

**Procedures for Reporting and Responding to Complaints of Discrimination, Harassment,
and Related Misconduct Involving a Student¹ as the *Responding Party***

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¹ Consistent with the Policy on Prohibited Discrimination, Harassment and Related Misconduct, a University student is defined as any undergraduate or graduate student of the University.

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I. OVERVIEW

This document sets forth procedures for reporting, investigating, and responding to *Discrimination, Harassment* (including *Sexual or Gender-Based Harassment* and *Sexual Violence*), *Interpersonal Violence, Stalking, Complicity*, and *Retaliation* (hereinafter collectively referred to as “Prohibited Conduct”) involving a student as the [Responding Party](#). Please refer to the Policy for applicable definitions of key terms.

All community members are strongly encouraged to report to the University any incident of [Prohibited Conduct](#). Many University administrators are specifically trained to support individuals affected by such [Prohibited Conduct](#), and the University is committed to promoting a safe and healthy educational and work environment.

Individuals are encouraged to report incidents of [Prohibited Conduct](#) to the Equal Opportunity and Compliance Office, the Title IX Compliance Coordinator, the Student Complaint/Deputy Title IX Coordinator, the Office of the Dean of Students, or the UNC Department of Public Safety. As an alternative, as outlined below, an individual can also seek confidential assistance that does not involve notice to the University.

Upon receipt of a report, the Response Team,² a core group of administrators that includes the Equal Opportunity and Compliance Office, Title IX Compliance Coordinator, Student Complaint/Deputy Title IX Coordinator, or Office of the Dean of Students (after hours), will offer appropriate resources to support the [Reporting Party](#) (e.g., medical care, counseling resources, safe housing) and conduct an [Initial Assessment](#). The [Initial Assessment](#) will consider the nature of the report, the safety of the parties and the campus community, the [Reporting Party](#)’s expressed preference for resolution, and the necessity for any [Interim Protective Measures](#).

Following this [Initial Assessment](#), the Equal Opportunity and Compliance Office or Title IX Compliance Coordinator may: 1) take no further action (e.g., at the [Reporting Party](#)’s request or where the conduct, on its face, would not rise to the level of a Policy violation); 2) pursue [Voluntary Resolution](#) that does not involve disciplinary action against the [Responding Party](#); or 3) pursue [Investigation](#) and [Adjudication](#) to determine if disciplinary action is warranted. Each resolution process is guided by the same principles of fairness and respect for all parties. [Resources](#) are available for both a [Reporting Party](#) and a [Responding Party](#) to provide support and guidance throughout the [Investigation](#) and resolution of the report.

The University encourages a [Reporting Party](#) to explore all available options for resolution, including a report under the Policy and a report to law enforcement. The processes are not mutually exclusive; an individual can choose to pursue both a report under the Policy and a criminal investigation at the same time. If an individual has not already contacted UNC Department of Public Safety or another

² The Response Team is a core group of administrators responsible for the consistent application of the Policy. Members of the Response Team can help any University community member understand the Policy and the options for resolving concerns raised under this Policy in academic or work settings at the University. The Response Team will protect and safeguard the privacy of all individuals involved in a manner consistent with the need for a careful assessment of and response to the report. The Response Team will consist of a small “need to know” number of individuals.

law enforcement agency, a member of the Response Team is available to assist a [Reporting Party](#) in contacting the appropriate law enforcement agency.

II. EMERGENCY LAW ENFORCEMENT, MEDICAL, AND CRISIS RESPONSE RESOURCES

As a first priority, the University encourages all individuals to report *Sexual Violence, Interpersonal Violence, Stalking*, or potential criminal conduct by calling 911 or by contacting UNC Department of Public Safety. If the incident occurred off-campus, UNC Department of Public Safety will refer the report to the police department or law enforcement agency in the correct jurisdiction.

The University also encourages individuals to seek assistance from a medical provider or crisis response service immediately after an incident of *Sexual Violence* or *Interpersonal Violence*. This provides the opportunity to address physical well-being or health concerns, preserve any available evidence, and begin a timely investigative and remedial response. Emotional care, counseling, and crisis response are also available on and off campus. Financial assistance with related medical expenses is available to students through the University’s Survivor’s Assistance Fund regardless of where medical services are received; outside financial assistance may also be available for employees.³

Law Enforcement	Medical Providers & Crisis Response
<p>UNC Department of Public Safety http://www.dps.unc.edu/ 919-962-8100 The Department of Public Safety will help any individual get to a safe place and will provide transportation to the hospital, coordination with outside law enforcement, and information about the University’s resources and complaint processes.</p>	<p>UNC Campus Health Services http://campushealth.unc.edu/services/acute-care/sexual-assault-response.html 919-966-3650 / After hours: 919-966-2281</p> <ul style="list-style-type: none"> • Confidential care for students • Sexual assault exams/evidence collection • Screening and treatment of sexually transmitted infections (STIs) • Emergency contraceptives • Monies are available to offset medical expenses under the Survivor’s Assistance Fund
<p>Carrboro Police Department http://www.townofcarrboro.org/pd/default.htm 919-918-7397</p>	<p>UNC Hospital Emergency Room 919-966-4721</p> <ul style="list-style-type: none"> • Confidential care for students • Sexual assault exams/evidence collection • After-hours medical care • Screening and treatment of STIs • Emergency contraceptives • Monies are available to offset medical expenses under the Survivor’s Assistance Fund
<p>Chapel Hill Police Department http://www.townofchapelhill.org/index.aspx?page=76 919-968-2760</p>	<p>Counseling & Psychological Services http://campushealth.unc.edu/caps 919-966-3658</p>

³ Information regarding the University’s Survivor’s Assistance Fund and assistance for employees can be accessed online at <http://safe.unc.edu/resources/financial-resources/>.

	<ul style="list-style-type: none"> • Confidential care for students • Individual and group counseling and referral
Orange County Sheriff's Office http://www.co.orange.nc.us/sheriff/index.htm 919-245-2900	Compass Center for Women and Families http://compassctr.org 919-929-3872; 919-929-7122 (Hotline) <ul style="list-style-type: none"> • Confidential care for students • Personal and court advocacy • Emergency shelter placement
	Orange County Rape Crisis Center www.ocrcc.org 919-968-4647; 1-866-WE-LISTEN (1-866-935-4783) <ul style="list-style-type: none"> • Confidential care for students • Personal and court advocacy • Accompaniment to emergency room & police station

III. RESOURCES AND REPORTING OPTIONS

All individuals are encouraged to seek the support of on and off campus resources, regardless of when or where the incident occurred. Trained professionals can provide guidance in making decisions, information about available resources and procedural options, and assistance to either party in the event that a report and/or resolution under the Policy is pursued. In general, the University provides two categories of resources: **Confidential Resources** and **Reporting Options**. Detailed information about each of these categories is provided below.

A. Confidential Resources

The trained professionals designated below can provide counseling, information, and support in a confidential setting. These confidential resources will not share information about a patient/client (including whether that individual has received services) without the individual's express written permission unless there is a continuing threat of serious harm to the patient/client or to others or there is a legal obligation to reveal such information (e.g., suspected abuse or neglect of a minor).

On Campus Confidential Resources	Off Campus Confidential Resources
Campus Health Services http://campushealth.unc.edu/services/acute-care/sexual-assault-response.html 919-966-3650 / After hours: 919-966-2281 <ul style="list-style-type: none"> • Confidential care for students • Rape exams/evidence collection • Screening and treatment of STDs • Emergency contraceptives • Monies are available to offset medical expenses under the Survivor's Assistance Fund 	UNC Hospital Emergency Room 919-966-4721 <ul style="list-style-type: none"> • Rape exams/evidence collection • After-hours medical care • Emergency contraceptives • Screening and treatment of STIs • Monies are available to offset medical expenses under the Survivor's Assistance Fund (if identify as a student to the hospital staff)

<p>Counseling & Psychological Services http://campushealth.unc.edu/caps 919-966-3658 • Individual & group counseling & referral</p>	<p>Compass Center for Women and Families http://compassctr.org 919-929-3872; 919-929-7122 (Hotline) • Personal & court advocacy • Emergency shelter placement</p>
<p>University Ombuds Office http://www.ombuds.unc.edu/ 919-843-8204 • Impartial, informal, and independent resource & referral • Available to anyone affected by incident • Non-judgmental listening and discussion of options • Confidential by University policy (protection may not extend beyond campus proceedings)</p>	<p>Orange County Rape Crisis Center www.ocrcc.org 919-968-4647; 1-866-WE-LISTEN (1-866-935-4783) • Personal and court advocacy • Accompaniment to emergency room & police station</p>
<p>Gender Violence Services Coordinator Cassidy Johnson, cassidyjohnson@unc.edu 919-962-1343 • Support for those experiencing interpersonal violence • Assistance in understanding reporting options and navigating reporting process • Linking to University and community resources • Walk-in hours and appointments available • Confidential by University policy (protection may not extend beyond campus proceedings)</p>	

B. Reporting Options

The University encourages a *Reporting Party* to promptly report *Prohibited Conduct* directly to the Equal Opportunity and Compliance Office, the Title IX Compliance Coordinator, the Student Complaint/Deputy Title IX Coordinator, the Office of the Dean of Students, or the UNC Department of Public Safety.

The University encourages all individuals to promptly report *Prohibited Conduct* so that immediate and corrective action can be taken to eliminate the conduct, prevent its recurrence, and address its effects. The University will provide support and assistance and will respond consistent with the procedural options available at the time of the report. Upon receipt of a report, the Equal Opportunity and Compliance Office or Title IX Compliance Coordinator will make an immediate assessment of the risk of harm to the parties or to the broader campus community and will take steps necessary to address any risks. These steps will include establishing *Interim Protective Measures* to provide for the safety of the parties and the campus community and, where appropriate, referral to the Emergency Evaluation and Action Committee (EEAC) to assess whether any individual poses a serious threat of disruption of the academic process or a continuing danger to other members of the University community or University property.

The University recognizes that deciding whether to make a report and choosing how to proceed are personal decisions that may evolve over time. At the time a report is made, a *Reporting Party* does not have to decide whether to request any particular course of action. Through a coordinated effort,

staff from the below offices provide support to assist each individual in making these important decisions, and consistent with the goal of safety for all community members, these staff will make every effort to respect an individual’s autonomy in making the determination as to how to proceed.

Any individual can also make a report to external law enforcement agencies.

On Campus Reporting Options For University Action under the Policy	Off Campus Reporting Options For External Law Enforcement Action
UNC Department of Public Safety http://www.dps.unc.edu/ 919-962-8100	911
Equal Opportunity and Compliance Office 137 East Franklin Street, Suite 404 919-966-3576 https://publicdocs.maxient.com/reportingform.php?UNCCChapelHill&layout_id=3	Carrboro Police Department http://www.townofcarrboro.org/pd/default.htm 919-918-7397
Interim Title IX Compliance Coordinator Katie Nolan 137 E Franklin St., Suite 404 919-445-1577 kb Nolan@unc.edu	Chapel Hill Police Department http://www.townofchapelhill.org/index.aspx?page=76 919-968-2760
Deputy Title IX Coordinator/Student Complaint Coordinator Ew Quimbaya-Winship or Rebecca Gibson 1117 Student and Academic Services Buildings Ew - 919-843-3878 egw@unc.edu Rebecca - 919-445-1578 rmgibson@unc.edu	Orange County Sheriff’s Office http://www.co.orange.nc.us/sheriff/index.htm 919-245-2900
The Office of the Dean of Students 1106 Student and Academic Services Building North 919-966-4042 dos@unc.edu	Law Enforcement Agency in the Local Jurisdiction Where the Incident Occurred

1. Anonymous Reporting

Any individual may make a report of *Prohibited Conduct* to the University without disclosing one’s name (an “anonymous report”) and without identifying the *Responding Party* or requesting any action. Depending on the level of information available about the incident or the individuals involved, the University’s ability to respond to an anonymous report may be limited. The Anonymous Reporting Form can be found [here \(http://deanofstudents.unc.edu/incident-reporting/prohibited-harassmentsexual-misconduct\)](http://deanofstudents.unc.edu/incident-reporting/prohibited-harassmentsexual-misconduct).

The Equal Opportunity and Compliance Office or Title IX Compliance Coordinator will receive the anonymous report and, in consultation with the Response Team and UNC Department of Public Safety, will determine any appropriate next steps, including individual or community remedies.

A *Reporting Party* can also submit an anonymous report to UNC Department of Public Safety or other law enforcement agency. Anonymous reports can be submitted to UNC Department of Public

Safety using the following link:

<http://www.dps.unc.edu/Forms/Silent%20Witness/silentwitness.cfm>.

In addition, under North Carolina law enforcement procedures, a *Reporting Party* can submit a “blind report” to UNC Department of Public Safety or other law enforcement agency. The blind report refers to how law enforcement records will be maintained and accessed. A blind report, while not anonymous, allows a *Reporting Party* to provide information about criminal conduct without having their identity associated with that report for the purposes of law enforcement records. UNC Department of Public Safety can elect to designate a report as a blind report even after a *Reporting Party* has provided their identifying information. Please note that the designation of information as a blind report does not impact UNC Department of Public Safety’s obligation to share the information with the Title IX Compliance Coordinator.

2. Reporting Considerations: Timeliness and Location of Incident

All individuals, including a *Reporting Party* or witness, are encouraged to report *Prohibited Conduct* regardless of when or where it occurred, as soon as possible to maximize the ability to respond promptly and effectively. The University does not, however, limit the time frame for reporting. If the *Responding Party* is no longer a student at the time of the report, or if the conduct did not occur on campus, in the context of an education program or activity of the University, or have continuing adverse effects on campus or in an off-campus education program or activity, the University may not be able to fully investigate nor take disciplinary action against the *Responding Party*. In each instance, the University will still provide any fair and reasonable support and resources to a *Reporting Party* designed to end the *Prohibited Conduct*, prevent its recurrence, and address its effects. The Equal Opportunity and Compliance Office or Title IX Compliance Coordinator will also help a *Reporting Party* identify external reporting options.

3. Good Samaritan Reporting

Any individual, including the *Reporting Party*, a witness, or a third party, who makes a report will not be subject to disciplinary action by the University for their own personal consumption of alcohol or other drugs at or near the time of the incident, provided that any such violations did not harm or place the health or safety of any other person at risk. The Office of the Dean of Students may require a follow up meeting in which support, resources, and educational counseling options may be mandated for an individual who has engaged in the illegal or prohibited use of alcohol or drugs.

IV. PROCEDURAL OPTIONS

A. Time Frame for Resolution

Consistent with the goal to maximize educational opportunities and minimize the disruptive nature of the investigation and resolution, the Equal Opportunity and Compliance Office and Title IX Compliance Coordinator seek to resolve all reports within one academic semester, depending on when the report is received. In general, an *Investigation* may last up to thirty-five (35) business days, from receipt of written notice from the *Reporting Party* of the intent to proceed with *Investigation* and sufficient information for the Equal Opportunity and Compliance Office or Title IX Compliance Coordinator to determine that the report raises a potential issue under Section II (Scope and Applicability) and Section IV (Prohibited Conduct) of the Policy. *Adjudication* will generally take up

to twenty-five (25) business days from the date of the Investigative Finding. Business days do not include weekends or holidays. The Equal Opportunity and Compliance Office and Title IX Compliance Coordinator may set reasonable time frames for required actions under the Policy. Those time frames may be extended for good cause as necessary to ensure the integrity and completeness of the [Investigation](#), comply with a request by external law enforcement, accommodate the availability of witnesses, accommodate delays by the parties, account for University breaks or vacations, or address other legitimate reasons, including the complexity of the [Investigation](#) (including the number of witnesses and volume of information provided by the parties) and the severity and extent of the alleged conduct. Any extension of the timeframes, and the reason for the extension, will be shared with the parties in writing. Best efforts will be made to complete the process in a timely manner by balancing principles of thoroughness and fundamental fairness with promptness.

B. Initial Assessment

When a report is made, the Equal Opportunity and Compliance Office or the Title IX Compliance Coordinator, with the assistance of the Response Team, will conduct an [Initial Assessment](#). The assessment will determine whether the alleged conduct would present a potential violation of the Policy and whether further action is warranted based on the alleged conduct.

The first step of the [Initial Assessment](#) will usually be a preliminary meeting between the [Reporting Party](#) and the *Student Complaint/Deputy Title IX Coordinator* or designee to gather facts that will enable the Equal Opportunity and Compliance Office or the Title IX Compliance Coordinator, in consultation with other offices as appropriate, to:

- Assess the nature and circumstances of the allegation
- Address any immediate concerns about the physical safety and emotional well-being of the parties
- Refer the matter to the EEAC for appropriate action
- If the conduct is criminal in nature, notify the [Reporting Party](#) of the option to notify law enforcement and to be assisted in doing so, as well as the option to decline to notify law enforcement
- Notify the [Reporting Party](#) of the availability of medical treatment to address any physical and mental health concerns and to preserve evidence
- Provide the [Reporting Party](#) with information about:
 - On and off campus resources
 - The available range of [Interim Protective Measures](#)
 - An explanation of the procedural options, including [Voluntary Resolution](#) and [Investigation and Adjudication](#)
- Discuss the [Reporting Party](#)'s expressed preference for manner of resolution and any barriers to proceeding
- Explain the University's policy prohibiting *Retaliation*
- Explain the role of the [Support Person](#), [Attorney](#) or [Non-Attorney Advocate](#)
- Conduct an assessment for potential pattern evidence or other similar conduct
- Assess the reported conduct for the need for a timely warning under federal law
- Enter non-identifying information about the report into the University's daily crime log if the conduct is potentially criminal in nature

Where a [*Reporting Party*](#) requests that their name or other identifiable information not be shared with the [*Responding Party*](#) or that no formal action be taken, the Equal Opportunity and Compliance Office or the Title IX Compliance Coordinator will balance this request against the following factors in reaching a determination whether the request can be honored:

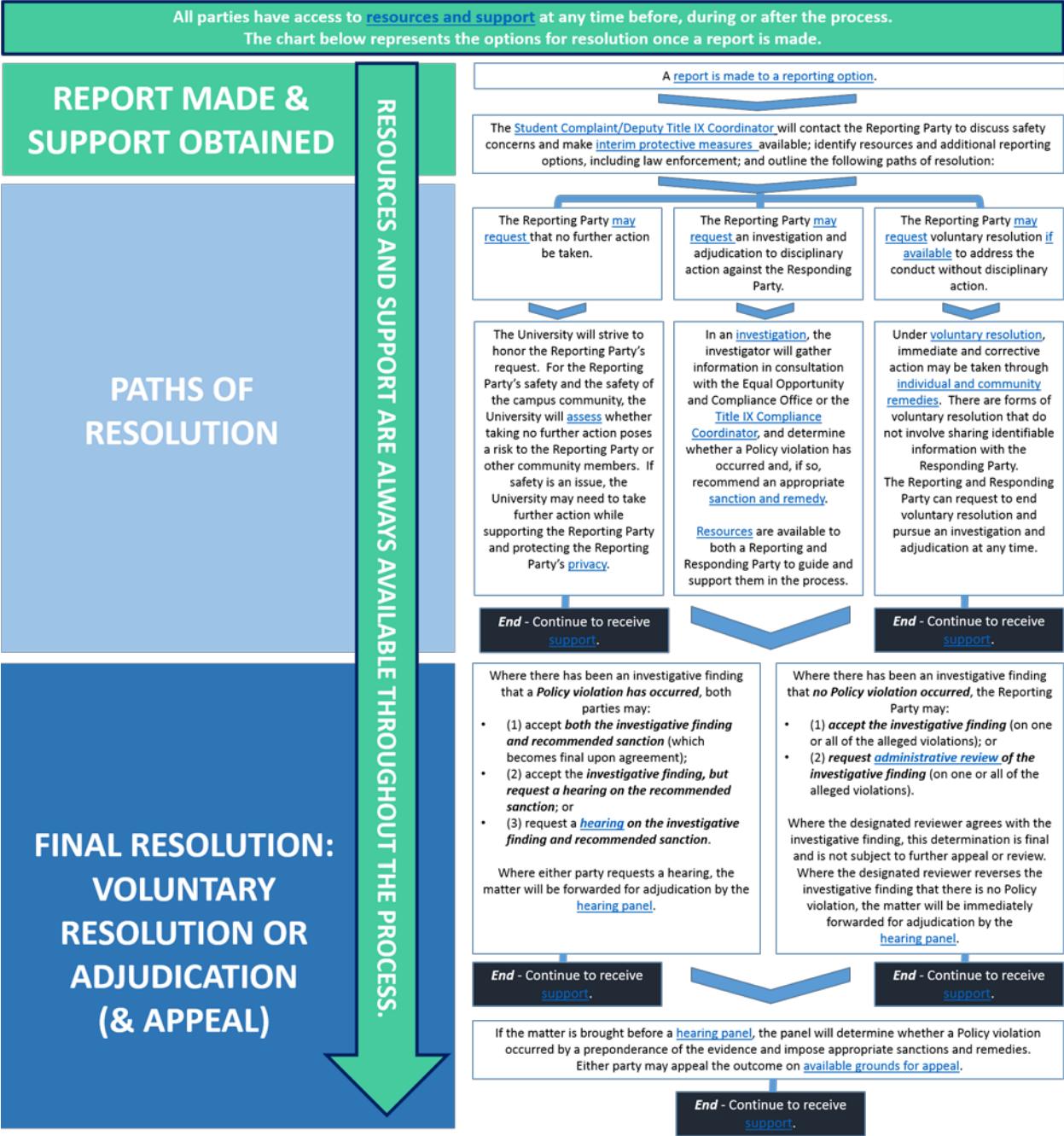
- the nature and scope of the alleged conduct, including whether the reported misconduct involves the use of a weapon;
- the respective ages and roles of the [*Reporting*](#) and [*Responding Parties*](#);
- the risk posed to any individual or to the campus community by not proceeding, including the risk of additional violence;
- whether there have been other reports of misconduct by the [*Responding Party*](#);
- whether the report reveals a pattern of misconduct (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group
- the [*Reporting Party*](#)'s wish to pursue disciplinary action;
- whether the University possesses other means to obtain relevant evidence;
- considerations of fundamental fairness and due process with respect to the [*Responding Party*](#) should the course of action include disciplinary action against the [*Responding Party*](#); and
- the University's obligation to provide a safe and non-discriminatory environment.

Where possible based on the facts and circumstances, the Equal Opportunity and Compliance Office or the Title IX Compliance Coordinator will seek action consistent with the [*Reporting Party*](#)'s expressed preference for manner of resolution, recognizing that the University must move forward with cases in which there appears to be a threat to any individual or the University as a whole. The University's ability to fully investigate and respond to a report may be limited if the [*Reporting Party*](#) requests that their name not be disclosed to the [*Responding Party*](#) or declines to participate in an [*Investigation*](#).

At the conclusion of the [*Initial Assessment*](#), the Equal Opportunity and Compliance Office or Title IX Compliance Coordinator will determine the appropriate resolution route. Resolution may include: 1) no further action, 2) [*Voluntary Resolution*](#), or 3) the initiation of an [*Investigation*](#) and [*Adjudication*](#) that may lead to disciplinary action.

Regardless of the manner of resolution, a [*Responding Party*](#) may choose to accept responsibility at any stage in the process.

The chart below illustrates the procedural options for resolving reports that are brought to the attention of the Equal Opportunity and Compliance Office or the Title IX Compliance Coordinator:



C. Voluntary Resolution

[Voluntary Resolution](#), when selected by the [Reporting Party](#) and deemed appropriate by the Equal Opportunity and Compliance Office or the Title IX Compliance Coordinator, is a path designed to eliminate the conduct at issue, prevent its recurrence, and remedy its effects in a manner that meets the expressed preference of the [Reporting Party](#) and the safety and welfare of the campus community. [Voluntary Resolution](#) does not involve an [Investigation](#) or disciplinary action against a [Responding Party](#), and is not appropriate for all forms of conduct under the Policy.

The University retains the discretion to determine, when selected by the [Reporting Party](#), which cases are appropriate for [Voluntary Resolution](#). If a [Reporting Party](#) requests [Voluntary Resolution](#), and the Equal Opportunity and Compliance Office or Title IX Compliance Coordinator concludes that [Voluntary Resolution](#) is appropriate based on the factors outlined in the [Initial Assessment](#), members of the Response Team will take appropriate action by imposing individual and community remedies designed to maximize the [Reporting Party](#)'s access to all employment, educational, and extracurricular opportunities and benefits at the University and to eliminate a potential hostile environment. A [Reporting Party](#) may request and decide to pursue [Voluntary Resolution](#) at any time. In those cases in which the [Voluntary Resolution](#) involves either the notification to or participation by the [Responding Party](#), it is the [Responding Party](#)'s decision whether to accept [Voluntary Resolution](#).

[Voluntary Resolution](#) may include: establishing [Interim Protective Measures](#); conducting targeted or broad-based educational programming or training for relevant individuals or groups; providing increased monitoring, supervision, or security at locations or activities where the misconduct occurred; facilitating a meeting with the [Responding Party](#) with the [Reporting Party](#) present (in cases that do not involve *Sexual Assault*); and any other remedy that can be tailored to the involved individuals to achieve the goals of the Policy. In some forms of [Voluntary Resolution](#), the remedies imposed will focus on supporting the [Reporting Party](#) with no participation or involvement by the [Responding Party](#). In other forms of [Voluntary Resolution](#), the [Responding Party](#) may agree to participate. Depending on the type of remedy used, it may be possible for a [Reporting Party](#) to maintain anonymity.

[Voluntary Resolution](#) may also include restorative principles that are designed to allow a [Responding Party](#) to accept responsibility for misconduct and acknowledge harm to the [Reporting Party](#) or to the University community. Restorative models will be used only with the consent of both parties, under the supervision of University-sanctioned trained professionals, and following a determination by the University that the matter is appropriate for a restorative approach.

The University will not compel a [Reporting Party](#) to engage in mediation, to confront directly the [Responding Party](#), or to participate in any particular form of informal resolution. Mediation, even if voluntary, will not be used in cases involving *Sexual Assault*. As the title implies, participation in [Voluntary Resolution](#) is a choice, and either party can request to end this manner of resolution and pursue an [Investigation](#) and [Adjudication](#) at any time, including if [Voluntary Resolution](#) is unsuccessful at resolving the report. Similarly, a [Reporting Party](#) can request to end an [Investigation](#) and pursue [Voluntary Resolution](#) at any time. In addition, either party may request [Interim Protective Measures](#) regardless of whether any particular course of action is sought.

To assess pattern or systemic behavior fairly, the Equal Opportunity and Compliance Office will maintain records of all reports and conduct referred for [Voluntary Resolution](#). Information disclosed during the [Voluntary Resolution](#) process will not be considered during a subsequent [Investigation](#) or [Adjudication](#). The time frame for completion of [Voluntary Resolution](#) may vary, but the University will seek to complete the process within thirty (30) business days of the [Reporting Party](#)'s request.

D. Investigation

Following the [Initial Assessment](#), and in consultation with the [Reporting Party](#), the University will initiate a prompt, thorough, and impartial [Investigation](#) of conduct that is a potential violation of the Policy and is not being addressed through [Voluntary Resolution](#). The Equal Opportunity and Compliance Office or Title IX Compliance Coordinator will designate an investigator(s) who has training and

experience investigating allegations of Prohibited Conduct. The investigator will coordinate the gathering of information to make an investigative finding regarding whether the alleged conduct constitutes a violation of the Policy by a preponderance of the evidence. A preponderance of the evidence means that it is more likely than not that the conduct occurred.

Information gathered during the Investigation will be used to evaluate the appropriate course of action, provide for individual and campus safety, and identify the need for Interim Protective Measures and other remedies as necessary to eliminate the alleged conduct and to address its effects.

1. Investigative Process

The Equal Opportunity and Compliance Office will send the Reporting Party and the Responding Party a written Notice of Investigation, which constitutes the formal charge. The Notice of Investigation will contain a summary of the allegation or conduct at issue, the range of potential violations under the Policy, and the range of potential sanctions. Where appropriate, the Notice of Investigation will also contain notification that expulsion is a potential sanction and that expulsion precludes matriculation at any University of North Carolina constituent institution. Upon receipt of the Notice of Investigation, or at any stage in the process, the Responding Party may choose to accept responsibility for the Policy violation. Once the Notice of Investigation has been delivered to the parties, the Investigation phase begins.

The Equal Opportunity and Compliance Office or Title IX Compliance Coordinator will oversee the Investigation. The Investigation is designed to provide a fair and reliable gathering of the facts by a trained and impartial investigator. All individuals, including the Reporting Party, the Responding Party, and any third party witnesses, will be treated with appropriate sensitivity and respect throughout the Investigation. The Investigation will safeguard the privacy of the individuals involved in a manner consistent with federal law and University policy.

During the Investigation, the Reporting Party and Responding Party will have an equal opportunity to be heard, to submit information, and to identify witnesses who may have relevant information. The investigator will speak separately with the Reporting Party, the Responding Party, and any other individuals who are willing to participate and have information relevant to the determination of responsibility. As part of the Investigation, the investigator may gather or receive information that is relevant to the determination of an appropriate sanction or remedy, including information about the impact of the alleged incident on parties.

Throughout the process, any participant may have a Support Person present at any meeting related to resolution of a report under the Policy. The Support Person can be anyone of the individual's choosing who is not otherwise a party or witness involved in the Investigation.

The investigator will also gather any available physical or documentary evidence, including prior statements by the parties or witnesses, any communications between the parties, email messages, social media materials, text messages, and other records as appropriate and available.

The University will seek to conclude the Investigation within thirty (30) business days from the issuance of the Notice of Investigation. This Notice will generally be issued within five (5) business days of receipt of written notice from the Reporting Party of the intent to proceed with Investigation and sufficient information for the Equal Opportunity and Compliance Office or Title IX Compliance

Coordinator to determine that the report falls within Section II (Scope and Applicability) and Section IV (Prohibited Conduct) of the Policy. The time frame for completion of the *Investigation*, or any designated time frames of steps in the *Investigation*, may be extended for good cause as necessary to ensure the integrity and completeness of the *Investigation*, to comply with a request by external law enforcement, to accommodate the availability of witnesses, to account for University breaks or vacations, to account for complexities of a case (including the number of witnesses and volume of information provided by the parties), or to address other legitimate reasons. Any extension of the timeframes, and the reason for the extension, will be shared with the parties in writing. Best efforts will be made to complete the process in a timely manner by balancing principles of thoroughness and fundamental fairness with promptness.

Where the University is made aware that there is a concurrent criminal investigation, the Title IX Compliance Coordinator will coordinate with law enforcement so that any University processes do not interfere with the integrity or the timing of the law enforcement investigation. At the request of law enforcement, the University may agree to defer the fact-finding portion of its *Investigation* until after the initial stages of a criminal investigation. The Equal Opportunity and Compliance Office or Title IX Compliance Coordinator will nevertheless communicate with the parties regarding resources and accommodations, procedural options, anticipated timing, and the implementation of any necessary *Interim Protective Measures* for the safety and well-being of all affected individuals. The investigator will promptly resume fact-gathering as soon as law enforcement has released the case for review following the initial criminal investigation.

All community members, including students, faculty and other University employees, are expected to cooperate with the Equal Opportunity and Compliance Office and Title IX Compliance Coordinator in the *Investigation*, as well as the *Adjudication*, of any report to assure fairness and procedural due process. The Equal Opportunity and Compliance Office and Title IX Compliance Coordinator may request the appearance of persons from the University community who can provide substantial, relevant evidence. Both a *Reporting Party* and a *Responding Party* may decline to participate in proceedings under the Policy; the Equal Opportunity and Compliance Office or Title IX Compliance Coordinator will determine whether the *Investigation* and *Hearing* will proceed without the *Reporting Party* pursuant to the factors set out in § IV.B above or without the *Responding Party*.

2. Relevance and Special Considerations

The investigator has the discretion to determine the relevance of any witness or other evidence to the finding of responsibility, and may exclude information in preparing the investigation report if the information is irrelevant, immaterial, or more prejudicial than informative.

The investigator may also exclude statements of personal opinion by witnesses and statements as to general reputation for any character trait, including honesty. The investigator will not exclude direct observations or reasonable inferences drawn from the facts.

a) Character Evidence

Information that does not directly relate to the facts at issue, but instead, reflects upon the reputation, personality, qualities, or habits of an individual. In general, information regarding the character of the *Reporting Party*, the *Responding Party*, or any witness is not relevant to the determination of whether there is a Policy violation.

b) Prior Sexual History and/or Pattern Evidence

A party's character or reputation with respect to other sexual activity is not relevant and will not be considered as evidence. Similarly, a party's prior or subsequent sexual activity is typically not relevant and will only be considered as evidence under limited circumstances. Those circumstances include:

(1) Pattern Evidence

Evidence of an occurrence or occurrences of sexual or other relevant behavior so distinctive and so closely resembling either party's version of the alleged encounter as to tend to prove a material fact, including whether consent was sought or given, may be admissible. Where there is evidence of a pattern of similar conduct, either before or after the conduct in question, regardless of whether there has been a prior finding of a Policy violation by the *Responding Party*, this information may be deemed relevant to the determination of Policy violation or assigning of a sanction. The determination of relevance will be based on an assessment of whether the previous or subsequent incident was substantially similar to the conduct cited in the report or indicates a pattern of behavior and substantial conformity with that pattern. Where there is a prior finding of a Policy violation by the *Responding Party* for a similar act of Prohibited Conduct, there is a presumption of relevance and the finding may be considered in making a determination as to responsibility and assigning of a sanction.

(2) Prior Sexual History between the Parties

Where there was a prior or ongoing relationship between the *Reporting Party* and the *Responding Party*, and the *Responding Party* asserts that *Consent* was sought and given, the prior sexual history between the parties may be relevant to assess the manner and nature of communications between the parties. As noted in other sections of the Policy, however, the mere fact of a current or previous dating or sexual relationship, by itself, is not sufficient to constitute *Consent*.

(3) Prior Sexual History with Other Parties

A party's sexual history with an individual other than the *Reporting Party* or *Responding Party* may be relevant under very limited circumstances to prove intent, motive, absence of mistake, or to explain an injury or physical finding.

c) Consolidation of Reports

At the discretion of the University, multiple reports may be consolidated in one *Investigation* or one *Hearing Panel* if the information related to each incident would be relevant and probative in reaching a determination on the other incident. This includes matters where the determination has been made that there is relevant *Pattern Evidence* or where the evidence of the other conduct is inextricably intertwined with *Prohibited Conduct* under the Policy. Matters may be consolidated where they involve multiple *Reporting Parties*, multiple *Responding Parties*, or related conduct involving the

same parties that would otherwise have been heard under the Honor Code (provided that it does not delay the prompt resolution of conduct under the Policy).

d) Impact Statement

The [Reporting Party](#) and [Responding Party](#) will be provided the opportunity to submit a written [Impact Statement](#). These written [Impact Statements](#) will not be considered in the determination of responsibility, but will be provided to the investigator, and at the appropriate stage of the process, to the disciplinary authority or [Hearing Panel](#) for consideration in the determination of the sanction and remedy. The [Impact Statement](#) may be submitted at any time in the process, provided that it is received no later than five (5) days after the parties have been given notice of the opportunity to review the *draft Investigative Report*. The parties may submit a supplemental [Impact Statement](#) to the disciplinary authority or [Hearing Panel](#) if there is a change in circumstances warranting an updated [Impact Statement](#). The [Impact Statements](#) will be shared with the parties, and may be redacted at the discretion of the Equal Opportunity and Compliance Office, Title IX Compliance Coordinator, or in accordance with FERPA.

The Equal Opportunity and Compliance Office or Title IX Compliance Coordinator may also consider a community [Impact Statement](#) as appropriate based on the nature and facts of the circumstances and the extent to which the conduct at issue was directed at and created a hostile environment for community members beyond the [Reporting Party](#). The Equal Opportunity and Compliance Office or Title IX Compliance Coordinator may limit the submission or use of community [Impact Statements](#).

3. Review of Draft Investigation Report

At the conclusion of the [Investigation](#), the investigator will prepare a written report that summarizes the information gathered, synthesizes the areas of agreement and disagreement between the parties with any supporting information or accounts, and includes an *Investigative Finding* regarding whether a Policy violation occurred. However, before the report is finalized, the [Reporting Party](#) and [Responding Party](#) will be given the opportunity to review a draft [Investigation Report](#), which will not include the *Investigative Finding*, and may be presented in redacted format. The parties will not receive an electronic or written copy, nor may they photograph or copy the draft [Investigation Report](#), but they will be permitted to take notes on the content.

A [Reporting Party](#) and [Responding Party](#) may submit any additional comment or information to the investigator within five (5) business days of the date of the notice of the opportunity to review of the draft [Investigation Report](#). This is the final opportunity for the parties to identify any additional information or witnesses. In the absence of good cause, information discoverable through the exercise of due diligence that is not provided to the investigator at this juncture will not be considered by the investigator or [Hearing Panel](#).

4. Investigative Finding

Upon receipt of any additional information from the [Reporting Party](#) or [Responding Party](#), or after the five (5) business day comment period has lapsed without comment, the investigator will make an *Investigative Finding*, by a preponderance of the evidence, regarding whether a Policy violation occurred and will recommend a sanction and/or remedy based on the *Investigative Finding*. In

reaching these determinations, the investigator will consult with the Equal Opportunity and Compliance Office, the Title IX Compliance Coordinator, and any other designated administrator who has information relevant to the [Investigation](#). The investigator may also seek information from the Office of Student Conduct and the Office of the Dean of Students regarding prior disciplinary history and UNC Department of Public Safety regarding prior criminal history.

Both the [Reporting Party](#) and [Responding Party](#) will be notified of the *Investigative Finding* and the recommended sanction(s) and/or remedy(ies) in writing at the same time.

E. Outcome Conference

Upon issuance of the *Investigative Finding*, and where appropriate, a recommended sanction and/or remedy, each party will have the opportunity to meet, separately, with the Student Complaint/Deputy Title IX Coordinator or designee. The Student Complaint/Deputy Title IX Coordinator or designee will share the *Investigative Finding* and, as applicable, the recommended sanction with the [Reporting Party](#) and [Responding Party](#) and the remedy with the [Reporting Party](#). During the *Outcome Conference*, the parties will each have an opportunity to review the full [Investigation Report](#). The parties will not, however, receive an electronic or written copy, nor may they photograph or copy the [Investigation Report](#). The parties will be permitted to take notes on the content.

Where there has been an *Investigative Finding* that a Policy violation has occurred, both the [Reporting Party](#) and [Responding Party](#) may:

1. Accept both the *Investigative Finding* and recommended sanction;
2. Accept the *Investigative Finding*, but request a [Hearing](#) on the recommended sanction; or,
3. Request a [Hearing](#) on the *Investigative Finding* and recommended sanction.

If either party requests a [Hearing](#), the matter will be referred to a [Hearing Panel](#) to determine whether a Policy violation was committed and/or to determine an appropriate sanction.

Where there has been an *Investigative Finding* that no Policy violation occurred, the [Reporting Party](#) may:

1. Accept the *Investigative Finding* (on one or all of the alleged violations); or
2. Request Administrative Review of the *Investigative Finding* (on one or all of the alleged violations).

The [Reporting Party](#) and [Responding Party](#) must communicate their chosen course of action to the Student Complaint/Deputy Title IX Coordinator or designee in writing (e.g., email, facsimile, letter) within five (5) business days of notification of the *Investigative Finding*.

F. Adjudication Options

At the conclusion of the *Outcome Conference*, one of the following will occur:

1. Imposition of Final Finding, Sanction, and Remedy

Where both the [Reporting Party](#) and the [Responding Party](#) agree to the *Investigative Finding* and any recommended sanction, or where neither party requests further review, the outcome will become final. The finality of the outcome, which is not subject to further appeal or review, will be communicated to the parties, in writing at the same time.

2. Administrative Review of an Investigative Finding of No Policy Violation

Where the [Reporting Party](#) requests administrative review of the *Investigative Finding* that no Policy violation occurred, the [Investigation Report](#) will be reviewed by a designee of the Vice Chancellor for Work Force Strategy, Equity and Engagement. Both the [Responding Party](#) and the [Reporting Party](#) will have the opportunity to meet with the reviewer or submit additional information in writing. The designated reviewer may agree with the *Investigative Finding*, reverse the finding, or request additional investigative follow-up. The designated reviewer will render a decision in writing to both parties at the same time within ten (10) business days of receipt of the request for review. This timeframe may be extended for good cause provided that both the delay and the reason for the delay are communicated to the parties in writing.

Where the designated reviewer agrees with the *Investigative Finding*, this determination is final and is not subject to further appeal or review. Where the designated reviewer reverses the *Investigative Finding* that there is no Policy violation, the matter will be immediately forwarded for [Adjudication](#) by the [Hearing Panel](#). Where the designated reviewer requests additional [Investigation](#), the matter will be returned to the investigator for further review.

3. Adjudication by a Hearing Panel: Review of an Investigative Finding that a Policy Violation Occurred

If the [Responding Party](#) challenges the *Investigative Finding* that a Policy violation occurred, the Equal Opportunity and Compliance Office or Title IX Compliance Coordinator will issue a Notice of Hearing to the [Reporting Party](#) and the [Responding Party](#) and forward the report for adjudication by the [Hearing Panel](#). The [Hearing Panel](#)'s role is twofold: determination that a Policy violation occurred by a preponderance of the evidence and, if warranted, imposition of sanctions.

The University is responsible for establishing that a Policy violation occurred, and the [Reporting Party](#) may choose their own level of engagement at the hearing. At the hearing, the investigator is responsible for and must present sufficient witness and/or documentary evidence to establish the violation. The [Responding Party](#) must be given an opportunity to question this evidence.

4. Adjudication by a Hearing Panel: Review of Recommended Sanction Only

Where either the [Reporting Party](#) or the [Responding Party](#) requests a hearing only on the recommended sanction, a [Hearing Panel](#) will be convened for the sole purpose of determining the appropriate sanction.

G. Imposition of Sanctions

The Policy prohibits a broad range of behaviors, which are serious in nature. In keeping with the University's commitment to foster an environment that is safe, inclusive, and free of [Prohibited Conduct](#), the Policy provides the investigator and [Hearing Panel](#) with wide latitude in the imposition of sanctions tailored to the facts and circumstances of each report, the impact of the misconduct on the [Reporting Party](#) and surrounding community, and accountability for the [Responding Party](#). The imposition of sanctions is designed to eliminate prohibited conduct under the Policy, prevent its recurrence, and remedy its effects, while supporting the University's educational mission and federal obligations. Sanctions may include educational, restorative, rehabilitative, and punitive components. Some behavior, however, is so egregious in nature, harmful to the individuals involved, or so deleterious to the educational process that it requires severe sanctions, including suspension from the University or expulsion from the UNC System.

In cases that are resolved at the [Outcome Conference](#) after the [Investigation](#), the investigator, in concert with the Response Team, is responsible for determining the appropriate sanction. In cases that are resolved through a [Hearing Panel](#), the [Hearing Panel](#) is responsible for determining the appropriate sanction. In reaching this determination, the investigator or [Hearing Panel](#) may solicit information from the [Reporting Party](#), the [Responding Party](#), and any other individual who can provide information relevant to a determination regarding potential sanctions. The investigator and [Hearing Panel](#) may also review any written [Impact Statements](#) submitted by the [Reporting Party](#), the [Responding Party](#), or a community representative. A [Reporting Party](#) or [Responding Party](#) who elects to meet with the [Hearing Panel](#) may be accompanied by a [Support Person](#) and one other person: an [Attorney](#) or [Non-Attorney Advocate](#).

In determining the appropriate sanction, the investigator and the [Hearing Panel](#) shall consider the following factors:

- the nature and violence of the conduct at issue;
- the impact of the conduct on the [Reporting Party](#);
- the impact or implications of the conduct on the community or the University;
- prior misconduct by the [Responding Party](#), including the [Responding Party](#)'s relevant prior discipline history, both at the University or elsewhere, including criminal convictions;
- whether the [Responding Party](#) has accepted responsibility for the conduct;
- maintenance of a safe and respectful environment conducive to learning;
- protection of the University community; and,
- any other mitigating, aggravating, or compelling circumstances to reach a just and appropriate resolution in each case.

The investigator and the [Hearing Panel](#) may also consider restorative outcomes that, taking into account the safety of the community as a whole, allow a [Responding Party](#) to develop insight about

their responsibility for the behavior, learn about the impact of the behavior on the [Reporting Party](#) and the community, and identify how to prevent or change the behavior.

Where the investigator or [Hearing Panel](#) concludes that a sanction of suspension or expulsion is appropriate, and the [Responding Party](#) has not already been suspended on an interim basis, there will be an immediate assessment by the EEAC to determine whether the [Responding Party](#) poses a serious threat of disruption of the academic process or a continuing danger to other members of the University community or University property. The EEAC may impose interim suspension pending the conclusion of any appeal. Where the sanction is something other than suspension or expulsion, the imposition of sanction will be deferred pending the conclusion of any appeal. [Interim Protective Measures](#) in effect for the [Reporting Party](#) will continue pending the conclusion of any appeal.

1. Sanctions that Impact a Student's Status

Sanctions may be imposed individually or in combination. Sanctions that affect a student's status with the University include the following:

Expulsion, which must be approved by the Chancellor, means that a student is removed from the University permanently and may not be admitted to any UNC system university unless and until the Chancellor who imposed or approved the sanction (or the Chancellor's successor) concludes on the basis of the former student's petition and any supportive documentation that the individual should be given a new opportunity to pursue higher education within the UNC system.

Permanent Suspension, which must be approved by the Chancellor, means that the student is removed from good standing and must leave the University permanently without an expectation that the student may eventually return to the Chapel Hill campus. The student is not barred, however, from seeking admission to another UNC system university, if that university wishes to permit such application following disclosure of the student's disciplinary record at UNC-Chapel Hill. Permanent suspension from the University will remain in effect until the Chancellor who imposed or approved the sanction (or the Chancellor's successor) concludes on the basis of the former student's petition and any supportive documentation that the individual should be given a new opportunity to pursue higher education at the University.

Suspension for a Definite or Indefinite Period means that the student is removed from good standing and must leave the University for a definite or indefinite period. This form of suspension anticipates that the student may eventually return if applicable conditions are satisfied. Academic work completed at another institution during a period in which a student is under suspension from the University may not be transferred toward the degree, but applicable health care or insurance benefits may be continued if the health insurance premium has already been paid.

Probation for a Definite or Indefinite Period, including probation with associated conditions or requirements as set by the investigator or [Hearing Panel](#), means that a student may remain at the University but may be required to satisfy specified conditions or requirements, report regularly to a designated administrator, and be barred from holding any office or participating in any activity in which the student represents the University,

including athletics or other competitive teams, or from participating in any University-recognized student organizations either within or outside the University community. The sanction of probation prohibits graduation until the period of probation has ended and the student has complied with all requirements.

Expulsion, permanent suspension, suspension for a definite or indefinite period, and probation will be noted on a student's transcript.

2. Sanctions that Do Not Impact a Student's Status

Sanctions which do not affect a student's good standing status with the University include, but are not limited to:

Educational Requirements. Completion of projects, programs, or requirements designed to help the student manage behavior and understand why it was inappropriate.

"No Contact" Orders. Compliance with orders of no contact that limit access to specific University areas or forms of contact with particular persons.

Housing Restrictions. Exclusion from University housing or change in housing arrangements.

Community Service. Completion of up to sixty (60) hours of community service over a period not to exceed twelve (12) weeks under guidelines established by the Equal Opportunity and Compliance Office in consultation with the Director of Student Conduct and/or the Dean of Students. Completion of community service will be monitored by the Office of Student Conduct in conjunction with the Equal Opportunity and Compliance Office.

Written Warning. Written warning in the form of an official reprimand that is formally communicated by a letter giving the student notice that any subsequent Policy violation will carry more serious sanctions.

H. Remedies

The Equal Opportunity and Compliance Office or Title IX Compliance Coordinator will identify long-term or permanent remedies to address the effects of the conduct on the [Reporting Party](#), restore the [Reporting Party](#)'s safety and well-being, and maximize the [Reporting Party](#)'s educational and employment opportunities. Such remedies should seek to restore to the [Reporting Party](#), to the extent possible, all benefits and opportunities lost as a result of the [Prohibited Conduct](#). The Equal Opportunity and Compliance Office or Title IX Compliance Coordinator will also identify remedies to address the effects of the conduct on the University community.

The Equal Opportunity and Compliance Office or the Title IX Coordinator will consider the appropriateness of remedies, including [Protective Measures](#), on an ongoing basis to assure the safety and well-being of the parties throughout the process. Long-term remedies may include extending or making permanent any [Interim Protective Measures](#) or implementing additional measures tailored to achieve the goals of the Policy. Many of the remedies and supports that a [Reporting Party](#) might need after a finding of responsibility will have already been provided as [Interim Protective Measures](#), including

but not limited to academic accommodations, short term counseling, and housing arrangements. The Equal Opportunity and Compliance Office or Title IX Compliance Coordinator will, in all cases, consider whether there is a need for additional remedies. Additional remedies or supports may be included in the sanctions, such as reassignment or removal of the [Responding Party](#) from a class or a dormitory.

I. Hearing Process

The [Hearing Process](#) will generally be completed within twenty-five (25) business days from the date of the request for a [Hearing](#). As with all time frames in the Policy, this time frame may be extended for good cause with notice to the parties in writing.

1. Hearing Panel

Upon receipt of a Notice of Hearing, a [Hearing Panel](#) will be designated to review all relevant information gathered in the [Investigation](#). A [Hearing Panel](#) is comprised of three (3) individuals, selected from a pool of trained individuals. Any individual designated by the University to serve on a [Hearing Panel](#) must have sufficient training or experience to serve in this capacity. A University student may not serve as a panelist. A [Hearing Panel](#) member may decline to participate on the basis of an actual conflict of interest, bias, or lack of impartiality. A [Hearing Chair](#) will conduct and preside over the hearings. The [Hearing Chair](#) is not a voting member of any [Hearing Panel](#), but is available to provide consistency in process, informed understanding of Policy definitions, and guidance as to available sanctions; the [Hearing Chair](#) will also draft the [Hearing Panel](#) findings.

2. Pre-Hearing Meeting

As a first step, the [Hearing Chair](#) will meet separately with the investigator and each party to resolve pre-hearing concerns. At this pre-hearing meeting, the parties will each have the opportunity to identify the witnesses (who have already been identified to and interviewed by the investigator) they wish to call at the hearing; raise any challenge to the composition of the [Hearing Panel](#) based on bias, conflict of interest or lack of impartiality; and identify any evolving or new information not previously identified through the [Investigation](#) or available through the exercise of due diligence. The parties will also have the opportunity to address questions about the process. If not participating in the hearing, the [Reporting Party](#) is not required to attend this meeting.

Both parties have the ability to challenge a [Hearing Panel](#) member on the basis of an actual conflict of interest, bias, or lack of impartiality. The request must be submitted in writing or raised no later than the date of the pre-hearing meeting and must clearly state the grounds to support a claim of bias, conflict of interest, or an inability to be fair and impartial. Failure to object prior to the date of the pre-hearing meeting eliminates the possibility of appealing the outcome of the hearing based on the assertion that a member of the [Hearing Panel](#) had a conflict of interest, was biased, or lacked impartiality.

3. Hearing Procedures

The [Hearing](#) will take place in a closed session. At the [Hearing](#), the investigator will be responsible for presenting the evidence supporting the [Investigative Finding](#) of a Policy violation. However, the [Hearing Panel](#) will make its own determination by a preponderance of the evidence whether a Policy

violation occurred. In reaching a determination, the [Hearing Panel](#) will solicit information from the investigator, the [Reporting Party](#), the [Responding Party](#), and any witnesses as appropriate to ensure a full assessment of the relevant facts. This information shall be provided in the presence of the parties, unless a party waives their right to participate.

During the hearing, each party may be accompanied by a [Support Person](#) and one additional person: an [Attorney](#) or [Non-Attorney Advocate](#). Upon request, a party or witness may participate by telephone or videoconference from a different physical location or may request that a visual barrier be placed to limit the individual's exposure to other hearing participants. Questions directed to the parties will be made through the [Hearing Chair](#), who will screen them for relevance. Questions may be directed to the investigator. Similarly, the parties have the right to question witnesses; however, the [Hearing Chair](#) has the discretion to determine that the questions will be made through the [Hearing Chair](#) in cases where the [Hearing Chair](#) determines that questioning by the parties will be unduly intimidating or burdensome to a witness. In all such instances, the [Hearing Chair](#) may require measures to assure the integrity of the process.

The [Hearing Panel](#) will not review any [Impact Statements](#) unless a determination of a Policy violation is made. After a consideration of all of the relevant information, the [Hearing Panel](#) will make a determination by a preponderance of the evidence whether a Policy violation occurred. Preponderance of the evidence means that it is more likely than not that the conduct occurred. The [Hearing Panel's](#) determination must be reached by a majority vote. If so, the [Hearing Panel](#) will also impose a sanction.

J. Notice of Hearing Outcome

Within five (5) business days of the conclusion of the Hearing, the University will provide a written Notice of Hearing Outcome to the [Reporting Party](#) and the [Responding Party](#) at the same time. The University will also provide written notice, at the same time to both parties, of any change in the Outcome that occurs before the Outcome becomes final.

The Notice of Hearing Outcome will include the finding by the [Hearing Panel](#) as to whether there is a Policy violation, the rationale for the result, and a brief summary of the evidence on which the decision is based, as appropriate. Where there is a finding of a Policy violation, the [Responding Party](#) will be informed of any sanctions, the date by which the requirements must be satisfied (if applicable), and the consequences of failure to satisfy the requirements. The [Reporting Party](#) will be informed of any sanctions and remedies that directly relate to the [Reporting Party](#), including information about the [Responding Party's](#) presence on campus (or in a shared class or residence hall), that may help a [Reporting Party](#) make informed decisions or work with the University to eliminate [Prohibited Conduct](#) and prevent its recurrence.

The Notice of Hearing Outcome will also include information about the appeal process, including the available grounds for an appeal, the time frame for submitting an appeal, and the name of the Appeals Officer who will be assigned to review any appeal filed. If neither party seeks an appeal within five (5) business days of the Notice of Outcome, any sanction imposed by the [Hearing Panel](#) will take effect immediately.

K. Appeal/Review of Hearing Outcome

1. Appeal to the University

The Appeals Officer is an impartial decision-maker who serves as the Chancellor's designee. It is typically a Vice Chancellor. Either party may appeal the Hearing Outcome only on the following grounds:

- A violation of procedural due process (material deviation from established procedures that would substantially affect the Outcome);
- Newly discovered information has been obtained that was not previously available during the *Investigation* or *Adjudication Processes* through the exercise of due diligence, and this newly discovered information would substantially affect the Outcome.⁴

The parties may appeal the portions of the Hearing Outcome that directly relate to that party. Mere dissatisfaction with the Hearing Outcome is not a valid basis for appeal.

The appeal must be submitted in writing to the Equal Opportunity and Compliance Office or Title IX Compliance Coordinator within five (5) business days of the Notice of Hearing Outcome. The appeal shall consist of a plain, concise, and complete written statement outlining the grounds for appeal and all relevant information to substantiate the basis for the appeal. Receipt of the written appeal will be acknowledged in writing.

The Equal Opportunity and Compliance Office or Title IX Compliance Coordinator will assess the written appeal to determine whether the appeal is timely filed and, if so, whether the appeal is properly framed based on the two permissible grounds. If the Equal Opportunity and Compliance Office or Title IX Compliance Coordinator determines that the appeal does not properly fit within one of the two grounds, the appeal will be denied.

If the appeal is properly filed, each party will be given the opportunity to review the written appeal and respond to it in writing to the Appeals Officer. Any response by the opposing party must be submitted to the Appeals Officer within three (3) business days from being provided the appeal. If both parties file an appeal, the appeal documents from each party will be considered together in one appeal review process.

In any request for an appeal, the burden of proof lies with the party requesting the appeal, because the Hearing Outcome will be presumed to have been decided reasonably and appropriately. Appeals are not intended to be a rehearing of the matter. The scope of the appeal will be limited only to the two permissible grounds that have been accepted for review. In most cases, appeals are confined to a review of the written documentation or record of the original hearing and pertinent documentation regarding the grounds for appeal. The Appeals Officer may speak to the investigator, the *Hearing Chair*, or the parties, as appropriate. The Appeals Officer will defer to the

⁴ The time frame for filing an appeal based on newly discovered information may be extended at the discretion of the Equal Opportunity and Compliance Office or Title IX Compliance Coordinator where the evidence could not reasonably have been discovered within the time frame and compelling justification exists for its consideration.

original [Hearing Panel](#), making changes to [Hearing Panel](#)'s findings only where there is clear error. Depending on the basis of the requested appeal, the Appeals Officer may:

- Affirm the Outcome;
- Alter the Outcome;
- Return the matter to the [Hearing Panel](#) with instructions to reconvene to cure a procedural error or to assess the weight and impact of newly discovered information.
- Where the procedural error cannot be cured by returning the matter to the original [Hearing Panel](#), convene a hearing before a newly constituted [Hearing Panel](#).

The Appeals Officer will render a written decision on the appeal to both parties within fifteen (15) business days from the date of the submission of all appeal documents. Appeal decisions by the Appeals Officer are final with the exception of cases involving suspension or expulsion that allow for further appeal on specified grounds.

2. Further Review/Appeal in Matters of Suspension or Expulsion

Where the Appeal to the University affirms a Hearing Outcome that includes suspension or expulsion, either party may further appeal the Hearing Outcome to the Board of Trustees on the following grounds:

- 1) Violation of due process; and,
- 2) Material deviation from Substantive and Procedural Standards adopted by the Board of Governors, University of North Carolina Policy Manual § 700.4.1, http://www.northcarolina.edu/apps/policy/index.php?pg=vb&return_url=%2Fapps%2Fpolicy%2Findex.php%3Fpg%3Dtoc%26id%3D.

Where the Board of Trustees affirms a Hearing Outcome of expulsion, the decision is appealable to the Board of Governors. The Board of Trustees or Board of Governors will generally consider an appeal at the first available meeting. No appeal to the President of the University of North Carolina system is permitted.

L. Post-Resolution Follow Up

After a sanction or remedy is issued, the Equal Opportunity and Compliance Office, Title IX Compliance Coordinator, or Student Complaint/Deputy Title IX Coordinator will periodically contact the [Reporting Party](#) to ensure the [Prohibited Conduct](#) has ended and to determine if additional remedies are necessary and will contact the [Responding Party](#) to assure compliance with any sanctions that have been imposed. The [Reporting Party](#) may decline future contact. Any violation by a [Responding Party](#) of a sanction or protective measure imposed under the Policy or a failure by a University employee to provide a specified remedy should be reported to the Equal Opportunity and Compliance Office or Title IX Compliance Coordinator.

The [Reporting Party](#) and [Responding Party](#) are encouraged to provide the Equal Opportunity and Compliance Office or Title IX Compliance Coordinator with feedback about their experience with

the process and recommendations regarding ways to improve the effectiveness of the campus' implementation of the Policy.

V. ADDITIONAL CONSIDERATIONS

A. Role of the Support Person, Attorney, and Non-Attorney Advocate

At any meeting or hearing related to the resolution of a report under the Policy, the [Reporting Party](#) or [Responding Party](#) may have a [Support Person](#) present. In addition, the parties may have a second person present: an additional [Support Person](#), a [Non-Attorney Advocate](#), or, at the party's own initiative and expense, an [Attorney](#). The parties must provide five (5) business days advance notice to the staff member hosting the meeting (unless the meeting is called on shorter notice) of the name and relationship of any individual who will accompany them to a meeting, so that all parties are aware of who will be present at any meeting.

Support Person: A [Reporting Party](#) and [Responding Party](#) may also choose to be assisted by a [Support Person](#) of their choice. A [Support Person](#) is someone who can provide emotional, logistical, or other kinds of assistance. The [Support Person](#) is a non-participant who is present to assist a [Reporting Party](#) or [Responding Party](#) by taking notes, providing emotional support and reassurance, organizing documentation, or consulting directly with the party in a way that does not disrupt or delay the proceeding. Once chosen by a student to serve as a [Support Person](#), the individual must meet with the Hearing Coordinator in advance of any participation in the proceedings to understand the expectations of the role, privacy considerations, and appropriate decorum. The [Support Person](#) cannot be a fact witness or provide testimony in the proceedings.

Attorney or Non-Attorney Advocate: A [Reporting Party](#) and a [Responding Party](#) may, at their own initiative and expense, be assisted by an [Attorney](#) or [Non-Attorney Advocate](#). The [Attorney](#) or [Non-Attorney Advocate](#) may accompany the party to any investigative, administrative, or adjudicative meeting or proceeding under the Policy, including the hearing before the [Hearing Panel](#). The [Attorney](#) or [Non-Attorney Advocate](#) must meet with the [Hearing Chair](#) in advance of any participation in the proceedings to understand the expectations of the role, privacy, and appropriate decorum.

In order for an [Attorney](#) or [Non-Attorney Advocate](#) to participate in a hearing, the [Reporting Party](#) or [Responding Party](#) must complete and submit an informational form to the [Hearing Chair](#) no later than five (5) business days prior to the [Hearing](#). Even if a party submits this form authorizing the licensed [Attorney](#) or [Non-Attorney Advocate](#) to receive information or documents regarding the party, the University, its officials, and the members of the [Hearing Panel](#) will at all times communicate and correspond directly with the party. It is the party's responsibility to communicate and share information with the [Attorney](#) or [Non-Attorney Advocate](#).

When scheduling a hearing before the [Hearing Panel](#) in which a party has notified the University that an [Attorney](#) or [Non-Attorney Advocate](#) plans to participate, the University will make reasonable efforts to accommodate the [Attorney](#) or [Non-Attorney Advocate](#)'s schedule, while balancing the University's commitment to a prompt and equitable process. The University will prioritize the availability of the parties, witnesses, and [Hearing Panel](#) members assigned to the matter when determining the date and time for the proceeding. Throughout the [Investigation](#) and [Adjudication](#), the [Attorney](#) or [Non-Attorney Advocate](#) may fully participate in the proceeding to the same extent afforded to the party the [Attorney](#)

or Non-Attorney Advocate represents. A party's Attorney or Non-Attorney Advocate may not delay, disrupt, or otherwise interfere with the hearing procedures.

A party's inclusion of a Support Person, Attorney, or Non-Attorney Advocate is at the sole expense of the party.

B. External Agreements

The University will not recognize or enforce agreements between the parties outside of these procedures. The University will recognize, however, a lawfully issued protective order under North Carolina law.

C. Records of Student Discipline and Effect of Withdrawal

The existence of a pending Investigation or Adjudication under the Policy will be noted as part of a student's transcript. In addition, currently active sanctions of probation, suspension, or expulsion will be noted as part of a student's transcript. In the event that a Responding Party chooses to withdraw from the University prior to the resolution of disciplinary charges under the Policy, the Responding Party's transcript will be marked with the notation "Student Withdrew with Disciplinary Charges Pending." In the event of a withdrawal, or where the Responding Party declines to participate in proceedings under the Policy, the Investigation and Hearing may proceed without the Responding Party. After withdrawing, the Responding Party will not be eligible to return to the University until the proceedings under the Policy have been finally concluded.

Records documenting disciplinary actions brought against students for violation of the Policy shall be maintained by appropriate offices, including the Equal Opportunity and Compliance Office and the Division of Student Affairs, as part of a student disciplinary record separate from the transcript. Under the General Records Retention and Disposition Schedule, records will be retained for a period of five (5) years from the date on which all appeal rights have expired or have been exhausted. In the event that a student remains at the University for longer than the five (5) year retention date, the Equal Opportunity and Compliance Office will maintain relevant records of the report and resolution for as long as the student remains enrolled at the University. Thereafter, the records will be destroyed, unless destruction at the end of a lesser period shall be permitted in accordance with a disciplinary records retention policy adopted by the Chancellor. Disciplinary action involving expulsion, degree revocation, and negative notation on transcript will be retained for a period of fifty (50) years from the date on which all appeal rights have expired or have been exhausted, and thereafter destroyed, unless destruction at the end of a lesser period shall be permitted in accordance with a disciplinary records retention policy adopted by the Chancellor.

Appendix A

Definition of Key Terms from Policy on Prohibited Discrimination, Harassment and Related Misconduct Including Sexual and Gender-Based Harassment, Sexual Violence, Interpersonal Violence and Stalking

Coercion -- Includes conduct, intimidation, and express or implied threats of physical or emotional harm, that would reasonably place an individual in fear of immediate or future harm and that is employed to persuade or compel someone to engage in [Sexual Contact](#). Examples of Coercion include causing the deliberate [Incapacitation](#) of another person; conditioning an academic benefit or employment advantage on submission to the [Sexual Contact](#); threatening to harm oneself if the other party does not engage in [Sexual Contact](#); or threatening to disclose an individual's [Sexual Orientation](#), [Gender Identity](#), [Gender Expression](#), or other personal sensitive information if the other party does not engage in the [Sexual Contact](#). Also see [Force](#).

Complicity -- Any act that knowingly aids, facilitates, promotes, or encourages the commission of prohibited conduct by another person.

Consent -- The communication of an affirmative, conscious and freely-made decision by each participant to engage in agreed upon forms of [Sexual Contact](#). [Consent](#) requires an outward demonstration, through understandable words or actions, that conveys a clear willingness to engage in [Sexual Contact](#).

[Consent](#) is **not** to be inferred from silence, passivity, or a lack of resistance, and relying on non-verbal communication alone may result in a violation of this Policy. For example, a person who does not physically resist or verbally refuse [Sexual Contact](#) may **not** necessarily be giving [Consent](#). There is no requirement that an individual verbally or physically resist unwelcome [Sexual Contact](#) for there to be a violation of this Policy.

[Consent](#) is **not** to be inferred from an existing or previous dating or sexual relationship. Even in the context of a relationship, there must be mutual [Consent](#) to engage in [Sexual Contact](#).

[Consent](#) to one form of [Sexual Contact](#) does **not** constitute [Consent](#) to any other form of [Sexual Contact](#), nor does [Consent](#) to [Sexual Contact](#) with one person constitute [Consent](#) to [Sexual Contact](#) with any other person. Additionally, [Consent](#) to [Sexual Contact](#) on one occasion is not [Consent](#) to engage in [Sexual Contact](#) on another occasion.

[Consent](#) **cannot** be obtained by [Coercion or Force](#) or by taking advantage of one's inability to give [Consent](#) because of [Incapacitation](#) or other circumstances. [Coercion or Force](#) and [Incapacitation](#) are described in more detail below.

A person who has given [Consent](#) to engage in [Sexual Contact](#) may withdraw [Consent](#) at any time. However, withdrawal of [Consent](#) requires an outward demonstration, through understandable words or actions, that clearly conveys that a party is no longer willing to engage in [Sexual Contact](#). Once [Consent](#) is withdrawn, the [Sexual Contact](#) must cease immediately.

Also see [Incapacitation](#) and the discussion of intoxication in *the Policy on Prohibited Discrimination, Harassment and Related Misconduct Including Sexual and Gender-Based Harassment, Sexual Violence, Interpersonal Violence and Stalking*.

Discrimination -- Any unlawful distinction, preference, or detriment to an individual as compared to others that is based on an individual's [Protected Status](#) and that is sufficiently serious to unreasonably interfere with or limit:

- An employee's or applicant for employment's access to employment or conditions and benefits of employment (*e.g.*, hiring, advancement, assignment);
- A student's or admission applicant's ability to participate in, access, or benefit from educational programs, services, or activities (*e.g.*, admission, academic standing, grades, assignment, campus housing);
- An authorized volunteer's ability to participate in a volunteer activity; or
- A guest's or visitor's ability to participate in, access, or benefit from the University's programs.

Discrimination includes failing to provide reasonable accommodations, consistent with state and federal law, to a qualified person with a disability.

Force -- Includes conduct, intimidation, and express or implied threats of physical or emotional harm, that would reasonably place an individual in fear of immediate or future harm and that is employed to persuade or compel someone to engage in [Sexual Contact](#). Examples of Force include causing the deliberate [Incapacitation](#) of another person; conditioning an academic benefit or employment advantage on submission to the [Sexual Contact](#); threatening to harm oneself if the other party does not engage in [Sexual Contact](#); or threatening to disclose an individual's [Sexual Orientation](#), [Gender Identity](#), [Gender Expression](#), or other personal sensitive information if the other party does not engage in the [Sexual Contact](#). Also see [Coercion](#).

Harassment -- A type of [Discrimination](#) that occurs when verbal, physical, electronic, or other conduct based on an individual's [Protected Status](#) interferes with that individual's (a) educational environment (*e.g.*, admission, academic standing, grades, assignment); (b) work environment (*e.g.*, hiring, advancement, assignment); (c) participation in a University program or activity (*e.g.*, campus housing); or (d) receipt of legitimately-requested services (*e.g.*, disability or religious accommodations), thereby creating [Hostile Environment Harassment](#) or [Quid Pro Quo Harassment](#).

Hostile Environment Harassment -- Unwelcome conduct based on [Protected Status](#) that is so severe, persistent, or pervasive that it alters the conditions of education, employment, or participation in a University program or activity, thereby creating an environment that a reasonable person in similar circumstances and with similar identities would find hostile, intimidating, or abusive. An isolated incident, unless sufficiently severe, does not amount to Hostile Environment Harassment.

Incapacitation -- An individual who is [Incapacitated](#) is unable to give [Consent](#) to [Sexual Contact](#). States of [Incapacitation](#) include sleep, unconsciousness, intermittent consciousness, or any other state where the individual is unaware that [Sexual Contact](#) is occurring. [Incapacitation](#) may also exist because of a mental or developmental disability that impairs the ability to [Consent](#) to [Sexual Contact](#). Alcohol or drug use is one of the prime causes of [Incapacitation](#). Where alcohol or drug use is involved,

Incapacitation is a state beyond intoxication, impairment in judgment, or “drunkenness.” Because the impact of alcohol or other drugs varies from person to person, evaluating whether an individual is Incapacitated, and therefore unable to give Consent, requires an assessment of whether the consumption of alcohol or other drugs has rendered the individual physically helpless or substantially incapable of:

- Making decisions about the potential consequences of Sexual Contact;
- Appraising the nature of one’s own conduct;
- Communicating Consent to Sexual Contact; or
- Communicating unwillingness to engage in Sexual Contact.

Interpersonal Violence -- (commonly referred to as intimate partner violence, dating violence, domestic violence and relationship violence), can encompass a broad range of abusive behavior committed by a person who is or has been:

- In a romantic or intimate relationship with the Reporting Party (of the same or different sex);
- The Reporting Party’s spouse or partner (of the same or different sex);
- The Reporting Party’s family member; or
- The Reporting Party’s cohabitant or household member, including a roommate.

Whether there was such relationship will be gauged by its length, type, and frequency of interaction. Reports of Interpersonal Violence that do not involve one of these specified relationships or do not involve an individual’s Protected Status will be resolved under the Honor Code, which is part of the Instrument of Student Judicial Governance.

Interpersonal Violence includes physical, sexual, emotional, economic, or psychological actions or threats of actions that a reasonable person in similar circumstances and with similar identities would find intimidating, frightening, terrorizing, or threatening. Such behaviors may include threats of violence to one’s self, one’s family member, or one’s pet.

Protected Status -- Consistent with federal and state law, the University prohibits Discrimination and Harassment based on age, color, disability, gender, gender expression, gender identity, genetic information, national origin, race, religion, sex, sexual orientation, or veteran status.

- **Age:** The number of years from the date of a person’s birth. With respect to employment, individuals who are forty (40) years of age or older are protected from Discrimination and Harassment. There is no age threshold for students or other participants in educational programs or activities.
- **Color:** An individual’s skin pigmentation, complexion, shade, or tone.
- **Disability:** A person with a disability is any person who has a physical or mental impairment that substantially limits one or more major life activities; or has a record of such impairment; or is regarded as having such impairment. A qualified person with a disability must be able to perform the essential functions of the employment or volunteer position or the academic, athletic, or extra-curricular program, with or without reasonable accommodation.

- **Gender:** An individual's socially-constructed status based on the behavioral, cultural, or psychological traits typically associated with societal attribution of masculinity and femininity, typically related to one's assigned sex at birth.
- **Gender Expression:** How someone expresses gender through appearance, behavior, or mannerisms. A person's [Gender Expression](#) may or may not be the same as the [Gender Identity](#) or assigned sex at birth.
- **Gender Identity:** The [Gender](#) with which an individual identifies psychologically, regardless of what [Gender](#) was assigned at birth.
- **Genetic Information:** Information about (i) an individual's genetic tests, (ii) the genetic tests of family members of such individual, and (iii) the manifestation of a disease or disorder in family members of such individual. [Genetic Information](#) includes, with respect to any individual, any request for, or receipt of, genetic services, or participation in clinical research that includes genetic services by such individual or any family member of such individual.
- **National Origin:** An individual's actual or perceived country or ethnicity of origin.
- **Race:** An individual's actual or perceived racial or ethnic ancestry or physical characteristics associated with a person's race, such as a person's color, hair, facial features, height, and weight.
- **Religion:** All aspects of religious observance and practice, as well as belief.
- **Sex:** An individual's biological status of male or female, including pregnancy. Conduct of a sexual nature is by definition based on [Sex](#) as a [Protected Status](#).
- **Sexual Orientation:** The inclination or capacity to develop intimate emotional, spiritual, physical, and/or sexual relationships with people of the same [Sex](#) or [Gender](#), a different [Sex](#) or [Gender](#), or irrespective of [Sex](#) or [Gender](#).
- **Veteran Status:** Covered Veterans include Disabled Veterans, Special Disabled Veterans, Veterans of the Vietnam era, and other protected Veterans as defined by federal and state law.

Quid Pro Quo Harassment -- Unwelcome conduct based on [Protected Status](#) where submission to or rejection of such conduct is used, explicitly or implicitly, as the basis for decisions affecting an individual's education, employment, or participation in a University program or activity.

Retaliation -- Acts or words taken against an individual because of the individual's participation in a protected activity that would discourage a reasonable person from engaging in protected activity. Protected activity includes an individual's good faith: (i) participation in the reporting, investigation, or resolution of an alleged violation of this Policy; (ii) opposition to policies, practices, or actions that the individual reasonably believes are in violation of the Policy; or (iii) requests for accommodations on the basis of religion or disability. Retaliation may include intimidation, threats,

coercion, or adverse employment or educational actions. Retaliation may be found even when an underlying report made in good faith was not substantiated. Retaliation may be committed by the Responding Party, the Reporting Party, or any other individual or group of individuals.

Sexual Assault – A form of *Sexual or Gender-Based Harassment* that involves having or attempting to have *Sexual Contact* with another individual without *Consent*.

Sexual Contact -- Intentional touching or penetration of another person's clothed or unclothed body, including but not limited to the mouth, neck, buttocks, anus, genitalia, or breast, by another with any part of the body or any object in a sexual manner. Sexual Contact also includes causing another person to touch their own or another's body in the manner described above.

Sexual or Gender-Based Harassment – May include:

- Unwelcome sexual advances, requests for sexual favors and other verbal, physical, or electronic conduct of a sexual nature that creates a hostile, intimidating, or abusive environment;
- Verbal, physical, or electronic conduct based on *Sex*, *Gender*, *Sexual Orientation*, or sex-stereotyping that creates a hostile, intimidating, or abusive environment, even if those acts do not involve conduct of a sexual nature; or
- *Harassment* for exhibiting what is perceived as a stereotypical characteristic for one's *Sex* or for failing to conform to stereotypical notions of masculinity and femininity, regardless of the actual or perceived *Sex*, *Gender*, *Sexual Orientation*, *Gender Identity*, or *Gender Expression* of the individuals involved.

Sexual Violence -- A form of *Sexual or Gender-Based Harassment* that involves having or attempting to have *Sexual Contact* with another individual without *Consent*.

Stalking -- Repeated, unwanted attention; physical, verbal, or electronic contact; or any other course of conduct directed at an individual that is sufficiently serious to cause physical, emotional, or psychological fear or to create a hostile, intimidating, or abusive environment for a reasonable person in similar circumstances and with similar identities. Stalking may involve individuals who are known to one another or who have a current or previous relationship or may involve individuals who are strangers.