

UNC Pembroke Person of Concern and Behavioral Threat Assessment Policy

Authority: Chancellor

History:

- First issued: 2003
- Revised: August 14, 2013; August 16, 2023
- Last Revised: November 8, 2024

Additional References:

- [UNC Pembroke Student Handbook](#)
- [UNC Pembroke Code of Conduct](#)
- [UNC Pembroke Resident Handbook](#)
- [UNC Pembroke Workplace Violence Prevention Policy](#)
- [UNC Pembroke Sexual Harassment Policy and Regulation](#)
- [UNC Pembroke Employee Assistance Program](#)
- [HAWK Alert Program](#)
- [CARE Reporting Form](#)
- System Policy (coming soon)

Contact Information: Associate Vice Chancellor for Student Affairs and Dean of Students, (910) 521-6304

1. PURPOSE

1.1 UNC Pembroke is committed to providing a safe and secure campus environment for all members of the University community. UNC Pembroke strives to create an educational environment for students and a work environment for employees that promotes educational and career goals. Mental and physical health concerns and campus violence impede such goals. The purpose of this policy is to set the expectations for creating and maintaining an environment that proactively addresses concerning behaviors and reduces the occurrences of threats and violent behaviors.

2. STATEMENT OF POLICY

2.1 UNC Pembroke promotes a safe and secure environment in which to learn and work by promoting self-care and mental health as well as prohibiting threats and acts of violent behavior by or against members of the University community, including but not limited to the following:

2.1.1. Workplace Violence and Prevention, as defined in [POL 05.30.02](#);

2.1.2. Certain Threats and Acts of Harm, as defined [POL 05.30.02](#) for employees and in [REG 11.30.01](#) for students; and

2.1.3. Sexual Harassment, as covered in [REG 04.25.04](#).

3. SCOPE

3.1 This policy applies to all university community members, including faculty, staff, and students, as well as certain non-university community members, such as contractors, vendors, and visitors.

4. DEFINITIONS

4.1 Aggressive Acts are acts that do not rise to the level of a physical attack, but that a reasonable person would interpret as being a threat to personal safety (i.e., physical intimidation, throwing objects, pounding on a desk or door, pointing a finger in a person's face, etc.). It may also include behaviors that may indicate someone may act out aggressively (i.e., infatuation with violence and statements of threats towards others).

4.2 Imminent Threat is a reasonable belief that there is an immediate probability of an act or consequence that could result in serious bodily harm or death.

4.3 Interpersonal Violence is violence between or among two or more parties and includes Domestic or Dating Violence as defined in [POL 04.25.05](#).

4.4 Intimidation is engaging in actions, including through electronic means, that a reasonable person would find to frighten, coerce, induce duress, or control another individual physically, mentally, or emotionally.

4.5 No Contact Directive is an order for no direct or indirect contact between two or more individuals at any time. This includes, but is not limited to, communication that is written, electronic, verbal, physical, or through a third-party individual or group. Written and electronic communication includes, but is not limited to, e-mail, instant messaging, social media, text and messages. Verbal communication includes, but is not limited to, phone calls, voicemails, etc. A no contact directive may include additional restrictions and terms.

4.6 Person of Concern is a student, employee, or individual not affiliated with the university who another person perceives to be exhibiting behaviors or making statements that generate concern for the person's general mental health, wellbeing, and/or possible risk of harm to themselves or others.

4.7 Person of Concern Team: A multidisciplinary team appointed by the chancellor that provides recommendations on appropriate interventions for persons of concern and conducts threat assessments when threatening behavior has been communicated and/or when a member of the university community has engaged in threatening behavior that warrants evaluation in accordance with the guidelines established in this policy.

4.8 Physical Attacks are unwanted physical contacts (i.e., hitting, kicking, pushing, shoving, biting, fighting, etc.) that inflicts harm on another either with or without a weapon.

4.9 Property Damage is intentional damage to property, including property owned by UNC Pembroke or its employees, students, contractors, vendors, and visitors.

4.10 Stalking is engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others; or suffer substantial emotional distress.

4.11 Threatening Behavior: Any communication or action, including, without limitation, action that is the subject of pending criminal charges, whether occurring on-campus or off-campus, that indicates that an individual may pose a danger to the safety or well-being of any member of the university community, including the subject individual, through acts of violence or other behaviors that would cause harm to persons or property or substantially interfere with or disrupt the educational mission of the University. These behaviors may be expressed or communicated orally, visually, in writing, electronically, or through any other means and may be considered threatening regardless of whether a direct threat is expressed or was received by the intended audience or believed by the intended audience.

4.12 Weapons: Weapons for the purpose of this policy includes those items defined as weapons in [N.C. Gen. Stat. §14-269.2](#).

5. PERSON OF CONCERN TEAM

5.1 Team Member Appointments and Functional Areas

5.1.1. Members of the Person of Concern Team will be appointed by the Chancellor. The Person of Concern Team is a multidisciplinary group of staff from across campus, each of whom holds expertise in specific areas related to person of concern case management, information gathering, threat assessment, and/or intervention efforts. Membership is based on the area/position rather than on any individual.

5.1.2. The following functional areas serve as core members person of concern team:

5.1.2.1. Dean of Students (Co-Chair)

5.1.2.2. Human Resources (Co-Chair)

5.1.2.3. Police & Public Safety

5.1.2.4. CARE Case Manager

5.1.2.5. Counseling and Psychological Services

5.1.2.6. Housing and Residence Life

5.1.2.7. Academic Affairs

5.1.2.8. Title IX and Clery Compliance

5.1.3. The following functional areas serve as auxiliary members of the Person of Concern team. Auxiliary members are not limited to these specific functional areas. Faculty or staff members from other functional areas with relevant information or who are determined to be able to contribute to the process may be involved in the process as determined by the Person of Concern team co-chair(s).

5.1.3.1. General Counsel

5.1.3.2. Accessibility Resource Center

5.1.3.3. Financial Aid

5.1.3.4. Student Conduct

5.1.3.5. Center for Student Success

5.2 Team Member Responsibilities

5.2.1. CARE Case Manager: The CARE Case Manager is responsible for receiving CARE reports and managing cases of students of concern not involving aggressive acts, imminent threats, interpersonal violence, intimidation, physical attacks, property damage, stalking, threatening behavior, and/or possession and/or use of weapons.

5.2.2. Dean of Students: The Dean of Students is responsible for receiving and managing cases of students of concern involving aggressive acts, imminent threats, interpersonal violence, intimidation, physical attacks, property damage, stalking, threatening behavior, and/or possession and/or use of weapons as well as reports that include information involving non-university community members, such as visitors, contractors/affiliates, and former students.

5.2.3. The Director of Employee Relations and Workforce Development: The Director of Employee Relations and Workforce Development is responsible for receiving and managing all cases of employees of concern, including those involving aggressive acts, imminent threats, interpersonal violence, intimidation, physical attacks, property damage, stalking, threatening behavior, and/or possession and/or use of weapons..

5.2.4. Title IX Coordinator: Possible Title IX violations will be forwarded to the Title IX Coordinator or designee. The Office of Title IX and Clery Compliance can refer a report/case to the Dean of Students and/or the Director of Student Conduct to request assistance with determining if interim actions would be appropriate (see Section 6.3 below).

5.2.5. Chief of Police: Police and Public Safety is responsible for the overall safety and security of the campus community. The Chief of Police or designee actively participates in the Person of Concern Team that review reports of concerning behavior, including potential threat assessment cases. When a situation involving a Person of Concern is reported directly to the Police

Department, the Police utilize the appropriate reporting systems to involve the appropriate parties to review the case and to begin the case management process when appropriate.

5.2.6. General Counsel: The Office of General Counsel provides legal guidance to the Person of Concern Team.

5.3 Team Member Annual Training Requirement: Members of the core team are required to complete annual training for threat assessment and management. Members of the auxiliary team are encouraged to complete this training.

6. THREAT ASSESSMENT AND MANAGEMENT

6.1 Preliminary Assessment: The Dean of Students and the Director of Employee Relations and Workforce Development are responsible for completing preliminary threat assessments for students and employees, respectively, and as warranted connecting with the Person of Concern Team to coordinate threat assessment and management plans.

6.2 Behavioral Threat Assessment

6.2.1. Students and/or employees who engage in any aggressive acts, imminent threats, interpersonal violence, intimidation, physical attacks, property damage, stalking, threatening behavior, and/or possession and/or use of weapons may be required to participate in the threat assessment process or subject to other interim actions.

6.2.2. The Person of Concern Team meets regularly to:

6.2.2.1. Review the results of the preliminary threat assessments and, using a risk rubric and available information, either confirm or modify those results to ultimately determine if the case that prompted the preliminary assessment is to move forward to a formal threat assessment;

6.2.2.2. Discuss and decide upon the appropriateness of interim actions, and communicate those decisions in a timely manner to the appropriate administrator;

6.2.2.3. Gather and share information related to threat assessment cases;

6.2.2.4. Create, update, and finalize Case Worksheets for each case;

6.2.2.5. Review, discuss, and update ongoing management plans for ongoing threat assessment cases; and/or

6.2.2.6. Re-assess risk level, using a risk rubric, and decide upon whether to close cases that have lowered in risk level or to leave cases open and continue to monitor.

6.2.3. Threat assessment reviews may occur simultaneously with other applicable proceedings. Student conduct, judicial, academic, or other proceedings may continue while a student or employee is subject to any interim actions.

6.3 Interim Actions

6.3.1. Interim Actions for Students

6.3.1.1. For cases that involve students whose behavior has allegedly violated the Code of Student Conduct, the Dean of Students and/or the Director of Student Conduct shall determine the appropriateness of an interim suspension. Students who are perceived to present a significant risk to the health and safety of themselves or others may be suspended on an interim basis as outlined in the Code of Student Conduct. The decision to issue an interim suspension can be informed by information gathered as a part of the threat assessment process. An interim campus ban from campus property and events may be placed in effect pending the completion of the student conduct process.

6.3.1.2. For cases that involve students whose behavior has not violated the Code of Student Conduct, but where there exists sufficient evidence to meet the appropriate standard, an involuntary protective withdrawal may be issued. See Section 8 below.

6.3.2. Interim Actions for Employees: Employees may be placed on investigatory leave with pay/administrative leave with pay or may be subjected to other interim measures of a non-disciplinary nature (i.e., reassignment). In addition, an employee may be required to undergo an assessment to determine any risk of violence in the workplace. Employees who are perceived to present a risk to the health and safety of themselves or others may be subject to administrative action as detailed in the [Workforce Violence and Prevention Policy](#).

6.3.3. Appropriateness of Interim Actions for Possible Felony Offenses

6.3.3.1. Interim separation shall be presumed to be an appropriate safety intervention when a student or employee has been charged or who could be charged with certain felony criminal offenses. These criminal offenses shall include:

6.3.3.1.1. Any felony offense that involves harm or the threat of harm to persons or property, including assault or the use of violence or force against a person;

6.3.3.1.2. Possession of a weapon on campus or other educational property in violation of N.C.G.S. §14-269.2;

6.3.3.1.3. Communicating a threat of mass violence on educational property in violation of N.C.G.S. 14-277.6;

6.3.3.1.4. Inciting a riot in violation of N.C.G.S. 14-288.2;

6.3.3.1.5. Assault on emergency personnel in violation of N.C.G.S. 14-288.9;

6.3.3.1.6. Hazing in violation of N.C.G.S. 14-35; or

6.3.3.1.7. Any act of terrorism in violation of N.C.G.S. §14-10.1, or

6.3.3.1.8. Other similar felony offenses as defined under applicable and analogous laws of this state or another state or federal law.

6.4 Interventions: During or upon completion of a threat assessment review, the Person of Concern Team shall recommend appropriate safety interventions to the student, to the employee, and/or to the appropriate administrator with the authority to implement the recommended interventions. These interventions are not disciplinary in nature and may include, but are not limited to a voluntary withdrawal, the development of individualized case management plans, and/or an involuntary protective withdrawal.

6.5 Management

6.5.1. After implementation of appropriate interventions, the Person of Concern Team shall continue to monitor the individual's situation and reassess risk level periodically.

6.5.2. University administration shall ensure adequate resources have been made available to periodically reassess the appropriateness and effectiveness of interventions, risk level, and any continued or new needs.

6.6 Scope of Information Review

6.6.1. Threat assessment can include but is not limited to the gathering and review of any information the university in its sole discretion deems relevant, including information regarding threatening behavior that occurs both on- and off-campus.

6.6.2. The Person of Concern Team shall utilize best practices, based on accepted national standards, in evaluating potential threats, and shall have access to student and employee records where necessary and appropriate. Access to student and employee records shall be in compliance with all relevant and applicable state and federal privacy laws, including but not limited to the Federal Educational Rights and Privacy Act (FERPA) and the Health Insurance Portability and Accountability Act (HIPAA).

7. REPORTING PERSONS OF CONCERN

7.1 UNC Pembroke encourages all members of the university community to report students, employees, and external parties who exhibit concerning behaviors or share concerning thoughts or intentions.

7.1.1. If someone believes there is an immediate threat of self-harm or harm to others, campus police should first be contacted at 910-521-6235 and/or 911.

7.1.2. Students may be identified for Person of Concern Team review by using the [CARE Reporting Form](#).

7.1.3. Employees may be identified for Person of Concern Team review by sending an email message to employee.concerns@uncp.edu.

7.1.4. Any time a member of the university community is worried about the mental or physical health or well-being of a student or employee a report should be submitted in a timely manner.

7.1.5. Typical behavioral issues that should be reported include: socially inappropriate behavior, suspicion of alcohol or drug abuse, significant health concerns that interfere with daily functioning, disclosure of significant family or relationship issues, a death of a loved one, signs of a lack of connection or integration in the university community, suicidal ideation, sudden changes in behavior, or other concerning behaviors.

7.1.6. Situations involving aggressive acts, imminent threats, interpersonal violence, intimidation, physical attacks, property damage, stalking, threatening behavior, and/or possession and/or use of weapons should be reported first to Police and then to the Person of Concern Team.

8. INVOLUNTARY PROTECTIVE WITHDRAWAL

8.1 UNC Pembroke is committed to the well-being and safety of its community members and the integrity of its learning environment. UNC Pembroke may require a student to be involuntarily withdrawn for the protection of themselves or others if there is a significant perceived risk that the student is engaging or is likely to engage in behavior that presents a real danger of substantial harm to self or others, or substantially disrupts the learning environment and activities of the campus community.

8.2 Standard for Involuntary Protective Withdrawal

8.2.1. An involuntary protective withdrawal does not take the place of student conduct proceedings regarding alleged offences that are in violation of university policies and regulations. The involuntary protective withdrawal process should only be applied when a student poses a direct threat or actual risk as defined below, and the involuntary protective withdrawal process should be initiated only after attempts to secure voluntary cooperation for a withdrawal or psychological evaluation have been exhausted or if the student refuses to agree or adhere to reasonable conditions established for their continued enrollment in the University.

8.2.2. A student will be subject to involuntary protective withdrawal if the Dean of Students or his/her designee (hereafter "Dean of Students" will refer to the Dean of Students or his/her designee), in consultation with the representatives of the Person of Concern Team, concludes that the student poses a direct threat to the health or safety of others or an actual risk to their own safety.

8.2.3. This student may or may not have a medical or psychological disorder. The decision to apply this policy will be based on the behaviors of the student and will not be based on mere speculation, stereotypes, or generalizations about individuals with disabilities.

8.2.4. An actual risk to a student's own safety may include situations in which the student is unable or unwilling to carry out substantial self-care obligations or the student has health needs requiring a level of care that exceeds what the University can appropriately provide.

8.2.5. In making this determination, the Dean of Students, in consultation with representatives of the Person of Concern Team, will make an individualized assessment, based on reasonable judgment that relies on current knowledge or on the best available objective evidence, to ascertain:

8.2.5.1. The nature of the risk,

8.2.5.2. The duration of the risk,

8.2.5.3. The severity of the risk,

8.2.5.4. The probability that the potential injury will actually occur;

8.2.5.5. Whether reasonable modifications of policies, practices, or procedures or the provision of auxiliary aids or services will mitigate the risk; and

8.2.5.6. Whether the risk can be sufficiently mitigated without causing substantial disruption to University operations.

8.3 Initiation of Involuntary Protective Withdrawal Procedure: Upon the conclusion that the student's behavior reaches the aforementioned standard, the Dean of Students can issue an involuntary protective withdrawal of the student. The withdrawal shall become effective immediately upon the issuance of the written notice. The Chancellor in his or sole discretion may also issue an involuntary protective withdrawal based on his or her review of the evidence considered by the threat assessment team.

8.4 Conditions of Involuntary Protective Withdrawal: An involuntary protective withdrawal effectively withdraws a student from the classes they are enrolled in for the current term/semester and any classes the student may be enrolled in for upcoming terms/semesters. Although the student may still have access to online course materials and the withdrawal may not be reflected on the transcript at this time, the student is considered a "non-student" at the issuance of the notice and at that time is prohibited from attending classes, living in University housing, working on campus, and utilizing student facilities and services. The student will remain in this status until the involuntary protective withdrawal process has been terminated or the student withdraws, voluntarily or involuntarily, under this Policy. In addition, the University may ban a student from campus or from any portion of campus if the University believes that a ban order is warranted given the circumstances.

8.5 Written Notice of Effective Date and Right to Appeal: The student shall be provided with written notice, delivered via email, in person, and/or by certified mail, of the decision of the Dean of Students. Such notice shall include a description of the alleged behavior(s), a summary of relevant evidence, a list of any witnesses, and a clear statement of the student's right to appeal

the decision of the Dean of Students to the Involuntary Protective Withdrawal Committee (the “Committee”) in accordance with the hearing procedures detailed below. A student who has received notice of the imposition of an involuntary protective withdrawal and wants to appeal that decision is highly encouraged to appear personally before the Committee. An involuntary protective withdrawal shall not be postponed pending a hearing under this Section.

8.6 Evaluation Requirement: The Committee may require that the student submit to an external, independent evaluation by a qualified medical or mental health professional and consent to the disclosure of the results of such evaluation to the Dean of Students, the Person of Concern Team, and to the Committee. The cost of the evaluation shall be borne by the University. A student who chooses not to complete the external evaluation may be involuntarily withdrawn from the University.

8.7 Composition of Committee: The Committee is comprised of the individuals serving in the below positions. A designee for each position may serve in place of the position in the event the individual in the position listed below is unavailable to meet, or in the event the individual in the position listed below has prior knowledge of the matter that would interfere with his/her ability to render a fair decision on the matter.

8.7.1. Assistant Vice Chancellor for Student Affairs (Chair)

8.7.2. Chief of Police

8.7.3. Associate Vice Chancellor for Student Success

8.7.4. Director of Student Health Services

8.7.5. Director of Financial Aid

8.7.6. Faculty Senate Chair

8.7.7. Student Government President

8.8 Rights of a Student

8.8.1. The student’s rights at the hearing include the following:

8.8.1.1. The right to be present unless the student disrupts the hearing proceedings.

8.8.1.2. The right to present relevant evidence.

8.8.1.3. The right to request the attendance of witnesses at the hearing. Written statements by a witness in lieu of appearance and testimony may be admitted into evidence if the witness is unavailable. For a witness to be considered unavailable, it must be clearly demonstrated that the witness’s attendance would result in significant and unavoidable personal hardship or substantial interference with normal University activities. A witness’s desire to avoid “cross-examination”

may not be used to demonstrate “personal hardship.” To be eligible for admission into evidence, such written statements must be signed by the individual writing the statement and witnessed by a person designated by the Dean of Students.

8.8.1.4. The right to question all witnesses at the hearing.

8.8.1.5. The right to comment upon all documents presented.

8.8.1.6. The right to be accompanied by an advisor or an attorney. The role of an advisor or attorney is limited to conferring with and advising the student. The advisor or attorney is not permitted to argue, make statements, or question witnesses, but he/she may respond to questions if asked by members of the Committee to do so.

8.9 Scheduling the Hearing

8.9.1. The Committee shall schedule a hearing as soon as practical, but in no event less than three (3) business days nor more than ten (10) business days after notice is sent to the student.

8.10 Closed to Public

8.10.1. The hearing will be closed to the public, and the testimony and other evidence presented will be kept confidential pursuant to the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. §1232g, and implementing regulations of the U.S. Department of Education, 34 C.F.R., Part 99.

8.11 Hearing Procedures

8.11.1. In the event the student chooses not to attend the hearing, the hearing will continue in absentia. The Chair will present the evidence submitted by the Dean of Students that supports the decision to apply the involuntary protective withdrawal. The Committee will have the opportunity to ask questions of the Dean of Students.

8.11.2. The student will have the opportunity to respond to this presentation and to answer Committee questions. At this time the student will also have the opportunity to give additional statements and/or present any information relevant to the matter.

8.11.3. The Dean of Students and the student will each have the opportunity to present the testimony of witnesses, to ask questions of witnesses, and to examine all documentary evidence. The Committee will also have the opportunity to ask questions of witnesses and to examine all documentary evidence.

8.11.4. The Committee may consider only the evidence presented at the hearing, and its decision must (a) refer to the standard for an involuntary protective withdrawal defined herein and (b) be supported by a preponderance of evidence. By majority vote, the Committee may take any of the following actions:

8.11.4.1. Terminate this procedure and refer the matter to the Person of Concern Team for intervention and monitoring as needed;

8.11.4.2. Terminate this procedure and refer the matter to the Student Conduct Office if the student's behavior may have violated the Code of Student Conduct; or

8.11.4.3. Support the Dean of Students' decision to apply an involuntary protective withdrawal.

8.11.5. The Chair of the Committee shall provide written notice, delivered via email, in person, and/or by certified mail, of the Committee's decision to the student within two (2) business days of the hearing.

8.12 Recording of Hearing Proceedings

8.12.1. The Chair will ensure that hearing proceedings are recorded. Upon request, a copy of the record shall be furnished to the student at a reasonable cost.

8.13 Appeal to the Chancellor

8.13.1. Within ten (10) business days from the date that the decision of the Committee is sent to the student, the student may submit a written appeal of the decision to the Chancellor or his/her designee (hereafter "Chancellor" will refer to the Chancellor or his/her designee). The decision of the Committee will remain in effect while an appeal is pending.

8.13.2. The appeal to the Chancellor must be based on one of the below criteria:

8.13.2.1. There has been a significant deviation from established procedures that effected the outcome; or

8.13.2.2. The evidence does not support the Dean of Students' conclusions to apply an involuntary protective withdrawal. In this case, the student must clearly state the student's evidence and arguments in support of this claim.

8.13.3. The Chancellor's review will be limited to a determination of whether the proper procedures were followed and/or whether the Committee's decision is supported by the evidence. Failure to submit a timely written appeal will render the decision of the Committee final and conclusive.

8.13.4. Within ten (10) business days of receiving the appeal, the Chancellor will inform the student of their decision in writing, delivered via email, in person, and/or by certified mail. The Chancellor may (a) affirm the Dean of Students' decision, (b) send the matter back to the Person of Concern Team for further review, (c) affirm the Dean of Students' findings but alter the disposition from withdrawal to probational enrollment under specified conditions, or (d) reverse the Dean of Students' decision and reinstate the student without condition. There will be no appeal following the Chancellor's decision.

8.14 Voluntary Withdrawal: At any point in the process, the student may present a request for a voluntary withdrawal to the Committee. If the request is granted, the involuntary protective withdrawal process will cease. However, voluntary withdrawal will not terminate any pending student conduct proceedings if applicable. If the student's request for a voluntary withdrawal is granted, the student will be subject to the readmission requirements described below.

8.15 Readmission/Continued Enrollment: A student who is involuntarily withdrawn under this policy may not re-enroll or be readmitted to the University before the start of the next term. Further, the Committee and the Dean of Students must approve the student's re-enrollment or readmission based upon a review of the entire record, including any new information relevant to the matter, and may impose conditions on the student's re-enrollment or readmission. The student is not entitled to a hearing or appeal of the decision on re-enrollment or readmission.

8.16 Reporting Requirement: At the end of each academic year, the Vice Chancellor for Student Affairs shall report to the Chancellor concerning the frequency and nature of all involuntary protective withdrawal proceedings.

9. STUDENT ADMISSIONS SAFETY REVIEW COMMITTEE & PROCEDURE

9.1 In accordance with the University of North Carolina Regulation on Student Applicant Background Checks (Section 700.5.1[R] of the UNC Policy Manual) and in an effort to maintain a safe campus environment, UNC Pembroke examines each student application in accordance with this regulation. Only admission materials of academically qualified applicants will be reviewed under this regulation.

9.2. Background Checks that Apply to All Students

9.2.1. Before any student matriculates, the Office of Undergraduate Admissions and/or the Graduate School staff may conduct background checks through the North Carolina Department of Public Instruction Enrollment database, the University of North Carolina Suspension/Expulsion database, or the National Student Clearinghouse.

9.3 Criminal Background Checks that Apply to Students Who Meet Certain Criteria

9.3.1. Prior to Matriculation, UNC Pembroke will require criminal background checks if the application and supporting materials contains one or more of the following triggers (or red flags):

9.3.1.1. Materially inconsistent answers that have not been satisfactorily explained;

9.3.1.2. Omitted answers without an acceptable explanation for the omission;

9.3.1.3. An affirmative answer to any of the five campus safety questions:

9.3.1.3.a. Have you ever been found responsible for a disciplinary violation at any educational institution you have attended from 9th grade (or the international equivalent)

forward, whether related to academic misconduct or behavioral misconduct, that resulted in your probation, suspension, removal, dismissal, or expulsion from the institution?

9.3.1.3.b. Have you ever been adjudicated guilty or convicted of a misdemeanor, felony, or other crime? Note that you are not required to answer “yes” to this question, or provide an explanation, if the criminal adjudication or conviction has been expunged, sealed, annulled, pardoned, destroyed, erased, impounded, or otherwise ordered by a court to be kept confidential.

9.3.1.3.c. Do you have any criminal charges pending against you?

9.3.1.3.d. Have you entered a plea of no contest or nolo contendere, or an Alford plea, to a misdemeanor, felony, or other criminal charge; or received a deferred prosecution or prayer for judgment continued for such a charge; or otherwise accepted responsibility for such a crime?

9.3.1.3.e. Have you received any type of discharge from military service “other than an honorable discharge”?

9.3.1.3.f. If your education was or will be interrupted, indicate here and provide details in additional information section.

9.3.1.4. Any unexplained time period(s) during which the applicant was not, for example, enrolled at an educational institution, enlisted in the military, or employed full time; or

9.3.1.5. Any other reason sufficient to UNC Pembroke, to include, but not limited to anonymous reports regarding an applicant’s conduct.

9.3.1.6 All admission letters for applicants who are to have criminal background checks performed will state that the admission is conditional on the results of a criminal background check.

9.3.1.7. Applicants with any of the triggers referenced above will be requested to provide a criminal background check through a state-approved background screening company. The state-approved background screening company will secure permission to conduct the check using the applicant’s social security number. Applicants will incur the costs of the criminal background check. Unjustified refusal to provide this permission or pay for the criminal background check may be grounds for denial of an application if any of the triggers referenced above have been detected.

9.3.1.8. The applicant will be required to disclose all locations where s/he has lived or gone to school outside of the state of North Carolina for more than six months during the last seven years. The scope of the criminal background check will depend on the residential history of the applicant:

9.3.1.9. For current North Carolina residents who do not report an absence from North Carolina for more than six months, a North Carolina criminal background check will be conducted.

9.3.1.10. For non-residents and North Carolina residents who disclose living outside of North Carolina for more than six months, a residence check will be conducted, and then a criminal background check will be conducted for all appropriate states unless the applicant opts for a national Federal Bureau of Investigation fingerprint check.

9.3.1.11. For international students, a criminal background check of appropriate scope may be conducted.

9.3.1.12. Applicants that are admitted within two weeks of the start of a semester, and that are subject to having a criminal background check, may be conditionally admitted to UNC Pembroke pending the outcome of the review described in the regulation.

9.4 Admissions Safety Committee Review

9.4.1. If, as a result of information obtained pursuant to the background checks referenced above, it is determined that an applicant has a positive criminal or disciplinary record, or if the student was previously suspended from an institution of higher education and is requesting readmission, then the admission materials and relevant documentation will be forwarded to the Dean of Students Office who will convene the Admissions Safety Committee.

9.4.2. The Admissions Safety Committee is composed of representatives from the following offices: the Student Conduct, Police & Public Safety, the Dean of Students, General Counsel, Admissions, and the Graduate School. The Admissions representative will participate in the review process for undergraduate admissions cases, and the Graduate School representative will participate in the review process for graduate admissions cases. Other representatives trained on threat assessment may be invited on an as appropriate basis upon the request of the Dean of Students.

9.4.3. The Admissions Safety Committee will review the materials and may request that an applicant submit a written narrative to directly respond to any concerns or areas that may need to be clarified.

9.4.4. Based on the nature of any crime committed or other behavior disclosed or discovered, together with other available information, the Admissions Safety Committee will make a determination as to whether the applicant will pose a significant threat to the safety of the UNC Pembroke community.

9.4.5. Each disciplinary history, including all relevant information collected by the University, will be reviewed in light of the following factors, which include but are not limited to: date of the offense; nature of the offense; number of offenses; severity of harm involved; mitigating or aggravating circumstances; sanctions or sentence imposed on the applicant; and completion of sanctions or sentence requirements.

9.4.6. Upon completion of the review, the Admissions Safety Committee will:

9.4.6.1. Decide that based upon the documentation provided, there is no suggestion that the applicant will pose a significant threat to the safety of the UNC Pembroke community and, as such, supports a recommendation of admission, or

9.4.6.2. Decide that based upon the documentation provided, there is a suggestion that the applicant may pose a significant threat to the safety of the UNC Pembroke community, and accordingly, denial of admission is recommended.

9.4.7. When the Admissions Safety Committee supports a recommendation of admission, restrictions or conditions may be imposed.

9.4.8. The decision of the Admissions Safety Committee is final and cannot be appealed.

10. NON-RETALIATION

10.1 Retaliation against any employee, student, or other member of the campus community who, in good faith, reports a violation of this policy is prohibited.

11. VICTIM PROTECTIONS AND SUPPORT

11.1 UNC Pembroke will endeavor to protect victims of campus or workplace violence and may offer reasonable and appropriate security measures and/or other accommodations. When possible and appropriate, the university may also make accommodations or adjustments to a victim's work/class schedule, location, or conditions to enhance safety. The campus community is expected to offer support to victims of campus violence through steps such as referring victims to the Employee Assistance Program (for employees) or to Counseling and Psychological Services (for students) and allowing for flexibility to attend medical, court, or counseling appointments relating to trauma from situations covered by this policy.