UNIVERSITY POLICY

UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL
STUDENT GRIEVANCE POLICY AND PROCEDURES FOR APPEALING
RESULTS OF AN ADMINISTRATIVE REVIEW BY THE EQUAL
OPPORTUNITY AND COMPLIANCE OFFICE

Introduction

PURPOSE
This document establishes the jurisdiction, membership, and procedures of the Student
Grievance Committee. The sole purpose of the Student Grievance Committee is to
provide a process for students who have pursued formal action with the Equal
Opportunity and Compliance Office (“EOC”) against a University employee for violating
the University’s Policy on Prohibited Discrimination, Harassment and Related
Misconduct, Including Sexual and Gender-Based Harassment, Sexual Violence,
Interpersonal Violence and Stalking to appeal the results of the EOC’s investigation
(hereinafter “Administrative Review”).

SCOPE OF APPLICABILITY
The Student Grievance Committee of the University of North Carolina at Chapel Hill
hears appeals in cases arising under the following policy:

The UNC-Chapel Hill Policy on Prohibited Discrimination, Harassment and Related
Misconduct, Including Sexual and Gender-Based Harassment, Sexual Violence,
Interpersonal Violence and Stalking (“Policy”)
(http://policies.unc.edu/files/2013/04/PPDHRM.pdf) explicitly prohibits harassment or
discrimination based on age, color, disability, gender, gender expression, gender
identity, genetic information, national origin, race, religion, sex, sexual orientation or
vetran status; and acts of retaliation because of an individual’s good faith reporting of
allegations of prohibited harassment or discrimination or participation in an investigation
of alleged prohibited harassment or discrimination. The Policy applies to the conduct of,
and protects, 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 nondiscrimination
provisions also apply to contractors and other third parties under circumstances within the University’s control.

This policy applies only to students who have pursued formal action with the EOC against a University employee for violating the Policy and who wish to appeal the results of the EOC’s Administrative Review. ¹

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**POLICY STATEMENT**

Students who have experienced or witnessed conduct by a University employee that would violate the Policy should first report their concerns to the Equal Opportunity and Compliance Office (“EOC”) and make reasonable efforts to have their concerns addressed and resolved either through a voluntary or facilitated resolution or through the Administrative Review Process set out in the Policy and applicable procedures.²

Upon receiving a report, the EOC will inform the student about available resources, interim protective measures, confidential support, and reporting options. Students may obtain information regarding the Policy from the EOC or from Office of the Dean of Students.

A University student who has pursued the Administrative Review Process but believes that their complaint has not been appropriately resolved through that process may appeal the outcome of the Administrative Review to the University’s Student Grievance Committee.

I. **Jurisdiction**

The procedures herein shall be used only when a student at UNC Chapel Hill (hereinafter “Grievant”) seeks to appeal the outcome of the Administrative Review conducted by the EOC after reporting to the EOC that a UNC Chapel Hill employee (hereinafter “Respondent”), including faculty, SHRA, EHRA

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¹ For the purposes of the Policy and related procedures, employees who are also students are considered students if a condition to their employment status requires them to be students (e.g. teaching assistants, resident advisors). An individual who is both a student and an employee whose position does not require them to be a student, is considered to be an employee when acting in the course of their employee duties and is considered a student when acting in their role as a student. For questions about which procedures are applicable, please contact the EOC.

² Any student with a complaint related to the determination of eligibility for and/or provision of disability-related services and accommodations through the Office of Accessibility Resources & Services may report directly to the Equal Opportunity and Compliance Office, or can pursue an expedited appeal through the Office of Accessibilily Resource & Services. See https://accessibility.unc.edu/policies/grievance-procedure.
II. Membership

A. Composition

The Student Grievance Committee shall be composed of faculty members, staff members, and the committee chair.

In the event of a grievance within the jurisdiction of the Committee, the committee chair shall designate three members to serve as a hearing panel, as established in section III.D. herein. The committee chair may serve as one of the panel members.

B. Selection

The committee chair and the members of the Student Grievance Committee shall be appointed by the chancellor or the chancellor’s designee and shall serve at the pleasure of the chancellor or the chancellor’s designee. The committee chair may also designate faculty and staff members from the EOC Hearing Committee to serve on a panel in the event that there are insufficient available members of the Student Grievance Committee to appoint a panel.

C. Training

All Committee members receive training in the laws and policies applicable to the matters within the Committee’s jurisdiction, including this policy. The Committee’s training includes, but is not limited to, information about institutional policies on discrimination based on protected class, sexual violence, consent, stalking, and interpersonal violence; procedures for reporting misconduct and the adjudication processes; how to conduct a hearing process that is adequate, prompt, impartial, protects the safety of the parties, is mindful of the impact of trauma, promotes accountability, and includes fair and objective communications; review of the preponderance of the evidence standard; the rights of all parties in the hearing process; the role drugs and alcohol can play in sexual harassment/sexual violence allegations; the effects of trauma; and how the University addresses privacy and confidentiality.

III. Grievance Procedures

A. Filing a Grievance

1. Substance of a Grievance

non-faculty, and student employees (when acting in the role of an employee) has violated the Policy.
Any grievance filed must be in writing and signed by the Grievant. A grievance must contain, at a minimum:

a) a specification of how the Policy was allegedly violated;

b) a brief summary of the evidence supporting the allegations and a brief summary of the arguments that the Grievant would present at a hearing;

c) the date(s) of the incident(s) involved in the alleged violation(s);

d) information about the Grievant’s attempts to resolve the grievance including a copy of the Administrative Review Report; and

e) identification of the individual Respondent or Respondents against whom the grievance is directed.

2. **Timeliness of Grievance**
   A student has ten (10) business days from the date of notification of the Administrative Review findings to file a grievance appealing the outcome of the Administrative Review. The student may request an extension for filing the grievance for good cause.

3. **Where to File**
   Grievants should submit their grievance to the EOC by email to reportandresponse@unc.edu, or in person at 137 E. Franklin St., Suite 23. Upon receipt, the EOC shall forward the grievance to the chair of the Student Grievance Committee within seven (7) business days, absent exigent circumstances. In the event of any delay, the Grievant shall be notified. The EOC will also notify the Respondent that the Grievant has filed an appeal and provide the Respondent access to this policy.

4. **Response to a Grievance**
   Upon receipt of a grievance, the committee chair will review the grievance and determine whether (1) the grievance falls within the jurisdiction of the Student Grievance Committee; and (2) the grievance contains the minimum elements set forth in Section III.A. If the committee chair finds that the grievance does not fall within the jurisdiction of the Student Grievance Committee, the committee chair will decline to hear the grievance and will notify the Grievant and the
Respondent of this decision in writing. If the committee chair concludes that the grievance falls within the jurisdiction of the Student Grievance Committee but the grievance does not contain the minimum elements set forth in Section III.A., the committee chair will advise the Grievant of the need to amend the grievance to include the minimum elements set forth in Section III.A. that were previously omitted, and will provide a set timeframe for the Grievant to amend the grievance. The committee chair will also notify the Respondent that the Grievant has been provided a set timeframe to amend the grievance. The committee chair’s decision regarding whether a grievance falls within the jurisdiction of the Student Grievance Committee is not appealable.

B. Committee Hearings
If the committee chair finds that the grievance falls within the Committee’s jurisdiction and contains the minimum elements set forth in Section III.A., the committee chair will appoint a panel of three members of the Committee to hear the grievance. When the committee chair serves as a panel member, he or she may vote in the panel’s decision-making process. If the committee chair is not participating on a particular panel, they will designate a panel member to chair the panel, and that panel member shall also be allowed to vote in the panel’s decision-making process. A decision of any panel shall be considered a decision of the Committee.

Upon acceptance of the grievance and designation of the panel and the panel chair, the panel chair or designee will send a copy of the grievance to the Respondent, along with a letter requesting the Respondent’s written response. The Respondent must file a response with the panel chair or designee within ten (10) business days after receipt of the panel chair’s letter. For good cause shown, the panel chair may grant an extension of time for the Respondent to file a response and will notify the Grievant in writing of the approved extension.

Upon receipt of the grievance, the panel chair or designee will also schedule a hearing on the grievance. If the panel chair or designee experiences significant difficulty in finding a time when the Grievant, Respondent, and panel members are all available for a hearing, they will notify the Grievant and Respondent of the delay.
1. The panel chair is responsible for the conduct of the hearing, including, among other things, limiting questioning and testimony to relevant issues.

2. During a hearing, the Grievant and the Respondent shall have the following rights:
   
   a. the right to be represented and/or advised by legal counsel or another type of advocate, who may participate in the hearing to the same extent as the parties themselves, and the right to have one support person present;
   
   b. the right to present the testimony of witnesses and other evidence relevant to the grievance;
   
   c. the right to cross examine witnesses; cross examination of the other party will be conducted by submitting questions to the panel chair, who has discretion to determine the format and relevance of such questions to ask the other party; and
   
   d. the right to examine all submitted documents and other evidence, subject to confidentiality protections that may apply.

3. The panel may ask questions of the Grievant, the Respondent, and any witnesses in order to gather additional information about the grievance.

4. The panel is not bound by federal or state rules of evidence, but shall make all decisions based on the relevant evidence submitted and/or presented as part of the proceeding.

5. A recording or other official record shall be kept of all proceedings in which evidence is presented.

6. When hearing grievances alleging
   
   a. disability, where the circumstances alleged would be covered by the Americans with Disabilities Act and/or Section 504 of the Rehabilitation Act;
b. gender, where the circumstances alleged would be covered by Title IX;

c. race, color or national origin, where the circumstances alleged would be covered under Title VI of the Civil Rights Act; or

d. age, where the circumstances alleged would be covered by the Age Discrimination Act of 1975

the panel shall observe all procedures contained in the specific law or regulations. To the extent that this document conflicts with the specific law, regulations, or applicable agency guidance, the law, regulations, or guidance shall control.

C. Decisions

1. Upon the conclusion of the hearing, the panel will decide whether the preponderance of the evidence submitted or presented as part of the proceeding demonstrates that the Respondent has violated the Policy.

2. Following the hearing, the panel will provide written notification of its findings and recommendations to the Grievant and Respondent simultaneously in writing. The panel will also inform other administrative officials as deemed necessary. Due to the requirements of State law concerning privacy of personnel records, the panel shall provide the Grievant with written notification of its findings that does not include the confidential personnel file information to which the Grievant may not have access.

3. If the majority of the panel finds that the Respondent has not violated the Policy, the panel shall dismiss the grievance and inform the Grievant and the Respondent of the outcome.

4. When applicable, if a majority of the panel finds that the Respondent violated the Policy, the panel will consult with the EOC for additional information about the Respondent’s past record, if any, in similar situations and may consider that information in reaching its decision about the recommendations to be made to administrative officials. A summary of such information shall be included in the panel’s recommendations of appropriate adjustments. The panel’s recommendations will also be decided by majority vote. Academic decisions, such as course and assignment grades, may be introduced
as evidence of discrimination. While the Committee is not empowered to order that an academic decision be reversed, or that a course or assignment grade be changed, the Committee may recommend that the decision or grade be reviewed by the appropriate administrator or grade appeal committee in light of the Committee’s findings.

5. The panel will forward its written report of the matter and its findings to the EOC and to the appropriate University official(s) who are most directly empowered to consider and implement the panel’s recommendations.

D. Time Frame
The consideration of a grievance, including solicitation and receipt of responses and rebuttals, if any, formal hearings, and notification of recommendations, ordinarily will be completed within sixty (60) calendar days after the committee chair’s receipt of the formal grievance. Said sixty (60)day period shall not include Spring Break or semester breaks. Should the grievance be brought at a time when the sixty (60)day period will extend into summer, the Committee will attempt to proceed on a normal schedule, but if this cannot be accomplished due to protracted summer absences of the panel chair, Grievant, Respondent(s), material witnesses, and/or panel members, the panel chair will notify all parties that the process will be held in abeyance until the beginning of the fall academic term. The time periods set forth in this policy may be extended for good cause and upon written notice to the parties.

E. Further Proceedings
1. Employees
Respondents who wish to pursue an appeal from the results of the grievance proceeding may consult the Office of the Provost (faculty) or the Office of Human Resources (SHRA or EHRA non-faculty employees, including temporary employees and postdoctoral scholars) for information about the appropriate appeal route, if any.

2. Students
Students with grievances alleging discrimination on the basis of
a) disability, where covered by the Americans with Disabilities Act and/or Section 504 of the Rehabilitation Act;

b) gender, where covered by Title IX;
c) race, color or national origin where covered under the Civil Rights Act; or

d) age, where covered by the Age Discrimination Act of 1975

may also have the right to file a complaint with designated federal agencies. For more information about applicable federal complaint procedures, students should consult the EOC.

3. Appeals
With the exceptions noted in subsections 1 and 2 above, there is no further appeal from a decision of the Student Grievance Committee.

Related Requirements

EXTERNAL REGULATIONS AND CONSEQUENCES
1. Title IV of the Civil Rights Act of 1964
2. Title VI of the Civil Rights Act of 1964
3. Title IX of the Education Amendments of 1972
4. Age Discrimination Act of 1975
5. Section 504 of the Rehabilitation Act of 1973
6. Americans with Disabilities Act of 1990, as amended
7. Violence Against Women Act

UNIVERSITY STANDARDS AND PROCEDURES
1. UNC Chapel Hill Policy on Prohibited Discrimination, Harassment and Related Misconduct, Including Sexual and Gender-Based Harassment, Sexual Violence, Interpersonal Violence and Stalking
2. 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

Contact Information

POLICY CONTACT
Equal Opportunity and Compliance Office
Email: eoc@unc.edu
Important Dates

- **Effective Date and title of Approver:**
  a. Effective Date: November 20, 1994
  b. Approver: Dean of Students

- **Revision and Review Dates, Change notes, title of Reviewer or Approver:**
  a. Last Revised Date: September 18, 2017
     i. Revised by: Equal Opportunity and Compliance Office and the Office of the Dean of Students
     ii. Substantive Revisions:
        1. Clarified the scope of the policy through the title and the introduction language.
        2. Changed the introduction language to reflect the language of the current policy and nondiscrimination statement.
        3. Removed FERPA complaints from the jurisdiction of the Student Grievance Committee.
        4. Removed a provision that allowed a Grievant to submit their grievance directly to the Student Grievance Committee instead of going through the EOC investigation process first.
        5. Removed students as members of the Student Grievance Committee.
        6. Removed the number required of appointed faculty and staff members.
        7. Allowed the chair to appoint members of the EOC Hearing Committee to hearing panels if the chair cannot find a sufficient number of available Student Grievance Committee members to serve on a panel.
        8. Changed the time frame for appeal from 30 calendar days to 10 business days.
        9. Changed the information of where to file from the Office of the Dean of Students to the Equal Opportunity and Compliance Office.
        10. Ensured that Respondents are properly notified of the appeal and the procedural steps.
        11. Changed the procedural order of assessing the grievance to streamline and clarify that process.
        12. Clarified what happens after a panel renders a decision.
        13. Transferred administrative oversight of the policy from the Office of the Dean of Students to the Equal Opportunity and Compliance Office.
Approved by:

/S/ Brandon Washington        Date: 10/3/2017
Director, Equal Opportunity and Compliance Office

/S/ Adrienne Allison          Date: 10/1/2017
Director of Title IX Compliance/Title IX Coordinator

/S/ Jonathan Sauls            Date: 10/2/2017
Dean of Students