

2023 ANNUAL SECURITY REPORT



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FROM THE OFFICE OF CAMPUS SAFETY

The Cape Fear Community College's Office of Campus Safety prepares this report in compliance with the Jeanne Clery Disclosure of Campus Security and Crime statistics Act (The Clery Act) and the Higher Education Opportunity Act. The report is designed to provide you with important information about your safety and security, along with containing statistics about crime on campus. The data is representative of activities of the previous three years on campus.

The safety and well-being of the students, employees, and visitors are important to the learning and work environment. Safety is a shared responsibility and we rely on every community member to contribute to campus security by reporting suspicious activities and remaining vigilant when going about their daily activities.

Although no community can be completely risk-free in today's society, our department works toward reinforcing partnerships with local law enforcement, contracted security, students, faculty, staff, administration and guests in creating an atmosphere that promotes safety and remains conducive to the learning environment.

Cape Fear Community College is committed to the core values of professionalism, respect, integrity, and responsibility; therefore, we ask that you always adhere to all established rules and regulations governing conduct and behavior while on campus.

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Clery Act – Legal Requirements

Clery Act requires colleges and universities to:

- Publish an annual report every year by October 1st that contains three years of campus crime statistics and certain campus security policy statements.
- Disclose crime statistics for the campus, public areas immediately adjacent to or running through the campus and certain non-campus facilities and remote classrooms. The statistics must be gathered from campus police or security, local law enforcement and other college officials who have “significant responsibility for student and campus activities.”
- Provide “timely warning” notices of those crimes that have occurred and pose an ongoing threat to student and employees.
- Disclose in a public crime log “any crime that occurred on campus or within the patrol jurisdiction of the campus police or the campus security department and is reported to the campus police or security department.”
- Prohibit the institution or an officer, employee or agent of the institution, participating in any program under this title from relating, intimidating, threatening, coercing or otherwise discriminating against any individual with respect to the implementation of any provision of the Clery Act.

Cape Fear Community College’s Campus Safety Office is responsible for preparing and distributing this report. We work with many other departments and agencies, such as the Title IX Coordinator(s), Student Services, Human Resources, outsourced Security and various local law enforcement agencies to compile the information. We encourage members of Cape Fear Community College to use this report as a guide for safe practices on and off campus.

It is the policy of the Trustees of Cape Fear Community College to allow citizens to use campus buildings and facilities for civic, cultural, educational, recreational, and other activities if the users preserve and properly care for the facilities, and the activities do not conflict with the use of these facilities or grounds for college purposes and activities or with local ordinances or laws of the State or Federal government and other policies adopted by the Trustees.

Campus Safety Office

The goal of Cape Fear Community College's Campus Safety Office is to provide students, faculty, staff and visitors with a safe educational environment. The Campus Safety Office assists in coordinating the efforts of both sworn New Hanover/Pender County Law Enforcement Officers and non-sworn Campus Security Officers, as well as CFCC Parking Enforcement.

Law Enforcement

Cape Fear Community College has partnered with the New Hanover County Sheriff's Office (NHCSO) to provide law enforcement services at the Downtown and North Campuses, which are located in New Hanover County, North Carolina. The NHCSO has dedicated nine full-time College Resource Officers (CRO's) to patrol the two campuses during operational hours and respond to law enforcement calls for service. The CRO's are sworn Deputy Sheriffs with full jurisdictional authority and powers of arrest in New Hanover County. They fall under the command of the Uniform Patrol Division of the Sheriff's Office.

For the Alston W. Burke and Burgaw Centers located in Pender County, North Carolina, Cape Fear Community College has partnered with the Pender County Sheriff's Office, Surf City Police Department and the Burgaw Police Department to provide law enforcement service at those locations. The Pender County centers are patrolled by these listed agencies as part of their daily duties. These agencies also work together to respond to law enforcement calls for service when necessary.

Expectations for such services are set forth by written agreements between CFCC and all law enforcement agencies involved.

Security

Non-sworn Campus Security Officers are unarmed and are identified by the yellow or blue and black uniforms with a distinctive white and blue shoulder patch and security badge. They perform many of the same tasks as sworn police officers with the exception of effecting arrest. An arrest (if necessary) will be referred to a sworn officer. Security Officers normally do not wear civilian or plain clothes while conducting security business on the campus. Security Officers are required to

complete a training course approved and authorized by the North Carolina Private Protective Services Bureau. Extensive on the job training is presented to security officers serving at the college to enable them to perform their duties more efficiently, effectively and safely. Campus security is currently contracted with a professional firm to provide personnel on the downtown Wilmington Campus, the North Campus and Burgaw Center, employing foot and mobile patrol to more thoroughly canvas the campus for security purposes. Roving guards are equipped with portable radios. The security contractor provides 24 hour, seven days per week patrol and security coverage at the Downtown and North Campuses. When requested, security escorts are available to students, faculty and staff for accompaniment to parking lots or other campus locations.

Parking Enforcement

Parking Enforcement Officers are unarmed and are identified by the white and black uniforms with a distinctive black and white shoulder patch, in addition to a black security officer badge patch. They assist with parking management and enforcement throughout campuses, to include: ticketing, booting and towing for violations. The Parking Guards routinely patrol the parking decks and lots. The college strives to ensure adequate patrolling and lighting in these areas. Anyone observing a safety or security concern is encouraged to contact the Campus Safety Office.

It is the duty of each of us to help keep our campus safe and to report violations of law or policy or suspicious activities to the appropriate personnel.

Campus Locksmith

It is the intention of Cape Fear Community College to promote security for campus personnel and equipment by maintaining and controlling appropriate access to college property. The CFCC Key Control Policy is designed to provide access to needed resources, while maintaining reasonable personal safety and security for all members and guests of the college. This will ensure the protection of personal and college property through control of keys/electronic access to offices, buildings and other secured assets at various campus locations.

The CFCC Campus Locksmith is a certified, licensed locksmith. The locksmith is responsible for lock matrix, key fabrication and electronic access control. Issuance of keys and inventory is maintained by the Campus Locksmith.

College Safety

Reporting Suspicious or Criminal Incidents

All students, employees and guests should promptly report criminal incidents, threats, violent behavior, accidents and other emergencies to **911**. In person reports can be made at the Campus Safety Office located in the A Building, room A-220.

Reports may also be reported to Campus Security Authorities; CSA's are college officials who have responsibility for campus security or who have significant responsibility for students or campus activities such as: Director, Safety & Training, Dean of Student Affairs, Athletics Director, Coaches, faculty advisors to all clubs, instructors and academic advisors, Human Resources, etc. CSA's have an obligation to report all crimes occurring on campus or at satellite locations. There are no exceptions to this requirement. They are required to forward non-identifying information for inclusion in the Annual Security Report, regardless of whether or not the victim chooses to file a report with law enforcement or press charges.

In addition, non-emergent student incident reports may be made online via <https://cfcc.edu/office-of-student-affairs/cfcc-student-incident-title-ix-reporting-form/> and employee reports via <https://cfcc.edu/office-of-student-affairs/cfcc-employee-incident-reporting-form/>.

If the complainant wishes to remain anonymous that request will be granted.

Emergency Phones (Blue Phones)

The emergency blue light boxes provide users with a simple way to call for emergency assistance. Press the large red button and speak clearly into the speaker. The call goes directly to the local 911 center. The phones are located at strategic points around campus grounds and on each floor of the parking decks.

Campus Escort Program

If you must travel alone at night, the campus escort program provides a safe, reliable way to travel throughout campus. You can call CFCC Security to request an escort at 910.362.7855 for the Wilmington Campus, 910.362.7580 for the North Campus, 910.362.7911 for the Burgaw Center and 910.328.7711 for the Alston W. Burke Center. Escorts are not limited to night-time only, they are available at any time upon request. Escorts are limited to CFCC property only.

Access to Campus Facilities

Access to campus buildings and grounds is a privilege extended to students, faculty, staff and authorized guests. The college encourages an open environment with limited constraints to ensure the reasonable protection of all members of the community. Most campus facilities are normally open during business hours. The college campus is closed from 10:00 pm to 7:00 am. On weekends and Federal Holidays, most CFCC facilities are closed and locked, admitting only faculty, staff and/or others with proper authorization.

Campus Weapon Policy

As stated in the North Carolina General Statute, G.S.14-269.2, it is unlawful for any person to possess or carry, openly or concealed, any weapon on campus, or on any educational property. This includes any person knowingly to possess or carry, whether openly or concealed, any gun, rifle, pistol, or other firearm of any kind on educational property or to a curricular or extracurricular activity sponsored by the school. Weapons include, but are not limited to; BB gun, stun gun, taser, air rifles, air pistol, bowie knife, dirk, dagger, slingshot, leaded cane, switchblade knife, blackjack, metallic knuckles, razors and razor blades, fireworks, any sharp-pointed or edged instrument or any other weapon of like kind. Exceptions may include instructional supplies or tools that are required for instructional activities, laboratory demonstrations, maintenance on the educational property and the preparation of food.

Timely Warning Notices

In the event that a situation arises, either on or off campus, that, in the judgment of the Campus Safety Office or their designee, constitutes an ongoing or continuing threat to health or safety of the college, a campus wide “timely warning” will be issued. Members of the college who know of a crime or other serious incident should report the incident immediately by phone (910.362.7855) to Cape Fear Community College Security so that a Campus Safety Alert can be issued, if warranted. The college has adopted an Emergency Alert and Mass Notification System as part of its Emergency Notification Plan. This system allows Campus Safety personnel to notify faculty/staff/students quickly by sending voice, email and text messages should an emergency situation occur.

In the event of an emergency and upon activation of the system, participants will receive notification at any and all of the contact numbers provided. Furthermore, periodic testing of the system will be conducted for safety measures. However, no personal information will be used for any other purposes(s) and will not be disseminated for any reason.

Adverse Weather

The decision to cancel any portion or all of Cape Fear Community College classes due to inclement weather or other emergencies is the responsibility of the President and/or her/his designated representative. Announcements will be made on local television and radio stations at the earliest possible time once a decision is made to cancel or close. Messages will be sent according to the guidelines established in the timely warning notice listed in the above paragraph.

Crime Prevention Education and Awareness

Crime prevention is a top priority of the agency operating under the model of Community Oriented Policing. The campus's crime-prevention strategy rests on a multilayered foundation of a proactive area patrol of campus buildings and parking lots, crime prevention education and identification of potential criminal activity. This approach relies on the dual concepts of eliminating or minimizing criminal opportunities, whenever possible and encouraging community members to take responsibility of their own and others safety. The Director, Safety & Training is available to assist any individual or group in planning, presenting and coordinating programs of interest or concern.

College Fire Prevention

All campus buildings have smoke detectors and some are equipped with sprinkler systems. All buildings have a Fire Alarm Control Panel which identifies the area of the building that is in alarm. Newer buildings have alarm panels which automatically call the fire department when activated. Officers respond to all alarms, assist in the evacuation of the building and direct responding emergency services personnel to the scene.

The following procedures are to be followed in the event that an emergency evacuation becomes necessary in any building or classroom owned and/or operated by CFCC:

1. When an alarm sounds, the entire building will evacuate by designated routes.
2. Occupants will exit the building and congregate away from the doors, as directed by security, law enforcement officers or fire department officials, allowing clear access for Emergency Responders.

3. Occupants will wait until an “all clear” signal has been sounded/given.
4. During an evacuation, entry to the facility will not be permitted until an “all clear” signal has been sounded/given.
5. If an emergency evacuation is created, 911 and/or New Hanover/Pender County Sheriff’s Office should be notified immediately. They will contact the Fire Department and other necessary emergency services to respond accordingly. The Switchboard will notify the Campus Disability Services Office.
6. Employees will leave their work area and aide students and guests in exiting the building(s).
7. Contracted security services will conduct a “sweep” of the building(s) and assist people in exiting. They will also assist New Hanover/Pender County Sheriff’s Office and/or any other responding law enforcement agencies in verifying that all occupants have left the building(s).
8. CFCC maintenance personnel, contracted security, law enforcement officers or fire department officials will respond to the alarm panel to announce the location of the activation. Once the emergency has been resolved, contracted security, law enforcement officers or fire department officials will give the “all clear” signal and occupants will be allowed to re-enter the building.

In the event that the evacuation emergency lasts for an extended period of time, occupants will be directed to pre-designated staging areas.

Evacuation Plan for the Disabled

At the time of evacuation, CFCC employees will take reasonable measures to assist persons with disabilities. This includes persons with mobility, visual, hearing, speech and cognitive impairments. Persons with disabilities should be escorted to the “Areas of Rescue;” otherwise, they should be escorted out of the building.

TITLE IX POLICIES

Sexual Misconduct

Information

Title IX of the Education Amendments of 1972 states: "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the

benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance."

Cape Fear Community College is committed to providing a learning and working environment that promotes respect, responsibility, communication, collaboration, critical thinking and accountability in an environment free of sexual misconduct and discrimination. Sexual discrimination violates an individual's fundamental rights and personal dignity.

Cape Fear Community College considers sexual discrimination in all its forms to be a serious offense. This plan refers to all forms of sexual discrimination, including: discrimination against pregnant and parenting students, sexual harassment, sexual assault, and sexual violence by employees, students or third parties. (Title 20 U.S.C. Sections 1681-1688)

Cape Fear Community College has a responsibility to ensure compliance by demonstrating that our education programs and other activities are operated in a manner consistent with Title IX regulations and provisions. Throughout the year there are several programs offered to the Cape Fear Community College community that provide knowledge to help prevent, avoid and respond to sexual misconduct.

[Procedures](#)

If you feel you have been subjected to sexual harassment or discrimination, you should seek assistance as soon as possible. Please review the Sexual or Gender Misconduct Plan and the related Plan Explanations listed below.

[How Can We Help](#)

Our plan helps to ensure the Cape Fear Community College's community is free from discrimination based on sex or gender behavior. We are here to help assist you in an effective and efficient manner. If you feel you are or have experienced sexual misconduct or discrimination, the most important thing you can do is to get help.

[Who Should I Contact](#)

If you think you have been a victim of sex or gender discrimination, or if you are aware of its existence in any of our education programs or activities, or you have

any questions about the sexual or gender misconduct policy, you can get help from any of the offices/individuals below:

Faculty or Staff: Contact the Vice President, Human Resources & College Safety, your supervisor or Director, Safety & Training;

Students: Contact the Dean of Student Affairs (Title IX Coordinator), Vice President for Student Services, any Student Services Director, Counseling Staff, Athletic Director or Director, Safety & Training;

Visitors or Applicants for employment: Contact the Vice President, Human Resources & College Safety or Director, Safety & Training.

Sexual/Gender Misconduct Plan and Plan Expectations

I. Plan Statement

Members of the Cape Fear Community College's community, guests and visitors have the right to be free from sexual violence. All members of the campus community are expected to conduct themselves in a manner that does not infringe upon the rights of others. Cape Fear Community College believes in zero tolerance regarding sexual or gender-based misconduct. When an allegation of misconduct is brought to an appropriate administrator's attention, and a respondent is found to have violated this plan, serious sanctions will be imposed to reasonably ensure that such actions are never repeated.

This plan has been developed to reaffirm these principles and to provide recourse for those individuals whose rights have been violated. This plan is intended to define community expectations and to establish a mechanism for determining when those expectations have been violated.

The college reserves the right to take whatever measures it deems necessary in response to an allegation of sexual misconduct in order to protect students' rights and personal safety. Such measures include, but are not limited to; modification of class schedule, interim suspension from campus pending a hearing and

reporting the matter to local law enforcement. Not all forms of sexual misconduct will be deemed to be equally serious offenses and the college reserves the right to impose different sanctions, ranging from verbal warning to expulsion, depending on the severity of the offense. The college will consider the concerns and rights of both the complainant and the person accused of sexual misconduct.

In campus hearings, legal terms like "guilt", "innocence", and "burden of proof" are not applicable, but the college never assumes a student is in violation of college policy. Campus hearings are conducted to take into account the totality of all evidence available, from all relevant sources.

II. Expectations with Respect to Physical Sexual Misconduct

The expectations of our community regarding sexual misconduct can be summarized as follows: In order for individuals to engage in sexual activity of any type with each other, there must be clear, knowing and voluntary consent prior to and during sexual activity. Consent is sexual permission. Consent can be given by word or action, but non-verbal consent is not as clear as talking about what you do and do not want sexually. Consent to one form of sexual activity cannot be automatically taken as consent to any other form of sexual activity. Silence--without actions demonstrating permission--cannot be assumed to show consent.

Additionally, there is a difference between seduction and coercion. Coercing someone into sexual activity is a violation of this plan in the same manner as physically forcing someone into sex. Coercion happens when someone is pressured unreasonably for sex.

Because alcohol or other drug use can place the capacity to consent in question, sober sex is less likely to raise such questions. When alcohol or other drugs are being used, a person will be considered unable to give valid consent. They cannot fully understand the details of a sexual interaction ("who, what, when, where, why, and how") because they lack the capacity to reasonably understand the situation. Individuals who consent to sex must be able to understand what they are doing. Under this plan, "No" always means "No" and "Yes" may not always mean "Yes".

Anything less than a clear, knowing and voluntary consent to any sexual activity is equivalent to a "No".

Expectations with Respect to Consensual Relationships:

Romantic or sexual relationships between individuals in unequal positions (such as teacher and student, supervisor and employee) may be less consensual than perceived by the individual whose position confers power. The relationship also may be viewed in different ways by each of the parties, particularly in retrospect. Furthermore, circumstances may change, and conduct that was previously welcome may become unwelcome. Even when both parties have consented at the outset to a romantic or sexual involvement, this past consent may not remove grounds for a later charge of a violation of applicable sections of the faculty/staff handbooks.

Sexual Violence – Risk Reduction Tips

Below is a list of suggestions to help avoid and reduce the risk of experiencing a non-consensual sexual act:

- If you have limits, make them known as early as possible.
- Tell a sexual aggressor "No" clearly and firmly.
- Try to remove yourself from the physical presence of a sexual aggressor.
- Find someone nearby and ask for help.
- Take affirmative responsibility for your alcohol intake/drug use. Acknowledge that alcohol/drugs lower your sexual inhibitions and may make you vulnerable to someone who views an impaired person as a sexual opportunity.
- Take care of your friends and ask that they take care of you. A real friend will challenge you if you are about to make a mistake. Respect them when they do.

Definitions

SEXUAL MISCONDUCT

Sexual misconduct, including sexual assault, is defined as deliberate contact of a sexual nature without the other person's consent. Sexual misconduct may vary in its severity and consists of a range of behaviors or attempted behaviors that may

be grounds for student conduct action under college policy. These behaviors, all of which constitute sexual misconduct include:

Non-consensual sexual contact: Non-consensual sexual contact is any sexual touching, with any object, by a man or a woman upon another person without consent or making any person touch you or them in a sexual manner. It is defined as engaging in any sexual contact other than intercourse with another person without that person's consent and/or cognizance. It includes any non-consensual sexual contact, including any improper touching of intimate body parts. It also includes the non-consensual removal of another's clothing, indecent contact (i.e., the unwanted touching of intimate body parts including, but not limited to; genitals, buttocks, groin, or breasts) or causing another to have indecent contact with them.

Non-consensual intercourse: Non-consensual intercourse is any sexual intercourse (anal, oral or vaginal), with any object, by a man or woman upon another person without consent. It is defined as engaging in sexual intercourse (oral, anal or vaginal) with another person without that person's consent and/or cognizance. Non-consensual intercourse may be accomplished by expressly or implicitly forcing or coercing another person to have sexual intercourse against his/her will, including the use or threat of physical force, or any behavior that is designed to intimidate and induce fear in another person. Non-consensual intercourse can also occur when another person is under the influence of alcohol or other drugs, is undergoing physical or emotional trauma, is less than 17 years of age, or is otherwise incapable of denying or giving consent (for example, when an individual is in an unconscious or semi-conscious state).

Sexual Exploitation: Sexual exploitation occurs when a person takes non-consensual or sexual advantage of another or his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of the other sexual misconduct offenses. Examples of sexual exploitation include, but are not limited to:

- prostituting another person;
- nonconsensual video or audio taping of sexual activity;
- going beyond the boundaries of consent (such as letting your friends hide in the closet to watch you having consensual sex);
- engaging in voyeurism;

- knowingly transmitting a STD or HIV to another.

Sex Discrimination

Sex discrimination includes all forms of sexual harassment, sexual misconduct, and sexual violence by employees, students, or third parties against employees, students, or others on campus. Sex discrimination also includes stalking, dating violence and domestic violence. Students, college employees, and third parties are prohibited from harassing other students and/or employees whether or not the incidents of harassment occur on the college campus and whether or not the incidents occur during working hours.

Sexual Harassment

Sexual harassment toward any member of the college is a violation of both state and federal law, college policy and will not be tolerated in the college community. All members of this college community are expected and instructed to conduct themselves in such a way as to contribute to an atmosphere free of sexual harassment. Sexual harassment is; unwanted sexual advances, requests for sexual favors or visual, verbal or physical conduct of a sexual nature.

Sexual harassment means:

- Unwelcome or unwanted sexual advances
- Unwelcome or unwanted requests for sexual favors
- Other behavior(s) of a sexual or gender-based nature where:
 - (1) Submission to or rejection of such conduct is made either implicitly or explicitly, as a term or condition of an individual's employment or academic status, evaluation of academic work or participation in a college sponsored educational program or activity.
 - (2) Submission to or rejection of such conduct by an individual is used as a basis for an academic, employment, activity or program participation decision affecting the individual.
 - (3) Such conduct is sufficiently severe and pervasive from both a subjective perspective (the recipient's view) and an objective perspective (a reasonable person's view) that it unreasonably interferes with an individual's academic or work performance or creates an intimidating, hostile, humiliating, demeaning or sexually offensive working, academic or social environment. While sexual harassment encompasses a wide range of conduct, some examples of specifically prohibited conduct include:

- Promising, directly or indirectly, a reward to an individual if the person complies with a sexually oriented request.
- Threatening, directly or indirectly, retaliation against an individual, if the person refuses to comply with a sexually oriented request.
- Denying, directly or indirectly, an individual employment or education-related opportunity, if the individual refuses to comply with a sexually oriented request.
- Engaging in sexually suggestive conversation or physical contact or touching another individual.
- Displaying pornographic or sexually oriented materials.
- Engaging in indecent exposure.
- Making sexual or romantic advances toward an individual and persisting, despite the individual's rejection of the advances.
- Physical conduct such as assault, touching or blocking normal movement.
- Retaliation for making harassment reports or threatening to report harassment.

Gender-based harassment is also prohibited. It includes, but is not limited to; acts of verbal, nonverbal or physical aggression, intimidation or hostility based on sex or sex stereotyping, even if those acts do not involve conduct of a sexual nature. This applies to any person regardless of sex, sexual orientation, sexual identity, gender, gender identity, gender expression, gender nonconformity, gender transition or transgender status.

Sexual harassment can involve males or females being harassed by members of either sex. Although sexual harassment sometimes involves a person in a greater position of authority as the harasser, individuals in positions of lesser or equal authority also can be found responsible for engaging in prohibited harassment. Sexual harassment can be physical and/or psychological in nature. An aggregation of a series of incidents can constitute sexual harassment even if one of the incidents considered separately would not rise to the level of harassment.

Any student or employee who believes that he or she has been subjected to sexual harassment in violation of this policy should file a complaint to a Campus Security Authority.

Coercion

Coercing someone into sexual activity violates this policy as much as physically forcing someone into sex. Coercion exists when a sexual initiator engages in sexually pressuring and/or oppressive behavior that violates the norms of the community and that application of pressure or oppression causes another individual to engage in unwanted sexual behavior. Coercion may be differentiated from seduction by the repetition of the coercive activity beyond what is reasonable, the degree of pressure applied, environmental factors such as isolation and the initiator's knowledge that the pressure is unwanted.

Consent

Effective consent is the basis of the analysis applied to unwelcome sexual contact. Lack of consent is the critical factor in any incident of sexual misconduct and sexual violence.

- Consent is informed, freely and actively given, and requires clear communication between all persons involved in the sexual encounter.
- Consent is active, not passive. Consent can be communicated verbally or by actions, but in whatever way consent is communicated, it must be mutually understandable. Silence, in and of itself, cannot be interpreted as consent.
- It is the responsibility of the initiator of sexual contact to make sure they understand fully what the person with whom they are involved wants and does not want sexually.
- Consent to one form of sexual activity does not imply consent to other forms of sexual activity.
- Previous relationships or consent does not imply consent to future sexual acts.
- Consent cannot be procured by use of physical force, compelling threats, intimidating behavior, or coercion. Coercion is unreasonable pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another.
- Incapacitation is a state where one cannot make a rational, reasonable decision because they lack the ability to understand who, what, when, where, why and how of their sexual interaction.
- Effective consent cannot be given by minors, mentally disabled individuals or persons incapacitated as a result of drugs or alcohol.

- Use of alcohol or other drugs will never function to excuse behavior that violates this policy. When alcohol or other drugs are being used, someone will be considered unable to give valid consent if they cannot appreciate who, what, when where, why and how of a sexual interaction. Individuals who consent to sex must be able to understand what they are doing.
- If you have sexual activity with someone you know to be, or should know to be, mentally or physically incapacitated (by alcohol or other drug use, unconsciousness or blackout), you are in violation of this policy.
- This policy also covers someone whose incapacity results from mental disability, sleep, involuntary physical restraint, or from the taking of a so-called “date-rape” drug. Possession, use and/or distribution of any of these substances, including Rohypnol, Ketamine, GHB, Burundanga, etc., is prohibited and administering one of these drugs to another person for the purpose of inducing incapacity is a violation of this policy. More information on these drugs can be found at <http://www.911rape.org/>.

If you find yourself in the position of being the initiator of sexual behavior, you owe sexual respect to your potential partner. These suggestions may help you to reduce your risk for being accused of sexual misconduct:

- Do not make assumptions about consent, about someone’s sexual availability, about whether they are attracted to you, about how far you can go or about whether they are physically or mentally able to consent to you.
- Clearly communicate your intentions to your sexual partner and give them a chance to clearly relate their intentions to you.
- Understand that consent to some forms of sexual behavior does not necessarily imply the consent to other forms of sexual behavior.
- Mixed messages from your partner should be a clear indication that you should step back, defuse the sexual tension, and communicate better. Perhaps you are misreading them.
- Do not take advantage of someone’s drunkenness, impaired or drugged state, even if they did it to themselves.
- Realize that your potential partner could be intimidated by or fearful of you.
- Silence and passivity cannot be interpreted by you as an indication of consent. Read your partner carefully, paying attention to verbal and non-verbal communication.

Retaliation

The college strictly prohibits retaliation against any person for reporting, testifying, assisting or participating, in any manner, in any investigation or proceeding involving allegations of discrimination or harassment. Any person who violates this policy will be subject to discipline, up to and including termination if they are an employee and/or expulsion if they are a student.

Retaliation is any action by any person that is perceived as: intimidating, hostile, harassing, a form of retribution, or violence that occurs in connection to the making and follow-up of the report.

Dating Violence

The term “dating violence” means violence committed by a person (a) who is or has been in a social relationship of romantic or intimate nature with the complainant; and (b) where the existence of such a relationship shall be determined based on a consideration of the following: the length of relationship, the type of relationship and the frequency of interaction between the persons involved in the relationship.

Domestic Violence

The term “domestic violence” includes felony or misdemeanor crimes committed by the current or former spouse of the complainant, by a person whom the complainant has a child with, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the complainant under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from the person’s acts under the domestic or family violence laws of the jurisdiction.

Stalking

The term “stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others; or suffer substantial emotional distress.

Drug and Alcohol Policy

1. Cape Fear Community College does not differentiate among unlawful users, sellers, or pushers of drugs or alcohol. Any employee or student who unlawfully uses, possesses, sells, gives, or in any way transfers alcoholic beverages or a controlled substance is subject to disciplinary proceedings by the college, and referred for prosecution.

2. The term controlled substance means any drug listed in CFR part 1308 and other federal regulations, as well as those listed in Article V, Chapter 90 of North Carolina General Statutes. Generally, these are drugs which have a high potential for abuse such as: Marijuana, Cocaine, PCP, Heroin, and Crack among others. They also include legal drugs that are not prescribed by a licensed physician. The term alcoholic beverage includes beer, wine, whiskey and any other beverage listed in Chapter 188 of the General Statutes of North Carolina. Persons within the college community are responsible for knowing about and complying with the Cape Fear Community College Drug/Alcohol Policy.

3. Any employee or student who is convicted of violating any criminal drug or alcoholic beverage statute while in the workplace, on college premises, or as part of any college sponsored activity, will be subject to disciplinary action by the college up to and including termination or expulsion, and referred for prosecution. Specifically, any such person convicted of a felony, or a misdemeanor which results in an active prison sentence will, if a student, be expelled, or if an employee, be terminated from employment (subject to existing disciplinary policies applicable to state or federal law which may apply to employees). Other misdemeanors or convictions will be evaluated on a case-by-case basis and the specific penalties may range from written warnings with probationary status to enrollment expulsions and employment discharges. The college may also require the employee or student to successfully complete a drug abuse treatment program as a precondition for continued employment or enrollment. Persons charged with illegal drug/alcohol involvement may be suspended pending any legal proceedings if, it is determined by the President, or his designee, that the persons continued presence within the college would pose a serious and immediate danger to the health or welfare of other persons within the college.

4. Each employee or student is required to inform the Vice President, Human Resources & College Safety or the Vice President, Student Services, respectively, in writing within five (5) days after a conviction of any criminal drug or alcoholic beverage control statute where such violations occurred in the college workplace, on college premises, or as part of any college sponsored activity. A conviction means a plea or a finding of guilt (including a plea of nolo contendere) and the imposition of a sentence by a judge or jury in any federal or state court.

5. College administrators have the right to contact parents of any student under the age of 21 that has violated a Federal, State, or local law, or any rule or policy of the institution, governing the use or possession of alcohol or a controlled substance.

For those students or employees receiving or working under a federal grant, the college must notify the United States governmental agency from which a grant was made within ten (10) days of receipt of such notice from the grant employee, or otherwise after receiving actual notice of a criminal drug conviction. Appropriate disciplinary action will be taken by the college within thirty (30) calendar days from the receipt of such notice. The law requires that all employees abide by this policy as a condition for continued employment on any federal grant.

Legal Consequences

The illegal use of drugs and alcohol constitutes a serious crime under federal, state and local laws. Convictions may result in imprisonment, fines and/or mandatory community service. A drug conviction can disqualify a student for federal student aid. A record of a felony conviction may prevent a person from entering a chosen career. North Carolina law makes it illegal to manufacture, to sell or deliver, to possess with intent to sell or deliver, or to traffic controlled substances.

Under North Carolina law, the minimum age to purchase, possess, or consume any alcoholic beverage is 21 years old. Consumption of liquor or fortified wine by anyone 18 years old and younger is a Class 1 misdemeanor. Those 19- and 20-year-olds who drink beer or wine will be charged with a Class 3 misdemeanor. A person convicted for the first time of selling or providing alcohol to someone under 21 will receive a minimum sentence of a \$250 fine and 25 hours of community service. For a second or subsequent offense within four years, the penalty is no less than a \$500 fine and 150 hours of community service. A person convicted of aiding and

abetting the sale or provision of alcohol to someone under 21 for a second or subsequent offense within four years, the sentence is no less than a \$1000 fine and 150 hours of community service. A driver may not consume any alcoholic beverages while driving. Driving after drinking with an alcohol concentration of .08 means a person is driving while impaired. No person may transport in the passenger area spirituous liquors in any container other than the manufacturer's unopened original container. Violations may result in imprisonment, fine, mandatory community service and/or loss of driving privileges. Therefore, 19- or 20-year-olds who are convicted of an alcohol violation may have a criminal history that would affect professional organizations and employers could use such a record to reject an applicant.

Federal Penalties and Sanctions for Illegal Possession of a Controlled Substance

- 21 U.S.C. 844(a) - 1st conviction: Up to 1 year imprisonment and fined at least \$1000 but not more than \$100,000, or both. After 1 prior drug conviction: At least 15 days in prison, not to exceed 2 years and fined at least \$2,500 but not more than \$250,000, or both. After 2 or more prior drug convictions: At least 90 days in prison, not to exceed 3 years and fined at least \$5,000 but not more than \$250,000, or both.
- 21 U.S.C. 853 (a)(2) and 881 (a)(7) Forfeiture of personal and real property used to possess or to facilitate possession of a controlled substance if that offense is punishable by more than 1 year imprisonment. (See special sentencing provisions re: crack)
- 21 U.S.C. 881(a)(4) Forfeiture of vehicles, boats, aircraft or any other conveyance used to transport or conceal a controlled substance.
- 21 U.S.C. 844a or 862 Civil fine of up to \$10,000.
- 21 U.S.C. 853a Denial of Federal benefits may apply, such as student loans, grants, contracts, and professional and commercial licenses.
- 18 U.S.C. 922(g) Ineligible to receive or possess a firearm.
- Miscellaneous: Revocation of certain Federal licenses and benefits, e.g. pilot licenses, public housing tenancy, etc., are vested within the authorities of

individual Federal agencies. Note: These are only Federal penalties and sanctions. Additional State penalties and sanctions may apply.

Health Risks

No illicit drug is free of health risks. Most carry the danger of psychological or physical addiction. All cause distortion of brain functioning and can alter thinking, perception, and memory, as well as, affect behavior. The use of intravenous drugs also presents the risk of infection with potentially deadly diseases (e.g. AIDS develop as result of damage to the respiratory, circulatory, and other body systems). Every illicit drug has the potential to result in death-whether from the body's own reaction to the abuse of drugs or from accidents caused by persons who are impaired. Although alcohol is not an illegal substance when consumed by adults over the age of 21, it presents many of the same health risks as illicit drugs. Alcohol consumption causes a number of marked changes in behavior. Even low doses significantly impair the judgment and coordination required to drive a car safely, increasing the likelihood that the driver will be involved in an accident. Low to moderate doses of alcohol also increases the incidence of a variety of aggressive acts, including spouse and child abuse. Moderate to high doses of alcohol cause marked impairments in higher mental functions; severely altering a person's ability to learn and remember information. Very high doses cause respiratory depression and death. If combined with other depressants of the central nervous system, much lower doses of alcohol will produce the effects just described. Repeated use of alcohol can lead to dependence. Sudden cessation of alcohol intake is likely to produce withdrawal symptoms, including severe anxiety, tremors, hallucinations, and convulsions. Alcohol withdrawal can be life threatening. Long-term consumption of large quantities of alcohol, particularly when combined with poor nutrition, can also lead to permanent damage to vital organs such as the brain and the liver. Mothers who drink alcohol during pregnancy may give birth to infants with fetal alcohol syndrome. These infants have irreversible physical abnormalities and mental retardation. In addition, research indicates that children of alcoholic parents are at greater risk than other youngsters of becoming alcoholics.

Available Resources

Many public and private resources are available for those needing assistance with drug or alcohol issues. In New Hanover County, call (910) 798-3500. In Brunswick County, call (910) 253-2250. In Pender County, call (910) 259-1230.

Another resource is the Alcohol/Drug Council of NC Information and Referral Service: (800) 688-4232. This is a drug abuse information and treatment referral line where individuals can get information and referrals to appropriate treatment facilities.

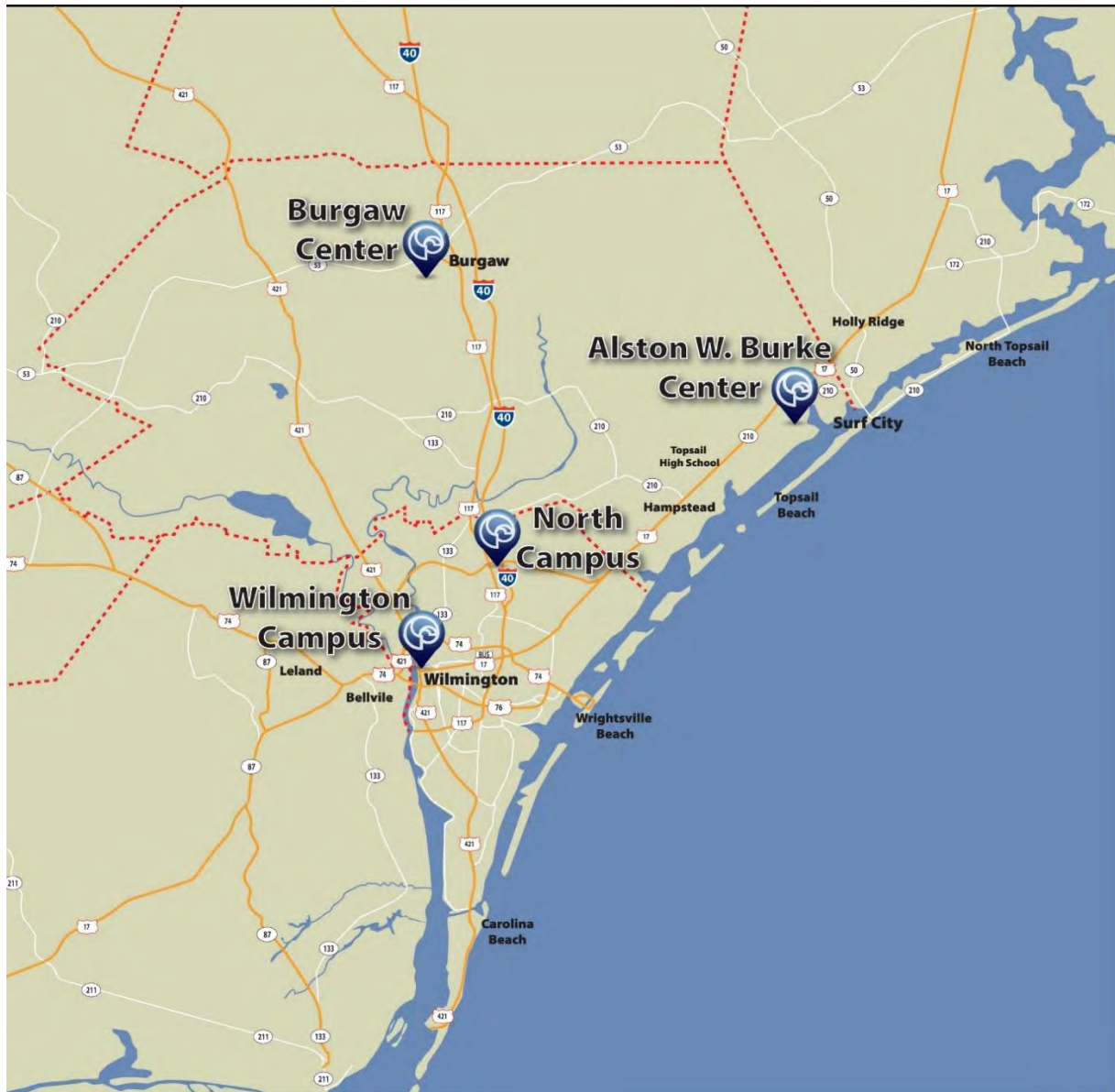
[Counseling and Rehabilitation Services to Prevent Substance Abuse](#)

Students, faculty, and staff may seek assistance with an alcohol or drug-related problems through Cape Fear Community College. A listing of available services and referrals will be provided in the Counseling Office of Student Services –

<http://cfcc.edu/counseling/>

A copy of this policy is distributed annually to students and employees.

Campus Information



Wilmington/Downtown Campus: 411 N. Front Street, Wilmington, NC 28401

North Campus: 4500 Blue Clay Road, Castle Hayne, NC 28429

Alston W. Burke/Surf City Center: 621 NC Highway, 210 East, Hampstead, NC 28443*

Burgaw Center: 100 E. Industrial Drive, Burgaw, NC 28425

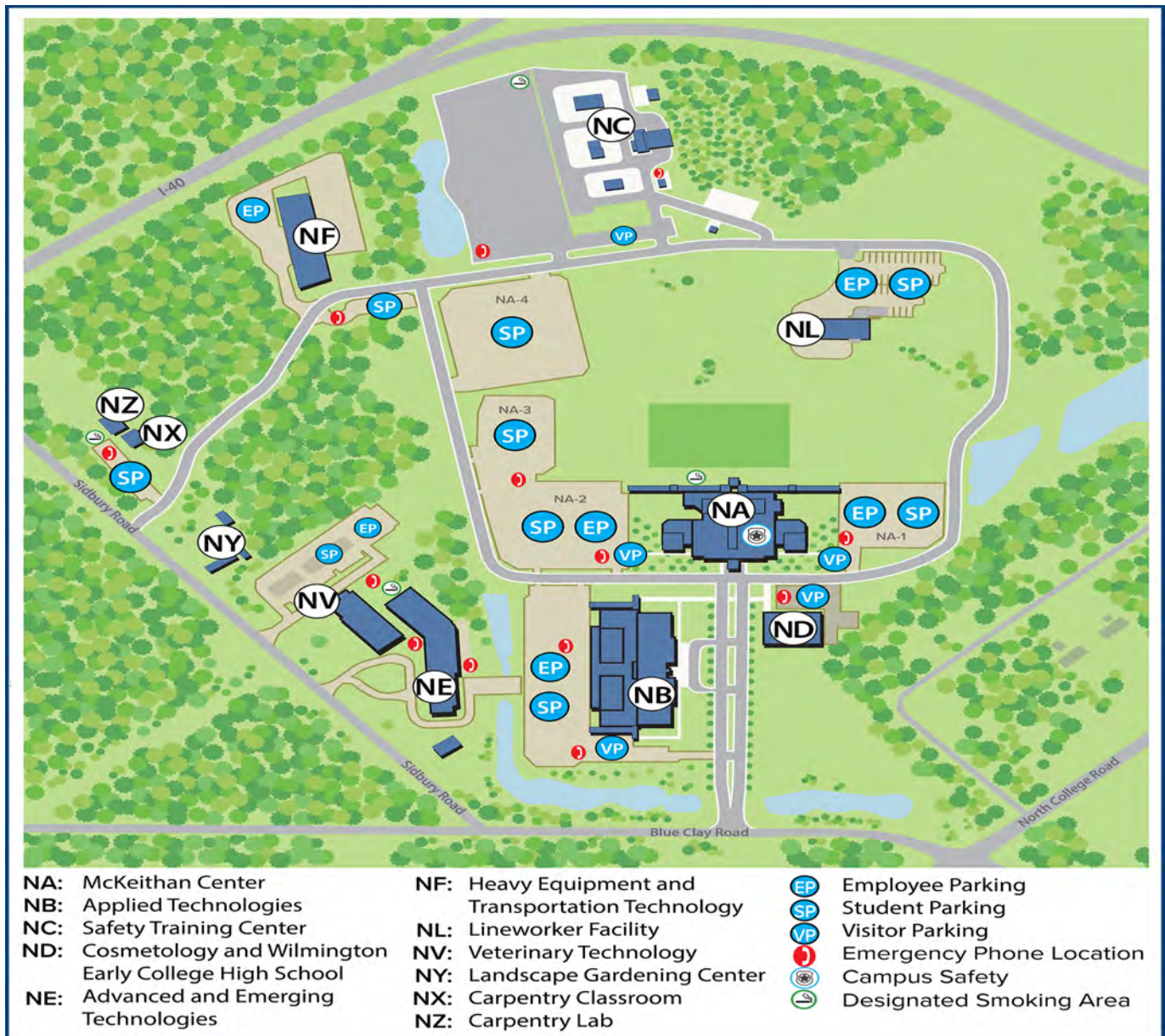
* Do not use Google Maps to find the Alston W. Burke/Surf City Center. [For directions, please visit https://cfcc.edu/maps-directions](https://cfcc.edu/maps-directions)

Wilmington Campus Map



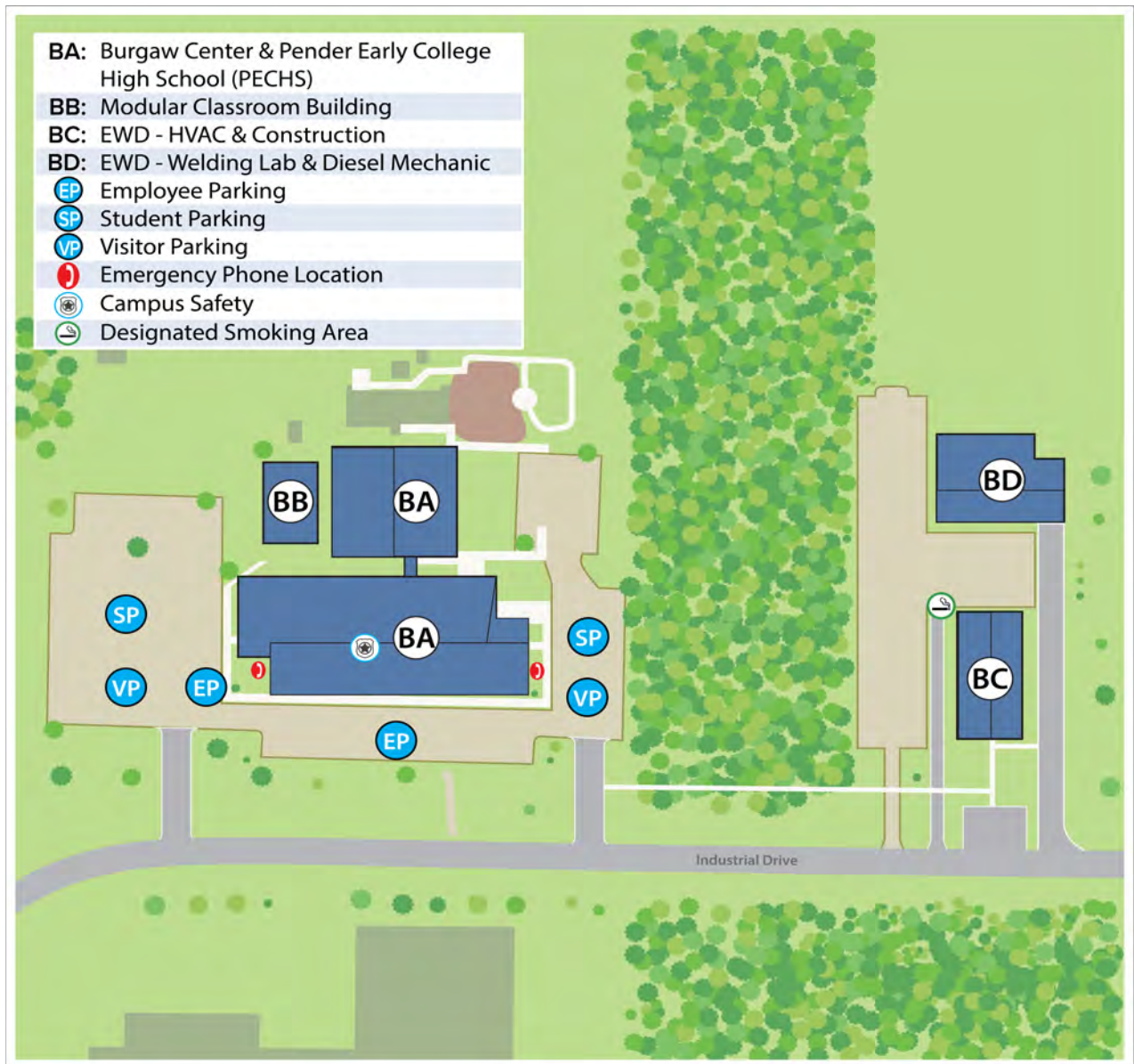
866.SEA.DEVILS – 910.362.7000 – cfcc.edu

North Campus Map



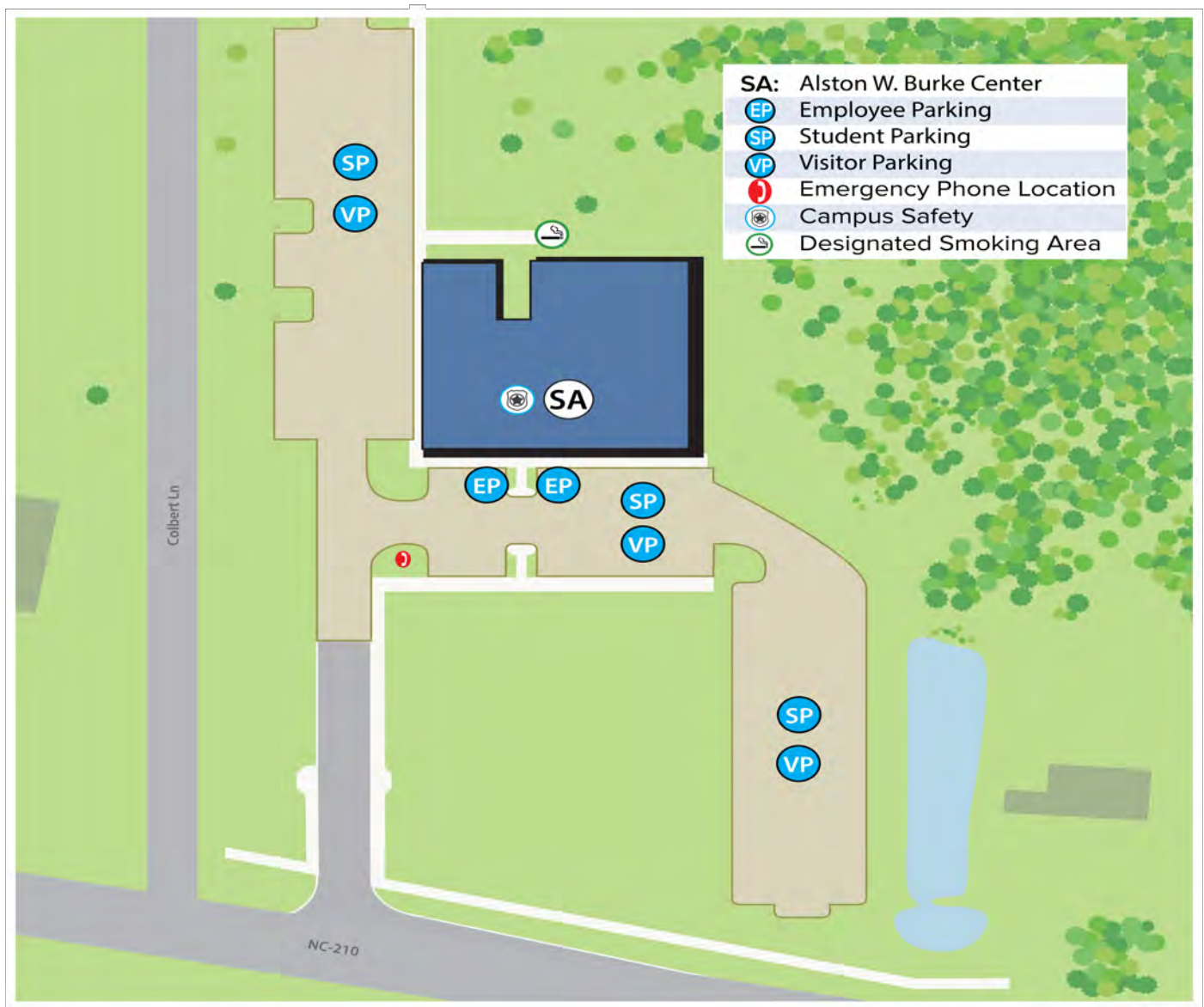
866.SEA.DEVILS – 910.362.7000 – cfcc.edu

Burgaw Center Map



866.SEA.DEVILS – 910.362.7000 – cfcc.edu

Alston W. Burke Center



866.SEA.DEVILS – 910.362.7000 – cfcc.edu

Criminal Offenses – Wilmington Campus

Downtown Campus	2020	2021	2022
Murder/Non-negligent manslaughter	0	0	0
Manslaughter by Negligence	0	0	0
Rape	0	0	0
Fondling	0	0	0
Incest	0	0	0
Statutory rape	0	0	0
Robbery	1	0	0
Aggravated assault	0	0	0
Burglary	0	0	0
Motor vehicle theft	1	0	0
Arson	0	0	0

VAWA Offenses – Wilmington Campus

Downtown Campus	2020	2021	2022
Domestic violence	3	1	3
Dating violence	0	0	0
Stalking	1	0	2

Arrests – Wilmington Campus

Downtown Campus	2020	2021	2022
Weapons: carrying, possessing, etc.	0	0	0
Drug abuse violations	4	0	0
Liquor law violations	0	0	0

Disciplinary Actions – Wilmington Campus

Downtown Campus	2020	2021	2022
Weapons: carrying, possessing, etc.	0	0	0
Drug abuse violations	0	0	0
Liquor law violations	0	0	0

Hate Crimes – Wilmington Campus

- For 2020, there were no reported hate crimes.
- For 2021, there were no reported hate crimes.
- For 2022, there were no reported hate crimes.

Unfounded Crimes – Wilmington Campus

- For 2020, no crimes were unfounded.
- For 2021, no crimes were unfounded.
- For 2022, no crimes were unfounded.

Criminal Offenses – North Campus

North Campus	2020	2021	2022
Murder/Non-negligent manslaughter	0	0	0
Manslaughter by Negligence	0	0	0
Rape	0	0	0
Fondling	0	0	0
Incest	0	0	0
Statutory rape	0	0	0
Robbery	0	0	0
Aggravated assault	0	0	0
Burglary	0	0	0
Motor vehicle theft	1	1	0
Arson	0	0	0

VAWA Offenses – North Campus

North Campus	2020	2021	2022
Domestic violence	0	0	0
Dating violence	0	0	0
Stalking	0	1	0

Arrests – North Campus

North Campus	2020	2021	2022
Weapons: carrying, possessing, etc.	0	0	2
Drug abuse violations	0	0	0
Liquor law violations	0	0	0

Disciplinary Actions – North Campus

North Campus	2020	2021	2022
Weapons: carrying, possessing, etc.	0	0	0
Drug abuse violations	0	0	0
Liquor law violations	0	0	0

Hate Crimes – North Campus

- For 2020, there were no reported hate crimes.
- For 2021, there were no reported hate crimes.
- For 2022, there were no reported hate crimes.

Unfounded Crimes – North Campus

- For 2020, no crimes were unfounded.
- For 2021, no crimes were unfounded.
- For 2022, no crimes were unfounded.

Criminal Offenses – Burgaw Center

Burgaw Center	2020	2021	2022
Murder/Non-negligent manslaughter	0	0	0
Manslaughter by Negligence	0	0	0
Rape	0	0	0
Fondling	0	0	0
Incest	0	0	0
Statutory rape	0	0	0
Robbery	0	0	0
Aggravated assault	0	0	0
Burglary	0	0	0
Motor vehicle theft	0	0	0
Arson	0	0	0

VAWA Offenses – Burgaw Center

Burgaw Center	2020	2021	2022
Domestic violence	0	0	0
Dating violence	0	0	0
Stalking	0	0	0

Arrests – Burgaw Center

Burgaw Center	2020	2021	2022
Weapons: carrying, possessing, etc.	0	0	0
Drug abuse violations	0	0	0
Liquor law violations	0	0	0

Disciplinary Actions – Burgaw Center

Burgaw Center	2020	2021	2022
Weapons: carrying, possessing, etc.	0	0	0
Drug abuse violations	0	0	0
Liquor law violations	0	0	0

Hate Crimes – Burgaw Center

- For 2020, there were no reported hate crimes.
- For 2021, there were no reported hate crimes.
- For 2022, there were no reported hate crimes

Unfounded Crimes – Burgaw Center

- For 2020, no crimes were unfounded.
- For 2021, no crimes were unfounded.
- For 2022, no crimes were unfounded.

Criminal Offenses – Alston W. Burke Center

Alston W. Burke Center	2020	2021	2022
Murder/Non-negligent manslaughter	0	0	0
Manslaughter by Negligence	0	0	0
Rape	0	0	0
Fondling	0	0	0
Incest	0	0	0
Statutory rape	0	0	0
Robbery	0	0	0
Aggravated assault	0	0	0
Burglary	0	0	0
Motor vehicle theft	0	0	0
Arson	0	0	0

VAWA Offenses – Alston W. Burke Center

Alston W. Burke Center	2020	2021	2022
Domestic violence	0	0	0
Dating violence	0	0	0
Stalking	0	0	0

Arrests – Alston W. Burke Center

Alston W. Burke Center	2020	2021	2022
Weapons: carrying, possessing, etc.	0	0	0
Drug abuse violations	0	0	0
Liquor law violations	0	0	0

Disciplinary Actions – Alston W. Burke Center

Alston W. Burke Center	2020	2021	2022
Weapons: carrying, possessing, etc.	0	0	0
Drug abuse violations	0	0	0
Liquor law violations	0	0	0

Hate Crimes – Alston W. Burke Center

- For 2020, there were no reported hate crimes.
- For 2021, there were no reported hate crimes.
- For 2022, there were no reported hate crimes.

Unfounded Crimes – Alston W. Burke Center

- For 2020, no crimes were unfounded.
- For 2021, no crimes were unfounded.
- For 2022, no crimes were unfounded.