreements that are reached during the Informal Resolution process.

## **XII. Grievance Process – Investigations**

- A. When the Title IX coordinator determines that the allegations in the Formal Complaint meet the Title IX threshold and do not require dismissal or if the Title IX coordinator requires more information in order to make such a determination, a trained member of CS&S and/or the Title IX investigator will begin an impartial investigation of the claims in the Formal Complaint.
  - 1. Notice of Investigation
    - a) At the beginning of an investigation, the investigator will send a notice of investigation to the complainant's and respondent's official JWU email accounts:
      - (1) identifying the parties, if known;
      - (2) describing the conduct allegedly constituting sexual harassment;
      - (3) identifying the date and location of the alleged incident, if known;
      - (4) stating that the respondent is presumed not responsible until a finding of responsibility is made by an adjudicator at the conclusion of the grievance process;
      - (5) reminding the parties of JWU's anti-retaliation policy; and
      - (6) citing to the provision in the applicable Rules that prohibits providing false information or statements.
    - b) Notices will not be sent to personal email accounts. It is the parties' responsibility to monitor their student email account for communication regarding the investigation.
  - 2. Post-Notice Interviews and Discussions
    - a) The parties should schedule an interview with the investigator within five (5) calendar days from the date the notice is emailed. Interviews may be rescheduled for good cause as determined by the Title IX coordinator on a case-by-case basis.
    - b) While JWU cannot prohibit the parties from discussing the allegations in the Formal Complaint, they should exercise discretion when discussing confidential or sensitive information that may be revealed during the investigation.
  - 3. Advisors
    - a) Each party may bring to the interview an advisor of their choice, who may be an acquaintance, a friend, or any other person, so long as such person does not have a conflict in serving in the advisor role. If a party chooses a witness as an advisor, the witness is expected to participate in an interview about the reported behavior prior to serving as an advisor.
    - b) Advisors may
      - (1) Ask procedural questions;
      - (2) Assist the parties in understanding the grievance process;
      - (3) Seek clarification about the grievance process; and
      - (4) Notify the university in the event of retaliation against either party, witnesses, or other members of the university community.
    - c) Advisors may not
      - (1) Appear or participate in lieu of the party's appearance or participation unless the advisor is a parent or guardian and the complainant is a minor or otherwise incapacitated (outside of cross-examination during the live hearing);
      - (2) Testify or answer questions on behalf of a complainant or respondent;
      - (3) Contact the opposing party or speak to the opposing party except during cross-examination at the live hearing; and
      - (4) Represent themselves as someone authorized by the university to act or speak on its behalf.
    - d) The university will provide each party an advisor package describing the restrictions regarding advisor participation in the grievance process.
    - e) Each party must communicate with the advisor any information about the interview and investigation and to share the advisor package with the advisor.

4. Evidence
  - a) JWU has the burden of collecting evidence sufficient to determine a respondent's responsibility or non-responsibility for the alleged sexual harassment. Evidence may include, but is not limited to, witness testimony physical evidence, electronic evidence (such as texts or social media posts), or documentary evidence (such as results of a forensic examination or other medical records).
  - b) The investigator will make all reasonable and practicable efforts to gather evidence during the investigation. Each party is expected to cooperate with the investigator, identify witnesses, and provide evidence pertinent to the allegations in the Formal Complaint. If the evidence is in the possession of the other party or a third party, the interviewee should so disclose to the investigator.
5. Report
  - a) Prior to completion of the investigative report, the investigator will send to each party and each party's advisor, if any, the evidence directly related to the allegations in the Formal Complaint and give the parties 10 calendar days to submit a written response, which the investigator will consider prior to completion of the investigative report.
  - b) The investigator will prepare an investigative report that fairly summarizes relevant evidence and, at least 10 days prior to a hearing send to each party and each party's advisor, if any, the investigative report for review and written response.
6. Post-Investigation Dismissal
  - a) The Title IX coordinator may dismiss a Formal Complaint on the same grounds as indicated above in the sections setting forth grounds for Mandatory Dismissal and Discretionary Dismissal.

### **XIII. Grievance Process – Adjudication through Live Hearing**

#### **A. General Statement about Process and Timing**

1. JWU is committed to providing an adjudication process that is "prompt, fair, and impartial ... from the initial investigation to the final result." This is not a contract right but a requirement for certain claims under the Violence Against Women Act. *See* 34 C.F.R. § 668.46(k)(2)(i).
2. The time frame for completing the adjudication process may be adjusted if (1) a party, advisor or witness must be absent for good cause, (2) there is a need for delay to provide legal necessary accommodations, or (3) other good cause as determined by the Title IX coordinator in consultation with appropriate university personnel as needed.

#### **B. Informational Meeting**

1. Each party will have an individual conference with the Title IX coordinator (for students) or Human Resources (for employees) who will explain what will occur at the live hearing. The parties are strongly encouraged to ask questions and raise any concerns during this conference to prepare them for the hearing.
2. Each party may bring to the informational meeting an advisor of their choice, who may be, but is not required to be, an attorney retained by that party.
3. The university will provide each party an advisor package describing the restrictions regarding advisor participation in the grievance process (for a summary of the restrictions on advisors, see above).
4. Each party must communicate with the advisor any information about the interview and investigation and to share the advisor package.

#### **C. Live (Remote) Hearing**

1. Live hearings may be conducted with the adjudicator and any or all other participants physically present in the same geographic location or any or all participants may appear at the live hearing remotely, with technology enabling participants simultaneously to see and hear each other.
2. A party will timely notify the Title IX coordinator (for students) or Human Resources (for employees) regarding how they prefer to appear. Most likely, at least certain participants will only appear remotely, and there will be no right for any participant to demand that the adjudicator or any other participant be physically present in the same geographic location.

#### **D. Recording**

1. There will be an audio recording created of the hearing that can be made available to the parties for inspection and review upon written request. No other recording (or transcription) will be permitted at any time during the grievance process; provided, however, that any party or any party's advisor may take notes at any stage of the grievance process.

#### **E. Advisors**

1. Each party **must** have an advisor at the live hearing. If a party does not have an advisor, JWU will provide an advisor for the live hearing.
2. The Title IX coordinator (for students) or Human Resources (for employees) will communicate with the advisor regarding the live hearing and provide the advisor with a copy of the investigative report and evidence in electronic form or hard copy.

3. An advisor's participation in the live hearing is restricted to conducting cross-examination on behalf of a party.
- F. Adjudicator
1. After the investigation is completed and assuming the Formal Complaint is not dismissed, the university will provide an impartial, trained adjudicator with the information gathered during the investigation, and the adjudicator will conduct a hearing to determine responsibility. Thereafter, the adjudicator will render a written determination regarding responsibility based on a preponderance of the evidence standard (i.e., that it is more likely than not that the claims in the Formal Complaint are true). The respondent is presumed not responsible unless and until the adjudicator finds the respondent responsible.
  2. The parties may challenge the assignment of an adjudicator solely for reasons of bias or conflict of interest. JWU will notify parties of the adjudicator identity, and parties must lodge a written objection, if any, with the Title IX coordinator within five (5) days; failure to lodge a timely written objection will be conclusively deemed waiver to make any objection to the alleged bias or conflict of interest of the adjudicator on grounds that were known — or reasonably should have been known — to the party at issue at the time the objection should have been made. JWU will have sole discretion to determine whether an adjudicator should be recused for reasons of bias or conflict of interest.
  3. The adjudicator may pose his or her own questions to the parties or any witnesses regarding any matter of relevance. The adjudicator shall have the opportunity to pose his or her questions of each party and witness before any advisor does so. Once the adjudicator has completed his or her questions of the party or witness at issue, each advisor may pose any non-duplicative questions not already posed by the adjudicator (subject to the limitations discussed below). The adjudicator may ask any follow-up questions at any time during the hearing as he or she deems appropriate.
- G. Opening/Closing
1. At the beginning of the live hearing, each party (and not the party's advisor) will be permitted to make a brief opening statement directly to the adjudicator outlining the relevant facts and evidence in support of the party's position with respect to the claims in the Formal Complaint. Each party may identify their witnesses at this time and explain the testimony each witness is expected to give.
  2. No closings statements will be allowed.
  3. Under no circumstances will either party be allowed to raise or address claims not alleged in the Formal Complaint.
- H. Cross-Examination
1. Cross-examination at the live hearing will be conducted directly, orally, and in real time by the party's advisor of choice. The parties will have an equal opportunity to present witnesses. Questions asked during cross-examination are intended to challenge or clarify evidence or statements given by a party or any witnesses.
  2. After the adjudicator has completed his or her questions of a party ("testifying party"), the non-testifying party's advisor may pose relevant, non-duplicative questions and, thereafter, the testifying party's advisor may pose relevant, non-duplicative questions. Neither advisor shall ask any further questions of that party or witness thereafter.
  3. Only the adjudicator, not any party's advisor, may ask follow-up questions after the advisors have completed their rounds of questions (or, in the adjudicator's discretion, the adjudicator may pose questions at any time during the hearing).
  4. The parties have the right to hear and see all individuals who testify at the hearing. However, each party may request that the hearing occur with the parties separated by physical barriers or located in separate rooms with technology that allows the adjudicator and the parties to simultaneously see and hear responses from a party or witness.
  5. Under no circumstances will either party directly question the other party or any witnesses during the live hearing.
  6. Before a party or witness may answer a question, the adjudicator must determine if such question is relevant and explain, if not deemed relevant, why. The adjudicator shall not hear any argument about relevance.
  7. The adjudicator cannot determine responsibility based solely on a party's or witness's absence from the hearing or refusal to submit to questions.
- I. Witnesses
1. A fact witness is an individual who has relevant information personally heard or observed related to the alleged sexual harassment. Unless serving in the capacity of an advisor to a party, no witness shall be present during the testimony of another party or witness.
  2. An expert witness is an individual whose education or training qualifies the individual to provide testimony to help an adjudicator assess the factual evidence provided.
  3. At least twenty (20) calendar days prior to the hearing, a party will provide the Title IX coordinator (for students) or Human Resources (for employees) with sufficient information to determine the expert's qualification to testify and the relevancy of the expert's expected testimony.
  4. A character witness is an individual who can testify to a party's moral conduct and good reputation. No party may present a character witness during a hearing. However, Community Standards and Conduct (for students) or Human Resources (for employees) may consider a character witness's statements when determining sanctions.
- J. Evidence and Relevance

1. At least ten (10) calendar days prior to a live hearing, the Title IX coordinator (for students) or Human Resources (for employees) will provide to each party and each party's advisors the investigative report and all evidence (whether deemed relevant or not) collected in an electronic format or a hard copy.
2. Relevant evidence is evidence tending to prove a material fact is more probable or less probable than it would be without the evidence. A material fact is a fact that directly relates to an element of a claim of sexual harassment.
3. Questions or evidence about a complainant's sexual predisposition or prior sexual conduct are not considered relevant unless offered to prove that someone other than the respondent engaged in the sexual harassment.
4. Questions or evidence may be considered relevant based on specific incidents of the complainant's prior sexual conduct with respect to the respondent if offered to prove consent.
5. The adjudicator shall assess all evidence and make credibility determinations based on consideration of all factors permissible under law and within the adjudicator's discretion. If a complainant, respondent or witness does not submit to cross-examination, the adjudicator may still consider such complainant's, respondent's, or witness's statements as permitted under law, but the adjudicator may give less weight to such statement as the adjudicator deems appropriate in the adjudicator's discretion.

**K. General Rules Regarding Conduct**

1. All participants, including parties, advisors and witnesses, must behave in an appropriate, civil and courteous manner throughout all proceedings, including the hearing, and must abide by the rules established by the university and its agents and employees. Inappropriate, uncivil or discourteous behavior or a failure to abide by the rules may result in disciplinary action and could lead to preclusion of participation by advisors in the proceeding at issue (in which case the offending advisor would have to be replaced) or future proceedings.

**L. Written Decision**

1. The adjudicator (with assistance from his or her staff and legal counsel, as needed) shall prepare a written decision that complies with Title IX but that leaves open the question of appropriate sanctions. The adjudicator shall share said written decision with the Title IX coordinator (for students) or Human Resources (for employees). Where the adjudicator finds the respondent responsible for any violation, Community Standards and Conduct (for students) or Human Resources (for employees) shall determine the appropriate sanctions and identify such sanctions in the written decision.
2. Within fifteen (15) calendar days after the hearing is completed, the Title IX coordinator (for students) or Human Resources (for employees) will simultaneously provide in writing to each party the adjudicator's written determination. The written determination will include
  - a) The allegations that constitute sexual harassment;
  - b) The procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
  - c) Any findings of fact supporting the determination;
  - d) Application of Title IX standards to the facts;
  - e) A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions imposed on the respondent, and whether remedies will be provided to the complainant; and
  - f) The procedures and permissible bases for the complainant and respondent to appeal.
3. The determination regarding responsibility becomes final either on the date the parties are provided with the written determination of the result of the appeal or, if no appeal is filed within the applicable deadline, the date on which the time to file an appeal has expired.

**XIV. Grievance Process – Appeals**

- A. The parties will be offered an equal opportunity to make a one-time appeal of an adjudicator's written determination or the Title IX coordinator's dismissal of a Formal Complaint (in whole or in part) or any allegations therein (collectively, "Outcome," solely for purposes of this section).
- B. Each party will have the opportunity to submit a single written statement appealing the Outcome.
- C. The other party will be notified in writing when an appeal is filed, provided a copy of the appeal, and will have five (5) calendar days from being provided the appeal to submit a statement responding to the appeal or in support of the Outcome. The appealing party will be provided a copy of the non-appealing party's submission, if any.
- D. Neither party shall be entitled to make any live or oral presentation to the appellate officer.
- E. Neither the adjudicator who made the determination of responsibility nor the Title IX coordinator shall serve as the appellate officer.
- F. The appellate officer shall be the designee of the campus president.
- G. An appeal is permitted only on the following bases:

1. The Outcome was affected by a procedural irregularity. A procedural irregularity will only be grounds for granting an appeal if it was material to the Outcome of the determination regarding responsibility;
  2. New evidence not reasonably available at time of the determination of responsibility or dismissal of the Formal Complainant that could have affected the Outcome; or
  3. The Title IX coordinator, investigator(s), or adjudicator had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the Outcome.
  4. To request an appeal, the appealing party (a complainant or respondent) must submit a request in writing to Community Standards and Conduct (for students) or Human Resources (for employees). The request must be submitted within five (5) calendar days after the date of notification of the dismissal of the Outcome of the hearing and must state clearly the basis for the appeal.
- H. Normally, the appellate officer shall render a decision on the appeal within fifteen (15) calendar days after the deadline to file a response to the appeal has passed. When the appeal review cannot reasonably be completed within that period, the appellate officer shall notify the parties of the delay and reason for the delay. The sanction(s) outlined in the notification of the Outcome will not go into effect until the conclusion of the appeal process. If supportive measures were placed, those conditions will remain in effect until the conclusion of the appeal process. The decision of the appellate officer will be final.
- I. The appellate officer simultaneously will provide to both parties a written decision of the Outcome of the appeal and the rationale for the Outcome.

## XV. Remedies and Disciplinary Sanctions

- A. The university will treat complainants and respondents equitably by providing remedies after determining at the conclusion of the grievance process or informal resolution process that a respondent is responsible for sexual harassment. The Title IX coordinator, in consultation with appropriate university personnel, will implement remedies designed to restore or preserve equal access to education programs, the workplace, and activities for students, faculty, staff and all members of the university community. Remedies also may include the continuation or expansion of supportive measures as determined on a case-by-case basis by the Title IX coordinator. Remedies shall be consistent, equitable and appropriate based on the adjudicator's written rationale for finding a respondent responsible for sexual harassment.
- B. The Title IX coordinator will provide a written rationale for any remedies imposed and whether the remedies are designed to restore or preserve the complainant's equal access to education programs, activities, or the workplace.
- C. If a respondent is found responsible, the university may impose appropriate disciplinary sanctions, which shall be reflected in the written decision, as noted above.
- D. For students, the range of possible disciplinary sanctions include
1. **University Dismissal:** Permanent dismissal from the university (noted in the student's education records), which prohibits the student from attending the university (at any campus or learning site) or any university events and from entering or being present without permission on any property of the university. A student who is dismissed from the university will still be responsible for certain tuition and room/board charges and other fees, subject to any applicable refund policy.
  2. **University Suspension:** A temporary suspension from the university, which prohibits the student from attending the university (at any campus or learning site) or any university events and from entering or being present without permission on any property of the university. During a university suspension, a hold is placed on the student's academic record, which prevents the student from registering for classes and/or graduating. Requests for reinstatement after a university suspension will not be granted until all conditions of the suspension have been met and all other sanctions have been completed. Students who receive a university suspension will be provided information regarding the appropriate steps for requesting reinstatement to the university. As with dismissal, a student who is suspended from the university will still be responsible for certain tuition and room/board charges and other fees, subject to any applicable refund policy. When a student returns from suspension, the student will be placed on probation for a minimum of one semester. In certain instances, a student may be suspended until the complainant graduates.
  3. **Permanent Removal from Housing:** Permanent removal from university housing, which prohibits the student from living or being a guest in any university or campus housing. In the case of permanent removal from housing, the student is required to *pay room/board charges and other fees for the remainder of the semester during which the removal takes effect.*
  4. **Temporary Removal from Housing:** A temporary removal from university housing, which prohibits the student from living or being a guest in any university or campus housing and from entering into a new housing contract for a specified duration of time. A new student housing contract will be permitted only if the student is able to demonstrate to the satisfaction of the university that the student will not engage in any further violations of this Policy, and all other conditions of the suspension, if any, have been met and all sanctions have been completed. As with permanent removal from housing, the student will be responsible to pay room/board charges and other fees for the remainder of the semester during which the removal takes effect.
  5. **Suspension of Privileges:** A suspension of privileges, which prohibits the student from participating in specified activities (such as intercollegiate or intramural athletics, campus events, extracurricular activities, student life activities, student leadership positions, student clubs or organizations, etc.) or from entering certain university buildings or facilities (such as residence halls, dining centers, university fitness or athletic facilities, certain administrative or academic buildings, parking garages/lots, etc.) or other areas of the university during the period of the suspension.

6. **Probation:** Conduct probation is a designated period of time in which the student must demonstrate that they will not engage in further violations of the Student Code of Conduct. A student who receives a sanction of conduct probation and has subsequent policy violations during their probationary period, may face more severe sanctions, up to and including university suspension or dismissal.
  7. **No-Contact Order:** A no-contact order is a requirement to avoid other person(s) and not have any direct or indirect contact with such person(s), including email, text messages, mail, telephone, instant messaging, face-to-face contact, social media interactions or any contact through a third party. A no-contact order requires the student to take action to avoid encounters with the other person(s). In cases where a no-contact order impacts class or similar educational programs or work activities, the student should notify the student's professors and/or supervisors to address any situations that may conflict with the no-contact order. A no-contact order may also be imposed as an interim action while a case is pending. If a student fails to abide by the no-contact order, the student may be placed on interim suspension from the university.
  8. **Educational Sanctions:** In addition to other sanctions, a student found responsible for violating this policy may be assigned educational sanctions, such as one or more of the following: required attendance at an educational program relevant to the violation for which the student was found responsible, reflective/research papers, classes, seminars, interviews, presentations, projects, or other creative sanctions. Educational sanctions must be completed by the date specified when the sanction is given.
  9. **Degree Deferral and Revocation:** At any time before a degree is awarded, a student may have their academic degree deferred and be prohibited from participating in commencement activities until sanctions are completed. The university also may determine that revoking a degree or withholding transcripts is a proper remedy in individual cases.
- E. For employees, the range of possible disciplinary sanctions include one or more of the following: educational conversation and additional training, no-contact order, transfer of position, removal of any administrative appointment, demotion, suspension, termination of employment, or other appropriate disciplinary action.
- F. Neither the reporting party nor any witness will be subject to disciplinary proceedings arising out of the report unless there is a specific determination that the report was not made in good faith or the reporting party or witness committed an egregious violation of a university Rule as determined by the university in its sole discretion.

#### **XVI. Records**

- A. JWU also will maintain a record of its response to each report of sexual harassment. The record will include information about
1. investigations;
  2. written determinations regarding responsibility;
  3. disciplinary sanctions imposed;
  4. remedies provided to the complainant;
  5. any appeals and result of appeals;
  6. training materials;
  7. the basis upon which JWU determined its response to a report of sexual harassment was not deliberately indifferent;
  8. the reasons for not providing a complainant with supportive measures, if applicable; and
  9. actions taken to restore or preserve equal access to the university's education program or activity.
- B. Records will be destroyed seven (7) years from the date of the determination in an appeal.

#### **XVII. Training Documentation**

- A. Materials used to train the Title IX coordinator, investigators, adjudicators, appellate officers, and any person who facilitates an informal resolution process with regard to sexual harassment, are made available on the university's website.

#### **XVIII. Miscellaneous**

- A. The Title IX coordinator, investigators, adjudicators, or appellate officers (or any other personnel involved in the process) may, at any time, consult the Office of General Counsel or outside counsel retained by the Office of General Counsel in connection with such person's discharge of duties hereunder or other university personnel as such person deems appropriate.
- B. If the university determines this Policy does not address a particular aspect of any procedure needed to carry out its Title IX obligations, the university shall identify an appropriate procedure to address such aspect consistent with the Title IX regulations and otherwise in its discretion as it deems appropriate.