

CONFLICT ON INTEREST STATEMENT

The Chair reads the following statement:

“As Chair of the Board of Trustees, it is my responsibility to remind all members of the Board of their duty under the State Government Ethics Act to avoid conflicts of interest and appearances of conflict of interest as required by this Act. Each member has received the agenda and related information for this Board of Trustees’ meeting. If any board member knows of any conflict of interest or appearance of conflict with respect to any matter coming before the board of trustees at this meeting, the conflict or appearance of conflict should be identified at this time.”

NC State Law Virtual Meetings

SCRIPT

As chair of the committee, I want to remind everyone that we will be conducting today's meeting pursuant to the new amendments to the Open Meetings Act that apply during states of emergency. The amendments were signed into law earlier this month, and allow for public bodies to meet via electronic means. The new law does require, however, that we take all votes via roll call, which we will do today.

Additionally, pursuant to the amendments to the law, all chats, instant messages, texts, or other written communications between members of the board regarding the transaction of the public business during the remote meeting are deemed a public record.

Finally, I will ask all committee members, Board members, and participating staff to please identify yourself before participating in deliberations -- including making motions, proposing amendments, and raising points of order.



RESOLUTION FOR OFFICER ELECTIONS

WHEREAS, the Board of Trustees of Winston-Salem State University is currently reviewing the current bylaws of September 16, 2016; and

WHEREAS, the current bylaws specify that the Board of Trustees shall elect officers to serve for a term of two (2) years (Art. III, Sec. 2f); and

WHEREAS, during its meeting on June 21, 2019, the UNC Board of Governors approved amendments to Section 401 A of The UNC Code, which affects the selection process of officers of boards of trustees; and

WHEREAS, the September 16, 2016 bylaws do not comply with Section 401A of The UNC Code, but the time has come to select officers of the Board of Trustees; and

WHEREAS, Article V of the bylaws clarify that The UNC Code shall control in the event of a discrepancy between the bylaws and The UNC Code; and

WHEREAS, the Board of Trustees wishes to proceed with the selection of officers in a manner that is inconsistent with the bylaws but consistent with The UNC Code.

NOW THEREFORE, BE IT RESOLVED that Board of Trustees will elect officers for a term of one (1) year in line with Section 401A of The UNC Code.

This resolution shall be effective upon its adoption.

Adopted this 18th day of September, 2020.

Kelvin Farmer, Board Chair

Coretta Bigelow, Board Secretary

MEMORANDUM

TO: Chief Legal Officers
Board Professionals

FROM: Thomas C. Shanahan, Senior Vice President and General Counsel
Meredith M. Steadman, Interim Senior Associate Vice President and Secretary of University

DATE: June 24, 2019

RE: Notice of Amendments to the Selection of Board of Trustee Officers
Section 401 A of *The Code*, Chair, Vice Chair, and Secretary

During its meeting on June 21, 2019, the UNC Board of Governors approved amendments to Section 401 A of *The Code*, which affects the selection process of officers to the boards of trustees. The amended version of Section 401 A is now effective for boards of trustees' elections beginning July 1, 2019. As you are aware, pursuant to G.S. 116-32, officer elections must be held at "the first meeting after June 30 of each year." The purpose of this statutory requirement is to allow newly appointed board members, whose terms begin July 1, the opportunity to participate in the election of officers.

The approved changes to Section 401 A clarify that the election of officers shall not take place before July 1, or before the swearing in of new board members whose terms commence on July 1. In addition, the changes require that newly appointed board members have the opportunity to fully participate in the nomination and consideration of officers, and that any board member may be eligible to serve as an officer, regardless of the length of service on the board. Attached are two copies of the newly approved Section 401 A, including a version with the amended language redlined.

The Board's amendment to Section 401 A of *The Code* will necessitate a review and may require updating of your board of trustees' bylaws as to the process for nominating officers, the eligibility requirement for officers, and the timing of officer elections. In the event that a conflict exists between the newly amended Section 401 A and your board's existing bylaws, Section 401 A of *The Code* controls and should govern officer elections.

cc: Dr. William L Roper, Interim President
Chancellors
Pete Brunstetter, Interim Chief Operating Officer
Chris McClure, Interim Chief of Staff

CHAPTER IV- BOARDS OF TRUSTEES

SECTION 400. MEMBERSHIP.

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SECTION 401. OFFICERS.

401 A. Chair, Vice Chair, and Secretary.

At the first regular meeting after June 30 of each year, each board of trustees shall elect from its membership a chair, a vice chair, and a secretary. [See G.S. 116-32] In no event shall officer elections take place before July 1, or before the swearing in of new board members whose terms commence on July 1. Any member of the board who is or who shall be duly appointed and sworn in at the time of the election shall be eligible to serve as an officer, regardless of length of service on the board. Elections shall be conducted such that each member of the board, including newly appointed members, can fully participate in the nomination, consideration, and election of officers. Nominating committees convening prior to July 1 to determine a slate of officer candidates may include members who have been appointed but have not yet been sworn in, but may not include current members whose terms end June 30 and who have not been reappointed. Each elected officer shall serve until his or her successor is elected. If the term of the chair on the board of trustees expires before his or her successor as chair is elected, then the vice chair shall become the interim chair until the chair's successor is elected.

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Winston-Salem State University
Board of Trustees Quarterly Meeting Minutes
June 12, 2020

Meeting Held via Zoom

Call to Order:

Chairman Farmer called the meeting to order at 9:02 a.m. The meeting is being held via zoom.

Conflict of Interest:

CONFLICT OF INTEREST STATEMENT- Chairman Farmer read the following statement: All Board Members are reminded of their duty under the State Government Ethics Act to avoid conflicts of interest and appearances of conflict of interest as required by this Act. Each member has received the agenda and related information for this Board of Trustees' meeting. If any board member knows of any conflict of interest or appearance of conflict with respect to any matter coming before the Board of Trustees at this meeting, the conflict or appearance of conflict should be identified at this time. There were no conflicts noted.

NC State Law Virtual Meetings:

NC STATE LAW VIRTUAL MEETING STATEMENT- Chairman Farmer read the following statement:

As chair of the committee, I want to remind everyone that we will be conducting today's meeting pursuant to the new amendments to the Open Meetings Act that apply during states of emergency. The amendments were signed into law earlier this month, and allow for public bodies to meet via electronic means. The new law does require, however, that we take all votes via roll call, which we will do today.

Additionally, pursuant to the amendments to the law, all chats, instant messages, texts, or other written communications between members of the board regarding the transaction of the public business during the remote meeting are deemed a public record.

Finally, I will ask all committee members, Board members and participating staff to please identify yourself before participating in deliberations – including making motions, proposing amendments, and raising points of order.

Roll Call:

Ms. Kluttz-Leach called the roll. Members in attendance: Kelvin Farmer, L'Tanya Bailey, Robert Barr, Coretta Bigelow, Je-den Clark, Robert Clark, Matthew Cullinan, William Harris, Kathleen Kelly, Brent Moore, Drewry Nostitz, Ricky Sides, and Dave Smith.

Staff Present: Chancellor Elwood Robinson, L'Tanya Afolayan, Kent Beatty, Carolyn Berry, Bobby Brown, Ivey Brown, Karen Cession, Raisha Cobb, Anthony Graham, Cornelius Graves, Amir Henry, Jaime Hunt, Rod Isom, Camille Kluttz-Leach, Constance Mallette, Melvin Norwood, Mesia Steed, Jason Stogner, and Etienne Thomas.

Adoption of Agenda:

Trustee Harris motioned to approve the agenda. Trustee Clark seconded to approve the meeting agenda. The motion passed. A roll call vote was taken; K. Farmer (yes), L. Bailey (yes), R. Barr (yes), C. Bigelow (yes), J. Clark (yes), R. Clark (yes), M. Cullinan (yes), W. Harris (yes), K. Kelly (yes), B. Moore (yes), D. Nostitz (yes), R. Sides (yes), D. Smith (yes). All members approved the motion.

Motion: Resolved that the Winston-Salem State University Board of Trustees approve the agenda as presented.

Adoption of the Consent Agenda:

Trustee Kelly motioned to approve the consent agenda. Trustee Clark seconded motion. The motion passed. A roll call vote was taken; K. Farmer (yes), L. Bailey (yes), R. Barr (yes), C. Bigelow (yes), J. Clark (yes), R. Clark (yes), M. Cullinan (yes), W. Harris (yes), K. Kelly (yes), B. Moore (yes), D. Nostitz (yes), R. Sides (yes), D. Smith (yes). All members approved the motion.

Motion: Resolved, that the Winston-Salem State University Board of Trustees approve all items listed on the Consent Agenda as listed.

- a. Approval of March 27, 2020 Open Session Minutes
- b. Approval of April 7, 2020 Called Meeting Minutes
- c. Return of Military Assistance Policy
- d. 2018-2019 HR Non-Salary Compensation Compliance Report

Chancellor's Report:

Chancellor Robinson reported that the university is currently open. Essential staff is currently on campus, along with several other office staff members working on campus. There are also several staff members working remotely.

He reported that faculty has raised 10 million dollars this week through Sponsored Programs for the university.

Chancellor Robinson stated that he and the Executive Staff are getting daily assistance/direction from the UNC System's office regarding operations during COVID-19.

Vice Chancellor and Chief of Staff gave an update regarding the Delegated Authority for Policies that was given to Chancellor Robinson on April 7, 2020. There was only one policy put into place since the delegated authority was given. That policy was the "Spring 2020 Grading Approval Policy".

Vice Chancellor Constance Mallette was then given time to present a budget update to the board. Mrs. Mallette stated that the university has received \$1mm from the BOG to be used to fight COVID-19; 69M from the BOG; 30m from the WSSU Foundation to help purchase Laptops,

Web Cams, Hotspots, and Headsets needed for students, and staff to use; 110MM from the Mellon Foundation to be used for 1M individual student grants; and 69M was used to train UCALL staff to have virtual meetings with students.

The full presentation can be found on the BOT's webpage with the meeting materials.

Provost Anthony Graham then gave his presentation to the board. His presentation gave updates as to what is currently being done to prepare for the university opening for fall semester. He stated that faculty has been busy taking classes to help with teaching courses on-line. He and his staff are busy creating an On-line Teaching Institute, creating an On-Line Division, and paying faculty to design their courses to become on-line courses. Provost Graham's presentation also gave the current standing on the enrollment numbers to date. He stated that the summer enrollment numbers has increased, along with the fall enrollment numbers. The Sponsorship & Research Portfolio has also increased with a total portfolio of 49,542,214.00.

A Return to Work Proposal was shared with the board.

Provost Graham's complete report can be found with the June meeting materials.

Report of the Board Chair:

1. Chairman Farmer thanked Chancellor Robinson and the Executive Staff members for all that they have been doing.
2. Chairman Farmer welcomed Ms. Je-den Clark to the board. Ms. Clark is the incoming SGA President for the 2020-2021 academic year. He also gave Ms. Clark time to introduce herself to the board. Ms. Clark spoke regarding her plans and desires for the upcoming year.
3. Chairman Farmer then asked Dr. Mesia Steed, current Faculty Senate Chair, to speak regarding the faculty senate. Dr. Steed presented her faculty senate report to the board. Dr. Steed also stated that she is requesting an ex-officio seat on the WSSU BOT.

Report of the Committees:

1. Trustee Barr gave the report of the Academic Affairs Committee.
2. Trustee Robert Clark gave the report of the Audit, Risk and Compliance Committee.

Approval of Committee Reports:

Trustee Harris motioned to accept the committee reports as given. Trustee Notitz seconded the motion. The motion passed. A roll call vote was taken; K. Farmer (yes), L. Bailey (yes), R. Barr (yes), C. Bigelow (yes), J. Clark (yes), R. Clark (yes), M. Cullinan (yes), W. Harris (yes), K. Kelly (yes), B. Moore (yes), D. Nostitz (yes), R. Sides (yes), D. Smith (yes). All members approved the motion.

Motion: Resolved, that the Winston-Salem State University Board of Trustees accept the committee reports as given.

Motion to Go Into Closed Session:

Trustee Bigelow motioned and Trustee Moore seconded the motion to go into closed session. The motion passed. A roll call vote was taken; K. Farmer (yes), L. Bailey (yes), R. Barr (yes), C. Bigelow (yes), J. Clark (yes), R. Clark (yes), M. Cullinan (yes), W. Harris (yes), K. Kelly (yes), B. Moore (yes), D. Nostitz (yes), R. Sides (yes), D. Smith (yes). All members approved the motion.

Motion resolved, that the Winston-Salem State University Board of Trustees approved the motion to go into closed session.

**The meeting moved into executive (closed) session.
The complete minutes of the executive session are recorded separately.**

Resume Board Meeting in Open Session

The meeting resumed in Open Session

Report of the Board Chair regarding Closed Session:

Chairman Farmer reported that while in Closed Session, they heard a report from the Audit Committee, including a report from Chief Legal Officer, Dr. Brown.

Adoption of Actions Taken in Closed Session:

There were no actions taken in Closed Session.

Former Business:

There was no former business to discuss.

New Business:

Chairman Farmer appointed Trustee Nostitz chair of the 2020-2021 Nominating Committee. He informed her that a nominating committee must be created. Trustee Nostitz should then bring the committee's recommendation of officers to the September meeting for approval.

Chairman Farmer then asked if there were any other items that need to be discussed. Trustee Bailey suggested that the board meetings be kept as listed on the meeting schedule. When the meetings are changed as they have been in the past, it disrupts her schedule with her patients. Chairman Farmer responded "So Noted" and stated that he would keep this in mind in the event that the meeting must be rescheduled. He also stated that sometimes there is no choice when it comes to the need to change the meeting dates.

Adjournment

With no further business, the meeting adjourned at 11:03 a.m., by common consent.



WINSTON-SALEM
STATE UNIVERSITY

The Ordinance Regulating Traffic and Parking on the Campus of Winston-Salem State University

INTRODUCTION

This Ordinance defines the general operations and policies for traffic and parking on the campus of Winston Salem State University (hereinafter referred to as University or WSSU). Parking on WSSU is a privilege. The provisions set forth in this Ordinance are designed to ensure the safety and protection of all users of the system.

Effective: September 18, 2020

Be it ordained by the Board of Trustees of Winston-Salem State University, pursuant to Chapter 116, Article 1, Part 6 of the General Statutes of the State of North Carolina, as it may be amended from time to time

Table of Contents

INTRODUCTION.....	1
ARTICLE I. GENERAL PROVISIONS.....	5
Section 1.1 Definitions.....	5
Section 1.2 Regulating: Delegating of Authority.....	7
Section 1.3 Posting Notices of Ordinance and Regulations.....	7
Section 1.4 Publications of Ordinance and Regulations.....	7
Section 1.5 Filing of Ordinance and Regulations.....	7
Section 1.6 Liabilities.....	8
Section 1.7 Cooperation with Civil Authorities.....	8
Section 1.8 Rules of Evidence.....	8
Section 1.9 Trust Accounts.....	9
Section 1.10 Parking on Streets of Winston Salem State University.....	9
ARTICLE II - PAYMENTS AND COLLECTIONS.....	9
Section 2.1 Payment Methods.....	9
Section 2.2 Replacement Fee.....	10
Section 2.3 Returned Checks.....	10
Section 2.4 Collection Methods.....	10
Section 2.5 Civil Suits for Recovery of Penalties.....	11
ARTICLE III - PARKING.....	11
Section 3.1 Method of Parking.....	11
Section 3.2 Disabled Vehicles.....	12
Section 3.3 Parking.....	12
Section 3.4 Area Permit Fees.....	13
Section 3.4 a Refunds.....	13
Section 3.5 Special Event Parking.....	14
Section 3.6 Reserved Parking.....	14
Section 3.7 Visitor and Conference Parking.....	15
Section 3.8 State-Owned Vehicle Parking.....	15
Section 3.9 Motor/Moped/Motorbike Parking.....	15
Section 3.10 Bicycle Parking.....	15

Section 3.11	Temporary Parking Restrictions.....	16
Section 3.12	Evening Parking.....	16
Section 3.13 a.	Metered Parking.....	16
Section 3.13 b.	Passport Parking.....	16
Section 3.14	Idling at Air Intake Vents.....	17
Section 3.15	Signs.....	17
ARTICLE IV - REGISTRATION OF VEHICLES AND PARKING PERMITS.....		17
Section 4.1	Registration of Vehicles.....	17
Section 4.2	Parking Permits.....	17
Section 4.3	Special Parking Permits.....	17
Section 4.4	Display of Permits.....	19
Section 4.5	Failure to Pay Parking Fines on Unregistered Vehicles.....	19
Section 4.6	Failure to Register Vehicles.....	19
Section 4.7	Counterfeiting/Altering Parking Permits.....	20
Section 4.8	Obtaining Parking Permits through Unlawful Means.....	20
Section 4.9	Unauthorized Display of Parking Permits.....	20
Section 4.10	Reinstatement of Eligibility.....	21
ARTICLE V - TRAFFIC.....		21
Section 5.1	Interference with Traffic.....	21
Section 5.2	Fire Lanes/Fire Hydrants.....	21
Section 5.3	Parking or Driving on Sidewalks, Grass, or Shrubbery.....	21
Section 5.4	Speed Limits.....	22
Section 5.5	Stop Intersections.....	22
Section 5.6	U-Turns Prohibited.....	22
Section 5.7	Vehicular Traffic at Marked Crosswalks.....	22
Section 5.8	Pedestrian Obstructing Traffic.....	22
Section 5.9	Passengers Pick Up and Discharge.....	23
Section 5.10	One-Way Streets.....	23
Section 5.11	Noise Ordinance.....	23
ARTICLE VI - ENFORCEMENT.....		23
Section 6.1	Penalties.....	23
Section 6.2	Police Regulations.....	24

Section 6.3	Repeated Offenses.....	24
Section 6.4	Vehicle Impoundment	24
Section 6.5	Vehicle Immobilization	25
Section 6.6	Impoundment of Abandoned and Derelict Vehicles	25
Section 6.7	Disposal of Abandoned and Derelict Vehicles	25
Section 6.8	Bicycle, Vehicle and Skateboard Impoundment	25
Section 6.9	Disposal of Junked Bicycles.....	26
ARTICLE VII - APPEALS.....		26
Section 7.1	Appeals	26
ARTICLE VIII - REPEALS.....		27
Section 8.1	Former Regulations Repealed.....	27

ARTICLE I. GENERAL PROVISIONS

Section 1.1 Definitions

The words and phrases defined in this section have the meaning indicated when used in this Ordinance, unless the context clearly requires another meaning:

1. *“Assigned parking”* means customers must park in parking areas designated by their permit. Assigned parking is from 7:00 am to 5:00 p.m. Monday through Friday unless designated otherwise by the Chancellor or his designee.
2. *“Bicycle”* means every device propelled by human power upon which any person may ride, and supported by either two tandem or three wheels, one of which is sixteen inches or more in diameter. *“Abandoned bicycles”* are those which have not been moved from the same location for a period of two weeks or longer.
3. *“Booting”* means to immobilize a vehicle through the use of a device designed to be attached to the **front**/rear tire wheel that renders the vehicle inoperable.
4. *“Campus”* means all property that (i) is owned or leased in whole or in part by The State of North Carolina, (ii) is subject to the general oversight of the Board of Trustees of Winston Salem State University, and (iii) is located within Winston Salem, Forsyth County, North Carolina.
5. *“Campus Safety Committee”* means the hearing body that consists of university and students representatives that addresses appeals of traffic offenses committed under this Ordinance.
6. *“Chancellor”* means the Chancellor of Winston Salem State University or designee.
7. *“Guest”* means any individual that is invited to come to campus by Faculty, Staff or student for the sole purpose of conducting official university business such as guest speaker/lecturer.
8. *“Moped/Motorbike”* means two-wheeled vehicles that are self-propelled by means of motor. As of June 1, 2015; the State of North Carolina issued a bill that requires citizens to register these vehicles with the Division of Motor Vehicle and be issued a valid license plate that is operated on North Carolina roads.
9. *“Motor vehicle”* means every licensed vehicle that is self-propelled and every vehicle designed to run upon the highway that is pulled by a self-propelled vehicle. This includes automobiles, trucks, motorcycles and any other licensed, motor-powered, passenger-carrying device.
10. *“Open parking”* means customers with a permit may park in any non-resident parking area during designated open parking times. Open parking times are from 5:00 p.m. - 7:00 a.m. each week day and every weekend unless designated otherwise by the Chancellor or his designee.
11. *“Park”* means to leave a motor vehicle unattended by any person authorized to, or capable of, moving it immediately upon the direction of a law or traffic enforcement officer. Notes in vehicles, activated hazard lights, or a running engine *do not* render the vehicle “attended.”

12. *“Parking meter”* a device used to collect money in exchange for the right to temporarily park without a parking permit or having your vehicle registered.
13. *Passport Parking (Pay by Phone)*
Passport Parking is designed to provide more short-term parking options for those who do not need to be on campus all day such as visitors and part-time students. WSSU launched Passport Parking in two sections of campus. They are Zone 85 with 41 numbered spaces located in Lot E behind K. R. Williams Auditorium and Zone 86 with 25 spaces located in Lot R behind the Thompson Center.
14. *“Parking Permit”* means any identification assigned by the Winston Salem State University Department of Public Safety to be displayed to verify a legally parked vehicle on the campus.
15. *“Repeat Offender”* any customer who has received 3 or more citations within an academic semester is considered a Repeat Offender. Repeat Offenders will **forfeit their parking permit and lose their parking privileges for the remaining academic semester and will not be granted a refund.**
16. *“Scofflaw”* describes any customer or vehicle that has three or more unpaid parking citations.
17. *“Tow”* means to remove a vehicle through the use of a vendor/tow company.
18. *“Visitor”* means any individual other than a student or employee of Winston-Salem State University that is on campus to conduct any personal or non-personal business.
19. An “abandoned motor vehicle” is one that has been removed to a storage area pursuant to authority granted in this Ordinance and has remained in said storage area for longer than thirty days.

A “derelict vehicle” is a vehicle (1) that has an expired registration and the registered and legal owner no longer resides at the address listed on the last certification of registration on record with the N.C. Department of Motor Vehicles, (2) that has major parts removed so as to render the vehicle inoperable and incapable of passing inspections as required under existing standards, (3) that has the manufacturer’s serial plates, vehicle identification numbers, license plate numbers, and any other means of identification removed so as to nullify efforts to locate or identify the registered and legal owner, (4) for which the registered and legal owner of record disclaims ownership or releases his/her rights thereto, or (5) that is more than twelve years old and does not bear a current license as required by the Department of Motor Vehicles. (6) Has flat tires or has not been moved due to mechanical problems for two weeks.

Any proceeds from the sale of a derelict/abandoned motor vehicle, after costs for removal, storage, investigation, sale, and satisfying any liens of record on the vehicle have been deducted there from, shall be held by the University for thirty days and paid to the registered owner upon demand. If the owner does not appear to claim the proceeds within thirty days after disposal of the vehicle, the funds shall be deposited in the Department of Public Safety Parking Trust Fund, and the owner’s rights therein shall be forever forfeited.

No person shall be held to answer in any criminal or civil action to any owner or other person legally entitled to the possession of any abandoned, lost, or stolen motor vehicle for disposing of the vehicles as provided in this section.

Section 1.2 Regulating: Delegating of Authority

1. The Chancellor is authorized to adopt and promulgate such rules and regulations and to establish such administrative procedures as he/she may deem necessary or advisable for the administration, interpretation, and enforcement of this Ordinance.
2. The Chancellor may delegate administrative responsibilities imposed on him/her by this Ordinance to the Director of Public Safety and other officers of the University that the Chancellor may choose.
3. The Department of Public Safety operates twenty-four hours a day, seven days a week. In-office customer service is available from **7:30 a.m. until 5:30 p.m. Monday through Thursday and Friday from 7:30 a.m. until 5:00 p.m.**, except on University- recognized holidays. Regulations may be enforced at any time deemed necessary by special event activities or other circumstances.

Section 1.3 Posting Notices of Ordinance and Regulations

The Chancellor, through designated administrative officers, shall cause to be posted a public notice of traffic and parking restrictions imposed by or pursuant to the authority of this Ordinance and by Chapter 116, Article 1, Part 6 of the General Statutes of North Carolina. Once posted, these restrictions are in effect at all times unless otherwise stated.

Section 1.4 Publications of Ordinance and Regulations

The Chancellor, through administrative officers, shall cause copies of this Ordinance and regulations issued pursuant hereto to be printed and made available to students, faculty, and employees of the University.

Section 1.5 Filing of Ordinance and Regulations

A certified copy of this Ordinance and all regulations issued hereunder, except temporary police regulations, shall be filed in:

1. The Office of the President of the University of North Carolina;
2. The Office of the Chancellor of Winston-Salem State University;
3. The Office of the Secretary of State of North Carolina;

4. The Office of the WSSU Director of Public Safety; and
5. The Office of Student Affairs.

Section 1.6 Liabilities

Winston Salem State University assumes no liability or responsibility for damage or theft to any vehicle parked in or on University properties subject to the jurisdiction or control of the Board of Trustees of the University. The provisions of this Ordinance shall apply to all operators of all vehicles, public and private and they shall be enforced twenty-four hours a day except as otherwise specified by this Ordinance.

It shall be unlawful for any operator to violate any of the provisions of this Ordinance except as otherwise permitted by the Ordinance or General Statutes of North Carolina.

The operator of any vehicle shall obey the lawful instructions of any law enforcement officer, parking control officer, official traffic signs or control devices appropriately placed and in accordance with these regulations.

Section 1.7 Cooperation with Civil Authorities

The Chancellor shall cooperate with all law enforcement authorities of the State of North Carolina and its political subdivisions in enforcing this Ordinance and issuing regulations hereunder. When the City of Winston Salem enacts an Ordinance that, pursuant to G.S. 116, 44.5, supersedes any portion of this Ordinance or any regulation issued hereunder, the Chancellor shall, upon receiving a certified copy of such Ordinance from the city clerk, make such changes to policy and procedure as necessitated by the new ordinance.

Section 1.8 Rules of Evidence

When a vehicle is found to be in violation of this Ordinance it shall be considered prima facie evidence that the vehicle was parked by:

1. The person to whom a University parking permit for the vehicle is registered;
2. If no parking permit has been issued for the vehicle, the person, company, corporation or firm in whose name the vehicle is registered with the North Carolina Division of Motor Vehicles or the corresponding agency of another state or nation; or
3. The son, daughter, spouse, or ward of the registered owner enrolled in or employed with Winston-Salem State University.

The prima facie rule of evidence established by Section 1-8 shall not apply to the registered owner of a leased or rented vehicle when said owner can furnish evidence that the vehicle was, at the time of the

parking violation, leased or rented, to another person. In such instances, the owner of the vehicle shall, within reasonable time after notification of the parking violation, furnish the Department of Public Safety with the name and address of the person or company who leased or rented the vehicle.

Section 1.9 Trust Accounts

All monies received from parking fees and penalties imposed by this Ordinance shall be placed in trust accounts and may be used for the following purposes:

1. To defray the cost of administering and enforcing this Ordinance and Chapter 116, Article 1, Part 6 of the General Statutes of North Carolina;
2. To develop, maintain, and supervise parking lots, areas, shuttles/shelters and facilities;
3. To support, maintain, and develop shuttle services and personnel;
4. As a pledge to secure revenue bonds for parking facilities issued under Chapter 116, Article 21, of the General Statutes of North Carolina; and/or
5. For any other purpose related to parking, traffic, and transportation on the campus as authorized by the Chancellor.

Section 1.10 Parking on Streets of Winston Salem State University

Except as expressly permitted by this Ordinance, it is unlawful for any person to park a motor vehicle on streets that is not permitted by the ordinance of Winston-Salem State University. The following designated streets are marked for vehicle parking:

- West Cromartie Street
- Price Street
- Old Stadium Street
- Vargrave Street (on the right side of the street across from dorms)

Nothing in this Ordinance shall be construed as recognition by the Board of Trustees of Winston-Salem State University as a prescriptive easement in any street specifically named herein.

ARTICLE II - PAYMENTS AND COLLECTIONS

Section 2.1 Payment Methods

Payments owed to the WSSU Department of Public Safety for permits, citations, visitor parking, and so forth may be made in the following ways (the Department reserves the right or the ability to change payment methods for operational efficiency):

1. Cash (not recommended to be sent through the mail), except unrolled coins;
2. Checks or money orders (payable to WSSU Department of Public Safety);
3. Debit/credit (payable at WSSU Department of Public Safety **Parking Office** / Online);
4. Payroll deduction (for employees);
 - a. **Permanent employees will be issued a 2-year permit.**
 - b. **Adjunct/Temporary employees will be issued a 1-year permit by coming to the**
 - i. **Campus Parking Office.**
 - ii. **All faculty and staff with assigned physical parking permit who terminated employment**
 - iii. **prior to expiration of a parking permit must surrender the permit to Campus Parking.**
 - c. **All employees must select payroll deduction for payment method.**
5. Student vouchers;
6. Veteran administration voucher;
7. Vocational rehabilitation program voucher;
8. WSSU internal payment forms.

Section 2.2 Replacement Fee

A lost or stolen permit must be reported immediately to the Department of Public Safety. There is a replacement fee of \$20.00. The replacement fee shall be refunded if the missing permit is found and returned to the Department of Public Safety.

Section 2.3 Returned Checks

Any payment made by check that is returned by the bank and not cleared upon notification shall necessitate the implementation of one or more of the Collection Methods described in Section 2-4. A \$25.00 service charge shall be imposed for all returned checks.

Section 2.4 Collection Methods

No parking permit may be issued to any individual who has outstanding debts to the Department of Public Safety in excess of **\$30.00**. Student citations remaining unpaid ten (10) days after issuance will have a \$10.00 late fee added. After 30 days if payment has not been made, the citation is sent to the **Student Account's** Office for collection. The vehicle becomes subject to towing, booting or impoundment; and the customer will forfeit their parking privileges for the remaining academic semester if three or

more citations have been issued to the vehicle and it is found on campus thirty days or more after the issuance of the original citation. Student accounts will be put in hold status, preventing registration, graduation, and receipt of transcripts. Employee citations remaining unpaid ten (10) days after issuance will have a \$10.00 late fee added and fines may be deducted from paychecks or any other money owed to the employee by the State of North Carolina, such as an income tax refund. NCGS 143-553 provides that, "All persons employed by a State employing entity who owe money to the State and whose salaries are paid in whole or in part by State funds must make full restitution of the amount owed as a condition of continuing employment." The vehicle becomes subject to towing, booting or impoundment; and the customer will forfeit their parking privileges for the remaining academic semester if three or more citations remain unpaid and the vehicle is found on campus thirty days or more after the issuance of the original citation. Employees who fail to pay citations are subject to dismissal under this law. Debts owed by any individuals, whether or not employees or students, may be subject to garnishment of North Carolina state income tax refund. Debts owed by any individuals, whether or not employees or students, may be subject to the use of a collection agency.

Section 2.5 Civil Suits for Recovery of Penalties

When the Chancellor in his sole discretion determines that civil penalties validly imposed for violation of this Ordinance cannot or will not be collected through normal administrative procedures, he may request the Attorney General of North Carolina to bring civil action against the offender in the name of the State for the recovery of the penalty.

ARTICLE III - PARKING

Section 3.1 Method of Parking

The Chancellor shall cause each area in which parking is permitted by this Ordinance to be surveyed and developed for parking. Each parking space shall be defined by appropriate signs and painted lines (when the parking area is paved). When parking spaces have been marked off in the area in which parking is lawful, vehicles shall be parked within the spaces so designated at all times.

1. Some spaces may be marked for compact vehicles. These spaces shall be fifteen feet in length and five feet in width, with two and one-half feet of hatching between spaces. It is unlawful for any vehicle to occupy more than the five-foot portion of the space. Signs shall be posted or on-ground markings shall designate compact spaces.
2. It is unlawful at any time to occupy portions of more than one space when such is defined by painted lines or to park in any portion of the area not clearly designated for parking.
3. When spaces are designated at an angle (diagonally) to a street curb or dividing median, vehicles shall be parked therein with the front of the vehicle next to the curb or median. When parking spaces are parallel to a curb or dividing median, vehicles shall be parked within the front of the vehicle facing the direction of travel authorized for that side of the street or driveway.

Section 3.2 Disabled Vehicles

It is unlawful to leave a disabled vehicle parked in violation of this Ordinance without immediately notifying the Department of Public Safety. If the vehicle is obstructing traffic, in a reserved space, or creating a hazard, it will be moved immediately.

No vehicle will be placed on the disabled vehicle list more than one time per month unless the operator will accept assistance from the Department of Public Safety or a tow firm. Persons who exceed the limitations for placing their vehicle on the disabled list and do not accept assistance shall be subject to a penalty as provided in Section 6.1 of this Ordinance if the vehicle remains parked in violation of this Ordinance. If the Department of Public Safety has permits available for the lot in which the vehicle is parked, the operator may be required to purchase a permit rather than be placed on the disabled list.

Section 3.3 Parking

Any person parking a motor vehicle as described in this Section 3-3 must display the appropriate permit for that parking area during assigned parking times (7:00 a.m.-5:30 p.m. Monday-Thursday and Friday 7:00 a.m.-5:00 p.m.). During the hours of 5:00 p.m. and 7:00 a.m. and weekends, any customer with a valid permit may park in any parking area, other than a residential (designated in yellow on map) parking area on campus and except for Reserved Spaces, which are reserved at all times unless otherwise indicated. Any vehicle parked without displaying a permit is subject to the issuance of a civil penalty, vehicle immobilization/booting, and/or towing.

Vehicles displaying special permits obtained through the Department of Public Safety may park as indicated by use of those special permits and their related restrictions.

A guide that summarizes the regulations and a map depicting the parking areas is available at the [Department of Public Safety Office](#) or visit:

Parking areas are described as follows:

Green: Commuter Student

Red: Staff

Orange: Shuttle

Yellow: Resident Student

Blue: Meter/visitor

Red/Green- shared (staff/student)

Pursuant to Section 1-2, The Chancellor or designee may provide for subdivision of and for addition or deletion of lots to or from any one of these areas and may change traffic flow patterns as deemed necessary or advisable for the administration or enforcement of this Ordinance.

Section 3.4 Area Permit Fees

Permit	Fee
<i>Student</i>	<i>\$160.00</i>
<i>Faculty/Staff</i>	<i>\$260.00</i>
<i>Faculty/Staff Gated</i>	<i>\$300.00</i>
<i>Shuttle</i>	<i>\$110.00</i>
<i>Reserved</i>	<i>\$420.00</i>
<i>Summer Session I</i>	<i>\$60.00</i>
<i>Summer Session II</i>	<i>\$60.00</i>
<i>Motorcycle</i>	<i>\$40.00</i>
<i>Motorcycle (with valid WSSU parking permit)</i>	<i>\$20.00</i>
<i>Replacement Permits (with approved document)</i>	<i>\$20.00</i>

Section 3.4 a Refunds

1. Students who graduate, transfer or withdraw prior to the expiration of a parking permit and accelerated nursing students may apply for a prorated refund. Approved documentation must be provided along with request for refund.
2. No parking refund for summer permit after first two weeks of session.
3. Faculty and staff employees with assigned lot parking permits who terminate employment prior to expiration of a parking permit must return permit to Campus Parking and may apply for a request for a prorated refund. Approved documentation must be provided with request.
4. In all circumstances, no refund will be approved without the return of the permit.
5. Any outstanding citation will be deducted from the requested refund amount.
6. **Refunds are not granted for any parking permit within three months of expiration date.**
7. No refunds will be issued for metered, passport parking or daily temporary passes.
8. The University will refund by check mailed to the parking permit purchaser if paid in full by credit card, cash or check at the time of purchase.
 - a. Faculty and Staff employees paying by payroll deduction will be processed as a stop deduction request to Payroll Department.
 - b. Student parking voucher purchases will be refunded to students' Banner Account.

9. The WSSU Police and Public Safety Chief and Manager of Parking and Transportation Services may grant refunds in special circumstances.

Permit-holders on campus during summer sessions must purchase separate summer session permits. All other permit fees are annual fees. All permit fees are **prorated** on a monthly basis. Employees not registering for a permit at the beginning of the permit year who wish to pay for the permit by payroll deduction shall pay for the first month in cash, after which payroll deduction will begin. New employees not registering for a permit at the beginning of the permit year who wish to pay for the permit in cash may pay for the first month at the beginning of their employment, and the remainder of the **prorated** charge after receiving their initial pay check.

Section 3.5 Special Event Parking

The Chancellor may cause any lot to be reserved Monday through Friday after 5:00 p.m. and on selected weekends to accommodate special event parking (i.e., for concerts, athletics, or other events). A maximum charge of \$10.00 per automobile may be charged for use of these lots.

Section 3.6 Reserved Parking

Parking spaces may be reserved to meet special needs, such as for state-owned vehicles, visitors, or specific individuals. The Chancellor shall determine the precise location and status of reserved spaces. Reserved spaces for individuals must be approved by the Chancellor. The annual fee for an individual reserved space shall be \$420.00.

It is unlawful for any unauthorized person to park a motor vehicle in a reserved space. Notice of the reserved status of a parking space shall be prominently posted at the space. Once posted, such spaces are reserved at all times unless otherwise indicated.

It is unlawful for non-disabled, affiliated individuals to display a disability State plate, State disability permit, or disabled veteran license plate. Misuse of such plates or permits shall result in the issuance of a parking citation, immobilization, and/or impoundment. A sufficient number of parking spaces shall be reserved to meet the needs of the disabled. It is unlawful to park a vehicle in a space posted for disability parking or in a manner denying access to a disability parking space or facility handicap access area. Disability spaces are reserved at all times unless otherwise indicated.

Section 3.7 Visitor and Conference Parking

Departments may request groups of parking spaces for guests attending conferences, meetings, and seminars. Parking assignments/fee for such groups will be determined by the Department of Public Safety.

Special parking shall be reserved on request of **Conferences and Institutes' staff**. A fee for temporary pass shall be included in the **Conferences and Institutes'** facility fee in such circumstances.

Visitor parking passes is by request in Campus Parking. Departments should e-mail in advance for guest passes to wssuparking@wssu.edu. All guests should report to Campus Parking to be issued a visitor's pass.

Section 3.8 State-Owned Vehicle Parking

State-owned vehicles may park in any space specifically reserved for service use or any regular parking space. Parking in any regular service space for more than twenty-four hours is unlawful. A violation of this Section by a state-owned vehicle will result in the issuance of a citation, immobilization, or impoundment.

Section 3.9 Motor/Moped/Motorbike Parking

Licensed motorcycles, mopeds and motorbikes (required by the State of North Carolina Department of Motor Vehicles to have a license) are required to purchase and display a WSSU permit and must park in a designated parking space. It is unlawful for motorcycles, mopeds and motorbikes to park blocking the entrance to buildings, ramps, or walkways.

In the case of a person wishing to register a combination of an automobile and a motorcycle, full payment will be required for the automobile permit, but there will be a charge for the additional motorcycle permit of \$20.00. No more than one motor vehicle permit and one motorcycle permit shall be issued to any registrant.

Section 3.10 Bicycle Parking

Bicycles shall not be parked or stored in any location other than areas designated for bicycle parking, including:

1. inside any University building, including stairwells, hallways, and balconies;
2. against or attached to any tress, bush, plant, or foliage;
3. against or attached to any electrical fixture, sign post, railing, public seating fixture, or emergency safety device; or
4. in any other area where parking is prohibited specifically by this Ordinance.

Section 3.11 Temporary Parking Restrictions

The Chancellor is authorized to temporarily prohibit parking, stopping, or standing on driveways, streets, alleys, and parking lots on campus and on public streets in this Ordinance, and to reserve parking spaces for special use when such action is necessary due to special events, emergencies, or construction. Temporary signs or barriers shall be posted, and a representative of the Department of Public Safety or other University official shall give notice of regulations issued under this Section. It is unlawful for any person to violate such regulations.

Overnight Parking Restrictions

Certain parking lots, parking areas, or parking spaces may be restricted from overnight parking in order to ensure availability of the facilities during alternate hours. Signs and/or barriers shall be posted at these locations. It shall be unlawful for any person to violate such regulations. Overnight parking is not permitted in the shuttle parking area. Visitors to Resident Halls may park in parking areas Lot CC and Lot O from 5:00 p.m. 2:00 a.m. each day without a pass or permit. Overnight visitors must obtain a visitor pass and be approved by Housing & Residence Life. New hire temporary employees will be issued a 30-day pass at no charge to park at Lott FF Shuttle Lot between 7:00 a.m. and 5:00 p.m. After 5:00 p.m., they can park on campus in Faculty or Commuter Lots.

Section 3.12 Evening Parking

The Chancellor may cause certain lots to be reserved on weekdays after 5:00 p.m. and on weekends to accommodate employee and commuting student parking. Employees and students desiring to park in such lots shall purchase evening parking permits. Customers with shuttle parking passes may park in non- resident parking areas after 5:00 p.m. each day and all weekend.

Section 3.13 a. Metered Parking

Meters may be used by anyone parking on the premises of Winston-Salem State University. Meters are available at a cost of \$ 0.25 per 15 minutes, or as otherwise indicated on the meter, with a one hour limit. Anyone parking at a metered space in excess of the one hour time limit is subject to ticketing, booting and towing as allowed under this policy. After 5:00 p.m., parking in metered spaces is allowed by anyone with a valid WSSU parking permit. Visitors without a parking permit must pay the meter to park legally in that respective space.

Section 3.13 b. Passport Parking

Register for Passport using the pay by phone method, Download Passport Parking App or call 336-441-1684 from your cell phone.

All Day: 9.50 + .25 service fee for \$9.75

Four Hours: 5.25 + .25 service fee for \$5.50

Two Hours: 3.25 + .25 service for \$3.50

Section 3.14 **Idling at Air Intake Vents**

It is unlawful for any person to cause a motor vehicle to be parked with the engine running near a building's air intake louver. Signs indicating the locations of these air intake louvers shall be posted prominently. Vehicles in violation of this section are subject to the issuance of a citation.

Section 3.15 **Signs**

It is unlawful for any person to deface, damage, tamper with, break, destroy, impair the usefulness of, remove, relocate, steal, or possess any traffic or parking sign erected by the WSSU Department of Public Safety. Possession of any such sign shall be prima facie evidence of the violation of this Ordinance. Conviction for violation of this section may result in criminal prosecution, a fine, suspension, or expulsion from Winston-Salem State University.

ARTICLE IV - REGISTRATION OF VEHICLES AND PARKING PERMITS

Section 4.1 Registration of Vehicles

Any motor vehicle maintained or operated on the campus by any student or employee of the University must be registered with the Department of Public Safety. Persons found in violation of this section are subject to a fine as allowed by this Ordinance. Any person who drives a vehicle on campus is the "Responsible Party" for any violations received or accrued.

Section 4.2 Parking Permits

The Chancellor may issue permits to park in lots and areas described in Section 3-3 to employees or students of the University and affiliated organizations operating on the campus upon payment of the established fee.

1. Retired employees and those designated as "Faculty Emeritus" may obtain a parking permit by contacting the Department of Public Safety.
2. No parking permits shall be issued to any freshmen living on campus **or that has not earned 27 credit hours** unless authorized by a Hardship or Disability Parking Committee or by order of the Chancellor.

Section 4.3 Special Parking Permits

The Chancellor may issue special permits under the conditions and at the fees indicated in this section. Misuse of said permits shall result in confiscation of the permit and no further permits shall be issued for

the remainder of the year. No refunds shall be issued on those permits requiring a paid fee. Persons found to be displaying said permits in violation of this section will be subject to the appropriate fine and impoundment of their vehicles.

1. **Vendor Service Permits** - Representatives of non-affiliated service companies that have contractual relationship with the University to deliver goods or services may apply for a vendor service permit through the Department of Public Safety. An application must be completed by the vendor and approved by the Director of Public Safety. A payment of \$90.00 shall be made for each permit issued. Vehicles displaying Vendor Service Permits may park in any designated space. Vendors with vehicles prominently displaying the vendor's name or logo, performing routine deliveries and pick-ups from University buildings, and requiring less than fifteen minutes are exempt for any permit requirement. Vendors needing to be on campus for longer than 15 minutes only on an occasional basis may purchase one-day visitor permits from the Department of Public Safety.

Construction contractors and their employees are not eligible for Vendor Service Permits. All construction-related vehicles must park within the lay down area designated for the construction project.

2. **Disability Permits** - Disabled students and employees desiring disability parking on campus must obtain a WSSU Disability permit by the established application process, through the Department of Public Safety. An allocation of spaces will be made available to disabled users, based upon a physician's certification of need. WSSU Disability permits will be assigned parking areas throughout the campus, and their cost will be based on the permit price structure for non-disability permits. The Department of Public Safety will determine the parking area based on need and availability. By displaying the WSSU Disability permit, an individual may park in a designated handicapped or any open parking space in his/her designated parking area. Reasonable accommodations for disabled students and employees will be made.
3. **All Access Privilege Permits** - Departments may apply for annual All Access Privilege Permits. A \$150.00 payment shall be made for each permit issued. Justification of need must accompany each request. Privilege Permits may not be utilized by students. Persons with vehicles displaying Privilege Permits may park in any non-gated lot. This does not include meters or Passport Parking.
4. **Reserved Permits** - The Chancellor may issue a reserved-at- all-times permit to a person, department or school providing justification for said permit is met. Job duties and other functions associated with employment shall be considered (i.e. employees required to live in residence halls). The cost of the permit and space shall be \$420.00.
5. **Temporary Permits** - Temporary employees, adjunct faculty, students and vendors may purchase a temporary permit for vehicles not registered with the Public Safety Department. Temporary permits cost \$5 per day, \$20 per week for students and \$30 per month for faculty and staff. Fees paid for temporary permit do not apply towards permanent permit fee.

*All temporary permit holders and Day pass holders must park in shuttle lots.

Section 4.4 Display of Permits

The parking permit must be properly displayed at all times. Parking permits must be clearly visible and cannot be obscured in any manner. A violation of this section will result in the appropriate fine. If you fail to display your permit your vehicle may be towed.

Permit display options are:

1. Hanging from the vehicle's rearview mirror facing the front of the vehicle, clearly visible through the front windshield.
2. If the tint, slant, or other design factors of the vehicle obscure in any way the permit's visibility, the permit should be displayed on the left side of the windshield in the lower corner.
3. Permits for motorcycles must be displayed on the rear fender so it can be seen when viewing the license plate from behind the motorcycle or on the front fork or on the State inspection plate. Permits for motorcycle covers must be permanently affixed on the top rear area of the motorcycle cover. The license plate number of the authorized motorcycle must be recorded on the motorcycle cover permit by the Department of Public Safety.
4. Permits for vehicles using car covers must be affixed permanently on the top center windshield portion of the cover. The license plate number of the authorized vehicle must be recorded on the permit by the Department of Public Safety. An additional permit must be displayed from the rearview mirror of the authorized vehicle. The license plate number of the vehicle will be recorded on the cars cover by the Department of Public Safety.

Section 4.5 Failure to Pay Parking Fines on Unregistered Vehicles

Any failure to pay parking fines on unregistered vehicles found on the campus more than thirty-five days after notice to the owner of the vehicle, as identified on the records of the North Carolina Department of Motor Vehicles or similar departments of other states, shall result in the vehicle being towed or booted. Said vehicle shall not be released until all fines and fees have been paid and the vehicle is registered in accordance with this Ordinance.

Section 4.6 Failure to Register Vehicles

Any motor vehicle being operated on the campus in violation of the registration provisions of this Section 4-1 shall be towed. The employee or student operating said vehicle shall be required to register the vehicle and pay any towing and storage fees before the vehicle will be released.

Section 4.7 Counterfeiting/Altering Parking Permits

It is unlawful for any person to produce or cause to be produced, to alter, or to display without authority of the Chancellor, any parking permit, sticker, permit, or other device indicating eligibility to park on the campus of Winston-Salem State University. Such permits shall be confiscated, no refunds shall be issued, the violators will be issued a citation, the vehicles shall be impounded or booted, and the violators shall be ineligible for a parking permit for one calendar year. Pursuant to the citation, violators must appear before the Lieutenant that supervises parking services to address the charges. Any sanction may be appealed to the Campus Safety Committee in accordance with Article VII, Appeals. Employee and student violators may also be subject to disciplinary action, pursuant to their respective disciplinary policies, up to and including dismissal and/or expulsion. Prior to the release of the vehicle, the illegal permit must be surrendered to the Department of Public Safety. Counterfeiting is a criminal offense and criminal charges may also be imposed against the offender.

Section 4.8 Obtaining Parking Permits through Unlawful Means

It is unlawful for any person to obtain a parking permit by any means other than procedures established by the Chancellor pursuant to this Ordinance, including but not limited to, obtaining permits by theft, fraud, trickery, willful misrepresentation of fact, purchase from another or gift from another. Such permits shall be confiscated, no refunds shall be issued, the violators will be issued a citation, the vehicles shall be impounded or booted, and the violators shall be ineligible for a parking permit for one calendar year. Pursuant to the citation, violators must appear before the Parking Manager that supervises parking services to address the charges. Any sanction may be appealed to the Campus Safety Committee in accordance with Article VII, Appeals. Employee and student violators may also be subject to disciplinary action, pursuant to their respective disciplinary policies, up to and including dismissal and/or expulsion. Prior to the release of the vehicle, the illegal permit must be surrendered to the Department of Public Safety.

Section 4.9 Unauthorized Display of Parking Permits

The Chancellor may issue regulations for the transfer of permits from one motor vehicle to another owned or used vehicle by the holder of the permit, and it is unlawful for a person in possession of such a permit to use it in any manner inconsistent with such regulations.

It is unlawful for any person in possession of a parking permit, whether that possession be lawful or unlawful, to give, sell, or otherwise transfer or attempt to transfer it to another. It is unlawful for any person to display on a motor vehicle a parking permit not issued to that person for use with that specific motor vehicle or to display a lost, stolen, counterfeit, or altered permit. Such permits shall be confiscated and no refunds shall be issued. The violators will be issued a citation and the vehicles shall be impounded or booted, and the violators shall be ineligible for a parking permit for one calendar year. Pursuant to the citation, violators must appear before the Parking Manager that supervises parking services to address the charges. Any sanction may be appealed to the Campus Safety Committee in accordance with Article VII, Appeals. Employee and student violators may also be subject to criminal or disciplinary

action, pursuant to their respective disciplinary policies, up to and including dismissal and/or expulsion. Prior to the release of the vehicle, the illegal permit must be surrendered to the Department of Public Safety.

Section 4.10 Reinstatement of Eligibility

Any person who is permitted to retain their eligibility for a parking permit after being charged with violations of Section 4-4, 4-5, or 4-6, will not be issued a refund for previously purchased permits. The person will be required to purchase a permit at the current prorated issuance rate for the type of permit purchased.

ARTICLE V - TRAFFIC

Section 5.1 Interference with Traffic

It is unlawful for any person to park or bring to a halt on the campus any vehicle in such a manner as to interfere with normal vehicular or pedestrian traffic.

Temporary traffic restrictions - The Chancellor may cause traffic to be restricted or rerouted as necessary by construction, emergency situations, and special events. Notice of such restrictions shall be given by temporary signs or barriers or by a representative of the Department of Public Safety. It shall be unlawful to violate such regulations.

Section 5.2 Fire Lanes/Fire Hydrants

No person shall park a vehicle (whether disabled or not), or permit it to stand in or block access to any area designated as a fire lane or fifteen feet in either direction of a fire hydrant. Any emergency authorization for use of fire lanes must be obtained through the Department of Public Safety. Fire lanes will be indicated prominently by pavement markings and/or signs.

Section 5.3 Parking or Driving on Sidewalks, Grass, or Shrubbery

It is unlawful for any person to drive or to park a motor vehicle on a sidewalk or on grass or shrubbery unless such area is signed and marked for parking.

It is unlawful to operate a bicycle on the campus in a manner that jeopardizes pedestrian safety, or State or private property. It is unlawful to ride or operate a moped or motorbike with the engine running on campus sidewalks.

It is unlawful for pedestrians to use in-line skates or skateboards on the campus in a manner that jeopardizes the safety of other pedestrians. It is also unlawful for pedestrians to use in-line skates or skateboards on any walls, monuments, gutters, ditches, railings, bicycle racks, benches, or other structures, fixtures, or property on the University campus. It is unlawful for pedestrians to use in-line skates or skateboards on any ramps or steps on the University campus except for the purpose of entering or leaving a building or making normal pedestrian progress along a campus sidewalk.

Section 5.4 Speed Limits

1. It is unlawful to operate a vehicle on the campus in excess of a speed of fifteen miles per hour, except as otherwise posted.
2. It is unlawful to operate a moped or bicycle on sidewalks on campus at a speed or in a manner that would prove to be hazardous to the safety of pedestrians. It is unlawful to operate a moped without a safety helmet of the type approved by the Commissioner of Motor Vehicles.

Bicyclists are encouraged to give warning to pedestrians about to be passed from the rear. Warnings may be either verbal or by means of a bell, horn, whistle, or other audible warning device. While riding on any public right-of-way, bicyclists must obey all traffic laws applicable to vehicles. Bicyclists are encouraged to wear bicycle safety helmets at all times when riding a bicycle.

Section 5.5 Stop Intersections

Pursuant to G.S. 20-158, the Chancellor shall cause to be erected at intersections, signs requiring drivers of vehicles to come to a full stop on the streets designated as “stop signs.” Whenever any such sign is erected, it is unlawful for the driver of any vehicle to fail to stop in obedience to the stop sign and to yield the right-of-way to vehicles being operated on the streets designated as “through streets.”

Section 5.6 U-Turns Prohibited

It is unlawful for any driver of a vehicle to reverse the direction of his vehicle by making a “U-turn” on any of the streets, alleys or driveways on the campus.

Section 5.7 Vehicular Traffic at Marked Crosswalks

The Chancellor may establish pedestrian crosswalks across streets, alleys, and driveways on the campus where the location of University buildings and sidewalks requires large numbers of persons to cross streets and driveways at points other than street intersections as governed by G.S. 20-155(c). A crosswalk shall be indicated by traffic signals, signs, or white stripes (hatched or un-hatched) and will be a minimum of six feet in width. When a crosswalk has been marked off, it is unlawful for the driver of any vehicle traveling on the street or driveway to fail to stop and to yield the right-of-way when there is a pedestrian in that portion of the crosswalk. The pedestrian must be on that side of the street or driveway in which the vehicle is traveling.

Section 5.8 Pedestrian Obstructing Traffic

It is unlawful for a pedestrian to stand on the traveled portion of any street, alley, or driveway on the campus in such a manner as to obstruct or prevent the free flow of traffic thereon, and in crossing streets, alleys, or driveways pedestrians shall keep in motion when in the traveled portion thereof.

Section 5.9 Passengers Pick Up and Discharge

It is unlawful for any person to stop a motor vehicle on any street, alley, or driveway on the campus for the purpose of picking up or discharging a pedestrian without first driving up to the right hand curb.

Section 5.10 One-Way Streets

Vehicular traffic upon streets, driveways and alleys shall move in only one direction as indicated by traffic signs.

Section 5.11 Noise Ordinance

A vehicle on campus emitting any noise that is audible from fifty feet away is subject to a noise violation fine.

ARTICLE VI - ENFORCEMENT

Section 6.1 Penalties

Any person violating any provisions of this Ordinance or a regulation issued hereunder is subject to a civil penalty as indicated in the following schedule:

Offense	Civil Penalty
Exceeding time limit (meter)	\$10.00
Parking on Landscape	20.00
Not Parked in a Designated Space	20.00
Failure to Display WSSU Permit	20.00
Violating Temporary Restrictions	30.00
Blocking a Dumpster	30.00
Idling Near Building Air Intakes	30.00
Parking in a No Parking Area	40.00
Parking Within Fifteen Feet of a Fire Hydrant	40.00
Failure to Stop at a Duly Erected Stop Sign	40.00
Traveling the Wrong Way on a One-Way Street	40.00
Exceeding the Posted Speed Limit	40.00
Exceeding Safe Speed for Existing Conditions	40.00
Performing a U Turn	40.00
Discharging Passengers	40.00
Failure to Stop for Pedestrians in Crosswalk	40.00
Pedestrian Obstructing Traffic/Fail to use Crosswalk	40.00

Offense	Civil Penalty
Failure to Display a Valid Permit	50.00
Parking in a Reserved Space	50.00
Parking in a Fire Lane	50.00
Removed Barricade Placed by Police	50.00
Failure to Follow Police Instructions	50.00
Noise violation	50.00
Displaying Stolen Permit	200.00
Displaying an Altered/Counterfeit Permit	200.00
Obtaining a Parking Permit through Unlawful Means	200.00
Parking in Handicapped Space	250.00

Section 6.2 Police Regulations

Vehicle operation and parking may be prohibited under emergency and/or other law enforcement operational necessities. It shall be unlawful for any person to violate police instructions related to this section.

Section 6.3 Repeated Offenses

If any vehicle is cited for violations of this Ordinance more than three times in a period of an academic semester, the customer's parking permit will be forfeited without refund of any portion of the fee paid and shall cause the violator's license plate number to be entered on a list of **repeat offenders**. The vehicle will be subject to impoundment or immobilization if parked in violation of this Ordinance.

A citation found to be invalid shall not be counted for purpose of this section. Employees and students with repeat offenses of this nature will be forwarded to the appropriate body for disciplinary action, (i.e. the Office of Student Affairs for students and the immediate supervisor for employees).

Section 6.4 Vehicle Impoundment

Any vehicle parked in violation of this Ordinance or a regulation issued hereunder, including failure to pay fines, may be removed to a storage area. The vehicle will not be released until the cost of storage and removal has been paid to the storage facility owner. The Chancellor or designee may refuse to authorize release of the vehicle until the University's citation fee is paid as well.

The owner or custodian of a vehicle impounded under any regulation of this Ordinance may appeal the impoundment in person or in writing within 10 business days to the Chancellor's designated Campus Safety Committee pursuant to Section 7-1 of this Ordinance. Submitting an appeal to the Chancellor's designated Campus Safety Committee does not substitute for payment of the towing or storage fees for removal of the impounded vehicle.

The Chancellor or designee is authorized to have towed from campus any vehicle violating the provisions of this Ordinance. Notification must be sent to the owner of the intent that the vehicle

is being towed. Proof of payment must be shown before vehicle is released.

The cost of towing and storage shall be the actual cost charged by the vendor providing the towing and storage services. If the operator of the vehicle to be impounded arrives at the vehicle prior to the tow truck moving the vehicle from where it was parked, such operator shall pay to the vendor providing the towing services said vendor's tow cancellation fee or the vehicle will be towed.

Section 6.5 Vehicle Immobilization

Any vehicle parked in violation of this Ordinance or any parking or traffic regulation, including overdue fines, may be immobilized by use of a wheel boot. Notice of the application of a wheel boot shall be posted prominently in one of three locations: (1) on the driver's side of the front window of the vehicle, (2) on the rear windshield, or (3) on the driver's side window. Placement of notices will depend on the type of vehicle.

The Chancellor or designee may refuse to authorize release of the vehicle to the owner or custodian until the cost of immobilization and all outstanding balances owed the Department of Public Safety have been paid. Boots may only be removed by the Department of Public Safety upon payment of a \$50.00 fee in addition to the citation amount. The owner or custodian of a vehicle impounded under any regulation of this Ordinance may appeal the immobilization in person or in writing within ten calendar days to the Chancellor's designated Campus Safety Committee, pursuant to Section 7-1 of this Ordinance. Submitting an appeal to the Campus Safety Committee is not a substitute for payment of the immobilization fee. Vehicles immobilized for longer than twenty-four hours shall be removed to a storage area. The owner/custodian of the vehicle shall only be responsible for the tow and impoundment fee as well as any citation and storage fees.

Section 6.6 Impoundment of Abandoned and Derelict Vehicles

Any vehicle that is partially dismantled or wrecked and/or does not display a current license plate and/or left in such condition for more than two weeks shall be considered abandoned and junked. Such vehicles shall be removed to a storage area at the owner's expense and disposed of in accordance with Section 6-7 of this Ordinance.

Section 6.7 Disposal of Abandoned and Derelict Vehicles

When any "abandoned or derelict motor vehicle" is in the possession of the University, the University shall dispose of it in accordance with North Carolina statutes.

Section 6.8 Bicycle, Vehicle and Skateboard Impoundment

It shall be lawful for the Chancellor to impound at the owner's/rider's expense, any bicycle or vehicle that is considered abandoned, junked, lost/stolen, parked/stored, or operated in violation of this Ordinance, or state or local fire safety regulations. It shall be lawful for the Chancellor to remove security devices attached to vehicles for impoundment purposes. The University shall not be held

liable for damages made to bicycles, vehicles or locks while impounding or during storage of said vehicles.

Bicycles that remain stored on racks for more than thirty days at the end of any academic term, including summer sessions, will be deemed University property.

Section 6.9 Disposal of Junked Bicycles

Notice shall be posted at the Department of Public Safety when bicycles have been impounded. Letters will be sent to the bicycle owners if known. Bicycles unclaimed thirty calendar days after the original date of impoundment shall be deemed University property.

ARTICLE VII - APPEALS

Section 7.1 Appeals

Any person cited for violation of any portion of this Ordinance for which a civil penalty is imposed or a vehicle is impounded or immobilized for violations may appeal in person or in writing within ten (10) **calendar** days of issuance to the Campus Safety Committee. An appeal will be heard and a decision will be made within 30 days or the next Campus Safety Committee meeting date, whichever comes first.

Anyone filing an appeal must appear in person before the Campus Safety Appeal Committee. Failure to attend the Campus Safety Appeal meeting shall result in an automatic reinstatement of the fines or penalties.

The Campus Safety Committee will consist of (1) Faculty member, (1) Staff member, (1) Student and the Chief of Police/Director of Public Safety. The determination made by this committee is final and not subject to further administrative appeals.

Submitting an appeal to the Campus designated Campus Safety Committee does not substitute for payment of towing and storage fees for removal of an impounded vehicle. Such fees must be paid in accordance with this Ordinance. If the Campus Safety Committee decides the appeal in favor of the appellant, the costs of towing and storage will be refunded by the Department of Public Safety.

In the event that the owner or operator elects to leave the vehicle impounded while filing an appeal, the storage fees will be waived from the day the appeal is submitted to the Campus Safety Committee until the day the decision is rendered if the appeal is decided in favor of the appellant.

Any person cited to the District Court, Division of the General Court of Justice for violation of this Ordinance must pursue that appeal, if any, as provided by law for statutory criminal actions.

ARTICLE VIII - REPEALS

Section 8.1 Former Regulations Repealed

Previously adopted Resolutions that regulate traffic and parking on the campus of Winston Salem State University are hereby repealed. The repeal herein of those regulations shall not abate or otherwise affect any civil, criminal, or administrative action or proceeding concluded or pending on the effective date of this Ordinance. This Traffic and Parking Ordinance shall be effective upon its adoption.

Adopted:

Kelvin Farmer
Chairman, Board of Trustees
Winston-Salem State University

Coretta Bigelow
Secretary, Board of Trustees
Winston-Salem State University



RESOLUTION OF THE CHAIR TO EXTEND THE GATE COMMITTEE

- WHEREAS**, the UNC System requires that UNC System institutions be overseen by boards of trustees; and
- WHEREAS**, the Board of Trustees of Winston-Salem State University is governed by bylaws that establish the Board's authority and limitations of institutional oversight; and
- WHEREAS**, the bylaws identify standing committees and provide for the creation of special committees that may be created by the Board Chair to perform specific functions not requiring the continuous existence of a committee (Art. III, Sec. 2f); and
- WHEREAS**, the bylaws specify that the size, function, procedures, and members of special committees can be determined by the Board Chair (Art. III, Sec. 2f); and
- WHEREAS**, the bylaws further specify that special committees shall cease to exist when their functions have been discharged; however, every special committee shall cease to exist one (1) year after the date of its creation unless continued by affirmative action of the Chair (Art. III, Sec. 2f); and
- WHEREAS**, the Chair of the Board of Trustees has previously established the special GATE Committee to address matters of Governance, Advocacy, Trusteeship, and Ethics; and
- WHEREAS**, the GATE Committee has been in existence for one year, and the Chair of the Board of Trustees desires to extend the existence of the GATE Committee for another year through an affirmative action.
- NOW THEREFORE, BE IT RESOLVED** that the GATE Committee shall continue to exist as a special committee of the WSSU Board of Trustees for another year comprised of 5 members.

This resolution shall be effective upon its adoption.

Adopted this 18th day of September 2020.

Kelvin Farmer, Board Chair

Coretta Bigelow, Board Secretary



Protection of Minors on Campus

I. Executive Summary

Winston-Salem State University (“WSSU” or “University”) strives to create a welcoming and safe environment for all individuals visiting University property or participating in University programs. This Policy on the Protection of Minors (“Policy”) reinforces this expectation by establishing standards, requirements, and procedures that specifically focus on protecting the safety of individuals who are under the age of 18 from abuse and neglect by a parent, guardian, caretaker, or Covered Program Staff member.

II. Policy Statement

As a matter of University policy and North Carolina State law, any member of the University Community who reasonably suspects that a minor has experienced Child Abuse or Neglect by a parent, guardian, caretaker, or Covered Program Staff member has an absolute obligation to report that suspicion to the EEO Officer or designee. In turn, EEO Officer or designee will report to Forsyth County Department of Social Services.

III. Definitions

Child Abuse or Neglect: The North Carolina Division of Social Services provides that child abuse is “the intentional maltreatment of a child and that can be physical, sexual, or emotional in nature.” DSS provides that neglect is “the failure to give children the necessary care they need.”

Covered Program: A program or activity in which Minors participate that is sponsored by a University Department, a student organization, or a Third Party entity sponsored by a University Department.

Covered Program Staff: All individuals 18 years old or older who work with, instruct, or otherwise come in direct contact with minors in covered program, even if these individuals are volunteers.

Minors: For the purposes of this policy, minors are defined as individuals who are younger than 18 years of age and are participating in a Covered Program. With the exception of the mandatory reporting requirements below, this policy does not apply to students under the age of 18 who are enrolled or matriculated at the University.

University Property: All campus grounds, buildings, facilities, stadiums, or other improvements, that are owned, leased, used, or otherwise controlled by the University.

Third Party: An organization or individual from outside of the University that uses University facilities to conduct a Covered Program pursuant to an approved contract or other use agreement with a sponsoring University Department and with the prior approval of the Protection of Minors on Campus Coordinator. For example, athletic camps or academic camps

University Community or University Community Members: University faculty, staff, unpaid volunteers, interns, students, temporary employees, visiting scholars, and any other University affiliates

IV. Guidelines

A. Registration and Approval.

All Covered Programs must be registered and approved by the appropriate dean or vice chancellor (or approved designee) at least 60 days prior to the initiation of the program or activity. All programs continuously or periodically operating must be approved and registered annually. The registration should include, at a minimum:

- i. A description of the proposed Covered Program;
- ii. A responsible party or sponsor for the proposed Covered Program (Sponsor);
- iii. The designated university administrator or officer supporting the program;
- iv. The period of time for which the Covered Program will operate;
- v. The expected number of employees and/or volunteers involved and minors served;
- vi. An acknowledgment of relevant institutional policies, including requirements for background checks, training, insurance, parking access, and facilities use;
- vii. An acknowledgment of state mandatory reporting requirements related to suspected abuse or neglect of a minor;
- viii. For third party vendors, a statement acknowledging that the constituent institution may monitor compliance with requirements for operating a Covered Program; and
- ix. The name or position of the university administrator or officer with responsibility for approving the proposed Covered Program.

B. Mandatory Background Checks

A background check must be completed for all Covered Program Staff eighteen (18) years of age or older who work with, instruct, or otherwise come into Direct Contact with Minors in a Covered Program (“Program Staff”), even if these individuals are unpaid affiliates such as unpaid volunteers, interns, or “Direct Contact” is defined as care, guidance, control, or supervision of minors in group or one-to-one settings or the potential for one-to-one interaction with minors. These checks must be completed prior to a Covered Program Staff member having any Direct Contact with minors as part of a Covered Program. A background check with a satisfactory outcome must be completed within six (6) months prior to the start of the Covered Program to satisfy this requirement.

This requirement applies to:

- i. All University faculty, staff, students, or unpaid volunteers, interns, and WSSU independent contractors who will serve as Program Staff.
- ii. Third-party providers must use a qualified background check vendor according to the sex offender registries, and a mandatory driver’s license check where transporting minors is involved.

C. Subsequent Background Checks

Covered Program Staff must undergo subsequent background checks at least annually. There are two exceptions pursuant to which a Covered Program Staff member may have subsequent background checks every five (5) years, and required to attest to compliance with background checks annually.

- i. The first exception applies to Covered Program Staff who are also University employees or students and who are continuously employed by or enrolled in the University without any break in their employment or enrollment.
- ii. The second exception is for Covered Program Staff members continuously employed by or volunteering for Third Parties who do not have a break in employment or volunteer service that lasts one hundred twenty (120) days or more.

V. Roles & Responsibilities

Covered Program Staff Training Requirements

Each Covered Program must assure that all Covered Program Staff are trained on policies and issues relevant to the protection of Minors. This training must occur at least annually and must occur prior to any Direct Contact with Minors. The management of a Covered Program may enhance and/or modify the University's training requirements to meet specific needs of the applicable Covered Program, but such training must include the following minimum components:

- The University's Policy on the Protection of Minors;
- Sexual abuse and sexual harassment;
- Detection of Child Abuse and Neglect through behavioral signs that Minor victims may exhibit;
- Protecting Minors from Child Abuse and Neglect by adults;
- Protecting Minors from abuse and bullying by peers;
- Laboratory safety for minors (when applicable)

VI. Applicability

University Community Members (faculty, staff, volunteers, interns and students) as well as outside third parties (including contractors) who are authorized to use University facilities or property must comply with this policy.

As used in this Policy the term "Minors" applies to persons under the age of 18 who are not enrolled or matriculated students of the University.

- i. All portions of this Policy apply to the protection of Minors participating in programs sponsored by the University or held on University property, with the exception of students who are enrolled or matriculated at WSSU ("Enrolled Students").
- ii. Enrolled students who are minors are covered by University policies applicable to students and applicable State laws involving the protection of minors and are not subject to the remaining requirements of this Policy.
- iii. The "Reporting Suspected Child Abuse/Neglect Procedure" associated with this Policy applies to the protection of all minors (including Enrolled Students) while those minors are present on University property or while participating in Covered Programs.

- iv. All contracts for the services of independent contractors (including solo and Third Party contractors) who will have Direct Contact with Minors as part of a Covered Program must include a provision that requires compliance with all of the provisions of this Policy.

VII. Compliance

- i. **University Employee:** Violations may result in disciplinary action up to and including termination of employment.
- ii. **Unpaid Volunteers, Interns and Visiting Scholars:** Violations may result in end of assignment.
- iii. **University Students:** Violations may result in referral to the Dean of Students.
- iv. **Third Party Covered Program Staff:** Violations may result in disciplinary action that requires immediate removal from Direct Contact with Minors, and /or University property or facility.
- v. **Covered Programs:** If it is determined that the Covered Program has not complied with any provision of the University's Policy on the Protection of Minors, the Covered Program may be subject to immediate discontinuation of operation and/or use of University property. At the discretion of the University Coordinator for the Protection of Minors on Campus, the Covered Program may also be banned from future use of university facilities.

Elwood Robinson
Chancellor
Winston-Salem State University

Responsible Division: Vice Chancellor & Chief of Staff
Authority: Chancellor
History:



WINSTON-SALEM
STATE UNIVERSITY

SEXUAL MISCONDUCT & GENDER BASED HARASSMENT

I. Policy Statement

In accordance with the University's EEO and Non-Discrimination Policy, discrimination and harassment based on an individual's protected class is strictly prohibited. Sexual Harassment is a form of sex discrimination. Sexual harassment by any member of the university is a violation of both law and university policy. This policy is intended to comply with Title IX of the Education Amendments of 1972 ("Title IX"), the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act ("Clery Act"), as amended by the Violence Against Women Reauthorization Act of 2013 (VAWA), and Title VII of the Civil Rights Act of 1964, as they may be amended from time to time.

Beyond compliance, Winston-Salem State University ("WSSU" or "University") is committed to providing an environment that emphasizes the dignity, respect, and self-worth of every member of its community. With this commitment in mind, WSSU strongly condemns all forms of sex discrimination including sexual harassment and promotes a community that is free of any form of discrimination based on sex.

II. Definitions

Actual Knowledge is notice of sexual harassment or allegations of sexual harassment to a Title IX Coordinator or any official with authority to institute corrective measures under this Policy.

Clery Act Reporting – Pursuant to the Clery Act, the University includes statistics about certain offenses in its annual security report, and provides those statistics to the United States Department of Education in a manner that does not include any personally-identifying information about individuals involved in an incident. The Clery Act also requires the University to issue timely warnings to the University community about certain crimes that have been reported and which may continue to pose a serious or continuing threat to campus safety. Consistent with the Clery Act, the University withholds the names and other personally identifying information of Complainants when issuing timely warnings to the University community.

Complainant is the alleged to the victim of any prohibited conduct under this Policy

Confidential Employee(s) include:

- Any employee who is a licensed medical, clinical, or mental-health professional (e.g., physicians, nurses, physician's assistants, psychologists, psychiatrists, professional counselors, and social workers, and those performing services under their supervision) when acting in that professional role in the provision of services to a patient.
- Employees providing administrative, operational, and/or related support for such health care providers in their performance of such services
- Clergy and other religious or spiritual advisors when serving in their religious or spiritual capacity and any employee providing administrative, operational, and/or related support to clergy or other religious or spiritual providers.

Confidential Employees will not disclose information about prohibited conduct without the individual's permission or as set forth in this Policy. When Confidential Employees receive information outside of the provision of confidential services, the Confidential Employee is required to share that information with the Title IX Office.

*Confidential employees who are also campus security authorities under the Clery Act must submit non-personally identifying information about Clery-reportable crimes to the Winston-Salem State University Police Department for purposes of the anonymous statistical reporting under the Clery Act.

Consent means words or actions demonstrating a knowing and voluntary agreement to engage in mutually agreed upon sexual activity. Consent cannot be obtained by force, by ignoring or acting in spite of the objections, or by taking advantage of the incapacitation of an individual. Silence or a lack of resistance is not consent. Consent to one sexual act does not constitute consent to any other sexual act.

Formal Complaint is a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a Respondent and requesting that the University investigate the allegation of sexual harassment.

Privacy refers to the discretion that will be exercised by the University in the course of any investigation or disciplinary processes under this policy. Information related to a report of prohibited conduct may be shared with a limited circle of University employees who need to know in order to assist in the assessment, investigation, and resolution of the report and related issues. University employees receive training in how to safeguard private information.

The privacy of student education records will be protected in accordance with the Family Educational Rights and Privacy Act (FERPA). The privacy of an individual's medical and related records generally is protected by the Health Insurance Portability and Accountability Act (HIPAA), excepting health records protected by FERPA. Access to an employee's personnel records is governed by the policy stated in the Employee Handbook. It is important to understand the different responsibilities of University employees. Every employee is designated as either a Confidential Employee or a Responsible Employee.

Respondent is the individual who is reported as the perpetrator of prohibited conduct under this Policy.

Privacy – Privacy refers to the discretion that will be exercised by the University in the course of any investigation or disciplinary processes under this policy. Information related to a report of Prohibited Conduct may be shared with a limited circle of University employees who need to know in order to assist in the assessment, investigation, and resolution of the report and related issues. University employees receive training in how to safeguard private information.

The privacy of student education records will be protected in accordance with the Family Educational Rights and Privacy Act (FERPA). The privacy of an individual's medical and related records generally is protected by the Health Insurance Portability and Accountability Act (HIPAA), excepting health records protected by FERPA. Access to an employee's personnel records is governed by the policy stated in the Employee Handbook. It is important to understand the different responsibilities of University employees. Every employee is designated as either a Confidential Employee or a Responsible Employee:

Responsible Employee is any employee of Winston-Salem State University and anyone employed or retained under contract in a security or safety position or in a University residence hall with the exception of those designated as Confidential Employees. ALL Responsible Employees are required to report any information

regarding a known or suspected violation of this policy to a Title IX Officer in a reasonable time after Responsible Employee learns of it no matter how they learn of this information.

Student workers are also considered Responsible Employees when they learn of potential violations of this policy in the scope of their employment. Student workers who are Responsible Employees include but are not limited to resident assistants, teaching assistants, graduate assistants, and tutors provided through any University programs or offices.

Responsible Employees must report all information that is known, including the identities of the parties, the date, time and location, and any details about the reported incident to the Title IX Office. Responsible Employees cannot promise confidentiality or withhold information about prohibited conduct. Failure by a Responsible Employee to report information regarding possible prohibited conduct in a timely manner may subject the employee to appropriate discipline.

Responsible Employees are not required to report information disclosed at public awareness events (e.g., “Take Back the Night”) candlelight vigils, protests, “survivor speak-outs,” or other public forums in which students may disclose prohibited conduct. The University may provide information about Title IX rights and available University and community resources and support at public awareness events.

Sexual Harassment and Prohibited Conduct is conduct on the basis of sex that satisfies one or more of the following:

- 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, or
- 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 institution’s education program or activity; or
- “Sexual assault” as defined in 20 U.S.C. 1092(f)(6)(A)(v), “dating violence” as defined in 34 U.S.C. 12291(a)(10), “domestic violence” as defined in 34 U.S.C. 12291(a)(8), or “stalking” as defined in 34 U.S.C 12291(a)(30).

Supportive Measures are non-disciplinary and non-punitive measures that do not unreasonably burden the other party. The University will offer reasonably available individualized services, without any fee or charge, to the parties involved in a reported incident of Sexual Misconduct with or without the filing of a Formal Complaint, when applicable. Supportive Measures may include but are not limited to housing reassignment, counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, increased security or monitoring of certain areas of campus, or other similar measures tailored to the individualized needs of the parties. Any disciplinary or punitive measures may only be implemented following the conclusion of the grievance, unless an emergency removal is appropriate

III. Guidelines

Employees are cautioned that the defense of mutual consent may be difficult to prove where a power differential exists (i.e., faculty-student, supervisor-employee). The University reserves the right to determine whether to pursue violations of policy by students or employees, including a complainant or witness, which become known during an investigation of an incident of sexual harassment.

In determining whether alleged conduct constitutes prohibited conduct under this policy, the University will look at the entire record as a whole and consider the totality of the circumstances. This inquiry will examine information such as the nature of the conduct and the context in which the alleged incidents occurred. All

determinations regarding whether a Respondent has engaged in prohibited conduct will be based upon a thorough and comprehensive review of the facts and made on a case-by-case basis utilizing the preponderance of the evidence standard.

Issues of privacy and confidentiality play important roles in this policy and may affect individuals differently. While they are closely related, the concepts of privacy and confidentiality are distinct terms that are specifically defined in this policy.

Reporting Options

Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment) Any person wishing to report an incident that violates this Policy should refer to the Resolution Procedures for Sexual Harassment and Sexual Violence, or contact the Title IX Coordinator:

Ms. Aishah Casseus
336-750-8759
casseusa@wssu.edu
115 Blair Hal
601 S Martin Luther King Jr. Drive
Winston-Salem NC 27110

Any employee that is made aware of an allegation of sexual harassment or sexual violence is required to report it to the Title IX Coordinator or online, with the exception of confidential employees. Failure to report an allegation of sexual harassment or sexual violence may result in disciplinary action, up to, and including dismissal.

Private vs. Confidential Reporting Resources

Under this Policy, privacy generally means that information related to a report under this Policy will only be shared with those University employees who “need to know” in order to assist in the active review, investigation, or resolution of the report. While not bound by confidentiality, these individuals will be discreet and respect the privacy of all individuals involved in the process. By contrast, confidential reporting resources will NOT disclose individually identifiable information related to a report without the individual’s express written permission, unless there is a continuing threat of serious harm to the patient/client or to others or there is a legal obligation to reveal such information (e.g., where there is suspected abuse or neglect of a minor). University reporting resources include:

1. Licensed University Counselors (Confidential)
The Counseling Center
A.H. Ray Student Health Services
Winston-Salem State University
601 Martin Luther King Jr. Dr. Suite 244
Winston-Salem, NC 27110
336-750-3270
2. Office of Interpersonal Violence Prevention
Ms. Patricia Eaddy, Director
301- H Thompson Student Center
601 Martin Luther King Jr. Dr. Suite 244
Winston-Salem, NC 27110
336-750-3313

eaddypa@wssu.edu

3. Office of EEO/AA & Diversity Title IX
Ms. Aishah Casseus, EEO/AA & Diversity Officer & University Title IX Coordinator
115 Blair Hall
601 Martin Luther King Jr. Dr.
Winston-Salem, NC 27110
336-750-8759
casseusa@wssu.edu
4. Office of EED/AA & Diversity/Title IX
Mrs. Aniya Sutton-Ward, Assistant Title IX Coordinator
115 Blair Hall
601 Martin Luther King Jr. Dr.
Winston-Salem, NC 27110
wardas@wssu.edu
5. University Athletics
Mrs. Lataya Hilliard-Gray, Deputy Title IX Coordinator
Senior Woman Administrator
Whitaker Gym
601 Martin Luther King Jr. Dr.
Winston-Salem, NC 27110
hilliardl@wssu.edu
6. Winston-Salem State University Campus Police
Old Maintenance Public Safety Building
601 Martin Luther King Jr. Dr.
Winston-Salem, NC 27110
336-750-2900 or 336-750-2911

External Reporting

University community members may raise concerns about the University's application of Title IX or Title VII with the United States Department of Education, Office for Civil Rights ("OCR"). The address and telephone number of the appropriate OCR District are as follows:

U. S. Department of Education
Office for Civil Rights
District of Columbia Office
400 Maryland Avenue, S.W.
Washington, D.C. 20202-1475
Telephone: (202) 453-6020
FAX: (202) 453-6021
TDD (877) 521-2172

Coordination with Policies and Process

This policy addresses discrimination on the basis of sex or gender as it relates to sexual and gender-based harassment and sexual assault, and other forms of interpersonal violence defined in more detail below. Other forms of sex discrimination (not based on harassment or violence), and discrimination and harassment based on

race, color, nationality or ethnic origin, sex, age, or disability are governed by the Winston-Salem State University Policy and Procedure on Equal Opportunity in Employment and Education Program and Activities. In addition, the conduct of students, employees, and faculty are governed or impacted by the following:

- Student Code of Conduct
- Students Privacy Rights Policy (FERPA)
- Clery Act Disclosure Policy (200-004)
- SHRA Guidelines
- EHRA (Non-Faculty) Guidelines
- Faculty Guidelines
- Sexual Misconduct Process & Procedures

IV. Applicability

The policy applies to the faculty, students, and staff of Winston-Salem State University.

V. Compliance

This policy is maintained by the Office of EEO/AA and reviewed on an annual basis. The review will capture evolving legal requirements, evaluate the supports and resources available to the parties, and assessing the effectiveness of the resolution process, including but not limited to, the fairness of the process, the time needed to complete the process, and the sanctions and remedies imposed.

False Reporting Statement

The sexual harassment policy is designed to encourage students, faculty, and staff to express freely, responsibly, and in an orderly way their opinions and feelings about any problem or complaint of sexual harassment. The university takes allegations of sexual harassment and sexual violence very seriously and recognizes the consequences such allegations may have on a respondent as well as the complainant. Any individual who knowingly provides false information regarding the filing of a complaint or report of sexual harassment/violence during an investigation of such a complaint or report may be subject to discipline or under certain circumstances, legal action. Complaints of conduct that are found not to violate policy are not assumed to be false. Any act by a University employee or agent of retaliation, reprisal, interference, restraint, penalty, discrimination, coercion or harassment-overtly or covertly-against a student or an employee for using the policy, will necessitate appropriate and prompt disciplinary action.

Elwood Robinson, PhD
Chancellor

Authority: Chancellor
Responsible Division: Vice Chancellor & Chief of Staff
History: Adopted December 19, 2014
Amended March 16, 2018
Amended



WINSTON-SALEM
STATE UNIVERSITY

STUDENTS' CODE OF CONDUCT 2020

The information in this document applies to the 2020 Spring Semester and is accurate and current, to the extent possible, as of January 2020. Winston-Salem State University (“WSSU” or “university”) reserves the right to change programs of study, academic requirements, teaching staff, the calendar, and other matters described herein without prior notice, in accordance with established procedures.

It is the policy of the State of North Carolina to provide equal opportunity in education and employment to all qualified persons, and to prohibit discrimination based on race, color, national origin, creed, religion, sex, sexual orientation, age, veteran status, disability, genetic information or political affiliation. This university also prohibits sexual harassment, including sexual violence. The Director of EEO/AA and Diversity Officer has been designated to handle inquiries regarding non-discrimination policies and to serve as the overall campus Title IX Coordinator, EEO/AA and Diversity Officer. For further information on nondiscrimination and/or sexual harassment, contact the EEO/AA & Diversity Officer and Title IX Coordinator, Ms. Aishah Casseus, by telephone at 336-750-8759, by email at casseusa@wssu.edu, or in person by visiting 115 Blair Hall. Alternatively, individuals may contact the Office of Civil Rights, U.S. Dept. of Education by visiting:

<https://wdcrobcolp01.ed.gov/CFAPPS/OCR/contactus.cfm>

Questions or comments about domestic violence, dating violence, and stalking can be directed to the EEO/AA & Diversity Officer and Title IX Coordinator, Ms. Aishah Casseus by telephone at 336-750-8759, by email at casseusa@wssu.edu, or in person by visiting 115 Blair Hall. If you suspect a crime has been committed, please contact university Police at (336) 750-2900 for emergencies, for non-emergencies contact (336)-750-2911.

This university is prepared to make reasonable academic adjustments and accommodations to allow students with disabilities full participation in the same programs and activities available to students without disabilities. In order to receive consideration for reasonable accommodations under Section 504 of the Rehabilitation Act or the Americans with Disabilities Act (ADA), a student must have a physical or mental impairment that substantially limits one or more major life activities such as, but not limited to, hearing, seeing, speaking, breathing, performing manual tasks, walking, caring for oneself, and learning. Substantially limiting refers to an impairment that prevents an individual from performing a major life activity or significantly restricts the condition, manner, or duration under which an individual can perform a major life activity.

Students requesting accommodations under the provisions of Section 504 or the ADA (e.g., academic, housing, etc.) must consult Ms. Myra Waddell with the Department of Disabilities Services at (336) 750-8658 or by email at dds@wssu.edu. WSSU recognizes and utilizes electronic mail as a medium for official communications. The university provides all students with e-mail accounts as well as access to e-mail services from public places if students do not have personal computers of their own. All students are expected to access their e-mail accounts on a regular basis to check for and respond as necessary to such communications.

Allegations of Students’ Code of Conduct violations may be presented to the Office of Community Standards & Civility, via the Maxient Conduct System, from WSSU Campus Police or through an Incident Report filed by residence life staff, students, faculty, and/or staff. To report an incident, use the following link to the Maxient Conduct Incident Report Form. You can also find the link listed on the Office of Community Standards & Civility Homepage, which is located on WSSU’s website.

Incidents that violate the Students’ Code of Conduct shall be submitted as soon as possible after it takes place and factual information should be provided to support the charge.

TABLE OF CONTENTS

Letter to Students	6
How to Get Help	7
Mission and University Values	9
Student Rights and Responsibilities	10
Students' Code of Conduct	12
I. Jurisdiction Over the Code	12
II. Violations of Law and Disciplinary Action	12
III. Offenses Under the Code	13
a. Academic Misconduct	13
b. Alcohol Violation	13
c. Computer and Network Abuse	13
d. Creating a Safety Hazard	14
e. Damage to Property	14
f. Disorderly Conduct	15
g. Disruption of Student Conduct Process	15
h. Drug Violations	15
i. Failure to Comply	16
j. Gambling	16
k. Hazing	16
l. Hostile Environment Harassment	16
m. Infliction or Threat of Bodily Harm	17
n. Providing False Information	17
o. Relationship or Interpersonal Violence	17
p. Residence Hall Infraction	18
q. Retaliation	18
r. Sexual Misconduct	19

s. Theft	19
t. Trespass	19
u. Unauthorized Use of Property	19
v. Violation of any University Policies, Regulations or Rules	20
w. Violation of Law	20
x. Weapons.....	20
IV. Disciplinary Process	20
a. General Provisions	21
b. Notification of Charge	21
c. Attorney or Non-Attorney Advocates, Advisors, and Observers	21
d. Interim Suspension	22
e. Failure to Respond or Participate.....	23
f. Transcript Holds and Notations	23
g. Minor Violations	24
1. Administrative Hearings	24
2. Conduct of Administrative Hearing	25
3. Appeals from Administrative Hearings.....	25
8. Serious Violations.....	25
1. Pre-Hearing Conference.....	26
2. Student Conduct Council Hearings	27
V. Appeals	30
a. Grounds for Appeal	30
b. Record on Appeal.....	31
c. Appeals from Minor Violations	31
d. Appeals from the Sanction of Suspension	31
e. Appeals from the Sanction of Expulsion	31
f. Deadline and Place for Delivery of Notice of Appeal.....	31
g. Appeal Review	32

h. Appeal Decisions	32
VI. Disciplinary Files, Records & Transcript Notations	33
a. Record Retention	33
b. Disclosure of Records	33
c. Transcript Holds and Notations	33
VII. Reconsideration of Expulsion.....	33
a. Timing of Petition.....	33
b. Contents of Petition	34
c. Procedure for Review	34
VIII. Provisions for Equal Opportunity Allegations (Hostile Environment Harassment, Sexual Misconduct & Relationship Violence).....	34
a. General Provisions	35
b. Reporting	35
c. How to Make a Report	35
d. Timeframe for Reporting.....	36
e. Supportive Measures	37
f. Sanctioning.....	38

Letter to Students

Dear WSSU Students:

Please utilize this Handbook and Students' Code of Conduct ("the Code") and all information contained within it as a resource guide. Familiarize yourself with all policies, services, rights and responsibilities, and any other information that you deem pertinent to your needs.

Our university is growing and continually evolving. In such an environment it is essential to maintain order, provide safety and meet the needs of each student. This handbook has been prepared to inform you about the many opportunities and services available to you while matriculating here. It is my sincere hope and expectation that you will take the time to read it, place it in a safe place and refer to it whenever necessary.

May your time here be fruitful, enlightening, and enjoyable. We look forward to serving you. On behalf of Chancellor Elwood L. Robinson, I welcome you to Ram Country. Go Rams!

Any modifications or updates to the Code shall be posted on the university website in the Online Student Handbook on the university website.

Sincerely,

Mel C. Norwood, II

Associate Provost/ Vice Chancellor for Student Development and Engagement

How to Get Help

ON-CAMPUS RESOURCES:

To get help in case of an emergency, or to report suspected criminal activity (including criminal sexual misconduct), please contact:

WSSU Police Department
Emergency Telephone: (336) 750-2911
Non-Emergency Telephone: (336) 750-2900
Email: campussafety@wssu.edu
Old Maintenance Building
601 S. Martin L. King Jr. Dr.
Winston-Salem, NC 27110

To report suspected incidents of sexual misconduct, including sexual violence or sexual harassment, to WSSU on a non-emergency basis, please contact:

WSSU Title IX Coordinator
Ms. Aishah Casseus
Telephone: 336-750-8759
Email: casseusa@wssu.edu
115 Blair Hall
601 Martin Luther King, Jr. Drive
Winston-Salem, NC 27110

-or-

Office of Interpersonal Violence Prevention
Mrs. Patricia Eaddy, Director
Telephone: (336) 750-3313
Email: eaddy@wssu.edu
300 Thompson Student Center
601 Martin Luther King Jr. Dr. Suite 244
Winston-Salem, NC 27110

To speak with someone confidentially on campus, including related to matters of drug or alcohol abuse/addiction, mental health, suicidality, sexual misconduct, or similar concerns, please contact:

The WSSU Counseling Center
Telephone (8am-5pm): (336) 750-3270
After Hours Call Dept. of Public Safety
at (336) 750-2911
A.H. Ray Student Health Services
601 Martin Luther King Jr. Dr. Suite 244
Winston-Salem, NC 27110

[WSSU Counseling Center](#)

OFF-CAMPUS RESOURCES:

To get help in case of an emergency, or to report suspected criminal activity (including criminal sexual misconduct), please contact:

Winston-Salem Police Department

Dial 911 (within city limits)

Telephone: (336) 727-8000

For off-campus healthcare options and support, including information on seeking treatment for injury, contraception and the treatment of STIs, individuals may contact:

Forsyth County Health Department Telephone: (336) 703-3100 799 North Highland Avenue Winston-Salem, NC 27101	Guildford County Public Health Telephone: (336) 641-7777 1100 Wendover Ave. E Greensboro, NC 27405
Novant Health Forsyth Medical Center Telephone: (336) 718-5000 3333 Silas Creek Pkwy Winston-Salem, NC (SANE Exams Offered)	Wake Forest Baptist Medical Center Telephone: (336) 716-2011 1 Medical Center Blvd. Winston-Salem, NC 27157 (SANE Exams Offered)

For information on local rape crisis centers, please see below:

Family Services of Forsyth County Telephone: (336) 722-8173 200 S. Broad St. Winston-Salem, NC	Family Services of the Piedmont Telephone: (336) 387-6161 315 E. Washington St. Greensboro, NC 27401
Davie Domestic Violence Services & Rape Crisis Center Telephone: (336) 751-4357 172 S. Clement St. #2 Mocksville, NC 27023	Family Services of Davidson County Inc. Telephone: (336) 249-0237 1303 Greensboro St. Extension Lexington, NC 27295

Mission and University Values

WSSU is a bold and energetic institution that fosters the creative thinking, analytical problem-solving, and depth of character needed to transform yourself and your world. Rooted in a liberal education, WSSU's curriculum prepares students to be thought leaders who have the skills and knowledge needed to develop innovative solutions to complex problems.

Our Mission

WSSU is a comprehensive, historically Black university offering innovative undergraduate programs and exceptional graduate programs grounded in the tradition of liberal education. Students engage in active and experiential learning offered through flexible delivery modes. The university is dedicated to the holistic development of students by faculty dedicated to excellence in teaching, research, and service. As a constituent institution of the University of North Carolina, WSSU contributes to the social, cultural, intellectual and economic growth of North Carolina, the region, and beyond.

Our Vision

WSSU develops graduates who thrive in a dynamic and global society. Committed to the transformative power of liberal education, WSSU integrates diverse learning environments, student development opportunities, and campus and community life to build knowledge, cultivate talent and mold character. Guided by the motto "Enter to Learn, Depart to Serve," WSSU develops leaders who advance social justice by serving the world with compassion and commitment.

Our Values

Student-Centeredness – WSSU is committed to ensuring that all students achieve academic, personal, and professional development through their education. The university takes responsibility for creating and sustaining an environment that values students' unique backgrounds and learning abilities, providing a nurturing culture that supports student success.

Excellence – WSSU is committed to an uncompromised standard of quality and distinction in teaching, learning, scholarship, service, and operations. The university advances a dynamic, responsive, and accountable academic community where a desire to achieve the highest standards is evident both among individuals and across the institution.

Stewardship - WSSU understands the unique mission of the university and the value it provides through the knowledge produced and the graduates it educates. To ensure the highest levels of public trust and confidence, the university is committed to structuring institutional policies, processes, and incentives to ensure highly efficient and reliable operations; professional competence and knowledge; and careful management of resources.

Integrity – WSSU holds a deep commitment to personal and institutional fairness and honesty to ensure that the welfare of students and the university is placed foremost in all affairs and transactions.

Social Justice – WSSU believes in a deep individual and institutional responsibility to creatively respond to injustice and work toward the establishment of just, equitable, and sustainable cultural, economic, political and social principles and practices that affirm the worth, value, and dignity of all people.

Trust – WSSU is committed to building and reinforcing enduring bonds of goodwill among all members of our community based on an ethic of accountability, fairness, openness and transparency.

Student Rights & Responsibilities

Academic Rights

WSSU is a constituent institution of The University of North Carolina that supports the right to academic freedom for every student. In accordance with UNC Policies, the rights of students to engage in the responsible pursuit of knowledge or their right to the fair and impartial evaluation of academic performance shall not be abridged.

First Amendment

WSSU embraces and strives to uphold the freedoms of expression and speech guaranteed by the First Amendment of the U.S. Constitution and the North Carolina Constitution, as they may be amended from time to time. WSSU has the right under appropriate circumstances to regulate the time, place, and manner of exercising these and other constitutionally protected rights. WSSU fully supports the right of a student to assemble peacefully and to express him or herself in a manner in which order is maintained. The university has the right under appropriate circumstances to regulate the time, place, and manner of exercising these and other constitutionally protected rights in a manner consistent with applicable laws and policies, as they may be amended from time to time.

Freedom to Learn

The UNC Board of Governors has prescribed that all students shall be responsible for conducting themselves in a manner that helps enhance an environment of learning in which the rights, dignity, worth, and freedom of each member of the academic community is respected.

Right of Confidentiality (FERPA)

WSSU will comply with The Family Educational Rights and Privacy Act (FERPA) as it may be amended from time to time. No information or documentation referring to a student's academic or personal life may be released to any party outside the university without the expressed written consent of the student. Any request from a current student, former student or graduate to release information to a third party must be made in writing and include the student's signature. Students also have the right to inspect and review their own official records, except letters of recommendation.

Participation in Institutional Governance

Students are encouraged to participate in activities associated with the governance of the university by serving on various committees, councils and taskforces charged with making decisions.

Student Grievances

Students who believe that their rights under the law or university policy have been violated by an employee, agent or member of the university community should refer to the WSSU Student Grievance and Appeals Procedure: <https://www.wssu.edu/academics/distance-learning/student-grievance-and-appeals-procedures.html>

Student Conduct

Students who attend the university are expected to behave in a manner consistent with life at an academic institution. The Code is intended to reinforce this expectation and governs the behaviors and

disciplinary process for violations.

Right to be Heard

Students who have been charged with violations of the Code are entitled to due process. Students accused of violating standards of conduct will be subject to disciplinary action in accordance with this document.

Responsibilities

All students are responsible for conducting themselves in a manner that helps enhance an environment of learning in which the rights, dignity, worth, and freedom of each member of the academic community are respected. WSSU expects all students and their guest to behave in a manner consistent with campus policies and applicable state and federal laws. Students are expected to observe and adhere to the university's standards of conduct outlined within the Code in the classroom, on-campus and off-campus.

Students' Code of Conduct

The university community respects certain principles that govern socially and academically acceptable standards of good conduct and behavior. All community members, including students, are expected to conduct themselves in accordance with the regulations of the university and to comply with municipal, state and federal laws. Violations of campus or university policies, rules or regulations, or federal, state, or local law may result in a violation of Code and the imposition of student discipline. The Code provides a framework for identifying the standards of behavior and minimum due process requirements for addressing or adjudicating violations. Disciplinary measures and/or penalties shall be in accordance with procedural and substantive due process safeguards applicable to disciplinary actions as required by Section 502D(3) of The Code of The UNC Board of Governors, UNC Policy 700.4.1, and other applicable campus policies, as they may be amended from time to time. Where there is a conflict between The Code of The UNC Board of Governors and this *Code of Conduct*, then The Code of The UNC Board of Governors will control.

I. Jurisdiction of Student Conduct

The Code and the processes for its administration and enforcement exist for the protection and advancement of the university community's institutional interests. The Code applies to enrolled students and university affiliated student organizations and it is used to enforce university policies and regulations. The Code applies to conduct that occurs on university premises, at university-sponsored activities, and to off-campus conduct (whether in NC, another state or a foreign country) that adversely affects the university community, its mission, programs, the pursuit of its objectives, or poses a serious risk of danger to, or disruption or interference with, a member of the University community. The Director of Community Standards & Civility with other university officials shall determine whether the Code applies to off-campus conduct.

Under applicable UNC Policy, it is the duty of the Chancellor to exercise full authority in the regulation of student affairs and student's conduct. The authority of the Chancellor to regulate student's conduct and discipline, and the authority to enforce policies, regulations, and sanctioning decisions has been delegated to the Associate Provost /Vice Chancellor for Student Development and Engagement, who may delegate this authority to additional designees from time to time.

II. Violations of Law and Disciplinary Action

Students may be accountable to the university and/or to criminal or civil authorities for acts that constitute violations of law and of this Code. The university has the right to proceed with its disciplinary procedures regardless of whether a criminal investigation/charges are pending, and regardless of whether criminal charges involving the same incident have been dismissed, resolved, or reduced.

III. Offenses Under the Code

a. **Academic Misconduct**¹ – Definitions regarding academic misconduct are set forth in writing in order to give students general notice of prohibited conduct. They should be read broadly and are not designed to define academic misconduct in exhaustive terms. Attempts to commit acts prohibited by the Code may also be addressed through the conduct process. If a student is in doubt regarding any matter relating to the standards of academic integrity in each course or on a given assignment, that student must consult with the faculty member responsible for the course before presenting the work.

1. **Cheating.** Intentionally and knowingly using unauthorized materials, information, or study aids in any academic exercise or matter.
2. **Plagiarism.** Intentionally and knowingly representing in any academic exercise or matter the words or ideas of another as one's own.
3. **Fabrication.** Intentionally and knowingly falsifying or inventing information or citations in an academic exercise.
4. **Facilitating Academic Dishonesty.** Intentionally and knowingly helping or attempting to help another to commit an act of cheating, plagiarism, or fabrication.

b. **Alcohol Violation.**

1. Possessing, consuming, and/or using alcoholic beverages in an unauthorized manner at locations on university owned property or at a student activity on campus;
2. Possessing or using alcohol paraphernalia including but not limited to empty alcoholic bottles, alcoholic carton, beer bongs, funnels, kegs;
3. Consuming alcohol while under the statutory legal age, as it may be amended from time to time;
4. Providing alcohol to a minor or any person not of the statutory legal age to consume alcoholic beverages;
5. Being publicly intoxicated; or
6. Other conduct that could form the basis of any charge relating to a violation of North Carolina laws regarding the purchase, possession, manufacture, and consumption of alcoholic beverages or driving while under the influence.

c. **Computer and Network Abuse.** Means the theft or misuse of university computing resources,

¹ WSSU Policy 301.1 "Academic Integrity" exclusively addresses prohibited conduct, the complaint process, the resolution process, and other matters pertaining to **Academic Misconduct**.

including violations of applicable WSSU policies that related to computer usage [See WSSU Acceptable Use of Computing and Information Resources Policies, Chapter 400.6. Violations include:

1. Misusing university or organizational names and images;
2. The unauthorized entry into or transfer of electronic files;
3. Using another person's computing identification and/or password without authorization or permission;
4. Using university IT resources to interfere with the work of another student, faculty member, or other University employee;
5. Using university IT resources to send obscene or harassing messages that would constitute unlawful discrimination or sexual harassment as defined;
6. Using university IT resources to interfere with normal operations of the university computing system.

d. Creating a Safety Hazard. Any act that intentionally or recklessly creates a safety hazard, including but not limited to:

1. Starting or attempting to start a fire or failing to exit a building when a fire alarm is sounded;
2. Tampering with or misusing fire and/or other safety equipment, including fire alarms, closed circuit televisions, or elevators;
3. Failing to comply with campus traffic laws while on a pedestrian conveyance (bicycle, skateboard, scooter, etc.);
4. Throwing objects from an elevated position in the direction of persons below;
5. Leaving loose paper, cans, bottles, trash, etc. or littering as defined by state statutes, in common/public areas (internally and externally) of residence hall or university building;
6. Assisting another person in the commission or attempted commission of a crime, infraction, or act that violates the Code; or
7. Hosting a non-student who commits a violation to the university's Code.

e. Damage to Property. Engaging in an act that intentionally or recklessly damages, destroys, or defaces property of the university or another.

f. Disorderly Conduct.

1. Engaging in conduct that disrupts class including, but not limited to, the use of cell phones or other electronic devices for voice or text communication, unless permitted by the faculty member;
2. Conduct that disrupts, interrupts or attempts to force the cancellation of any university-sponsored activity or authorized non-university activity, including educational activities, meetings, ceremonies, scheduled events, essential university processes, and authorized solicitation activities;
3. Obstruction that unreasonably interferes with freedom of movement or safe passage, either pedestrian or vehicular, on university premises;
4. Any unauthorized use of electronic or other devices to make an audio or video record of any person without his/her prior knowledge, or without his/her consent when such a recording is likely to cause injury or distress; or
5. Engaging in any activity that deliberately threatens, harasses, intimidates another individual, or places an individual in reasonable fear of harm to the individual or damage to the individual's property that has the effect of substantially disrupting the orderly operation of the individual's daily life.

g. Disruption of the Student Conduct Process.

1. Attempting to discourage an individual's proper participation in, or use of, the conduct system;
2. Attempting to influence the impartiality of the Hearing Officer, conduct board member, or appeal administrator;
3. Harassment and/or intimidation of a Hearing Officer, conduct board member, or appeal administrator prior to, during, and/or after a student conduct proceeding; or
4. Influencing or attempting to encourage another person to commit an abuse of the conduct system.

h. Drug Violations.

1. Illegal possession or use of controlled substances as defined by the North Carolina General Statutes § 90-86 through § 90-113.8;
2. Manufacturing, selling, or delivering any controlled substance or possession with intent to manufacture, sell or deliver any controlled substance;
3. Misusing any legal pharmaceutical drugs; (If you are a student who has been

prescribed any narcotic by a licensed health care professional, you may possess or use such drugs in the manner as directed by the health care professional and must possess, and provide upon request, written documentation for verification purposes).

4. Knowingly breathing, inhaling, or ingesting any substance for the unlawful purpose of inducing a condition of intoxication;
5. Possessing drug-related paraphernalia. Drug-related paraphernalia may include drug residue, stems, "Dutch guts," cigarillo shavings, cigarillo wrappers, "roaches," roach clips, grinders seeds, powder, crystals, scales, products containing CBD, and CBD vaping devices; or
6. Attempting to purchase or obtain any controlled and/or illegal substance on, around, or in university- controlled property, including prescription medicine.

i. Failure to Comply.

1. Failing to comply with the directions of university employees, including university Police in performance of their duties;
2. Failing to submit identification upon request to duly authorized and properly identified university officials; or
3. Failing to comply with the sanctions imposed under this Code.

j. Gambling. Gambling on university-owned property including, but not limited to, buildings, streets and parking lots.

k. Hazing. Any activity related to organizational membership or potential membership that involves pressuring or coercing a student into violating state or federal law; any brutality of a physical nature, such as striking in any manner, whipping, beating, branding, exposure to the elements, forced consumption of food, liquor, drugs, or other substances, or other forced physical activities that would adversely affect the health or safety of the student. Hazing also includes any activity that would subject the student to extreme mental stress, such as sleep deprivation, forced exclusion from social contacts, forced conduct that would be extremely demeaning, or would result in extreme embarrassment, or any other forced activity that could adversely affect the mental health or dignity of the student. Additionally, any activity as described above, or any action or situation that recklessly or intentionally endangers the mental or physical health or safety of a student for purposes, including, but not limited to, recruitment, initiation, acceptance or admission into or affiliation with a university sanctioned organization, shall be presumed to be hazing and a "forced" activity, the willingness or consent of an individual to participate in such activity notwithstanding.

l. Hostile Environment Harassment. No student shall engage in unlawful harassment leading to a hostile environment. A hostile environment is created when the behavior is: a) directed toward a particular person or persons; b) based in whole or in part upon any of the protected statuses included in Section 103 of The Code of The UNC Board of Governors; c) unwelcome;

d) severe or pervasive; e) objectively offensive; and f) so unreasonably interferes with the target person's employment, academic pursuits, or participation in university-sponsored activities as to effectively deny equal access to the university's resources and opportunities.

In determining whether student conduct violates these provisions, all relevant facts and circumstances shall be considered. Care must be exercised in order to preserve freedoms of speech and expression, as articulated in current legal standards. Advice should be sought from campus attorneys, as appropriate.

m. Infliction or Threat or Bodily Harm.

1. Inflicting physical injury upon another;
2. Placing another in fear of, or at risk of, physical injury or danger;
3. Intentionally or recklessly acting in a manner that creates a substantial risk of bodily harm to another;
4. Communicating threats, either verbally or written, to members of the university community;
5. Subjecting another individual, whether intentionally or unintentionally, in activity likely to cause physical injury, mental distress, or personal indignities of a highly offensive nature; or
6. Engaging in fighting. Consent to fighting is not a defense to this charge.

n. Providing False Information.

1. Furnishing false or misleading information on university records or forms by commission or omission;
2. Knowingly misrepresenting facts pertaining to university procedures;
3. Fraudulently misusing university or organizational names and images;
4. Furnishing false information to any member of the university community; or
5. Misusing documents, keys, or keycards.

o. Relationship or Interpersonal Violence. Relationship or interpersonal violence includes Dating Violence, Domestic Violence, and Stalking. Relationship or Interpersonal Violence occurs when one person in a social relationship of a romantic or an intimate nature uses abuse to maintain power over a partner. Abusive behaviors can be physical or emotional, including but not limited to, threats of self-harm or harm to others, pervasive and derogatory name calling, belittling,

isolation, engaging in sexual acts while in a dating or domestic relationship when one of the individuals does not consent.

1. **Dating Violence.** Conduct arising out of a social, personal, romantic or intimate relationship or a dating relationship that: inflicts physical injury upon another person; or is a pattern of coercive behavior that is used by one person to gain power and control over another. It may include the use of physical and sexual violence, verbal and emotional abuse, or any conduct that places another in fear of, or at risk of, physical injury or danger.
 2. **Domestic Violence.** Conduct that arises out of a personal, romantic or intimate relationship where the parties are current or former spouses, persons who live together or have lived together, persons who have one or more children in common, or are current or former household members, and inflicts physical injury upon a party to the relationship or shows a pattern of coercive behavior that is used by one person to gain power and control over another. It may include the use of physical and sexual violence, verbal and emotional abuse, or any conduct that places another in fear of, or at risk of, physical injury or danger.
 3. **Stalking.** Engaging in a course of conduct directed at a specific person, whether in the context of a social or intimate relationship or otherwise, that would cause a reasonable person to feel fear for their safety or safety of others or suffer substantial emotional distress. Stalking, including cyber stalking, may include, for example, non-consensual communication, including in-person communication or contact, surveillance, telephone calls, voice messages, text messages, email messages, social networking site postings, instant messages, postings of pictures or information on websites, written letters, gifts or any other communications that are undesired and/or place another person in fear of, or at risk of, physical injury or danger.
- p. Residence Hall Infraction.** Students who reside in, visit, or occupy residence halls are required abide by the rules enumerated in the *Guide to On-Campus Living*.
- q. Retaliation.** Mistreatment or any act of reprisal, interference, restraint, coercion, penalty, discrimination, harassment - overtly or covertly - against any individual within the university's control when the person engages in a protected activity. A protected activity includes opposing discrimination or participating in the investigatory process under the Code or other university policy or process. Examples of other protected activities include, filing or being a witness to a complaint under the Code or a formal grievance, communicating with a supervisor or manager about unlawful discrimination, answering questions during an investigation, refusing to follow orders that would result in Hostile Environment Harassment or Sexual Misconduct, requesting a disability accommodation, or availing oneself of rights protected under the Family and Medical Leave Act ("FMLA").

r. **Sexual Misconduct.** Sexual Misconduct includes **Sexual Harassment** and **Sexual Violence**, as defined in WSSU Policy 900.2 “Sexual Misconduct and Gender-Based Harassment.”

1. **Sexual Harassment.** Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct when: (1) submission to such conduct is made either explicitly or implicitly as a term or condition of an individual’s employment or academic advisement; (2) submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting such individual; or (3) such conduct has the purpose or effect of unreasonably interfering with an individual’s work or academic performance or creating an intimidating, hostile, or offensive working or academic environment.
2. **Sexual Violence.** A physical act perpetrated against a person’s will or where a person is incapable of giving consent due to the victim’s use of drugs or alcohol. An individual may also be unable to give consent due to an intellectual or other disability. Several acts fall into the category of sexual violence including rape, sexual assault, sexual battery, and sexual coercion. All such acts of sexual violence are forms of sexual harassment covered under Title IX of the Education Amendments of 1972, (20 U.S.C §§ 1681 et seq., 34 CFR Part 106).

s. **Theft.**

1. Stealing or attempting to steal another’s property, money or services;
2. Knowingly possessing, purchasing, or exchanging stolen or embezzled property, money or services;
3. Unauthorized use or access to private or confidential information in any medium;
4. Possession and/or use of another WSSU student’s identification (Ram Card) for the purpose of defrauding university officials and/or to gain entry/access to university property; or
5. Unauthorized possession, duplication, or use of keys or card access to any university premises.

t. **Trespass.**

1. Entering into or using university facilities without authorization;
2. Misusing restricted areas; or
3. Violating rules governing university residence facilities, including but not limited to the key policy and co-ed visitation policy.

u. **Unauthorized Use of Property.** Attempted or actual use of property of the university, property

of a university community member, or other personal or public property without proper authorization, or in a manner for which the property was not intended.

- v. **Violation of any University Policies, Regulations, or Rules.** Violation of any written policies, regulations, or rules of the university, as adopted by the university and as may be amended from time to time.
- w. **Violation of Law.** Violating local, state, and/or federal laws, as they may be amended from time to time.
- x. **Weapons.**
 1. Possessing or carrying, whether openly or concealed, any gun, rifle, pistol, or other firearm on campus, or to a curricular or extracurricular activity sponsored by the university; or
 2. Possessing or using weapons, included but not limited to: BB guns, air rifle, air pistol, bowie knife, dirk, dagger, slingshot, switchblade knives, blackjack, metallic knuckles, swords, bow and arrows, razors or razorblades (except solely for personal shaving), fireworks or other explosive materials in any university-owned buildings, grounds, housing units, or student activities. Students with any of these items on campus must register and store them with Campus Police;
 3. Possession of any firearm paraphernalia while residing within university property or university associated property. Firearm paraphernalia includes, but not limited to magazine clips, gun clips, bullets, scopes, lasers; or
 4. The use of any allowed substance and/or weapon (mace, pepper spray, knife that is under 4 inches, etc.) in a manner that is intended to provoke fear or create physical harm.

IV. Disciplinary Process

There are two (2) broad categories for the resolution of allegations of misconduct under the Code.²

- **General Code Infractions;** and
- **Equal Opportunity** which includes allegations related to **Hostile Environment Harassment, Sexual Misconduct,** and **Relationship Violence.**

These distinctions will be referenced occasionally below.

² WSSU Policy 301.1 “Academic Integrity” address prohibited conduct, the complaint process, the resolution process, and other matters pertaining to **Academic Misconduct.**

a. General Provisions.

Allegations of Code of Conduct violations will be presented to the Office of Community Standards & Civility, via the Maxient Student Conduct System, from the WSSU Campus Police, the WSSU Title IX Coordinator, or through an Incident Report completed by residence life staff, students, faculty, general staff, or the public at large. To report an incident through an Incident Report, any individual may use the following link [Maxient Student Conduct Incident Report](#). You can also find the link listed on the Office of Community Standards & Civility homepage, which is located on WSSU's website. Incidents that violate the Code of Conduct should be submitted as soon as possible after it takes place and factual information should be provided to support the charge. Any individual who has notice of a possible violation of the Code should contact the Office of Community Standards & Civility. The above and below provisions apply to all current WSSU students and registered student organizations.

b. Notification of Charge.

A student or organization may be accused of a violation only with a formal *Notification of Allegation(s)* from Director of Community Standards & Civility, designated members of the Department of Housing & Residence Life, the Title IX Coordinator, or their respective designees. The *Notice of Allegation(s)* will be sent to the student by electronic notification. A student's university-assigned email shall be the method of official communication.

Student or organization's conduct proceedings may be instituted against a student/organization charged with violation of a law that is also a violation of the Code, without regard to criminal arrest, criminal charges, prosecution, or civil litigation. Proceedings under the Code are generally carried out without awaiting the conclusion of civil or criminal proceedings off-campus as such proceedings have no bearing on student conduct proceedings.

c. Attorney or Non-Attorney Advisor, Civility Advisors and Observers.

1. Definitions

"Civility Advisor" means a faculty, staff, or student member who has been trained by the Office of Community Standards & Civility to have a solid knowledge of the conduct process. The Civility Advisor gives advice or consultation to a student who is charged with a violation under the Code or student bringing forth information. The Civility Advisor is a student, faculty or staff member who is not an Attorney. While the Respondent and Complainant are responsible to explain their version of the events in question, the Civility Advisor acts merely in the capacity of advisement and cannot take the place of the Complainant or Respondent.

"Attorney" means any person licensed to practice law in the state of North Carolina. Consistent with the Students' Code of Conduct and Student Discipline Procedures, an Attorney must complete specific documents prior to representing a student.

"Non-Attorney Advisor" means any person, who is not a licensed attorney in North Carolina, a student selects to assist them in the student conduct process. Consistent with the Code, this person must complete specific documents prior to assisting the student.

“Observer” means any person, other than an Attorney, who the student selects to play this role. The Observer is a non-speaking role and may not participate as a Non-Attorney Advocate or witness in the process.

2. Scope of Participation

Respondents charged with or under investigation for misconduct under the Code may be represented by an Attorney or Non-Attorney Advisor as prescribed in UNC Policy 700.4.1[R]. Otherwise, representation is not permitted in any university disciplinary proceeding. Representation is at the party’s own expense. If a party is represented, the Attorney or Non-Attorney Advisor may not interfere with the hearing, disrupt or delay it. Full responsibility for understanding the procedures remain with the Respondent and Complainant even where an Attorney or Non-Attorney Advisor provides representation.

Respondents who will be represented by an Attorney or Non-Attorney Advisor in the conduct process must, at least three (3) calendar days prior to any proceeding in which the Attorney or Non-Attorney Advisor intends to participate, notify the Director of Community Standards & Civility in writing of: 1) the name of the Attorney or Non-Attorney Advisor; 2) whether the Attorney or Non-Attorney Advisor is a licensed attorney or Non-Attorney Advisor; and 3) an address, telephone number and email address where the Attorney or Non-Attorney Advisor may be reached. At least two (2) calendar days prior to the proceeding, Respondents being represented by an Attorney or Non-Attorney Advisor must submit a *Notice of Attorney or Non-Attorney/Advocate Representation* form signed by the Attorney or Non-Attorney Advisor verifying that the Attorney or Non-Attorney Advisor has read and understood the Code, as well as Section 700.4.1 of the UNC Policy Manual. Respondents being represented in a conduct process must also complete and submit a signed FERPA release consenting to the Attorney or Non-Attorney Advisor to receive information and documents regarding the Respondent. The Attorney or Non-Attorney Advisor will not be allowed to participate in the hearing if the required forms are not executed prior to the Pre-Hearing Conference.

Nothing in the Code shall be construed to create a right for any student to be represented during a disciplinary or conduct procedure at the university’s or the public’s expense.

In addition to an Attorney or Non-Attorney Advocate (when allowed) or Advisor, Respondents (and Complainants in cases involving Equal Opportunity), may bring a single Observer to the hearing. An Observer may be a parent, friend, or other person of the Respondent’s choice. During the hearing, Observers may not confer with the Respondent, provide representation, actively participate, or disrupt or delay the hearing.

d. Interim Suspension.

Interim Suspension is a temporary separation of a student from the campus when university officials believe such separation is necessary:

- To ensure the safety and well-being of members of the university community or preservation of university property;
- To ensure the student's own physical or emotional safety and well-being;

- Because the student poses a reasonably definite threat of interference with the normal operations of the university; or
- When a student possesses a gun on campus in violation of N.C.G.S. Sec. 14-269.2(b).

Any student subject to interim suspension will receive a *Notice of Interim Suspension*, in writing through a means by which delivery can be verified. The notice shall contain information on the charge(s) and scope of the suspension.

The *Notice of Interim Suspension* will also include instructions on how to contest and appeal the interim suspension via the electronic appeal form which will be listed at the bottom of the interim suspension letter. Persons subject to interim suspension must provide their appeal in writing within twenty-four (24) hours of delivery of the *Notice of Interim Suspension* to the student. Additional time will be allotted pertaining to mitigating circumstances.

To obtain additional information or clarification, the Assistant Dean of Students does have the ability to contact the student to obtain said new information. When reviewing an interim suspension appeal, it will be limited to the following issues: 1) the reliability of the information concerning the student's behavior; or 2) whether the conduct and surrounding circumstances reasonably indicates that the continued presence of the student on the university campus poses a threat.

A written decision shall be rendered by the Assistant Dean of Students or designee no later than five (5) calendar days after the submission and completion of the interim suspension appeal. The written decision will contain a statement of reasons for any determination to continue interim suspension. The decision regarding interim suspension shall be final and not subject to appeal.

e. Failure to Respond or Participate.

In cases where a student fails to respond to a *Notice of Allegation(s)*, does not attend the Pre-Hearing Conference, or otherwise fails to respond to notifications regarding the disciplinary process, or participate in the disciplinary process, the university, will proceed with the disciplinary process (including hearings) whether or not the student is present. Likewise, individuals who refuse to abide by the hearing procedures may be removed from the hearing and unable to participate.

f. Transcript Holds & Notations.

A temporary hold may be placed on a student's record while disciplinary proceedings or a suspension/expulsion is pending. While on hold, a student may not, at the discretion of university personnel, register for classes or receive an official copy of his or her transcript. At the discretion of university personnel, students may not graduate while a disciplinary action is pending.

Students who have been suspended or expelled will have their names entered into the UNC System database for suspended/expelled students. Students who have been expelled from WSSU will not be admitted to another UNC System constituent institution.

g. Minor Violations.

Minor Violations are those in which the possible sanctions are not suspension and/or expulsion. When a matter is referred to an official, students accused of a Minor Violation will receive a *Notice of Allegation(s)* with information regarding:

- Each charge with a brief recitation of the factual allegations supporting each charge;
- The right to be advised or assisted by an Attorney or Non-Attorney Advisor, with appropriate forms;
- Instructions to contact the Director of Community Standards & Civility, residential living staff, or the Title IX Coordinator in matters related to Equal Opportunity, or their respective designee regarding the allegation, and that the failure to do so may constitute a violation of the Code;
- Alternative dispute resolution in appropriate circumstances; and
- The hearing date if scheduled.

The hearing date shall not be scheduled for at least five (5) calendar days after the student receives the notice unless the student agrees to an earlier hearing date in writing.

1. Administrative Hearings

The Director of Community Standards & Civility, residential living staff, or their designee shall schedule an Administrative Hearing with the Respondent. The Administrative Hearing shall not be scheduled for at least five (5) calendar days after the student receives the *Notice of Allegation(s)*, unless the student agrees to an earlier hearing date in writing. During this time, the Respondent shall provide an address (permanent and local) and his/her WSSU email address for notice of proceedings. A student's university- assigned email shall be the method of official communication. The Respondent will also be provided the following:

- An opportunity to review allegations and their case file. The case file consists of written materials received or generated by the Office of Community Standards & Civility that are considered relevant to the misconduct charge;
- Opportunity to review procedures under the Code;
- An opportunity to explain their version of the events in question;
- An opportunity for an Attorney or Non-Attorney Advisor to ask questions for clarification; and
- An opportunity to submit additional information regarding the allegations.

A student/organization wishing to accept responsibility and the proposed sanction(s) must do so by a signed writing. This writing shall: 1) memorialize the charges, alleged facts supporting the charges, and

sanctions; 2) contain the dated signature of the Respondent. In cases of Minor Violations, Respondent shall have their case heard as part of an Administrative Hearing.

2. Conduct of the Administrative Hearing

The Director of Community Standards & Civility shall preside over all Administrative Hearings, except in matters related to residential living, in which case a designee of the Director of Community Standards & Civility shall preside. The Administrative Hearing shall not be scheduled for at least five (5) calendar days after the student/organization receives the *Notice of Allegation(s)* unless the student/organization agrees to an earlier hearing date in writing. Attorney and Non-Attorney advocates may participate in the proceedings as provided above.

A hearing official who has a conflict with, bias about or interest in the case should recuse himself or herself. If the committee member or the hearing official refuses to recuse himself of herself, the Assistant Dean of Students or designee shall make the recusal decision.

Respondents may present testimonial and documentary evidence, provided that such evidence is relevant to the charge or other evidence presented and does not otherwise infringe the rights of other students/organizations. Likewise, university personnel may present testimonial and documentary evidence.

At the conclusion of the presentation of evidence, the presiding official shall determine based on a preponderance of the evidence whether the alleged code violation occurred. This determination must be made within 10 calendar days after the date of the Administrative Hearing. The decision must be transmitted to the student in writing within 10 calendar days of the date the decision is made, and it must contain a brief summary of the evidence upon which the decision is based.

3. Appeals from Administrative Hearings

The decision letter transmitted to the student will contain information on appeals. Appeals from matters related to housing and residential living will be heard by the Assistant Director of Housing & Residence Life. Appeals from the Director of Community Standards & Civility will be heard by the Assistant Dean of Students or designee. Additional information on appeals may be found in section V. below.

h. Serious Violations

Serious Violations are those in which the possible sanctions include suspension and/or expulsion. When a matter is referred to a hearing body or official, students accused of a Serious Violations will receive a *Notice of Allegation(s)* with information on:

- Each charge with a brief recitation of the factual allegations supporting each charge;
- The possible sanctions;
- The right to be advised or assisted by an Attorney or Non-Attorney Advisor as provided in section IV.c. above, with appropriate forms;

- Instructions to contact the Director of Community Standards & Civility or the Title IX Coordinator in matters related to Equal Opportunity, or their respective designee regarding the allegation, and that the failure to do so may constitute a violation of the Code;
- Notice of which charges could result in expulsion and that expulsion precludes matriculation to any UNC constituent institution;
- Notice that the matter has been referred to a hearing body and the hearing date if scheduled.

The council hearing date should not be scheduled for at least two (2) calendar days after the student concludes the Pre-Hearing Conference unless the student agrees to an earlier hearing date. Reasonable extensions of time for either party to prepare for the hearing should be allowed.

1. Pre-Hearing Conference

The Director of Community Standards & Civility or designee shall schedule a Pre-Hearing Conference with the Respondent prior to the council hearing. The Pre-Hearing Conference shall not be scheduled for at least five (5) calendar days after the student receives the *Notice of Allegation(s)* unless the student agrees to an earlier hearing date in writing. The notice will include the date, time, and location of the Pre-Hearing Conference and the Community Standards & Civility Council hearing. The notification will be sent to the Respondent's university email address, and/or the contact information provided by the student/organization, through a means in which receipt can be verified.

The Pre-Hearing Conference is an informal process designed to provide the Respondent with critical information about the student conduct process. During the Pre-Hearing Conference, the Director of Community Standards & Civility or designee shall provide to the Respondent the following:

- An opportunity to review allegations and their case file. The case file consists of written materials received or generated by the Office of Student Conduct that are considered relevant to the misconduct charge;
- Opportunity to review procedures under the Code;
- Notice of means of resolving formal charges through written acceptance of responsibility and proposed sanctions;
- An opportunity for an Attorney or Non-Attorney Advisor to ask questions for clarification; and
- An opportunity to submit additional information regarding the allegations.

At the Pre-Hearing Conference, or before as directed by a university official, the student must provide an address (permanent and local) and his/her WSSU email address for notice of proceedings. A student/organization's university-assigned email shall be the method of official communication.

2. Student Conduct Council Hearings

In matters involving serious sanctions, hearings shall be conducted by the Community Standards & Civility Council.

i. Composition of Conduct Council

The Community Standards & Civility Council shall be composed of the SGA Attorney General, the Director of Community Standards & Civility or a designee who shall serve as Chairperson. The Chairperson is a nonvoting member of the Council. The hearing panelists shall consist of a minimum of three voting members, consisting of faculty, staff, or students. (In cases of **Equal Opportunity**, the Director of Community Standards & Civility shall serve as Chairperson, and the hearing panelists will be selected from faculty and staff only and no student shall be appointed to sit on the Council).

ii. Scheduling of Hearing

Hearings may be postponed once for a good cause, including but not limited to illness, unavailability of witnesses or evidence, upon request of either the Respondent or the Complainant party. This postponement will not exceed ten (10) calendar days unless there exist an extraordinary circumstance. The Chairperson of the hearing body shall determine whether good cause exists to postpone a hearing.

iii. Steps to Take Prior to Hearing

The Respondent shall be afforded reasonable access to the case file, including the list of potential witnesses. The case file will be retained in the Office of Community Standards & Civility. At a reasonable time prior to the hearing, the Respondent must be given the opportunity to review any written evidence that will be used at the hearing and to review a list of witnesses.

The names of the Council panelists will be provided to each party prior to the hearing, if possible. Any party may challenge Council member for cause. However, the Respondent and Complainant, or anyone acting on their behalf, may not speak to or contact a Council member prior to the hearing. Decisions as to whether a Council member should be removed for cause will be made by the Director of Community Standards & Civility. Council members who have information that may affect their ability to remain neutral must recuse themselves from the hearing.

iv. Conduct Council Hearings

The following procedures will be followed for Community Standards & Civility Council hearings:

- A. The Respondent will have the ability to review the case file, including a list of potential witnesses. The case file will be retained in the Office of Community Standards & Civility prior to that time.
- B. A university representative shall present the information supporting the charge(s) to the Council on behalf of the university. The university representative may be a university Police Officer, the Complainant, a university administrator, or the Chairperson.
- C. Although it is responsibility of the Complainants and Respondents to secure the presence

of their witnesses, university officials may request attendance of witnesses. Witness attendance notices must be approved by the Director of Community Standards & Civility and be delivered by a delivery method that can verify receipt of the notice.

- D. If a Respondent fails to appear at the hearing after proper notice, the university Representative will proceed with presenting the information regarding the alleged violation. The case will be decided based on the information in the record.
- E. Hearings will be closed to the public. The Respondent may bring an Attorney or Non-Attorney Advisor, Civility Advisor or Observer.
- F. The Chairperson shall exercise control over the proceedings to avoid needless consumption of time and to achieve orderly completion of the hearing. The Chairperson may recess the hearing if the Council determines that the presence of additional information or witness testimony is needed to decide (with consultation of university personnel). Any person, including but not limited to the Respondent, Complainant, Attorney, Advisor, Civility Advisor, and/or Observer, who disrupts a hearing may be excluded by the Chairperson.
- G. Hearings, but not deliberations, shall be recorded. No other recordings or broadcasts shall be permitted. The recording will be maintained with the Respondent's case file and will be available to the student as part of his/her student record, with appropriate redaction of information related to other students unless such information is a necessary part of an appeal.
- H. Witnesses shall be asked to affirm or swear that their testimony is truthful. Witnesses who intentionally provide false information may be subject to university disciplinary action.
- I. Prospective witnesses, other than the Complainant and Respondent, will be sequestered at the beginning of the hearing and excluded from the hearing during the testimony of other witnesses. In addition, all parties and witnesses shall be excluded during Council deliberations. The Chairperson will observe deliberations, and may inform Council members of applicable university policies, regulations and rules, as well as the range of sanctions that can be implemented, but will not participate in discussions or attempt to influence the outcome of the hearing.
- J. The Council's determination shall be made based on the preponderance of the evidence, that is, whether the information presented has shown that it is "more likely than not" that the Respondent violated the Code. The Respondent's past disciplinary record will be available during the sanctions portion of the hearing only.
- K. Formal rules of evidence or civil procedure shall not apply in student disciplinary proceedings. Unduly repetitious or irrelevant information or witnesses may be excluded by the Chairperson. Hearsay information may be presented unless the Chairperson determines it is unreliable. The opposing party shall have an opportunity to rebut any hearsay information.

- L. Written witness statements are the student disciplinary equivalent of affidavits, but without the formalities. They shall not be admitted into evidence unless signed by the witnesses as observed by a staff member in the Office of Community Standards & Civility. Exceptions to the observed requirement may be approved by the Office of Community Standards & Civility staff for good cause. Written statements from others regarding insight into the Respondent's decision-making and character introduced at the sanctioning portion of the hearing need not be witnessed.
- M. Upon timely request by a party or a witness and for good cause, the Chairperson may allow for testimony to be presented through closed-circuit or web-based technology (particularly where a party or witness would otherwise be unable to participate in the hearing). Testimony through this mode is at the sole discretion of the Chairperson.
- N. Charges against multiple students involved in the same incident may be heard in a single hearing only if each Respondent consents to such a proceeding.
- O. The sequence of a Conduct Council Hearing shall be as follows:
- The Chairperson shall read statements regarding the expectations for truthfulness and confidentiality, then sequester the witnesses in the case, except as provided in the Code.
 - The Chairperson shall read the charge(s) and record whether the Respondent accepts or denies responsibility for the charge(s).
 - The university representative shall present the case, including any witnesses. The Council and Respondent may question the university representative and witnesses after the presentation.
 - The Respondent shall present his or her case including any witnesses. The Council, university representative and Complainant may question the Respondent and witnesses after the presentation.
 - Questions from the parties shall be directed through the Council. The Chairperson may limit questioning that is redundant, irrelevant, or abusive.
 - The university representative, Complainant and Respondent may make a closing statement. A closing statement is a short summary of the information previously presented, and conclusions the speaker wishes the Council to draw from the information. Either party may submit information, including written statements from character witnesses, or make statements concerning the appropriate sanction to be imposed. The past disciplinary record of the Respondent shall not be supplied to the Council prior to this portion of the hearing, except in cases where the charge includes failure to follow through on previous sanctions, recommendations, directives or violations of behavioral contracts. In those instances, the allegations of the complaint would already reflect the past disciplinary record of the Respondent.
 - The Council will enter a period of deliberation. A decision will be made by majority vote. Only the Council members and the Chairperson may be present at deliberations. Deliberations are not recorded.

- The Council will determine its finding on each charge. Decisions of the Conduct Council may be “responsible” or “not responsible,” and sanctions will be recommended. A decision will be made by majority vote. Procedures for this deliberation are the same as for deliberation of responsibility on the charge(s).
- P. As the designee for the Assistant Dean of Students, if the Council determines that suspension or expulsion is the appropriate sanction, the Council will forward a recommendation of the Respondent’s suspension or expulsion to the Assistant Dean of Students or designee, who will then issue a final decision on the sanction of suspension or expulsion.
- Q. A written decision that includes an explanation of the findings and reasoning supporting the Council’s decision will be sent to the student within five (5) calendar days of the decision through a means where delivery can be verified. An extended timeframe of submission will be allotted under mitigating circumstances. The time limit for filing an appeal begins upon delivery or attempted delivery of the written notification of the decision to the student.

V. Appeals

Each student who has received a disciplinary sanction shall be notified in writing of his or her appeal rights. This notice must be given no later than the date the written decision is delivered to the student/organization (or the date delivery is properly attempted, in the event delivery is not successful). Students/Organizations who have been found responsible for a conduct violation may appeal. Complainants involving Equal Opportunity infractions have the same appeal rights as the Respondent, and appropriate notice of these rights shall be delivered to Complainants.

a. Grounds for Appeal

During a Conduct appeal, the appealing party has the burden of showing either (1) a violation of due process; or (2) a material deviation from Substantive and Procedural Standards adopted by the Board of Governors.

- i. **Violation of Due Process.** Due Process requires notice and an opportunity to be heard. A violation of due process means that the appealing party was not provided the required notice or an opportunity to be heard due to specified procedural errors, or errors in interpretation of university policies or regulations, that were so substantial as to effectively deny the Respondent a fair hearing. Reasonable deviations from the procedures set out in this Regulation will not invalidate a decision or proceeding unless the Respondent can show that, but for the deviation or error, there likely would have been a different outcome in the case.
- ii. **Material Deviation from Substantive and Procedural Standards.** Material Deviation from Substantive and Procedural Standards require that the decision reached be neither arbitrary nor capricious. A material deviation from substantive standards means that there is a lack of information in the record that could support the decision or sanction(s). This does not mean the information presented at the hearing can be re-argued on appeal; rather, it requires a

showing that no reasonable person could have determined the Respondent was responsible or could have imposed the sanction that was issued, based on the information in the record. A material deviation from procedural standards means that a lack of information in the record that could support the decision is due to a procedural error that resulted in the proffered evidence or testimony being excluded.

b. Record on Appeal

In all cases resulting in an appeal, the decision, the complete record of the proceeding (including documentary evidence and any recording or transcript of testimony), the appeal materials filed by the student/organization, and any other relevant information, will be compiled by the Director of Community Standards & Civility and delivered to the person designated to review the appeal.

During the timeframe to appeal, the Respondent shall be afforded reasonable access to the case file.

c. Appeals from Minor Violations

Any disciplinary decision, other than where the Respondent has waived his or her right to appeal, may be appealed. Appeals from matters related to housing and residential living will be heard by the Assistant Director of Housing & Residence Life. Appeals from the Director of Community Standards & Civility will be reviewed by the Assistant Dean of Students or designee.

d. Appeals for the Sanction of Suspension

Except where the Respondent has waived his or her right to appeal, appeals for a sanction of suspension may be made to the 1) Assistant Dean of Students, then to the 2) Associate Vice Chancellor/Dean of Students and end with the Associate Provost/Vice Chancellor for Student Development and Engagement.

e. Appeals for the Sanction of Expulsion

Except where the Respondent has waived his or her right to appeal, appeals for a sanction of expulsion may be made to the 1) Assistant Dean of Students, then to the 2) Associate Vice Chancellor/Dean of Students, then the 3) the Associate Provost/Vice Chancellor for Student Development and Engagement, and end with 4) the Chancellor.

f. Deadline and Place for Delivery of Notice of Appeal

Student appeals must be received within ten (10) calendar days from the date that the written decision or sanctions is provided, or attempted to be delivered, to the student through any delivery method where receipt can be verified. Failure to submit the appeal within this time limit will render the original decision final and conclusive. An extension of time may be requested in writing within the ten-day limit, but it is within the discretion of the person deciding the appeal to grant or deny such requests.

The appeal must contain the following:

- i. State the sanction being appealed;

- ii. A detailed written statement specifying the grounds for appeal, a list of alleged errors in the decision or procedure, an explanation for why those decisions are in error, and the complete factual basis for the appeal;
- iii. A requested remedy; and

For appeals of cases concerning Equal Opportunity, within ten (10) calendar days of receipt of an appellant's appeal, the non-appealing party may submit for consideration a response to the appeal.

g. Appeal Review

The imposition of punitive sanctions may be deferred during the pendency of appellate proceedings, at the discretion of the person(s) reviewing the appeal, and upon written request of the Respondent. However, the educational sanctions are still required for completion. Where sanctions are deferred during the pendency of the appellate proceedings and the student's appeal is ultimately unsuccessful, students may fail to receive grades or credit for courses or assignments already completed while awaiting a decision, or, in cases resulting in the sanction of suspension or expulsion, cause a student to pay back previously received financial aid for the semester completed. Students are encouraged to consult with Office of Community Standards & Civility regarding the ramifications of any delay in the enforcement of sanctions before submitting a written request for such deferral.

Appeals will be decided on the record of the original proceedings. New hearings will not be conducted on appeal. However, the person(s) reviewing the appeal may choose to ask the parties to submit written statements of their positions on appeal, beyond the information in the appeal notice. If the hearing body is alleged to have violated these procedures, a written response may be solicited from the hearing body or the Office of Community Standards & Civility on its behalf. Any such written statements from the parties or the Office of Community Standards & Civility must be drawn on information in the record; they cannot include new information or facts bearing on responsibility that were not presented at the hearing. These written statements become part of the record. Any decision to allow new information in the appeals process will be made by the person(s) reviewing the appeal.

h. Appeal Decisions

Following their review, the person(s) reviewing the appeal may decide:

- i. To affirm the findings and sanction(s) imposed by the original Council/staff member.
- ii. To reverse or modify the decision and/or sanction(s) of the Council/staff member. Such reversal or modification shall take place only upon a showing of clear and material error on the part of the Council/staff member and which error affected the outcome of the case.
- iii. To remand the case to the Council/staff member. Cases will only be remanded based on:
 - A. Specified procedural errors or errors in interpretation of university policies or regulations that were so substantial as to effectively deny a fair hearing; or
 - B. New and significant material information that has become available and was not

available previously to a person exercising reasonable diligence, which information could have affected the outcome of the proceeding.

- iv. To dismiss the entire case. Dismissal will occur only if there is insufficient information to support a finding of responsibility.

VI. Disciplinary files, Records & Transcript Notations

a. Record Retention

All conduct records related to a case will be kept in a conduct file in the name of the Respondent. Conduct records will be retained in the Office of Community Standards & Civility consistent with the university Records Retention and Disposition Schedule.

Consistent with the Records Retention and Disposition Schedule, student files with sanctions resulting in suspension or expulsion will be retained in the Office of Community Standards & Civility on a permanent basis. After eight (8) years, only those items which are necessary to understand the factual allegations involved will be retained.

b. Disclosure of Records

Disciplinary records for Respondents who were found responsible may be reported to third parties, in accordance with university regulations and applicable laws, including but not limited to FERPA.

c. Transcript Holds and Notations

A temporary hold may be placed on a student's record while disciplinary proceedings or a suspension/expulsion is pending. While on hold, a student may not, at the discretion of university personnel, register for classes or receive an official copy of his or her transcript. At the discretion of university personnel, students may not graduate while a disciplinary action is pending.

Students who have been suspended or expelled will have their names entered into the UNC System database for suspended/expelled students. Students who have been expelled from WSSU will not be admitted to another UNC System constituent institution.

VII. RECONSIDERATION OF EXPULSION

a. Timing of Petition

After an expulsion has become final, the former student may submit a written petition to the Chancellor requesting approval for reinstatement. A petition for approval of reinstatement will not be considered prior to the expiration of two (2) calendar years after the effective date of the expulsion. In addition, repeat petitions will not be considered until at least one (1) calendar year has passed since the filing of the previous petition.

b. Contents of Petition

A petition for approval of reinstatement should list reasons why the former student deserves to be readmitted to the university. The reasons should focus primarily on the former student's activities and behavior after the expulsion and why the student believes that he or she should be given a new opportunity to pursue higher education. Re-argument of the merits of the expulsion is inappropriate unless exonerating information has become available that could not have been discovered at the time of expulsion.

c. Procedure for Review

The Chancellor will forward the petition for approval of reinstatement to the Associate Provost / Vice Chancellor for Student Development and Engagement. The Associate Provost / Vice Chancellor for Student Development and Engagement will coordinate the gathering of the information and disciplinary record for review. The Associate Provost / Vice Chancellor for Student Development and Engagement may request additional information from the former student and/or the Office of Community Standards & Civility when necessary.

The Associate Provost / Vice Chancellor for Student Development and Engagement along with the Office of Community Standards & Civility will form a committee to review the petition. The committee may interview the former student and/or ask for additional information from the appropriate resources pertinent to the petition and in evaluating the petition.

The committee will make a recommendation regarding the petition to the Chancellor, who will render a decision and notify the petitioner. The decision whether to approve the petition for reinstatement shall be entirely at the Chancellor's discretion.

Any student who successfully petitions for approval of reinstatement and returns to the university will be placed on disciplinary or academic integrity probation for the remainder of his or her academic career. In addition, the student must comply with any additional requirements the Chancellor may impose for readmission. The transcript of a student who is successful in petitioning for approval for reinstatement will retain the expulsion notation and the phrase "Approved for Reinstatement" will be added to the transcript.

No institutional appeal is available. However, the former student may re-petition provided that one (1) year has elapsed from the denial of any previous petition.

VIII. Special Provisions for Equal Opportunity Allegations (Hostile Environment Harassment, Sexual Misconduct & Relationship Violence)

a. General Provisions

Generally, matters related to student conduct and the complaint resolution process for Equal Opportunity allegations will be governed by the same processes as described above for General

Infractions, including both Minor Violations and Serious Violations. What follows are special provisions which may modify the sections above.

For further information on Equal Opportunity, individuals may consult the Policy 900.2 "Sexual Misconduct and Gender Based Harassment," for all policies, detailed procedures of EEO cases, and updated federal mandated regulations.

b. Reporting

Conduct proceedings may be instituted against a student charged with violation of a law that is also a violation of the Code, without regard to criminal arrest, criminal charges, prosecution or civil litigation. Proceedings under the Code are generally carried out without awaiting the conclusion of civil or criminal proceedings off-campus as such proceedings have no bearing on student conduct proceedings.

Individuals may report suspected incidents of criminal sexual misconduct or other suspected criminal activity to university personnel by contacting:

WSSU Police Department

Emergency Telephone: (336) 750-2911
Non-Emergency Telephone: (336) 750-2900
Email: campussafety@wssu.edu
Old Maintenance Building
601 S. Martin L. King Jr. Dr.
Winston-Salem, NC 27110

To report suspected incidents of sexual misconduct or other **Equal Opportunity** concerns to WSSU on a non-emergency bases, please contact:

WSSU Title IX Coordinator

Ms. Aishah Casseus
Telephone: 336-750-8759
Email: casseusa@wssu.edu
115 Blair Hall
601 Martin Luther King, Jr. Drive
Winston-Salem, NC 27110

Office of Interpersonal Violence Prevention

Mrs. Patrica Eaddy, Director
Telephone: (336) 750-3313
Email: eaddy@wssu.edu
300 Thompson Student Center
601 Martin Luther King Jr. Drive
Winston-Salem, NC 27110

-or-

c. How to Make a Report

Any student, faculty, staff, third-party contractor or members of the general public may make a report of suspected Equal Opportunity violations as follows:

- i. By making a report to a Title IX Officer in person, by the Incident Reporting Form, by telephone, or by email;

- ii. If on campus, by contacting the WSSU Campus Police Department or Winston-Salem Police Department for assistance in filing a criminal complaint and preserving physical evidence;

Under WSSU Policy 900.2 "Sexual Misconduct and Gender Based Harassment," all university employees, with the exception of those designated as Confidential Employees, are considered to be "Responsible Employees." As such, all reports that are brought to the attention of a Responsible Employee must be promptly submitted to the Title IX Coordinator by the Responsible Employee.

Students may make a report to the Title IX Coordinator, to law enforcement, to neither, or to both. The campus Title IX process and law enforcement investigations operate independently of one another, although the university will coordinate information with the WSSU Police Department and/or local law enforcement when both an administrative proceeding and criminal investigation are on-going. University community members are encouraged to consult with the Title IX Coordinator if they have any questions regarding this policy or reporting prohibited conduct.

University community members may raise concerns about the university's application of Equal Opportunity with the United States Department of Education, Office for Civil Rights ("OCR"). The address and telephone number of the appropriate OCR District are as follows:

U. S. Department of Education
Office for Civil Rights
District of Columbia Office
400 Maryland Avenue, S.W.
Washington, D.C. 20202-1475
Telephone: (202) 453-6020
FAX: (202) 453-6021
TDD (877) 521-2172

d. Timeframe for Reporting

There is no time limit for reporting prohibited conduct. University community members are urged to make a report as soon as possible after the conduct has occurred to maximize the university's ability to respond promptly and effectively. Reports under this policy may be made at any time without regard to how much time has elapsed since the incident(s) in question.

If the responding party is no longer a student or employee at the time of the report, the university may be limited in its ability to take disciplinary action against the Respondent. The university will still seek to meet its Title IX obligations by providing support for the Complainant and taking steps to end the prohibited behavior, prevent its recurrence, implement supportive measures to the parties, and address its effects. The university may assist the Complainant in identifying and contacting law enforcement and other external enforcement agencies.

e. Supportive Measures

Both the Complainant and Respondent may request supportive measures during the disciplinary investigation. Supportive measures mean non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve access to the university's education program or activity without unreasonably burdening the other party; protect the safety of all parties and the institution's educational environment; and deter sexual harassment. 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 the ability of the institution to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

Supportive measures may include one or more of the following:

- i. Access to counseling and medical services;
- ii. Assistance in obtaining a sexual assault forensic examination;
- iii. Assistance in arranging rescheduling of exams and assignments and extensions of deadlines;
- iv. Academic support;
- v. Assistance in requesting long-term academic accommodations through the Office of Student Services, if the Complainant qualifies as an individual with a disability;
- vi. Change in the Complainant's campus housing;
- vii. Assistance navigating off campus housing concerns;
- viii. Imposition of a "no contact order," an administrative remedy designed to curtail contact and communications between two or more individuals;
- ix. Referral to resources which can assist in obtaining a protective order, or other legal remedy;
- x. Referral to resources which can assist with financial aid other administrative concerns; or
- xi. Any other remedial measure that can be used to achieve the goals of this policy.

Requests for supportive measures may be made to the Title IX Office. The Title IX Office has the discretion to impose and/or modify any supportive measures based on all available information and is available to meet with a Complainant or Respondent to address any concerns about the provision of supportive measures. All individuals are encouraged to report to the Title IX Office any concerns about the failure of another to abide by any restrictions imposed through an interim protective measure.

f. Sanctioning

The university will take reasonable steps to end Equal Opportunity violations; to prevent recurrence; and to remedy the effects. Any person who is found to have violated this Policy shall be subject to disciplinary action, up to and including expulsion from educational programs. The specific penalties imposed on violators will be commensurate with the level of offense and in accordance with applicable laws and university regulations, policies, and procedures. The university recognizes that some offenses are so serious that suspension or expulsion may be warranted on the first occurrence. Factors that will

be considered in determining the appropriate level of discipline include:

- i. Seriousness of offense (e.g., effect of the misconduct on the university's mission, isolated or repeated offense, deliberate or inadvertent misconduct, etc.);
- ii. Prior misconduct (e.g., disciplinary record, similarity of past offenses to current misconduct);
- iii. Consistency of Penalty (e.g., is the disciplinary action consistent with treatment of similar misconduct in other cases);
- iv. Potential for rehabilitation (e.g., self-disclosure prior to investigation, seeking assistance with problem); Effectiveness of a lesser sanction; and
- v. Other aggravating and mitigating circumstances.

MOTIONS TO GO INTO CLOSED SESSION

September 18, 2020

I move that we go into closed session to:

(Specify one or more of the following permitted reasons for closed sessions)

xx **Prevent the disclosure of privileged information under N.C.G.S. 143-318.11(a)(1):**

State employee personnel records, under The Privacy of State Employee Personnel Records Act, Article 7 of chapter 126 of the North Carolina General Statutes.

Internal Auditor's work papers, under Section 116-40.7 of the North Carolina General Statutes.

A student's education records, under The Family Educational Rights and Privacy Act of 1974, Public Law 93-380, as amended by Public Law 93-568.

Social Security account numbers, under The Privacy Act of 1974, Public Law 93-579, as amended by Public Law 94-455.

Prevent the premature disclosure of an honorary degree, scholarship, prize or similar award under N.C.G.S. 143-318.11(a)(2)

XX **Consult with our attorney under N.C.G.S. 143-318.11(a)(3):**

to protect the attorney-client privilege.

to consider and give instructions concerning a potential or actual claim, administrative procedure, or judicial action; if known, title of action is:

_____ v. _____

Discuss matters relating to the location or expansion of business in the area served by this body under N.C.G.S. 143-318.11(a)(4).

Establish or instruct the staff or agent concerning the negotiation of the price and terms of a contract concerning the acquisition of real property under N.C.G.S. 143-318.11(a)(5).

Establish or instruct the staff or agents concerning the negotiations of the amount of compensation or other terms of an employment contract under N.C.G.S. 143-318.11(a)(5).

Consider the qualifications, competence, performance, or condition of appointment of a public officer or employee or prospective public officer or employee under N.C.G.S. 143-318.11(a)(6).

Hear or investigate a complaint, charge, or grievance by or against a public officer or employee under N.C.G.S. 143-318.11(a)(6).

Plan, conduct, or hear reports concerning investigations of alleged criminal conduct N.C.G.S. 143-318.11(a)(7).