

**Responsible University Officers**

Senior Associate Vice Chancellor for Workforce Strategy, Equity, and Engagement  
Title IX Compliance Coordinator

**Responsible Office**

Equal Opportunity and Compliance Office

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**POLICY ON PROHIBITED DISCRIMINATION,  
HARASSMENT AND RELATED MISCONDUCT**

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**Including Sexual and Gender-Based Harassment,  
Sexual Violence, Interpersonal Violence and Stalking**

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**Policy Statement**

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This Policy prohibits all forms of *Discrimination* and *Harassment* based on *Protected Status*. It expressly, therefore, also prohibits *Sexual Violence* and *Sexual Exploitation*, which by definition involve conduct of a sexual nature and are prohibited forms of *Sexual or Gender-Based Harassment*. This Policy further prohibits *Stalking* and *Interpersonal Violence*, which need not be based on an individual's *Protected Status*. Finally, this Policy prohibits *Complicity* for knowingly assisting in an act that violates this Policy and *Retaliation* against an individual because of their good faith participation in the reporting, investigation, or adjudication of violations of this Policy. University students and employees who violate this Policy may face discipline up to and including expulsion or termination.

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**Definitions**

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*Discrimination, Harassment* (including *Sexual or Gender-Based Harassment* and *Sexual Violence*), *Interpersonal Violence, Stalking, Complicity*, and *Retaliation* (collectively hereafter referred to as "*Prohibited Conduct*") are defined in Section IV of this Policy.

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**Audience**

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This Policy and associated procedures apply to the conduct of, and protect, University students and employees, including faculty members, EHRA non-faculty employees, SHRA employees, graduate, professional and doctoral students, post-doctoral scholars, and student employees. The non-discrimination provisions also apply to contractors and other third parties under circumstances within the University's control. The Policy and associated procedures provide for the prompt and equitable resolution of reports of *Discrimination, Harassment*, and related misconduct.

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## Reason for Policy

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The University is committed to providing an inclusive and welcoming environment for all members of our community. The University values safety, diversity, education, and equity and is firmly committed to maintaining a campus environment free from [Discrimination](#), [Harassment](#), and related misconduct. In accordance with its [Policy Statement on Non-Discrimination](#), the University does not unlawfully discriminate in offering equal access to its educational programs and activities or with respect to employment terms and conditions on the basis of an individual's age, color, disability, gender, gender expression, gender identity, genetic information, race, national origin, religion, sex, sexual orientation, or veteran status (collectively referred to as "[Protected Status](#)"). The University's protection of these statuses is grounded in federal law. Federal law also governs the University's response to [Sexual Assault](#), [Sexual Violence](#), [Interpersonal Violence](#) (including domestic and dating violence), and [Stalking](#). Such acts violate the essential dignity of our community member(s) and are contrary to our institutional values.

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## Related Statutes, Orders, and Policies

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- Title IV of the Civil Rights Act of 1964
- Title VI of the Civil Rights Act of 1964
- Title VII of the Civil Rights Act of 1964
- Title IX of the Education Amendments of 1972
- Title II of the Genetic Information Nondiscrimination Act of 2008
- Age Discrimination in Employment Act.
- Age Discrimination Act of 1975
- Equal Pay Act
- 504 of the Rehabilitation Act of 1973
- Americans with Disabilities Act of 1990
- Executive Order 13672
- Executive Order 11246
- Jeanne Clery Disclosure of Campus Security and Campus Crime Statistics Act
- Violence Against Women Act
- Vietnam Era Veterans Readjustment Act
- North Carolina General Statutes § 143-422.2

Related polices are set out in Section XII of the Policy.

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## Related University Procedures

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There are specific procedures for reports under this Policy based on the relationship of the [Reporting Party](#) or [Responding Party](#) to the University:

- [Procedures](#) for Reporting and Responding to Complaints of Discrimination, Harassment, and Related Misconduct Involving a **Student as a [Responding Party](#)**
- [Procedures](#) for Reporting and Responding to Complaints of Discrimination, Harassment, and Related Misconduct Involving a **Student as a [Reporting Party](#)** and a **University Employee as a [Responding Party](#)**

- [Procedures](#) for Reporting and Responding to Concerns of **EHRA Faculty and Non Faculty Employees** Regarding Allegations of Discrimination, Harassment, and Related Misconduct
- [Procedures](#) for Reporting and Responding to Concerns of **SHRA Employees** Regarding Allegations of Prohibited Discrimination, Harassment, and Related Misconduct

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### **Contacts**

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Questions about this Policy should be directed to the Equal Opportunity and Compliance Office at [eoc@unc.edu](mailto:eoc@unc.edu) or 919-966-3576 or 711 (NC Relay).

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### **Document History**

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- Effective Date: Reports filed on or after August 28, 2014

**THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL**

**POLICY ON PROHIBITED DISCRIMINATION  
HARASSMENT AND RELATED MISCONDUCT**

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**Including Sexual and Gender-Based Harassment,  
Sexual Violence, Interpersonal Violence and Stalking**

## UNC Resource Page for Sexual Violence and Interpersonal Violence

### How to Get Help In the Event of an Emergency:

Anyone who has experienced *Sexual Violence* or *Interpersonal Violence* is urged to immediately seek help. Help includes seeking medical assistance, seeking confidential counseling or crisis response, filing a report with law enforcement, and making a report to the University. UNC Department of Public Safety will help any individual get to a safe place, provide transportation to the hospital, contact another law enforcement agency, and offer information about the University's resources and processes. Information about the difference between *Reporting Options* and *Confidential Resources* is listed on the next pages.

<u>Emergency Response</u>	<u>Medical Treatment</u>	<u>Confidential Counseling &amp; Crisis Response</u>
<p><b>Emergency Law Enforcement:</b> 911 (from anywhere)</p> <p><b>UNC Department of Public Safety</b> <a href="http://www.dps.unc.edu/">http://www.dps.unc.edu/</a> 919-962-8100</p> <p><b>Chapel Hill Police Department</b> <a href="http://www.townofchapelhill.org/town-hall/departments-services/police">http://www.townofchapelhill.org/town-hall/departments-services/police</a> 919-968-2760</p> <p><b>Carrboro Police Department</b> <a href="http://www.townofcarrboro.org/225/Police">http://www.townofcarrboro.org/225/Police</a> 919-918-7397</p> <p><b>Orange County Sheriff's Office</b> <a href="http://www.ocsonc.com/">http://www.ocsonc.com/</a> 919-245-2900</p>	<p><b>UNC Campus Health Services</b> <a href="http://campushealth.unc.edu/urgent-needs/sexual-assault-response">http://campushealth.unc.edu/urgent-needs/sexual-assault-response</a> 919-966-3650 After hours: 919-966-2281</p> <ul style="list-style-type: none"> <li>• Confidential care for students</li> <li>• Sexual assault exams/evidence collection</li> <li>• Screening and treatment of sexually transmitted infections (STIs)</li> <li>• Emergency contraceptives</li> <li>• Pregnancy tests</li> <li>• Survivor's Assistance Fund: Funds are available to offset medical expenses</li> </ul> <p><b>UNC Hospital Emergency Room</b> 919-966-4721</p> <ul style="list-style-type: none"> <li>• After-hours medical care</li> <li>• Confidential care for students</li> <li>• Sexual assault exams/evidence collection</li> <li>• Screening and treatment of STIs</li> <li>• Emergency contraceptives</li> <li>• Pregnancy tests</li> <li>• Survivor's Assistance Fund: Funds are available to offset medical expenses under the Survivor's Assistance Fund</li> </ul>	<p><b>UNC Counseling and Psychological Services (CAPS)</b> <a href="http://campushealth.unc.edu/caps">http://campushealth.unc.edu/caps</a> 919-966-3658</p> <ul style="list-style-type: none"> <li>• Confidential care for students</li> <li>• Individual and group counseling and referral</li> </ul> <p><b>UNC Employee Assistance Program (ComPsych)</b> <a href="http://www.guidanceresources.com">http://www.guidanceresources.com</a> 877-314-5841</p> <ul style="list-style-type: none"> <li>• Confidential care for University employees and their families</li> <li>• Available 24 hours per day, 7 days per week</li> </ul> <p><b>Compass Center for Women and Families</b> <a href="http://compassctr.org">http://compassctr.org</a> 919-929-3872 919-929-7122 (Hotline)</p> <ul style="list-style-type: none"> <li>• Confidential care for students</li> <li>• Personal and court advocacy</li> <li>• Emergency shelter placement</li> </ul> <p><b>Orange County Rape Crisis Center</b> <a href="http://www.ocrcc.org">www.ocrcc.org</a> 919-968-4647; 1-866-WE-LISTEN (1-866-935-4783)</p> <ul style="list-style-type: none"> <li>• Confidential care for students</li> <li>• Personal and court advocacy</li> <li>• Support during emergency room and police station visits</li> </ul>

Title IX of the Education Amendments of 1972 prohibits *Discrimination* on the basis of sex in any federally funded education program or activity. *Sexual or Gender-Based Harassment, Sexual Violence, Interpersonal Violence, and Stalking* are prohibited by the University.

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## Reporting Options:

The University's Title IX Compliance Coordinator and the Equal Opportunity and Compliance Office oversee the investigation and resolution of all misconduct covered by the Policy on Prohibited Discrimination, Harassment and Related Misconduct (the "Policy"). To discuss any aspect of the Policy, individuals are encouraged to contact:

### Interim Title IX Compliance Coordinator

Katie Nolan  
137 E Franklin St., Suite 23  
919-445-1577 | [kbnolan@unc.edu](mailto:kbnolan@unc.edu)

### Equal Opportunity and Compliance Office

Becci Menghini, Senior Associate Vice Chancellor  
137 E Franklin St., Suite 404  
919-843-0594 | [becci\\_menghini@unc.edu](mailto:becci_menghini@unc.edu)

Any individual can make a report under this Policy to these individuals or to the individuals/departments designated below. The report may be made in person, by telephone, in writing, by e-mail, electronically (<http://eoc.unc.edu/report-an-incident/>), or anonymously. All reports will be shared with the University's Non-Discrimination Response Team. Any report involving a minor will be shared with external child protective service (<http://www.ncdhhs.gov/dss/>) and law enforcement agencies.

### Report and Response Coordinators

Ew Quimbaya-Winship or Rebecca Gibson  
3226 (Room 3225A) Student and Academic Services Building North or 137 E Franklin St., Suite 23  
Ew - 919-843-3878 | [eqw@unc.edu](mailto:eqw@unc.edu) | Rebecca - 919-445-1578 | [rmgibson@unc.edu](mailto:rmgibson@unc.edu)

### UNC Department of Public Safety

<http://www.dps.unc.edu/>  
919-962-8100

### Office of the Dean of Students

1106 Student and Academic Services Building North  
919-966-4042 | [dos@unc.edu](mailto:dos@unc.edu)

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## Understanding the Difference between Making a Report to the University or Law Enforcement (Reporting Options) and Seeking Confidential Assistance (Confidential Resources)

There is a distinction between making a report to the University or law enforcement through designated **Reporting Options** (listed above) and seeking confidential assistance through **Confidential Resources** (listed below).

**Reporting Options:** Making a report to the University by contacting a **Reporting Option** means that the report will be shared with the Title IX Compliance Coordinator and a member of the University's Response Team will communicate with the *Reporting Party* to provide resources and support and to identify the appropriate action to respond to the report as outlined in this Policy. In addition, many University employees, designated as *Responsible Employees*, are required to share information with the University's **Title IX Compliance Coordinator**. There are many options for resolution of a report, and a *Reporting Party* is encouraged to make a report even if that individual is not seeking disciplinary action against a *Responding Party*. The University will make every effort to respect a *Reporting Party*'s autonomy in determining how to proceed. Support and resources are always available to a *Reporting Party* regardless of the chosen course of action.

**Confidential Resources:** In contrast, information shared with a **Confidential Resource** will not be disclosed to anyone else, including the University, except under very limited circumstances. Any individual

may choose to seek support from confidential professionals on and off campus, including counselors, medical health providers, clergy, rape crisis counselors, and the University Ombuds office.

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### 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 an individual (including whether that individual has received services) without the individual's express 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). These professionals are also available to help an individual make a report to the University.

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#### On Campus:

##### UNC Campus Health Services

<http://campushealth.unc.edu/urgent-needs/sexual-assault-response>

919-966-3650 / After hours: 919-966-2281

- Sexual assault exams/evidence collection
- Screening and treatment of sexually transmitted infections (STIs)
- Emergency contraceptives
- Pregnancy tests
- Treatment paid for by the Survivor's Assistance Fund

##### Gender Violence Services Coordinators

Cassidy Johnson, [cassidyjohnson@unc.edu](mailto:cassidyjohnson@unc.edu)  
919-962-1343

Holly Lovern, [holly.lovern@unc.edu](mailto:holly.lovern@unc.edu) 919-962-7430

- Support for individuals experiencing interpersonal violence
- Assistance in understanding reporting options and navigating reporting process
- Link to University and community resources
- Walk-in hours and appointments available
- Confidential by University policy (protection may not extend beyond campus proceedings)

#### Off Campus:

##### UNC Hospital Emergency Room

919-966-4721

- After-hours medical care
- Sexual assault exams/evidence collection
- Screening and treatment of STIs
- Emergency contraceptives
- Pregnancy tests
- Survivor's Assistance Fund: Funds are available to offset medical expenses

##### Counseling and Psychological Services (CAPS)

<http://campushealth.unc.edu/caps>

919-966-3658

- Individual and group counseling and referral

##### University Ombuds Office

<http://www.ombuds.unc.edu/>

919-843-8204

- Impartial, informal, and independent resource and referral
- Non-judgmental listening and discussion of options
- Available to anyone affected by the incident
- Confidential by University policy (protection may not extend beyond campus proceedings)

##### Employee Assistance Program

[www.guidanceresources.com](http://www.guidanceresources.com)

877-314-5841

- Confidential care for University employees and their families
- Available 24 hours per day, 7 days per week

##### Compass Center for Women and Families

<http://compassctr.org>

919-929-3872; 919-929-7122 (24/7 Hotline)

- Personal and court advocacy
- Emergency shelter placement

##### Orange County Rape Crisis Center

[www.ocrcc.org](http://www.ocrcc.org)

919-968-4647; 1-866-WE-LISTEN (1-866-935-4783)  
(24/7 Hotline)

- Personal and court advocacy
- Accompaniment to emergency room and police station

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## Interim Protective Measures Available Through the University:

In responding to a report, the University has an interest in providing care to the [Reporting Party](#) and to the broader campus community. For this reason, after receiving a report, the University, through its Response Team, will make an immediate assessment of any risk of harm to the parties, any other individuals, or to the broader campus community and will take the necessary steps to address those risks. These steps may include establishing [Interim Protective Measures](#) to provide for the safety of the parties involved, any other individuals, and the campus community. [Interim Protective Measures](#) are available regardless of whether a [Reporting Party](#) chooses to pursue disciplinary action against a [Responding Party](#). Examples of [Interim Protective Measures](#) include no-contact orders, residence modifications, academic or employment accommodations, and interim suspension.

[Retaliation](#) is expressly prohibited by this Policy, and the University will take immediate and responsive action to any report of [Retaliation](#) or any violation of [Interim Protective Measures](#).

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## Additional On Campus Resources:

### [Academic Advising](#)

Undergraduate students can see an Academic Adviser daily from 11 am – 12 noon and 2 pm – 4 pm for all majors in the College of Arts and Sciences. Advisers will see students for walk-in concerns including: withdrawing, dropping or adding a course, course approval forms, and personal issues affecting academic performance.  
919-966-5116

### [American Indian Center](#)

Facilitates the inclusion of the American Indian peoples into the learning environment of the Carolina community. Offers scholarships for American Indian students, conducts community outreach, and researches the history of American Indian peoples.  
919-843-4189

### [Carolina Student Legal Services](#)

Provides legal advice about a variety of topics to eligible students.  
919-962-1303

### [Carolina Women's Center](#)

Offers educational programming about [Interpersonal Violence](#) and issues of gender equity.  
919-962-8305

### [International Student and Scholar Services](#)

Advising and counseling services for foreign students and scholars including personal advising and cross-cultural adjustment.  
919-962-5661

### [LGBTQ Center](#)

Supports a safe inclusive environment for UNC-Chapel Hill students of all sexualities, gender identities, and gender expressions. Provides support when reporting [Interpersonal Violence](#) to medical, legal, or University staff.  
919-843-5376

### [Office of Diversity and Multicultural Affairs](#)

Collaborates with senior University officers and campus units to identify and implement strategies and initiatives for achieving the goals of increased diversity and for building an inclusive environment.  
919-962-6962

### [Study Abroad Office](#)

Provides access to a wide portfolio of educational opportunities that reflect and support the intellectual, financial, and cultural needs of our diverse student body. The Study Abroad Office is committed to doing everything reasonably possible to provide program participants with a healthy and safe study abroad experience.  
919-962-7002

### [The Learning Center](#)

Provides academic counseling, life coaching, workshops, test prep, tutoring, and academic support for students with learning disabilities and ADHD.  
919-962-3782

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## Mandatory Reporting of Child Abuse:

Individuals who suspect that a child is being harmed or observe a child being harmed should contact law enforcement by calling 911. In addition, under North Carolina law, individuals who reasonably suspect that a child under the age of 18 has been abused or neglected by a parent, guardian, or caregiver have an obligation to report that suspicion to a county department of social services. The Orange County Department of Social Services may be reached at 919-245-2800 or 919-968-2000.

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THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL

**POLICY ON PROHIBITED DISCRIMINATION,  
HARASSMENT AND RELATED MISCONDUCT**

**Including Sexual and Gender-Based Harassment,  
Sexual Violence, Interpersonal Violence and Stalking**

**TABLE OF CONTENTS**

I.	POLICY STATEMENT .....	1
A.	Notice of Non-Discrimination Based on Protected Status.....	1
B.	Sexual Assault, Sexual Violence, Interpersonal Violence, and Stalking Are Prohibited Forms of Conduct .....	2
II.	SCOPE AND APPLICABILITY .....	2
A.	Individuals Covered by this Policy.....	2
B.	Jurisdiction.....	2
C.	Reports Involving Minors .....	3
III.	RESOURCES FOR INFORMATION AND ASSISTANCE.....	3
A.	Equal Opportunity and Compliance Office .....	3
B.	Title IX Compliance Coordinator.....	4
C.	Non-Discrimination Response Team.....	4
IV.	PROHIBITED CONDUCT .....	5
A.	Discrimination and Harassment Based on All Protected Statuses.....	5
1.	Discrimination .....	5
2.	Harassment .....	5
3.	Additional Guidance about Discrimination and Harassment .....	6
4.	Protected Status.....	6
B.	Sexual or Gender-Based Harassment, Sexual Assault, Sexual Violence, or Sexual Exploitation.....	8
1.	Prohibited Forms of Conduct.....	8
2.	Related Definitions: Sexual Contact, Consent, Coercion, Force, and Incapacitation .....	9
C.	Interpersonal Violence and Stalking.....	11
1.	Interpersonal Violence .....	11
2.	Stalking .....	11
D.	Complicity and Retaliation .....	11
1.	Complicity.....	11
2.	Retaliation.....	11
V.	REPORTING OPTIONS.....	12
VI.	REPORTING BY UNIVERSITY EMPLOYEES.....	13
A.	Responsible Employees.....	13
B.	All Other Employees .....	13
C.	Confidential Resources .....	13
VII.	PRIVACY AND CONFIDENTIALITY.....	14
A.	Privacy .....	14
B.	Confidentiality.....	14
C.	Records.....	14
D.	Release of Information .....	14
VIII.	INTERIM PROTECTIVE MEASURES.....	15
IX.	ACADEMIC FREEDOM AND INTEGRITY .....	16

X.	EDUCATION AND PREVENTION PROGRAMS .....	16
XI.	ANNUAL REVIEW .....	16
XII.	RELATED UNIVERSITY POLICIES.....	17

## I. POLICY STATEMENT

This Policy prohibits all forms of Discrimination and Harassment based on Protected Status. It expressly, therefore, also prohibits Sexual Violence and Sexual Exploitation, which by definition involve conduct of a sexual nature and are prohibited forms of Sexual or Gender-Based Harassment. This Policy further prohibits Stalking and Interpersonal Violence, which need not be based on an individual's Protected Status. Finally, this Policy prohibits Complicity for knowingly assisting in an act that violates this Policy and Retaliation against an individual because of their good faith participation in the reporting, investigation, or adjudication of violations of this Policy. University students and employees who violate this Policy may face discipline up to and including expulsion or termination.

Discrimination, Harassment (including Sexual or Gender-Based Harassment and Sexual Violence), Interpersonal Violence, Stalking, Complicity, and Retaliation (collectively hereafter referred to as "Prohibited Conduct") are defined in Section IV of this Policy.

### A. Notice of Non-Discrimination<sup>1</sup> Based on Protected Status

The University of North Carolina at Chapel Hill ("University" or "UNC-Chapel Hill") is committed to providing an inclusive and welcoming environment for all members of our community. The University values safety, diversity, education, and equity and is firmly committed to maintaining a campus environment free from Discrimination, Harassment, and related misconduct. In accordance with its Policy Statement on Non-Discrimination, the University does not unlawfully discriminate in offering equal access to its educational programs and activities or with respect to employment terms and conditions on the basis of an individual's age, color, disability, gender, gender expression, gender identity, genetic information, race, national origin, religion, sex, sexual orientation, or veteran status (collectively referred to as "Protected Status"). The University's protection of these statuses is grounded in federal law. For example, Title VII of the Civil Rights Act of 1964 prohibits discrimination in employment based on race, color, national origin, religion, sex, gender, and, by extension, sexual violence, as do the North Carolina General Statutes § 143-422.2 and other applicable laws. The Americans with Disabilities Act, the Rehabilitation Act of 1973, and § 143-422.2 prohibit discrimination in employment and education programs and activities based on disability. Title IX of the Education Amendments of 1972, prohibiting discrimination based on sex, also applies to employment and education programs and activities. Executive Order 13672 revised Executive Order 11246 (applicable to federal contractors, including the University) to prohibit discrimination based race, color, national origin, religion, sex, sexual orientation, and gender identity.

The University recognizes the rights of all members of the University community to learn and work in an environment that is free from Discrimination and Harassment. The University prohibits Prohibited Conduct against and by University students and employees, including faculty, non-faculty employees who are exempt from the State Personnel Act ("EHRA non-faculty employees"), employees who are subject to the State Personnel Act ("SHRA employees"), temporary employees, post-doctoral scholars, student employees, and third parties. All members of the community are responsible for conducting themselves in accordance with this Policy and other University policies and procedures.

The University encourages all community members to take reasonable and prudent actions to prevent or stop Prohibited Conduct. Taking action may include direct intervention when safe to do so, enlisting the assistance of friends, contacting law enforcement, or seeking assistance from a person

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<sup>1</sup>The complete text of the Policy Statement on Non-Discrimination is located at <http://policies.unc.edu/files/2013/04/nondiscrim.pdf>.

in authority. Community members who chose to exercise this positive responsibility will be supported by the University and protected from [Retaliation](#).

To foster a climate that encourages prevention and reporting of [Discrimination](#), [Harassment](#), and related misconduct, the University will actively promote prevention efforts, educate the community, respond to all reports promptly, provide [Interim Protective Measures](#) to address safety and emotional well-being, and act in a manner that recognizes the inherent dignity of the individuals involved.

## **B. Sexual Assault, Sexual Violence, Interpersonal Violence, and Stalking Are Prohibited Forms of Conduct**

Just as the University's prohibition of discrimination based on Protected Status (including [Sexual Assault](#) as a form of [Sexual Harassment](#)) is grounded in federal law, so is its prohibition against [Interpersonal Violence](#) and [Stalking](#). The University's response to [Sexual Assault](#), [Sexual Violence](#), [Interpersonal Violence](#) (including domestic and dating violence), and [Stalking](#) is governed by the Jeanne Clery Disclosure of Campus Security and Campus Crime Statistics Act, 20 U.S.C. § 1092(f) (the Clery Act) and Section 304 of the 2013 Amendments to the Violence Against Women Act. Such acts violate the essential dignity of our community member(s) and are contrary to our institutional values.

The University is committed to taking all appropriate steps to eliminate [Sexual Assault](#), [Sexual Violence](#), [Interpersonal Violence](#) and [Stalking](#); prevent the recurrence of such acts; and address their effects, both for the [Reporting Party](#) and the broader community.

The University recognizes that [Sexual Assault](#), [Sexual Violence](#), [Interpersonal Violence](#), and [Stalking](#) encompass a broad spectrum of conduct and will respond according to both the severity of the offense and the threat it poses to the campus community.

## **II. SCOPE AND APPLICABILITY**

### **A. Individuals Covered by this Policy**

This Policy and associated procedures apply to the conduct of, and protect, University students and employees, including faculty members, EHRA non-faculty employees, SHRA employees, graduate, professional and doctoral students, post-doctoral scholars, and student employees. The non-discrimination provisions also apply to contractors and other third parties under circumstances within the University's control.

When used in this Policy, [Reporting Party](#) refers to any individual who may have been the subject of any [Prohibited Conduct](#) by an individual or organization covered under the Policy regardless of whether the [Reporting Party](#) makes a report or seeks action under the Policy. [Responding Party](#) refers to any individual who has been accused of violating the Policy.

### **B. Jurisdiction**

This Policy applies to all [Prohibited Conduct](#) that occurs on campus. It also applies to [Prohibited Conduct](#) that occurs off campus, including on-line or electronic conduct, if: the conduct occurred in the context of an employment or education program or activity of the University, had continuing adverse effects on campus, or had continuing adverse effects in an off-campus employment or education program or activity. Examples of covered off-campus conduct include University-sponsored study abroad, research, or internship programs.

In determining whether the University has jurisdiction over off campus conduct that is not part of an educational program or activity of the University, the Equal Opportunity and Compliance Office or the Title IX Compliance Coordinator will consider the seriousness of the alleged conduct, the risk of harm involved, whether both parties are members of the campus community, and whether the off campus conduct is part of a series of actions that occurred both on and off campus.

Regardless of where the conduct occurred and with whom, the University will offer resources and assistance to community members who are subject to [Prohibited Conduct](#). The University will also assist the [Reporting Party](#) in identifying and contacting external law enforcement agencies and community resources.

### C. Reports Involving Minors

Individuals who suspect that a child is being harmed or observe a child being harmed should contact law enforcement by dialing 911.

In addition, under North Carolina law, any person who reasonably suspects that a child has been abused or neglected by a parent, guardian, or caregiver has an obligation to report that suspicion to a county department of social services. The Orange County Department of Social Services may be reached at 919-245-2800 or 919-968-2000.

Additional information regarding suspected child abuse or neglect may be found in the University's Memo regarding Minors on Campus. (Please see page 4 of [Minors on Campus](#) <http://policy.sites.unc.edu/files/2013/04/Minors-Memo.pdf>).

## III. RESOURCES FOR INFORMATION AND ASSISTANCE

### A. Equal Opportunity and Compliance Office

The Equal Opportunity and Compliance Office has primary responsibility for administering this Policy and oversees the investigation, response to, and resolution of all reports of [Prohibited Conduct](#); however, questions, concerns, and/or reports may be addressed to any of the individuals or offices identified as [Reporting Options](#) on the [Resource Page](#) or in the applicable Procedures document. The Equal Opportunity and Compliance Office and the Report and Response Coordinators will maintain all discrimination reports except those alleging [Prohibited Conduct](#) based on sex, [Interpersonal Violence](#), or [Stalking](#), as well as those alleging [Complicity](#) and [Retaliation](#) in relation to such a report. There are specific procedures based on the relationship of the [Reporting Party](#) or [Responding Party](#) to the University:

- [Procedures](#) for Reporting and Responding to Complaints of Discrimination, Harassment, and Related Misconduct Involving a **Student as a [Responding Party](#)**
- [Procedures](#) for Reporting and Responding to Complaints of Discrimination, Harassment, and Related Misconduct Involving a **Student as a [Reporting Party](#)** and a **University Employee as a [Responding Party](#)**
- [Procedures](#) for Reporting and Responding to Concerns of **EHRA Faculty and Non Faculty Employees** Regarding Allegations of Discrimination, Harassment, and Related Misconduct
- [Procedures](#) for Reporting and Responding to Concerns of **SHRA Employees** Regarding Allegations of Prohibited Discrimination, Harassment, and Related Misconduct

## B. Title IX Compliance Coordinator

The University has a designated Title IX Compliance Coordinator within the Equal Opportunity and Compliance Office. The Title IX Compliance Coordinator oversees the University's investigation, response to, and resolution of all reports of [Prohibited Conduct](#) based on sex (including [Sexual or Gender-Based Harassment](#) and [Sexual Violence](#)), [Interpersonal Violence](#), and [Stalking](#), and of related [Complicity](#) and [Retaliation](#), involving students, faculty, and staff. The Title IX Compliance Coordinator is:

- Knowledgeable and trained in University policies and procedures and relevant state and federal laws;
- Available to advise any individual, including a [Reporting Party](#), a [Responding Party](#), or a third party, about University and community resources and reporting options;
- Available to provide assistance to any University employee regarding how to respond appropriately to a report of Title IX-related [Prohibited Conduct](#), [Interpersonal Violence](#), [Stalking](#), and related [Complicity](#) and [Retaliation](#);
- Participates in ensuring the effective implementation of this Policy, including monitoring compliance with all procedural requirements, record keeping, and timeframes; and
- Responsible for overseeing training, prevention, and education efforts and annual reviews of climate and culture.

Inquiries or concerns about Title IX may be referred to the University's Title IX Compliance Coordinator. Concerns about the University's application of Title IX under this Policy may be addressed to the United States Department of Education, Office for Civil Rights:

### Interim Title IX Compliance Coordinator

Katie Nolan  
919-445-1577 | [kbnolan@unc.edu](mailto:kbnolan@unc.edu)

### Office for Civil Rights

(800) 421-3481  
Email: [OCR@ed.gov](mailto:OCR@ed.gov)

## C. Non-Discrimination Response Team

A report of [Prohibited Conduct](#) may be made to any designated [Reporting Option](#). The Equal Opportunity and Compliance Office or the Title IX Compliance Coordinator, with the assistance of the Response Team, will conduct an [Initial Assessment](#) to determine whether the alleged conduct presents a potential violation of the Policy and whether further action is warranted based on the alleged conduct. This use of a central integrated and coordinated approach will allow the University to respond promptly and equitably to eliminate the conduct, prevent its recurrence, and address its effects.

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 attempt to 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. Depending on the roles (*e.g.*, student, faculty, staff) of the [Reporting Party](#) and the [Responding Party](#), the Response Team may include administrators from:

- Equal Opportunity and Compliance Office
- Report and Response Coordinators, Ew Quimbaya-Winship and Rebecca Gibson
- Interim Title IX Compliance Coordinator, Katie Nolan
- UNC Department of Public Safety
- Office of the Dean of Students (ODOS)
- The Executive Vice Chancellor and Provost
- Office of Human Resources (OHR)
- Disability Coordinator
- Age Act Coordinator
- Office of Diversity and Multicultural Affairs

#### IV. PROHIBITED CONDUCT

##### A. Discrimination and Harassment Based on All Protected Statuses

This Policy prohibits all forms of [Discrimination](#) and [Harassment](#) based on an individual's [Protected Status](#), including, as defined below, age, color, disability, gender, gender expression, gender identity, genetic information, national origin, race, religion, sex, sexual orientation, or veteran status.

In addition, this Policy prohibits related misconduct, including [Interpersonal Violence](#), [Stalking](#), [Complicity](#), and [Retaliation](#).

##### 1. Discrimination

This Policy prohibits [Discrimination](#), meaning 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.

##### 2. Harassment

This Policy prohibits [Harassment](#), which is 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](#), as defined below.

### a. 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](#).

### b. 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.

## 3. Additional Guidance about Discrimination and Harassment

Consistent with the definitions provided above, conduct that constitutes [Discrimination](#) and [Harassment](#):

- May be blatant and involve an overt action, threat, or reprisal; or may be subtle and indirect, with a coercive aspect that is unstated but implied.
- May or may not include intent to harm.
- May not always be directed at a specific target.
- May be committed by anyone, regardless of [Protected Status](#), position, or authority. While there may be a power differential between the [Reporting Party](#) and the [Responding Party](#) – perhaps due to differences in age or educational, employment, or social status – [Discrimination](#) and [Harassment](#) can occur in any context.
- May be committed by a stranger, an acquaintance, or someone with whom the [Reporting Party](#) has a current or previous relationship, including a romantic or sexual relationship.
- May be committed by or against an individual or by or against an organization or group.
- May occur in the classroom, in the workplace, in residential settings, or in any other setting.
- May be a pattern of behavior or, if sufficiently severe, a one-time event.
- May be committed in the presence of others, when the [Reporting Party](#) and [Responding Party](#) are alone, or through remote communications, including email, text messages, or social media.
- May take the form of threats, assault, property damage, economic abuse, and violence or threats of violence.
- May include harassing or retaliatory behavior directed to a sexual or romantic partner, family member, friend, or pet of the [Reporting Party](#).

## 4. 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.

**B. Sexual or Gender-Based Harassment, Sexual Assault, Sexual Violence, or Sexual Exploitation**

**1. Prohibited Forms of Conduct<sup>2</sup>**

**a) Sexual or Gender-Based Harassment**

Sexual or Gender-Based Harassment may:

- (1) 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;
- (2) involve 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
- (3) include [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.

**b) Sexual Assault or Sexual Violence**

[Sexual Assault](#) and [Sexual Violence](#) are forms of [Sexual or Gender-Based Harassment](#) that involve having or attempting to have [Sexual Contact](#) with another individual without [Consent](#). Additional guidance about [Consent](#) can be found [here](#).

**c) Sexual Exploitation**

[Sexual Exploitation](#) is a form of [Sexual or Gender-Based Harassment](#) that involves one or more of the following behaviors committed for any purpose, including sexual arousal or gratification, financial gain, or other personal benefit:

- (1) taking sexual advantage of another person without [Consent](#);
- (2) taking advantage of another's sexuality; or
- (3) extending the bounds of consensual [Sexual Contact](#) without the knowledge of the other individual.

Examples of [Sexual Exploitation](#) include, but are not limited to: threatening to disclose an individual's [Sexual Orientation](#), [Gender Identity](#), or [Gender Expression](#); observing another individual's nudity or [Sexual Contact](#), or allowing another to observe the same, without the knowledge and [Consent](#) of all parties involved; non-consensual streaming of images, photography, video, or audio recording of [Sexual Contact](#) or nudity, or distribution of such without the knowledge and [Consent](#) of all parties involved; prostituting another individual; knowingly exposing another individual to a sexually-transmitted infection, without the individual's knowledge; knowingly failing to use contraception without the other party's knowledge; and inducing [Incapacitation](#) for the purpose of taking sexual advantage of another person.

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<sup>2</sup>These definitions overlap with North Carolina criminal statutes in some cases and provide greater protection in other instances. The North Carolina criminal statutes may be found [here](#).

## 2. Related Definitions: Sexual Contact, Consent, Coercion, Force, and Incapacitation

### a) 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.

### b) Consent

[Consent](#) is 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.

### c) Coercion or Force

[Coercion or 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 [Coercion](#) or [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](#).

#### d) Incapacitation or Incapacitated

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.

Where an individual’s level of impairment does not rise to Incapacitation, it is still necessary to evaluate the impact of intoxication on Consent. In evaluating whether Consent was sought or given, the following factors may be relevant:

- Intoxication may impact one’s ability to give Consent and may lead to Incapacitation (the inability to give Consent).
- A person’s level of intoxication is not always demonstrated by objective signs; however, some signs of intoxication may include clumsiness, difficulty walking, poor judgment, difficulty concentrating, slurred speech, vomiting, combativeness, or emotional volatility.
- An individual’s level of intoxication may change over a period of time based on a variety of subjective factors, including the amount of substance intake, speed of intake, body mass, and metabolism.

No matter the level of an individual’s intoxication, if that individual has not affirmatively agreed to engage in Sexual Contact, there is no Consent.

Anyone engaging in Sexual Contact must be aware of both their own and the other person’s level of intoxication and capacity to give Consent. The use of alcohol or other drugs can lower inhibitions and create an atmosphere of confusion about whether Consent is effectively sought and freely given. If there is any doubt as to the level or extent of one’s own or the other individual’s intoxication or Incapacitation, the safest course of action is to forgo or cease any Sexual Contact. A Responding Party’s intoxication is never an excuse for or a defense to committing Sexual or Gender-Based Harassment, Sexual Assault or Sexual Violence, or Interpersonal Violence, and it does not diminish one’s responsibility to obtain Consent.

## C. Interpersonal Violence and Stalking

### 1. Interpersonal Violence

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.

### 2. 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.

## D. Complicity and Retaliation

### 1. Complicity

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

### 2. Retaliation

Retaliation is 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.

During the investigation and resolution of violations of this Policy that are alleged in good faith, reasonable steps will be taken to protect the [Reporting Party](#), the [Responding Party](#), and other participants in the reporting, investigation, and resolution process from [Retaliation](#). Any individual who engages in [Retaliation](#) will be subject to prompt and appropriate disciplinary action. Individuals who have a concern about potential or actual [Retaliation](#) should contact the Equal Opportunity and Compliance Office or Title IX Compliance Coordinator for assistance in addressing the concern. If the concern about [Retaliation](#) involves the Equal Opportunity and Compliance Office or Title IX Compliance Coordinator, an individual may contact the Vice Chancellor for Workforce Strategy, Equity & Engagement. Individuals may also be able to utilize the applicable grievance procedure within the designated timeframe to address any concern not otherwise resolved.

## V. REPORTING OPTIONS

The University is committed to providing reporting options through multiple contact points across campus that are broadly accessible to all University community members. Detailed information about [Reporting Options](#) for students, faculty, and staff is outlined in the Procedures that accompany this Policy.

Making a report to the University means telling a designated Reporting Option what happened, in person, by telephone, in writing, by e-mail, electronically, or anonymously. The University encourages a [Reporting Party](#) to make a report directly to one of these designated Reporting Options: the Equal Opportunity and Compliance Office, the Title IX Compliance Coordinator, the Report and Response Coordinators, the Office of the Dean of Students, or UNC Department of Public Safety. In turn, these [Reporting Options](#) will immediately refer the report to the [Response Team](#) to assure consistent application of this Policy. Similarly, when an individual chooses to share information with a University employee designated as a [Responsible Employee](#), the report will be shared with the Equal Opportunity and Compliance Office, Title IX Compliance Coordinator, or a member of the [Response Team](#).

Consistent with the procedures that accompany this Policy, upon receipt of a report, the Equal Opportunity and Compliance Office or Title IX Compliance Coordinator, in consultation with the Response Team, will conduct an [Initial Assessment](#) of: the incident or behavior at issue; any risk of harm to the parties, any other individuals, or the broader campus community; the [Reporting Party](#)'s desired course of action; and the necessity for any [Interim Protective Measures](#) to protect the safety of the [Reporting Party](#), any other individuals, or the community. A member of the [Response Team](#) will offer appropriate resources to support the [Reporting Party](#) (e.g., medical care, counseling resources, safe housing) and at the conclusion of the [Initial Assessment](#), determine the appropriate manner of resolution.

The University recognizes that deciding whether to make a report and choosing how to proceed are personal decisions. At the time a report is made, a [Reporting Party](#) does not have to decide whether to request any particular course of action. Choosing to make a report, and deciding how to proceed after making the report, is a process that unfolds over time. The University will make every effort to respect an individual's autonomy in making the determination as to how to proceed. Resources are always available to support a [Reporting Party](#) regardless of the course of action chosen.

All individuals are encouraged to make a report, regardless of when or where the incident occurred, and to seek any necessary help from campus or community resources.

## VI. REPORTING BY UNIVERSITY EMPLOYEES

### A. Responsible Employees

Employees with administrative or supervisory responsibilities on campus or who have been designated as [Campus Security Authorities](#),<sup>3</sup> are considered [Responsible Employees](#). This includes, for example, members of the Board of Trustees, the Chancellor, Vice Chancellors, Deans, Directors, Department Chairs, Coaches, Student Affairs professionals (including Resident Advisors), and faculty who serve as advisors to student groups. Sworn officers in UNC Department of Public Safety are also [Responsible Employees](#). [Confidential Resources](#) are **not** considered to be [Responsible Employees](#). A full list of [Responsible Employees](#) can be found [here](#).

[Responsible Employees](#) will safeguard an individual's privacy, but are **required** by the University to immediately share all details about a report of [Prohibited Conduct](#) (including the known details of the incident (*e.g.*, date, time, location), the names of the parties involved, a brief description of the incident and if the incident has been previously reported) with the Equal Opportunity and Compliance Office, Title IX Compliance Coordinator, or a member of the Response Team in person, by telephone, electronically, or by email. Such reporting ensures timely support for all parties and enables an effective and consistent institutional response.

### B. All Other Employees

All other employees (who are not designated as [Confidential Resources](#)) will safeguard an individual's privacy, but are **strongly encouraged** to share any information about such conduct with the Equal Opportunity and Compliance Office, Title IX Compliance Coordinator, or a member of the Response Team, in recognition of the understanding that centralized reporting is an important tool to address, end and prevent [Prohibited Conduct](#).

Similarly, all **students** (who are not otherwise required to report as a [Responsible Employee](#)) are **strongly encouraged** to report any information, including reports or partial reports, to the Equal Opportunity and Compliance Office, Title IX Compliance Coordinator, or a member of the Response Team.

### C. Confidential Resources

[Confidential Resources](#) will **not share** information about an individual (including whether that individual has received services) without the individual's express written permission, unless there is a continuing threat of serious violence 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).

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<sup>3</sup>[Campus Security Authorities](#), as designated by the University, include: members of UNC Department of Public Safety; any individual(s) who have responsibility for campus (guard, escort, etc.); individuals/departments designated as [Reporting Options](#) in this policy; and employees with significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline, and campus judicial proceedings. A [Campus Security Authority](#) must share all known details of an incident, consistent with the expectations for Responsible Employees, but no identifying information with respect to a [Reporting Party](#) will be entered in the University's daily crime log or annual security report.

## VII. PRIVACY AND CONFIDENTIALITY

For any report under this Policy, every effort will be made to respect and safeguard the privacy interests of all individuals involved in a manner consistent with the need for a careful assessment of the allegation and any necessary steps to eliminate the conduct, prevent its recurrence, and address its effects. Privacy and confidentiality have distinct meanings under this Policy.

### A. Privacy

Privacy generally means that information related to a report under this Policy will only be shared with those University employees who “need to know” in order to assist in the active review, investigation, or resolution of the report. While not bound by confidentiality, these individuals will be discreet and respect the privacy of all individuals involved in the process. If the decision is made to pursue disciplinary action against a [Responding Party](#), information related to the report will be shared with the [Responding Party](#). Information regarding a report will not be shared with either party’s parents or guardians unless: the party is a minor (and sharing is permissible under the Family Education Rights and Privacy Act (FERPA)); the party has signed a waiver that is compliant with FERPA; or there is an articulable threat to the health or safety of the party or other individuals.

### B. Confidentiality

Confidentiality means that information shared with designated campus or community professionals will only be disclosed with the individual’s express written permission, unless there is a continuing threat of serious harm to the patient/client or to others or there is a legal obligation to reveal such information (*e.g.*, where there is suspected abuse or neglect of a minor). An individual can seek confidential assistance and support by speaking with specially designated [Confidential Resources](#).

### C. Records

The Equal Opportunity and Compliance Office will maintain records of all reports under this Policy and their outcomes in order to track patterns and systemic behaviors.

### D. Release of Information

If a report of [Prohibited Conduct](#) discloses a serious and immediate threat to the campus community, UNC Department of Public Safety will issue a timely notification to protect the health or safety of the community as required by the Clery Act. The notification will not include identifying information about a Reporting Party.

Pursuant to the Clery Act and the 2013 Amendments to the Violence Against Women Act, anonymous statistical information regarding reported criminal incidents must be shared with UNC Department of Public Safety for inclusion in the Daily Crime Log. This information will also be included in the University’s Annual Security Report (<http://www.dps.unc.edu/securityreport/>). The University may also share aggregate and not personally identifiable data about reports, outcomes, and sanctions.

All University proceedings are conducted in accordance with the requirements of Title IX, the Clery Act, the Violence Against Women Act, FERPA, state and local law, and University policy. No information, including the identity of the parties, will be released from such proceedings except as required or permitted by law or University policy.



## VIII. INTERIM PROTECTIVE MEASURES

When a report is received, the Equal Opportunity and Compliance Office or the Title IX Compliance Coordinator, in consultation with other administrators, will impose reasonable and appropriate [Interim Protective Measures](#) when necessary to protect the safety of the parties or witnesses involved. [Interim Protective Measures](#) are temporary actions taken by the University to ensure equal access to its education programs and activities and foster a more stable and safe environment during the process of reporting, investigation, and/or adjudication. [Interim Protective Measures](#) may be applied to the [Reporting Party](#), the [Responding Party](#), and other involved individuals as appropriate to ensure their safety and well-being. [Interim Protective Measures](#) may be requested by the parties or the University at any time, regardless of whether any particular course of action is sought by the [Reporting Party](#).

[Interim Protective Measures](#) are initiated based on information gathered during a report and are not intended to be permanent resolutions; hence, they may be amended or withdrawn as additional information is gathered. The Equal Opportunity and Compliance Office or the Title IX Compliance Coordinator, in consultation with other administrators, will maintain consistent contact with the parties so that all safety, emotional, and physical well-being concerns can be reasonably addressed.

All individuals are encouraged to report concerns about the adequacy of the [Interim Protective Measures](#) or failure of another individual to abide by any [Interim Protective Measure](#) to the Equal Opportunity and Compliance Office or to the Title IX Compliance Coordinator. Violations of [Interim Protective Measures](#) will be addressed under this Policy. The Equal Opportunity and Compliance Office or the Title IX Compliance Coordinator will take appropriate, responsive, and prompt action to enforce [Interim Protective Measures](#) and/or to respond to [Retaliation](#) by another party or witness.

The range of [Interim Protective Measures](#) includes:

- Access to counseling services and assistance in setting up initial appointments, both on and off campus
- Imposition of a campus “No-Contact Order”
- Rescheduling of exams and assignments
- Providing alternative course completion options
- Change in class schedule, including the ability to drop a course without penalty or to transfer sections
- Change in work schedule or job assignment
- Change in student’s campus housing
- Assistance from University support staff in completing housing relocation
- Limiting access to certain University facilities or activities pending resolution of the matter
- Voluntary leave of absence
- Providing an escort to assure safe movement between classes and activities
- Arranging for medical services
- Providing academic support services, such as tutoring
- University-imposed leave, suspension, or separation for the [Responding Party](#)<sup>4</sup>

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<sup>4</sup>Where the [Responding Party](#) is a student, cases involving violence will be immediately referred to the EEAC to determine whether the [Responding Party](#) poses a serious threat of disruption to the academic process or a continuing danger to members of the University community or University property. The Title IX Compliance Coordinator will

- Any other measure which can be tailored to the involved individuals to achieve the goals of this Policy.

## IX. ACADEMIC FREEDOM AND INTEGRITY

The University is committed to the principles of free inquiry and expression. Vigorous discussion and debate are fundamental to this commitment, and this Policy is not intended to restrict teaching methods or freedom of expression, nor will it be permitted to do so. Offensiveness of conduct, standing alone, is not sufficient for the conduct to constitute prohibited *Harassment*. The conduct must be sufficiently serious to interfere with an individual's ability to participate in employment or educational program and activities from both a subjective and objective perspective.

*Prohibited Conduct* under this Policy is not a proper exercise of academic freedom and may not be legally protected expression. On the contrary, *Prohibited Conduct* compromises the University's integrity, as well as its tradition of intellectual freedom.

## X. EDUCATION AND PREVENTION PROGRAMS

The University is committed to offering educational programs to promote awareness and prevention of *Prohibited Conduct*. Educational programs include an overview of the University's policies and procedures; relevant definitions, including prohibited conduct, discussion of the impact of alcohol and illegal drug use; *Consent*; safe and positive options for bystander intervention; review of resources and reporting options available for students, faculty, and staff; and information about risk reduction. Incoming first year students and new employees will receive primary prevention and awareness programming as part of their orientation. Returning students and employees will also have ongoing opportunities for training and education. The University's Equal Opportunity and Compliance Office and the Title IX Compliance Coordinator maintain an education and prevention calendar and tailor programming to campus needs and climate. On-line training programs can be accessed through the Equal Opportunity and Compliance Office's website at <http://eoc.unc.edu/training/>. In addition, more information about education and prevention programs can be found at: <http://safe.unc.edu/>.

As part of the University's commitment to provide an educational and work environment free from *Prohibited Conduct*, this Policy will be disseminated widely to the University community through e-mail communication, publications, websites, new employee orientations, student orientations, and other appropriate channels of communication.

## XI. ANNUAL REVIEW

This Policy is maintained by the Equal Opportunity and Compliance Office. The Equal Opportunity and Compliance Office and Title IX Compliance Coordinator will review this Policy on at least an annual basis, with the assistance of an advisory group consisting of student, faculty, staff, and community representatives selected by senior leadership of that office. The review will capture evolving legal requirements, evaluate the supports and resources available to the parties, and assess the effectiveness of the resolution process (including as to the fairness of the process, the time needed to complete the process, and the sanctions and remedies imposed). The review will include the opportunity for individuals affected by the Policy to provide feedback and will incorporate an

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serve as a member of the Committee for matters involving *Sexual or Gender-Based Harassment* and *Sexual Violence, Interpersonal Violence, Stalking, Complicity*, and *Retaliation*. The EEAC Policy and Procedures are located at: <http://policy.sites.unc.edu/files/2013/04/EEAC.pdf>.

aggregate view of reports, resolution, and climate. The Equal Opportunity and Compliance Office will prepare an annual report, publicly available, which will include recommendations and steps taken to improve the delivery of services and the effectiveness of the Policy and procedures.

## **XII. RELATED UNIVERSITY POLICIES**

### ADA Reasonable Accommodations in Employment

(<http://policy.sites.unc.edu/files/2013/05/ADA-Reasonable-Accommodations.pdf>):

States that, upon the request of any University employee or applicant for employment, the University will provide reasonable accommodations for that individual's known disability. Reasonable accommodations may include but are not limited to making facilities accessible, job restructuring, and modifying equipment or devices.

### EHRA Non-Faculty Grievance Policy

(<http://hr.unc.edu/policies-procedures-systems/epa-non-faculty-employee-policies/dispute-resolution-and-grievance/epa-non-faculty-grievance-policy-of-the-university-of-north-carolina-at-chapel-hill/>): Provides a formal process by which EHRA non-faculty employees can seek prompt, orderly, and fair resolution of work-related disputes.

Expedited Administrative Review by Disability Services Advisory Committee (for students denied an accommodation for a disability) (<http://accessibility.unc.edu/policies/grievance-procedure>): Offers an expedited administrative review process through which students may appeal a determination of their eligibility for and/or provision of disability-related services and accommodations.

### Faculty Grievance Procedures and Faculty Hearings Procedures

(<http://faccoun.unc.edu/faculty-code-and-policies/procedures-for-the-faculty-grievance-committee/>) and (<http://faccoun.unc.edu/committees-2/elected-committees/faculty-hearings-committee/>): Provide a formal process by which faculty employees can seek prompt, orderly, and fair resolution of work-related disputes.

### Family Educational Rights and Privacy Act (FERPA) Policy

(<http://policy.sites.unc.edu/files/2013/05/FERPA.pdf>): States that students who are or have been in attendance at UNC-Chapel Hill have the right to inspect and review their education records upon written request and identifies what student education records may be public and what information is protected from disclosure except under specified circumstances.

### Instrument on Student Judicial Governance

(<http://instrument.unc.edu>): Applies to every student (including undergraduate, graduate, and professional students) and covers offenses other than those addressed by *The University of North Carolina at Chapel Hill Policy on Prohibited Discrimination, Harassment and Related Misconduct*. Offenses proscribed by the Honor Code include but are not limited to academic dishonesty, conduct adversely affecting members of the University Community or the University, conduct affecting persons or property, conduct affecting the integrity of the University, and group offenses.

### Minors on Campus Policy

(<http://policy.sites.unc.edu/files/2013/04/Minors-Memo.pdf>): Requires criminal background checks for all program staff (paid and volunteer) of any residential program serving minors. Furthermore, any employee who reasonably suspects a child has been abused or neglected by a parent, guardian, or caregiver must report that suspicion to a county department of social services.

#### Policy on Non-Discrimination for Program Participants

(<http://policies.unc.edu/policies/pnpp/>): Provides for prompt and equitable resolution of complaints by University visitors or program participants who allege unlawful harassment, discrimination, or retaliation in University programs or activities.

#### Official Recognition of Student Organizations Non-Discrimination Policy

(<http://policies.unc.edu/policies/student-org-dondiscrim/>): Describes the conditions with which a student organization must abide by in order to be eligible for official recognition by the University.

#### Policy on Improper Relationships Between Students and Employees

(<http://hr.unc.edu/policies-procedures-guidelines/spa-employee-policies/employee-relations/IMPROPER-RELATIONS>): Prohibits amorous or sexual relationships between faculty or staff employees and: (1) students they evaluate or supervise incident to any University employment responsibility or authority; or (2) students under the age of eighteen.

#### Policy Statement on Non-Discrimination

(<http://policies.unc.edu/files/2013/04/nondiscrim.pdf>): States that it is University policy not to discriminate in offering access to its educational programs and activities or with respect to employment terms and conditions on the basis of race, color, gender, national origin, age, religion, genetic information, disability, veteran's status, sexual orientation, gender identity, or gender expression.

#### Post-Doctoral Scholars Grievance Policy

(<http://research.unc.edu/offices/postdoctoral-affairs/policies/#x>): Provides a formal process by which postdoctoral scholars can seek prompt, orderly, and fair resolution of work-related disputes.

#### Procedure for Student Requests for Accommodations

(<http://accessibility.unc.edu/students/not-yet-registered-ars/register-accommodations-resources-services-overview>): Provides a formal process for students registered with Accessibility Resources & Services to request accommodations. Students can register by completing the Self Identification Form online (<http://accessibility.unc.edu/students/not-yet-registered-ars/register-ars/self-identification>). If a student has any questions or needs help with the process, the student can contact the Office of Accessibility Resources & Service at 919-962-8300 or at [accessibility@unc.edu](mailto:accessibility@unc.edu).

#### Protection for Reporting Improper Government Activities

(<http://policies.unc.edu/policies/protect-reporting/>): Encourages employees to report evidence of improper government activities to their supervisor, department head, or other appropriate authority. No University employee shall be retaliated against on the basis of reporting such activity.

#### SHRA Grievance Policy

([http://northcarolina.edu/sites/default/files/documents/final-university\\_shra\\_employee\\_grievance\\_policy-eff-2016-02-01.pdf](http://northcarolina.edu/sites/default/files/documents/final-university_shra_employee_grievance_policy-eff-2016-02-01.pdf)): Provides a formal process by which SHRA employees can seek prompt, orderly, and fair resolution of work-related disputes.

#### Violence in the Workplace Policy

(<http://hr.unc.edu/policies-procedures-systems/spa-employee-policies/employee-relations/violence-in-the-workplace-policy/>): The University is committed to providing a workplace free from violence by establishing preventative measures, holding perpetrators of violence accountable, and providing assistance and support to victims. The University's Employee Threat Assessment and Response Team will assess and respond to immediate and potential threats of

workplace violence. The University will protect victims of workplace violence by offering security measures and accommodating other requests whenever possible and appropriate.