

Overview of UNC Charlotte Policies Regarding Safety

March 13, 2013

Sarah Oettinger Edwards
UNC Charlotte Office of Legal Affairs

- Protection from physical violence
- General physical safety on campus
- Safe emotional environment
- Protection of information
 - Legal/policy protection
 - Technological protections



Where can you find University policies?

- <http://legal.uncc.edu/policies>

Do University policies apply to you?

- Yes, if you are a UNC Charlotte student
- Yes, if you are a UNC Charlotte faculty member
 - Yes, if you are on the UNC Charlotte staff
- Yes, if you are part of a UNC Charlotte student organization

Protection from physical violence

UP 101.17, Workplace Violence

UP 405, Hazing

UP 406, The Code of Student Responsibility

UP 408, Student Involuntary Protective Withdrawal Policy

UP 502, Sexual Harassment Policy and Grievance Procedures

UP 503, Fighting Words Harassment in the University Community

UP 702, Weapons on Campus

Workplace Violence

“The University of North Carolina at Charlotte is committed to provide a workplace for its employees and students which is safe, secure and respectful – an environment that is free from violence.”

Workplace violence = intimidation

threat

physical attack

property damage



What do I do if I see or experience workplace violence?

If I am an employee:

(1) Immediately inform supervisor or Associate Vice Chancellor for Human Resources

(2) Inform Police and Public Safety, if necessary (or desired)

(3) Provide information so that Workplace Violence Incident Report can be completed

(4) Referrals to University Counseling Center or Employee Assistance Program, if needed

If I am a student:

(1) Immediately inform faculty member or Dean of Students

Consequences:

- * Employee may be referred
 - to **Employee Assistance Program** or
 - for **disciplinary action**
- * Disciplinary action can include up to
 - **dismissal from employment** (for faculty/ staff)
 - **expulsion from school** (for student)

Employees and students who act in good faith by reporting real or implied violent behavior or violations of the policy **will not be retaliated against** or subjected to harassment

Hazing

“The University prohibits any form of hazing of its students, at any time, or at any location on or off campus, including fraternity houses, private residences, or public property.”



Who?

- students who haze others
- students who voluntarily consent to hazing

Consequences?

- campus disciplinary action
- criminal prosecution
- notification of regional/national offices of the student organization

What is hazing?

- forced consumption of alcohol or forced ingestion of any other substance
- forced calisthenics, push-ups, sit-ups, runs, or other physical contests
 - paddling or other physical assault or brutality
 - transportation and abandonment
 - line-ups with verbal or physical harassment
- morally degrading or humiliating games or activities
 - forced sleep deprivation
- wearing or carrying of any obscene or physically burdensome article
 - assignment of pranks to be performed
 - yelling or cursing at new members

If you observe hazing, report it to the **Dean of Students** or **Campus Police**.

* students are “strongly encouraged” to report

* employees are **REQUIRED** to report

Student Involuntary Protective Withdrawal

When does this policy apply?

When a student . . .

- (1) is suffering from a medical or psychological disorder and
- (2) presents a direct threat to the health or safety of others

Who is involved in the process?

* Coordinator = Dean of Students or designee

* Campus Behavioral Intervention Team (CBIT) =

Coordinator

Dir. of Police and Public Safety

Dir. of Counseling Center

Dir. of Housing and Res. Life

Associate Provost for Academic Services

Sr. Associate Dean of Students

Dean of Graduate School

* Hearing Panel = total of three members from certain units



- Anyone can **make a report** to the Coordinator if reason to believe a student needs to be withdrawn involuntarily
- Student will be **evaluated** by mental health professional
- Significant amount of **due process** afforded student including
 - * multiple meetings
 - * ability to see report against him/her
 - * sufficient notice of hearing
 - * opportunity to present evidence, question witnesses, and have advisor present at hearing
 - * appeal rights
- BUT, when necessary, the Coordinator or the Director of Housing and Res. Life is authorized to implement an **emergency interim protective withdrawal** (student is prohibited from attending classes and from living in University housing) while process is underway

- Student may **withdraw voluntarily** from the University at any point during the process
- At Coordinator's discretion, Coordinator may permit the student to enter into a **behavioral agreement** that allows him/her to remain a student as long as he/she adheres to certain conditions
- Whether voluntarily or involuntarily withdrawn, student **cannot be readmitted** to University unless approved by the Coordinator and CBIT

Sexual Harassment

What is sexual harassment?

Employment context = unwelcome sexual advances, etc. when . . .

- submission to that conduct is made a **condition of employment**,
- submission to or rejection of conduct is used as **basis for employment decisions**, or
- such conduct has purpose or effect of **substantially interfering with work performance** or creating intimidating, hostile, or offensive working environment

Student context = unwelcome sexual advances, etc. if conduct is sufficiently **severe, persistent, or pervasive** . . .

- to limit the student's **ability to participate** in or benefit from an educational program/activity, or
- to create a **hostile or abusive educational environment**

Options:

- (1) informal **counseling and mediation** process
and/or
- (2) formal **grievance** procedures

Consequences:

- * up to **discharge** from employment
- * up to **expulsion** as a student



If you in good faith report sexual harassment,
University employees and agents are
prohibited from retaliating against you.

Interim Regulations on Student Sexual Misconduct Complaints

- Based on **Title IX** of the Higher Education Amendments
- Applies to **student-against-student** sexual misconduct
- Includes:
 - (1) Committing **sexual acts** without consent
 - (2) Committing **sexual contact** without consent
 - (3) Committing **sexual exhibitionism**
 - (4) Committing **sexual exploitation**
 - (5) Committing **sexual harassment**

Process:

- **Complainant talks** with representative from Dean of Students Office
- **Complainant chooses** whether to proceed with conduct process
- If proceeding, DOS **representative meets with Accused Student**
- If needed, **interim measures** such as switching classes or residence halls will be arranged
- **Formal investigation** into complaint
- **Investigative report** prepared by DOS representative
- Hearing waived if **Accused Student accepts responsibility**/sanctions
- If Accused Student does not accept responsibility, **hearing is held**
- Both sides **present evidence** and question witnesses
- Both sides have a **right to appeal** the hearing panel's decision regarding responsibility and/or sanctions

Weapons on Campus

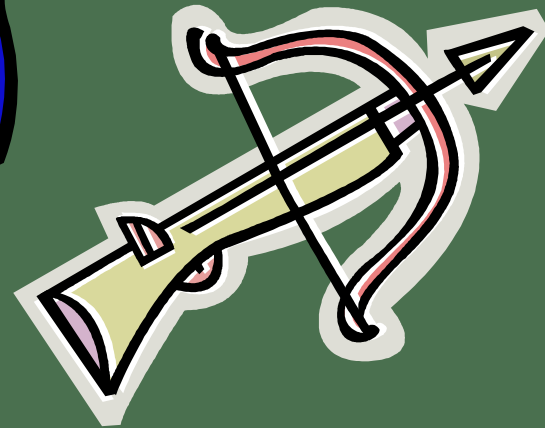
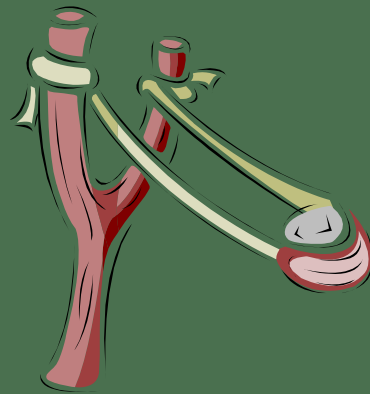
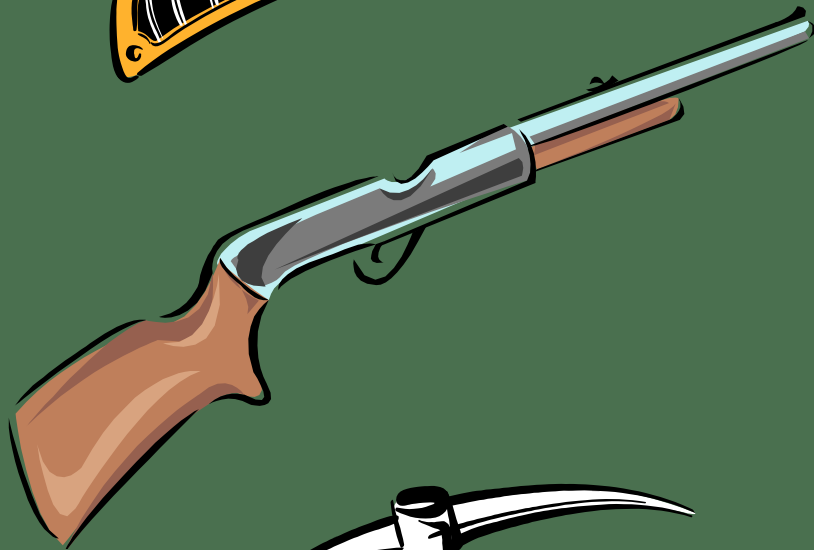
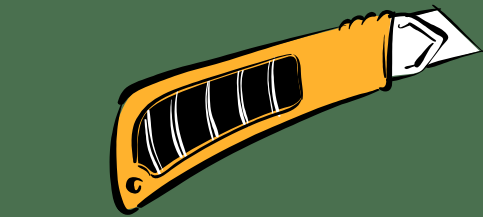
State law (N.C. Gen. Stat. § 14-269.2) prohibits weapons on university campuses

Exceptions:

- (1) law enforcement and military personnel carrying out official duties
- (2) ceremonial or educational uses authorized by the Chancellor

Consequences:

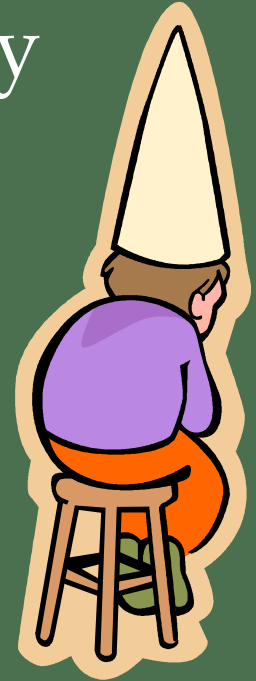
- referred for criminal prosecution
- referred for campus disciplinary action (for faculty, staff, or students)



Code of Student Responsibility

Examples of Code violations, potentially involving physical violence:

- * Inflicting physical injury upon a person
- * Engaging in hazing
- * Committing sexual harassment
- * Placing a person in fear of or at risk of imminent physical injury
- * Committing sexual invasion, sexual assault, or sexual misconduct
- * Setting fires, or misusing or damaging fire safety equipment/elevators
- * Using or possessing fireworks on University premises or at University activities without University authorization
- * Engaging in disorderly conduct, such as fighting, threatening behavior, public disturbance, or drunk and disorderly conduct



General physical safety on campus

UP 101.7, Workers' Compensation

UP 601.13, Interference with University Operations

UP 604.3, Service Vehicles on Campus

UP 701, Campus Operation in Adverse Weather or During Other Unusual Conditions

UP 703, Environmental Health and Safety (EH&S)

UP 704, Animals on Campus

UP 705, Food Storage and Preparation

General physical safety on campus

(cont'd)

UP 706, Alcoholic Beverages

UP 710, Outdoor, On-Campus Activities

UP 711, Program to Prevent Use of Illegal Drugs and Alcohol Abuse

UP 712, Medical Services

UP 714, Biosafety

UP 803, Reporting and Investigation of Suspected Improper Activities and Whistleblower Protection

Interference with University Operations

“The University of North Carolina at Charlotte has long honored the right of free discussion and expression, peaceful picketing and demonstrations, the right to petition and peaceably to assemble.”



Applies to:

- (1) University student
- (2) University employee who is not a tenured faculty member

Examples of prohibited conduct:

- occupying a University building
- blocking entrance/exit of building, corridor, or room
- destroying University property or property of others
- displaying a weapon, dangerous instrument, explosive, etc.
- attempting to prevent attending or orderly conduct of class or meeting
- blocking normal pedestrian or vehicular traffic
- refusing to carry out validly assigned duties

Environmental Health and Safety

- Responsibility:
- each individual in University community
 - Environmental Health and Safety Committee
 - departmental supervisors (and departmental health and safety committees, if established)

<http://safety.uncc.edu/>

* The Director of EH&S will have the authority to curtail or stop work **posing a clear and imminent danger** to the health or safety of the University community.



All employees are responsible for . . .

(1) **notifying immediate supervisor** of unsafe working conditions, potential hazards, and accidents as soon as possible

(2) **adhering to established policies, programs, procedures, and/or work practices** (may be subject to **immediate disciplinary action** otherwise!)

Alcoholic Beverages

* All state law requirements are in effect
(N.C. Gen. Stat. § 18B-300 *et seq.*)

* Applies to students, faculty, and staff on campus

* RESTRICTIONS:

- **only beer and unfortified wine** on campus, except
 - students at least 21 years old and their guests who are at least 21 years old may consume alcoholic beverages (including beer, wine, spirituous liquor, and mixed drinks) in their **private campus residence rooms**
 - **Chancellor** may give written permission to certain people or organizations to possess and consume spirituous liquor, fortified wine, and/or mixed beverages in certain circumstances
- **no common source containers (e.g. kegs) at events sponsored by student organizations**
- no common source containers except in Cone Center Plaza



Group events with alcohol on campus require . . .

- (1) space reservation application,
- (2) “Acknowledgement of Responsibility” form, and
- (3) adherence to either
 - BYO event criteria or
 - service event criteria



- * Only certain locations can be approved for events with alcohol
- * No alcoholic beverages permitted in academic areas

Code of Student Responsibility

Examples of Code violations, potentially involving general physical safety on campus:

- * Using, possessing, or storing any weapon, dangerous chemical, or explosive without authorization
- * Initiating or causing to be initiated any false report, warning or threat of fire, explosion, or other emergency
- * Interfering with normal University activities including, but not limited to, teaching, studying, research, the expression of ideas, University administration, speeches and other public or private events, and fire, police or other emergency services
- * Possessing, consuming, or using any controlled substance; possessing or using drug paraphernalia; manufacturing, selling or delivering any controlled substance
- * Setting fires, or misusing or damaging fire safety equipment or elevators

Code of Student Responsibility

(cont'd)

- * Theft or attempted theft of University or individual property or services
- * Breaking and entering into University property or the property of individuals on campus (including, but not limited to private automobiles)
- * Destroying, defacing, tampering with, or damaging the property of others or University property
- * Failing to comply with the reasonable directions of University officials
- * Possessing, consuming, or distributing alcoholic beverages without University authorization
- * Using or possessing fireworks on University premises or at University activities without University authorization
- * Engaging in conduct, such as loud, aggressive, or combative behavior, that disrupts or interferes with the normal functions of a class

Safe emotional environment

UP 101.9, Employee Assistance Program

UP 405, Hazing

UP 406, The Code of Student Responsibility

UP 408, Student Involuntary Protective Withdrawal Policy

UP 501, Nondiscrimination on the Basis of Disability

UP 502, Sexual Harassment Policy and Grievance Procedures

UP 503, Fighting Words Harassment in the University Community

UP 504, Sexual Orientation

Employee Assistance Program

- **Diagnostic and referral service** for permanent staff and faculty (as well as spouses and dependents)
- Administered by Department of **Human Resources** and **ComPsych Guidance Resources®**
- For employees dealing with:
 - **emotional illness**
 - **alcohol or drug abuse**
 - **marital discord**
 - **financial problems**
- Because personal problems can result in:
 - human **suffering** for employees and families
 - **impairment** of work performance
 - **effect** on fellow workers





Employee Assistance Program information is **not included** in one's personnel file

Employee Assistance Program is **free of charge!**

Employee Assistance Program may be **used voluntarily** or as part of **disciplinary action**

Employee Assistance Program includes up to **5 in-person counseling sessions**

Employee Assistance Program information **remains confidential** (except for verifying attendance and compliance with treatment plan in case of disciplinary action)

Fighting Words Harassment

“fighting words” = personally abusive epithets which, when directly addressed to any ordinary person are, in the context used and as a matter of common knowledge, inherently likely to provoke an immediate and violent reaction, whether or not they actually do



If I experience fighting words harassment, what should I do?

If I am:		My complaint:		I should notify:
an employee		is against my supervisor		my supervisor's direct supervisor
an employee		is against someone other than my supervisor		my supervisor
an employee		cannot feasibly be reported to my supervisor or my supervisor's direct supervisor		Director of Employee Relations, Training, and Compliance
a student		is against anyone		Dean of Students Office

Harassment

“Unlawful harassment” is . . .

- (1) directed toward a particular person or persons;
- (2) based on the person’s race, color, religion, national origin, gender, sexual orientation, gender identity, creed, disability, or veteran status;
- (3) unwelcome;
- (4) severe or pervasive;
- (5) objectively offensive; and
- (6) 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/opportunities.

Nondiscrimination

Disability

- two laws – Rehabilitation Act; Americans With Disabilities Act
- “The University and all members of the faculty and staff shall operate its programs, activities, and services to ensure that no qualified individual with a disability shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any such program, activity, or service solely by reason of his/her disability”
- reasonable accommodations coordinated through Disability Services
- Complaint?
 - * attempt to resolve informally with Disability Services
 - * if unsuccessful, formal grievance through applicable grievance procedures (student, EPA staff, SPA staff, faculty, etc.)

Sexual Orientation

- “The University of North Carolina at Charlotte believes that educational and employment decisions should be based on the abilities and qualifications of individuals and should not be based on irrelevant factors, including personal characteristics, that have no connection with academic abilities or job performance.”

- Traditional irrelevant factors include:

- race
- gender
- religion
- disability
- national origin

- Policy also includes:

- sexual orientation
- gender identity

- Complaint?

- * students notify Dean of Students
- * employees notify Director of Employee Relations, Training, and Compliance



Code of Student Responsibility

Examples of Code violations, potentially involving safe emotional environment:

- * Inflicting severe mental or emotional distress upon a person through a course of conduct involving repeated harassment, intimidation, abuse, or disparagement
- * Engaging in “fighting words” harassment
- * Presence during any conduct prohibited by the Code of Student Responsibility that condones, supports, or encourages such prohibited conduct

Protection of information (legal/policy protection)

UP 101.8, Personnel Records

UP 307, Responsible Use of University Computing and
Electronic Communication Resources

UP 402, Student Records

UP 605.2, Privacy and Confidentiality of Individually
Identifiable Health Care Information under HIPAA

The University is a state agency, subject to the North Carolina Public Records Act, so most documents created by the University must be disclosed to the public if requested.

HOWEVER, with a few exceptions,

- **Personnel Records** are protected from disclosure (and are accessible to the employee)
- **Student Records** are protected from disclosure (and are accessible to the student)

Responsible Use of University Computing and Electronic Communication Resources



“computing and electronic communication resources” include the University’s . . .

- * servers
- * networking facilities
- * video distribution system
- * personal computers
- * email system
- * software
- * telephone system

Standards:

- (1) observe all laws;
- (2) respect the privacy and personal rights of others;
- (3) respect and preserve performance, integrity, and security of system;
- (4) protect purpose of computing and electronic communication resources; and
- (5) respect intellectual property rights of others

Examples of violations:

- Use of another's user ID without authorization
- Attempt to make unauthorized changes to stored information
- Unauthorized copying of stored information
- Tapping phone or network lines
- Attempt to bypass IT security systems
- Copying or distributing without authorization software licensed to University
- Use of University-owned IT resources for commercial purposes
- Use of email to perpetrate invasion of privacy, harassment, defamation, threats, intimidation, etc.



Protection of information (technological protections)

UP 303, Network Security

UP 311, Data and Information Access and Security

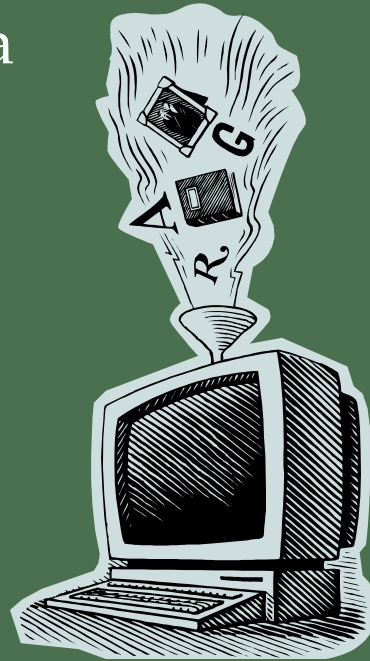
- 311.1 Credit/Debit Card Processing Regulation
- 311.2 GLBA Information Security Program Regulation
- 311.3 Password Regulation
- 311.4 Peer-to-Peer File Sharing Regulation
- 311.5 Personal Information Security Breach Notification Procedures
- 311.6 Regulation on Security of Electronic Individually Identifiable Health Care Information under HIPAA
- 311.7 Regulations on Information Systems Security
- 311.8 Regulations on the Use of Social Security Numbers
- 311.9 Regulation Regarding Third Party Data Subject to Contractual Access Restrictions

UP 605.3, Retention, Disposition, and Security of University Records

Data and Information Access and Security

Types of information:

- (1) Confidential Data
- (2) Sensitive Data
- (3) Public Data



Responsible parties:

- (1) Information Custodians
- (2) Information Managers
- (3) Information Users

The degree of protection required for different types of University Data is based on the nature of the data and compliance requirements.

Policies in the Works

Video Surveillance

- standardize video surveillance across campus (type of equipment, under what circumstances, priorities regarding surveillance, etc.)
- all surveillance cameras will feed into central location
- centralized committee will approve installation of surveillance systems using standardized criteria

Criminal Background Check

- already required pre-employment
- current employees will be required to report convictions
- employees in sensitive roles will undergo criminal background checks every five years
- vendors/contractors who have contact with minors will undergo criminal background checks

Minors on Campus

- general best practices
- mandatory reporting requirement if observe suspicious behavior

Questions



Sarah O. Edwards
Higher Education Legal Fellow
UNC Charlotte Office of Legal Affairs

soetting@uncc.edu
687-5407