



POLICY ON PROHIBITED DISCRIMINATION, HARASSMENT AND RELATED MISCONDUCT, INCLUDING SEXUAL AND GENDER-BASED HARASSMENT, SEXUAL VIOLENCE, INTERPERSONAL VIOLENCE, AND STALKING

2015-2016 Annual Report

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The University of North Carolina at Chapel Hill’s Equal Opportunity and Compliance Office (EOC) oversees the University’s Policy on Prohibited Discrimination, Harassment and Related Misconduct, Including Sexual and Gender-Based Harassment, Sexual Violence, Interpersonal Violence and Stalking (Policy), and is responsible for preparing an annual report that examines both actions taken in support of the Policy and recommendations for improvement.¹ This Annual Report covers activities initiated during the period from August 2015 through August 2016.

The report contains information about reports of misconduct under the Policy. The report also includes specific initiatives the University took during the 2015-16 academic year to strengthen its Policy, procedures, trainings, outreach, and resources.

¹ The University of North Carolina at Chapel Hill’s Policy on Prohibited Discrimination, Harassment and Related Misconduct, Section XI, available at <http://policies.unc.edu/files/2013/04/PPDHRM.pdf>.

The University has non-discrimination policies to promote a positive and inclusive environment at UNC-Chapel Hill so that students, faculty and employees can stay focused on the things that matter most – learning, working, building friendships, and growing professionally. The EOC oversees these policies, which prohibit discrimination or harassment based on any protected status; sexual assault or sexual violence; interpersonal (relationship) violence; stalking; retaliation; and similar types of misconduct. EOC implements and enforces these policies by sharing information about the policies, receiving reports of potential violations, coordinating measures that help protect safety and well-being, investigating reports, and managing adjudication processes, including recommending and implementing sanctions and remedies as necessary.

Over the course of the 2015-16 school year, EOC staff worked to raise awareness about these policies and to provide support services and resources to the campus community. We listened to stakeholders and collected feedback about what is working and what improvements might be made to the University’s policies and procedures, particularly as they relate to sexual violence. EOC staff also collected feedback and insights as we provided more customized training opportunities to student groups, units and departments; increased the number of awareness campaigns focused on issues such as consent and bystander intervention; and extended our outreach about resources and accommodations for people with disabilities and those affected by other types of discrimination and harassment.

We remain wholly committed to the well-being of our campus community, and this Annual Report details the progress behind that commitment. The report is divided into four sections. The first section discusses the University’s Policy and provides context for how the University developed and implemented the Policy. The second section details reports made to EOC and actions taken in response during the 2015-16 academic year. The third section outlines the training, education, outreach and awareness efforts the University undertook during the year. The fourth section details the work of several committees that reviewed the current Policy and related procedures and made recommended improvements, and some steps EOC and the University will undertake to further uphold our commitment to the safety and well-being of the Carolina community.

We never lose sight of the fact that our work is focused on people, and our commitment to their wellbeing and service to the University is sincere and resolute. We have worked this year to ensure that we hear the concerns of everyone in our University community and we will continue to seek this feedback so that we may better serve our constituents with compassion and respect.

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POLICY ON PROHIBITED DISCRIMINATION, HARASSMENT AND RELATED MISCONDUCT

Click here to view the [Policy on Prohibited Discrimination, Harassment and Related Misconduct, Including Sexual and Gender-Based Harassment, Sexual Violence, Interpersonal Violence and Stalking](#) (the Policy).

Policy Background

The University adopted the Policy on Prohibited Discrimination, Harassment and Related Misconduct (the Policy) in August 2014 following a comprehensive policy review undertaken by a campus task force. The task force was charged with developing recommendations that satisfied the requirements of applicable federal and state law and guidance from the U.S. Department of Education's Office for Civil Rights, that incorporated trauma-informed practices, and that reflected the values of the campus community. This task force included representation from the community and from the following groups and offices on campus:

- Academic Advising
- Counseling and Psychological Services (CAPS)
- Department of Public Safety (campus police) (DPS)
- EOC
- Faculty
- Graduate students
- LGBTQ Center
- Office of the Dean of Students
- Office of the Vice Chancellor for Student Affairs
- Office of University Counsel
- Staff
- Student Wellness
- Undergraduate students
- University Ombuds Office

The task force recommended a comprehensively revised policy, as well as new procedures for responding to reports of student misconduct that prioritized the well-being of individuals and that optimized efficiency, fairness, and balance throughout the process. In addition to addressing sexual assault and related forms of misconduct, the task force recommended that the Policy address a broad range of behaviors, all of which are detrimental to the learning and working environment, including discrimination and harassment based on any protected status (i.e., age, color, disability, gender, gender expression, gender identity, genetic information, national origin, race, religion, sex, sexual orientation, veteran status). The University adopted the recommendations in August 2014. Key components of the 2014 Policy and procedures for student misconduct include:

- more precise scope of prohibited conduct
- comprehensive definitions of “consent” and “incapacitation”

- new adjudication process
- new composition and structure for the hearing panel

Specific procedures are designated for reports based on the relationship of the reporting party (any individual who reported being the subject of prohibited conduct) or responding party (any individual accused of engaging in a violation of the Policy) to the University. The University implemented revised [procedures](#) for reports involving students as the responding party on August 28, 2014.

In the fall of 2015 an advisory group was charged with reviewing the Policy and the procedures for student misconduct based on feedback from campus stakeholders and the data provided from the 2014-15 Annual Report. The results and recommendations stemming from that review are summarized later in this report.

The University also charged a working group to review employee procedures, which can be found in the [Policy](#). Updated information about that review is summarized later in this report and a revised set of employee procedures are targeted to be adopted during the 2017-18 academic year.

The following chart addresses the key differences between the current Policy and the prior 2012 policy.²

Area of the Policy	Current Policy (Adopted in August 2014)	2012 Policy
More precise scope of prohibited conduct	Defines “prohibited conduct” to include: discrimination, harassment, sexual or gender-based harassment, sexual assault or sexual violence, sexual exploitation, interpersonal violence, stalking, complicity, and retaliation.	Stated that prohibited conduct included: discrimination, harassment, sexual or gender-based harassment, sexual assault or sexual violence, and retaliation.
Comprehensive definition of consent	Includes several paragraphs offering detailed guidance on the definition of consent and what is and what is not consent, including: “[c]onsent is the communication of an affirmative, conscious, freely-made decision by each participant to engage in agreed upon forms of sexual contact;” and “[c]onsent 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 the Policy.	Provided a single paragraph defining the term consent, including that “consent means words or actions demonstrating a knowing and voluntary agreement to engage in mutually agreed upon sexual activity.”
Definition of incapacitation	States that “[a]n individual who is incapacitated is unable to give consent to sexual contact.” Defines incapacitation, where alcohol or other substances are involved, as “a	Stated that consent cannot be obtained by “taking advantage of the incapacitation of another.”

² Reports prior to this time were addressed under the University’s previous Policy on Prohibited Harassment, Including Sexual Misconduct, and Discrimination.

	state beyond intoxication, impairment in judgment or ‘drunkenness.’” Provides factors to assess whether an individual is incapacitated.	
New adjudication process (Applies to reports involving a student as the responding party. Procedures for employees are being reviewed.)	Provides that the reporting party can choose between adjudication and voluntary resolution (in certain circumstances). Voluntary resolution includes a mutual decision by the reporting and responding parties to pursue mediation, restorative justice, and other alternatives that would not result in the discipline of the responding party. The adjudication process, by contrast, entails an investigator, in consultation with the EOC, making a finding of a Policy violation or no Policy violation at the conclusion of the investigation. The investigator and EOC then issue sanctions for Policy violations and offer remedies. Parties can accept or challenge the finding(s) and/or sanction(s) through an administrative review or hearing.	Stated that an investigator gathered information and determined whether there was sufficient information to move the case, at the election of the reporting party, to the Office of the Dean of Students for informal resolution or to the Student Grievance Committee for formal resolution, for a determination as to responsibility (and sanctions, if warranted).
Composition of the Hearing Panel (Applies to reports involving a student as the responding party. Procedures for employees are being reviewed.)	Provides for a three-person Hearing Panel that includes faculty and/or staff; students do not serve as panelists.	Provided for a three-person Student Grievance Committee hearing panel that included two employees (faculty and/or staff) and one student.

Reports

The reports EOC receives can be largely classified into two categories: (1) reports that require **formal investigations** or (2) **informal reports**. When EOC receives a report, the staff, sometimes in consultation with an assessment team that may include the Department of Public Safety, the Dean of Students Office, and/or the Office of Human Resources, conducts an inquiry and determines if the report alleges a possible violation of the Policy and whether, consistent with University Policy and applicable law or guidance, further action is warranted based on the alleged conduct. The assessment team determines what, if any, immediate measures the

University should take to protect individuals and the University community, including but not limited to interim suspension, campus and housing restrictions, or changes to work schedules. EOC is prepared to conduct a thorough investigation of each report it receives alleging a violation of the Policy; however, the Policy values reporting parties' stated preference of how they would like to proceed.

If a reporting party requests that EOC pursue an investigation and disciplinary action, an EOC investigator will notify the parties of the investigation, interview the parties and witnesses, collect relevant evidence, produce an investigation report, and render a finding as to whether a Policy violation has occurred. The EOC investigator also recommends appropriate sanctions and remedies, if applicable. This process constitutes a **formal investigation** and adjudication process, which affords all parties due process and opportunities to present evidence, witnesses, and testimony on their own behalf. Throughout this process, the University offers appropriate support, resources, and accommodations to all parties involved.

In many instances, reporting parties sometimes request only needed support and interim protective measures and ask that the University refrain from moving forward with an investigation. Reporting parties often make this request because they wish to remain confidential, keep the details of their experiences private, and/or do not want to pursue a formal investigation. In these circumstances, the University provides information, support, and assistance with interim measures such as academic accommodations, changes to housing, and/or no contact orders, among other actions, with no formal investigation. EOC categorizes these instances as **informal reports**.

In each case, the University will make every effort to respect an individual's choice regarding how to proceed. In rare circumstances, however, the University may be unable to honor a reporting party's request for confidentiality or for informal resolution when the assessment team determines that the facts and circumstances reported constitute a threat to any individual or to the campus community. In these cases, EOC works with the reporting party to ensure they are aware of resources and continually informs them as the process moves forward.

The data in this report capture the number of incidents reported to EOC under the University's Policy. As a result, the numbers reported below vary from statistics provided in other reports and surveys. For example, the University's Annual Security Report, published in accordance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, describes incident information reported to many different departments and law enforcement agencies for specific geographic areas and for specific allegations of criminal acts, regardless of whether the individuals involved agreed to speak with EOC.

The tables below delineate reports involving students and reports involving employees. In these tables, the reference to "involving" means that the individual was either a reporting party or responding party. Some reports involve a student accusing another student or an employee accusing another employee. Other reports may include a student accusing an employee or an employee accusing a student. Those cases that include both employees and students as parties are counted both in the data "involving students" and the data "involving employees."

The Family Educational Rights and Privacy Act (FERPA) prohibits the University from disclosing information from student education records except under certain limited circumstances. FERPA broadly defines "education records" as records

maintained by the University that are “directly related” to a student. Education records protected by FERPA therefore include information about reports students submit alleging harassment, discrimination, and related misconduct. FERPA also prohibits the University from disclosing data in cell sizes small enough to permit the disclosure of education record information that would identify individual students. As a result, the University reports statistical data about students only in numbers of six or more. In order to protect the private information of students who have submitted reports of harassment, discrimination, and related misconduct to the EOC, this Annual Report provides statistical information consistent with the University’s general practice of reporting aggregate data in numbers of six or more.

Formal Investigations

The data described below capture the number of **formal investigations** EOC conducted during both the 2014-15 and 2015-16 academic years. **Each investigation may have involved more than one allegation of prohibited conduct under the University’s Policy.** For example, one investigation may include allegations of sexual assault, sexual harassment, interpersonal violence, and stalking against the same responding party. In that instance, the investigation is noted as one investigation in Table 1 and Tables 2a and 2b. Each allegation of misconduct within the one investigation is counted separately in Tables 3a and 3b below. The 2014-15 data reflect student and employee reports made during this time under the 2012 policy (through August 27, 2014), which was still in effect at the start of the 2014-15 academic year, and the current Policy (effective August 28, 2014). Reports of all forms of misconduct under the Policy are provided below, including but not limited to discrimination and harassment based on any protected status, sexual assault or sexual violence, and interpersonal violence.

Table 1 Total Formal Investigations³				
Parties Involved	Types of Policy Misconduct	2014-2015	2015-2016	Percent Change
Students and Employees ⁴	All	41	42	+ 2.44

Table 2 Total Formal Investigations by Status⁵ (All Types of Policy Misconduct)			
Table 2a	Involving an Employee as a Responding or Reporting Party	2014-2015 27	2015-2016 26
Table 2b	Involving a Student as a Responding or Reporting Party	2014-2015 21	2015-2016 26

Student Process

³ Each formal investigation may involve one or multiple allegations of prohibited conduct.

⁴ Some formal reports from the 2014-2015 academic year fell under the old policy.

⁵ If the investigation involved both an employee and student as a Reporting or a Responding Party, the investigation is counted in both Table 2a and 2b. The investigation is not counted twice in Table 1.

When a formal investigation is conducted under the Policy, a trained and impartial investigator gathers facts and any available physical or documentary evidence. The investigator assesses the evidence and consults with other staff in EOC to determine whether, based on a preponderance of the evidence,⁶ a Policy violation occurred. This standard, which is required by guidance from the Department of Education's Office for Civil Rights, differs from that used in the criminal process. In cases where the investigator determines that a Policy violation has occurred, the investigator also recommends a remedy and sanction.

Formal investigations for reports in which a student is accused of violating the Policy involve a resolution that results in one of three outcomes for each allegation that is the subject of the investigation: (1) a finding of a Policy violation and proposed sanctions; (2) a finding of no Policy violation; or (3) voluntary resolution⁷. Where both the parties agree to the investigative finding and any recommended sanction, or where neither party requests further review, the outcome becomes final. Where the reporting party requests administrative review of the investigative finding that no Policy violation occurred, the investigation report is reviewed by a designee of the Vice Chancellor for Workforce Strategy, Equity and Engagement. The designated reviewer may request additional investigative follow-up, affirm the investigative finding, or reverse the finding. If the responding party challenges the investigative finding that a Policy violation occurred, the report will be forwarded to a Hearing Panel for reconsideration and adjudication, which entails a full assessment of the facts, a determination regarding whether a Policy violation occurred by a preponderance of the evidence and, if warranted, the imposition of sanctions and/or remedies. If the Hearing Panel affirms that a Policy violation occurred, the sanctions and/or remedies may be the same or different than those proposed by the original investigator.

Within the investigation and adjudication process, the University is federally obligated to assume an unbiased and objective role in evidence gathering, fact finding, and determining, by the preponderance of the available evidence, whether the alleged Policy violation occurred. EOC provides all parties a fair and impartial investigation and due process. Sometimes the information presented supports a finding of violation of the Policy. In those cases, swift action is taken to address the conduct. Other times, the information presented is not sufficient to prove, by a preponderance of the evidence, that a violation of the Policy occurred. For all reports, regardless of the outcome, the University makes every effort to provide care, support, and resources to help maximize the success and well-being of our students and employees throughout their tenure at UNC-Chapel Hill.

The tables below reflect the number of formal investigations conducted by EOC that involved a student as either a reporting or responding party in the 2015-16 academic year and the related outcomes of those investigations. ***Each formal investigation may involve more than one allegation of prohibited conduct under the University's Policy.*** The data is disaggregated to illustrate the reports relating to behavior prohibited by Title IX (sex and gender discrimination, as well as interpersonal violence, stalking, and related retaliation), and reports relating to discrimination and harassment based on other protected statuses. Table 3a reflects the Title IX-related reports and provides data reflecting the types of allegations reported. Table 3b provides information relating to reports of discrimination based on age, color, disability, national origin, race, veteran status, and/or religion.

⁶ The April 4, 2011 *Dear Colleague Letter* issued by the United States Department of Education's Office for Civil Rights establishes that a school's grievance procedures must use a preponderance of the evidence standard.

⁷ If a formal investigation is pursued initially, a reporting party can request to end the formal investigation and pursue voluntary resolution at any time. The EOC office then assesses whether voluntary resolution is an appropriate means of resolution given the allegations involved.

Table 3a		Formal Investigations of Conduct Prohibited by Title IX and Related Forms of Misconduct Involving Students in 2015-2016⁸			
Total Number of <u>Investigations</u>		23			
Total Number of <u>Investigations</u> Resulting in a Policy Violation or Voluntary Resolution		12			
Total Number of <u>Allegations</u>		34			
Outcomes	Allegations by Type of Misconduct Alleged	Total Allegations	Policy Violations ⁹	No Policy Violations	Voluntary Resolutions
	Sexual Assault	10	9	11	*
	Sexual Harassment	11			
	Sex or Gender Discrimination, Interpersonal Violence, Stalking, Sexual Exploitation, Related Retaliation and Misconduct	13	6	6	*
	Total	34	15	17	*
Total Number of <u>Allegations</u> Resulting in a Policy Violation or Voluntary Resolution		17			
Number of Students found in Violation of the Policy		6			
Sanctions and Corrective Actions Resulting from Students found in Violation		6 investigations resulted in sanctions that impacted the students' status at the University. These sanctions included suspension, expulsion, and probation. Many of those sanctions were combined with other corrective actions such as fulfilling a behavioral education course, housing restrictions, no-contact orders, and requiring regular meetings with a UNC staff member.			
Number of Employees found in Violation of the Policy		*			
Sanctions and Corrective Actions Resulting from Employees found in Violation		Suspension without pay, reassignment of duties, voluntary resignation, and training (some in combination).			

* Indicates five or fewer

Table 3b		Formal Investigations of Discrimination or Harassment Based on Age, Color, Disability, National Origin, Race, Religion, or Veteran			
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⁸This table includes all formal investigations in which a student was involved as the reporting or the responding party. If the investigation also involved an employee, it is counted both in Tables 3a/3b and Tables 4a/4b.

⁹ This chart has combined the outcomes for allegations of sexual assault and sexual harassment to comply with University practice of not providing aggregate data cells of five or fewer to protect individual identifying information.

Status as the Protected Status <u>Involving Students in 2015-2016 (Does Not Include Sex or Gender Discrimination)</u>	
Total Number of Investigations	6
Total Number of Policy Violations	*
Total Number of No Policy Violations	6
Total Number of Voluntary Resolutions	*

* Indicates five or fewer

Employee Process

With regard to similar types of reports of misconduct involving employees, formal investigations involve a resolution that results in one of two outcomes for each allegation that is the subject of the investigation: (1) a finding of a Policy violation and proposed corrective action, or (2) a finding of no Policy violation. When an employee is found to have violated the Policy after a formal investigation, EOC makes recommendations for remedies and sanctions. The employee's department or unit has the ultimate authority to determine the appropriate disciplinary action, and the employee may appeal the disciplinary action through a separate grievance process applicable to their employment category (e.g., faculty may appeal through the Faculty Hearings Committee, an SHRA employee may appeal through the SHRA grievance process). ***Again, each formal investigation may involve more than one allegation of prohibited conduct under the University's Policy.*** Voluntary resolution is not available as a path of resolution in the procedures for reports against employees; however, in some instances, a report may be resolved informally, or an employee may choose to resign or take other corrective measures while an investigation is pending.

The tables below reflect the number of formal investigations EOC conducted that involved an employee as either a reporting or responding party in the 2015-16 academic year and the related outcomes of those investigations. The data is disaggregated to illustrate the reports relating to behavior prohibited by Title IX (sex and gender discrimination, as well as interpersonal violence, stalking, and related retaliation) and reports relating to discrimination and harassment based on other protected statuses. Table 4a reflects the Title IX-related reports and provides data reflecting the types of allegations reported. Table 4b provides information relating to reports of discrimination based on age, color, disability, national origin, race, veteran status and/or religion.

Table 4a	Formal Investigations of Conduct Prohibited by Title IX and Related Forms of Misconduct <u>Involving Employees in 2015-2016</u>¹⁰
Total Number of <u>Investigations</u>	26
Total Number of <u>Investigations</u> that Resulted in Finding a Policy Violation	6
Total Number of <u>Allegations</u>	33

¹⁰ This table includes all formal investigations in which an employee was involved as the reporting or the responding party. If the investigation also involved a student, it is counted both in Tables 3a/3b and Tables 4a/4b.

Outcomes	Allegations by Type of Misconduct Alleged	Total Allegations	Policy ¹¹ Violations	No Policy Violations
	Sexual Assault	15	*	11
	Sexual Harassment			
	Sex or Gender Discrimination, Interpersonal Violence, Stalking, Sexual Exploitation, Related Retaliation and Misconduct	18	*	13
Total	33	9	24	
Total Number of <u>Allegations</u> that Resulted in Finding a Policy Violation		9		
Number of Students found in Violation of the Policy		0 ¹²		
Sanctions and Corrective Actions Resulting from Students found in Violation		0		
Number of Employees found in Violation of the Policy		6		
Sanctions and Corrective Actions Resulting from Employees found in Violation		Suspension without pay, reassignment of duties, formal reprimand, voluntary resignation, and training (some in combination).		

* Indicates five or fewer

Table 4b	Formal Investigations of Discrimination or Harassment Based on Age, Color, Disability, National Origin, Race, or Religion as the Protected Status Involving Employees in 2015-2016 (Does Not Include Sex or Gender Discrimination)¹³	
Total Number of Investigations	15	
Total Number of Policy Violations	*	
Total Number of No Policy Violations	15	
Total Number of Informal Resolutions	*	

* Indicates five or fewer

Sanctions, Corrective Actions, and Remedies

Where EOC determined Policy violations in cases involving Title IX and related misconduct as described in the charts above, students and employees received sanctions and corrective actions, often in combination. Sanctions and corrective actions for students included expulsion,

¹¹ This chart has combined the outcomes for allegations of sexual assault and sexual harassment to comply with University practice of not providing aggregate data cells of five or fewer to protect individual identifying information.

¹² There were no reports in this category in which an employee accused a student of violating the Policy.

¹³ In 2015-16, EOC was required to investigate every employee grievance filed with the Office of Human Resources that referenced discrimination.

indefinite suspension, suspension for a definite period, probation, orders of no-contact, behavior management education, and housing restrictions. The following sanctions and corrective actions were issued to employees, often in combination: suspension without pay, formal reprimand, training, and reassignment of duties. In all cases in which the University moved forward with an intent to terminate an employee found responsible for violating the Policy, the employee voluntarily resigned before being terminated. Given the broad range of prohibited behaviors under the Policy, sanctions and corrective actions are tailored to the facts and circumstances of each report, the impact of the misconduct on the reporting party and surrounding community, and accountability for the responding party. EOC also identifies remedies to address the effects of the conduct on the reporting party, to restore safety and well-being to the entire University community, and to maximize the reporting party's educational and employment opportunities. Such remedies have included, but are not limited to, academic, housing, and employment accommodations; housing and parking arrangements; reassignment of the responding party's housing or employment duties; and educational programs or climate assessments targeted to specific groups or departments. In some cases, the University resolved reports between students through voluntary resolution; however, the University does not typically resolve allegations of sexual assault through voluntary resolution.

Informal Reports, Resources, and Interim Protective Measures

The following data capture the number of informal reports the EOC received during the 2014-15 and 2015-16 academic years. As stated above, in each instance, the reporting individuals **were informed of, offered, and often provided available support and interim protective measures (e.g., academic accommodations, changes to housing, changes to class or work schedules) but requested that the University refrain from moving forward with a formal investigation.** After conducting an assessment and determining that no individual was at future risk, the University honored the preference of the reporting individual. The University strives to honor the wishes of reporting parties, when possible, because it wants to encourage individuals to seek help and resources by reporting the behavior at issue. The data below capture student and employee reports under both the 2012 policy (since it was in effect at the start of the 2014-15 academic year) and the current Policy (effective August 28, 2014) concerning all forms of misconduct, including but not limited to discrimination and harassment based on any protected status, sexual assault or sexual violence, and interpersonal violence.

Table 5		Informal Reports¹⁴		
Involved Individuals	Types of Policy Misconduct	2014-2015	2015-2016	Percent Change
Students and Employees ¹⁵	All	328	373	+ 13.7

Informal Reports by Status (All Types of Misconduct)

¹⁴ Each informal report may involve one or more allegations of prohibited conduct. Also, these numbers include reports of behavior that EOC ultimately determined did not fall under the Policy, but EOC still offered resources and directed the parties to the appropriate support and reporting entities.

¹⁵ If the informal report involved both an employee and student, the report is included in both Table 6a and Table 6b; however, the report is counted only once in Table 5.

Table 6a	Involving Employees as a Reporting or Responding Party	2014-2015	2015-2016
		87	100
Table 6b	Involving Students as a Reporting or Responding Party	2014-2015	2015-2016
		264	301

* Indicates five or fewer

Informal Reports by Specific Type of Allegation of Misconduct¹⁶						
Table 7a	Involving Employees	2015-2016		Table 7b	Involving Students	2015-2016
Types of Policy Misconduct				Types of Policy Misconduct		
Sexual Assault		*		Sexual Assault		78
Sexual Harassment		28		Sexual Harassment		78
Sex or Gender Discrimination		18		Sex or Gender Discrimination		14
Interpersonal Violence		10		Interpersonal Violence		41
Stalking				Stalking		28
Sexual Exploitation		*		Sexual Exploitation		7
Discrimination or harassment based on age, color, disability, national origin, race, or religion as the protected status		29		Discrimination or harassment based on age, color, disability, national origin, race, or religion as the protected status		28
Other types of conduct not based on protected status		*		Other types of conduct not based on protected status		16

The Policy emphasizes providing for the care and well-being of students and employees through interim protective measures along with confidential supports. Interim protective measures may provide critical assistance to those who report having experienced discrimination, harassment, retaliation, and/or violence. We encourage all campus members to seek support regardless of whether they would like to pursue a formal investigation. Our Report and Response Coordinators can provide information about immediate support and resources to help ensure safety and well-being. The most important element of our work centers on the provision of support, resources, and services to help our campus community members.

The University and surrounding community have many resources dedicated to supporting the campus community's safety and well-being, as well as fulfilling the University's Equal Opportunity and Title IX responsibilities. Each resource set forth in the University's Policy meets a unique need. Individuals may use or request as many or as few of these options as needed.

Law Enforcement: Criminal Investigation

At any time, students and employees can call 911 for protection and to initiate a criminal investigation. When 911 is dialed from campus, DPS responds. DPS informs the necessary

¹⁶ If the informal report involved both an employee and a student, it is included in both Table 7a and Table 7b. Also, each report may have involved one or more allegations and therefore the numbers in Table 7a and 7b do not match the overall numbers in Tables 5 and Table 6a/b. s

University staff of relevant incidents. Similarly, University staff work closely with local law enforcement agencies to support individuals who report that they have experienced violence or criminal conduct off campus.

University Reporting: Campus Protective Measures and Proceedings

Reporting to the University involves exploring all reporting and support options, including the option to seek a formal investigation and adjudication process under the University's Policy and/or accessing or utilizing any available interim protective measures such as academic accommodations, changes to housing, and changes to class or work schedules. Individuals are encouraged to make reports to the Report and Response Coordinators, Title IX Compliance Coordinator, EOC, or Office of the Dean of Students. These individuals and staff within these offices are well trained on how to conduct investigations, document incidents, and respond to reports.

Confidential Medical Support: Care and Evidence Collection

Campus Health Services and the Emergency Department at UNC Hospitals can provide evidence collection, treatment of injuries, and medication for sexually transmitted infections and pregnancy prevention. Forensic exams can be obtained up to five days after an assault.

Confidential Support: Emotional and Psychological Support

The ComPsych Employee Assistance Program (for employees), Counseling and Psychological Services (CAPS) (for students), the Gender Violence Services Coordinators (for students and employees), and the University Ombuds Office (for students and employees) are confidential resources that offer emotional and/or psychological support. Confidential community resources, such as the Orange County Rape Crisis Center and Compass Center for Women and Families, are also available, and University staff members can connect individuals to these resources.

Students and employees may obtain confidential support whether or not they report an incident to the University or to law enforcement.

Training and Education

The University provides training and education to its students, faculty, and staff as part of its commitment to assuring a comprehensive prevention, support, and response system. Programs address types of prohibited conduct, bystander intervention, compassionate support and response, and information regarding the University's Policy and resources. The University also offers several additional trainings for students and employees that are related to the broad range of misconduct prohibited by the Policy. Some of the current offerings include:

Americans with Disabilities Training: This session is offered by EOC and is designed to provide an overview of the Americans with Disabilities Act of 1990 (ADA) and ADA Amendments Acts of 2008. The session also increases awareness of the University's Reasonable Accommodations in Employment Policy and familiarizes employees and supervisors with their responsibilities and available resources. Accessibility Resources & Service (ARS) also offers customized training programs throughout the year upon request to departments and organizations regarding reasonable accommodations, resources, and services for undergraduate and graduate/professional students with disabilities. More than 280 people participated in this training during the 2015-16 year.

Honor at Carolina at New Student Orientation: This session emphasizes the expectation that members of the Carolina community conduct themselves in a manner that promotes honor, integrity, safety, and respect and welfare of others. New students learn that discrimination, harassment, and related forms of misconduct are strictly prohibited at Carolina. Students also learn about the definition of “consent” under the Policy, campus resources, and how to help a friend in need. Approximately 5,000 first-year and transfer students attended the session prior to the start of the academic year. The session is led by staff from the Office of Student Conduct and EOC.

Diversity in Hiring Workshop: The Diversity and Multicultural Affairs Office (DMA) offers this workshop for units and groups seeking to recruit a more diverse workforce. This workshop explores national trends and the practices of peer institutions, as well as the use of inclusive language, open communication, and ways to address barriers. This workshop provides tactics and resources to build an inclusive hiring experience.

Diversity in the Workplace Workshop: DMA offers this workshop to help units and groups understand University policies and procedures related to diversity. This workshop also addresses diversity and its intersections, influence on identity and work performance, climate, and overall team dynamics. More than 800 students, faculty and staff participated in DMA trainings, including these two programs and the **Recognizing the Need for Cultural Competency in Our Everyday Lives** and the **THINKposium** programs listed below, during the 2015-16 year.

Everfi’s Haven: Understanding Sexual Assault: Student Wellness provides a mandatory online training for incoming students to learn about important prevention skills for sexual assault and relationship violence. This online module is separate from the in-person HAVEN training described below. In the 2015-16 academic year, this training was provided to 4,459 individuals.

Green Zone: Green Zone is training offered by the Office of the Dean of Students for faculty and staff who wish to learn more about the military-affiliated student experience. Its goals are to train members of the Carolina community about the challenges and concerns faced by military-affiliated students and to identify individuals who are available to assist this population.

HAVEN (Helping Advocates for Violence Ending Now): HAVEN is a collaboration between EOC, the Carolina Women’s Center, the Office of the Dean of Students, and Student Wellness. This training provides students, faculty, and staff with tools to be an ally to someone who has experienced sexual or interpersonal violence or stalking. The three-hour training emphasizes the importance of listening, responding compassionately, and connecting those affected by violence to resources on campus and in the community. In the 2015-16 academic year, HAVEN facilitators trained 252 students and 213 employees.

Men’s Project: The UNC Men’s Project, coordinated by Student Wellness, is an initiative that seeks to create opportunities for students to learn, listen, reflect, and work together to increase male involvement in gender equity and violence prevention efforts. The UNC Men’s Project works to promote positive, healthy, inclusive, and non-violent masculinities. In the 2015-16 academic year, the Men’s Project had 2 cohorts, reaching 25 unique students. The group held 13 coffee hours and 8 meetings with current and previous cohort members, reaching 64 students across all cohorts; co-hosted 5 “Coffee Conversation” events with the Carolina Women’s Center, reaching 156 students; and participated in programs and online campaigns, including campaigns for Sexual Assault Awareness Month.

One Act and One Act for Greeks: One Act is a skills training program offered by Student Wellness for students who are interested in preventing violence and learning about bystander intervention. Peer educators and a full-time or graduate student staff member lead the program. One Act for Greeks is specially tailored for members of Greek organizations. In the 2015-16 academic year, Student Wellness facilitated 18 One Act programs, reaching 210 participants, and 11 One Act for Greeks programs, reaching 249 participants.

Raise the Bar: Raise the Bar involves both outreach and education to local bars on drug facilitated sexual assault (DFSA) and a bystander intervention training specifically for bar staff to help them recognize and intervene when they see warning signs of DFSA. The program, which is led by Student Wellness, includes both volunteer driven outreach and campus-based training and service delivery. During the 2015-16 academic year, program volunteers held conversations with staff at six bars and restaurants in the area about DFSA. In addition, 97 staff members from local bars and restaurants attended the training.

Recognizing the Need for Cultural Competency in Our Everyday Lives: This workshop, offered by DMA, provides discussion about culture, power, and privilege within organizations and workplaces. By attending this workshop, attendees learn about microaggressions, bias, and strategies to increase self-awareness and self-reflection in work and life.

Responsible Employee Training: The University conducts mandatory annual training for “Responsible Employees” under the Policy. Employees with administrative or supervisory responsibilities on campus or who have been designated as Campus Security Authorities are Responsible Employees. See the [Policy](#) for more information.

Upon receiving a report of a potential Policy violation, Responsible Employees will safeguard an individual’s privacy, but are required by the University to immediately share all details about the report. Specifically, Responsible Employees must communicate the following information to EOC or to the Title IX Compliance Coordinator in person, by telephone, electronically, or by email: the known details of the incident (e.g., date, time, location), the names of the parties involved, a brief description of the incident, and whether the incident has been previously reported. Such reporting ensures timely support for all parties and enables an effective and consistent institutional response. The mandatory annual training for Responsible Employees outlines the types of conduct these individuals are expected to report, the procedures for reporting, and tips on how to inform students and peers of these reporting responsibilities. The annual training required for designated Responsible Employees is available online and EOC will conduct an in-person training for groups upon request. In the 2015-16 academic year, EOC trained 375 Responsible Employees in person.

Safe Zone: Safe Zone is a four-hour training program offered by the LGBTQ Center that is designed to create a network of allies for people who may be marginalized on the basis of their sexual orientation, gender identity, or gender expression. The desired goal for the Safe Zone program is to make the University community a safer and more supportive place for people of all sexual orientations, gender identities, and gender expressions. During the 2015-16 academic year, the LGBTQ Center conducted 32 Safe Zone trainings, and the program added 703 new Safe Zone allies. Additionally, 99 percent of participants reported having greater knowledge of sexual orientation, gender identity, and gender expression as a result of the training.

Sustaining Healthy Relationships: This six-lesson online module offered by the LGBTQ Center and Student Wellness introduces participants to healthy relationship ideas and addresses the dynamics of interpersonal violence and bystander intervention. During the 2015-16 academic year, 49 individuals participated in the training.

THINKPosium: This annual program is led by DMA to help build capacity and cultural competency for inclusive teaching and learning practices among staff and faculty. The 2015 program focused on “Intersectionality: Unpacking the Interactions of Identities.” Participants applied an intersectional framework to explore the multiple ways race, class, gender and other aspects of identity interact with classroom, workplace and educational experiences for students and faculty/staff at Carolina. The discussion helped participants reflect on their own practices, understand the concepts and behaviors that perpetuate oppression of marginalized identities; and be part of facilitated conversations to develop capacity and skill to address the issue within their own units and departments.

Title IX Awareness and Violence Prevention Training: The University provides an online training module about prohibited discrimination, harassment, and retaliation that all students and employees are required to complete. This module offers information about:

- How to identify sexual and gender-based harassment and violence, interpersonal violence, and stalking
- How to report and respond to incidents of sexual and gender-based harassment and violence, interpersonal violence, and stalking
- The requirements of Title IX and related laws and guidance
- The University’s prohibition against retaliation
- The University’s Policy and procedures

The University requires that every student complete the training annually. Faculty members and staff are also required to complete the training when they are first employed and subsequently on a biennial basis.

EOC and many of the other departments referenced above also coordinate and direct custom training and consulting services for groups and units on or connected to campus. These programs include, but are not limited to, targeted outreach to student-athletes and coaches, the Greek community, and residence hall directors and communities. In 2015-16, the EOC provided custom training to over 1,200 employees and students.

Awareness and Outreach

In addition to training and education programs, the University has continued to focus on growing and improving the awareness of campus resources among students and expanding the network of people and offices who can distribute information, lend expertise, and aid in efforts related to both service delivery and prevention. These efforts include:

Delta Advocates: EOC, the Carolina Women’s Center, the Office of Fraternity & Sorority Life and Community Involvement, and Student Wellness partner to organize the Delta Advocates program. Delta Advocates are students in the Greek community who are trained to provide an empathetic and informed response to survivors of sexual and interpersonal violence. Delta Advocates support an environment where their peers can freely discuss their experiences and learn about support and reporting resources on campus and in the community. Delta Advocates collaborate with campus and community partners to engage the Greek community in campus prevention efforts. They strive to create space for open and meaningful dialogue around

interpersonal and sexual violence and empower members to be active participants in creating a safer and more supportive Greek community at Carolina. The second cohort of Delta Advocates, which included 16 students, began serving in January 2016. Each participant received 34 hours of training.

Empowering Carolina: EOC and ARS formally launched the Empowering Carolina program in spring 2016 to raise awareness of resources, services, policies, and programs on campus for individuals with disabilities. The first series of events included several program offerings and was attended by more than 80 members of the campus and local community. The program will host events during the fall and spring semesters moving forward.

Heels United for a Safe Carolina: During the 2015-16 academic year, EOC continued to expand an awareness campaign that is unique to the UNC-Chapel Hill campus entitled Heels United for a Safe Carolina. The awareness campaign supports the University's commitment to a safe and welcoming Carolina – a campus that is free from discrimination and harassment, sexual assault, interpersonal violence, and stalking. The campaign raises awareness of these issues and provides information about prevention efforts, available resources, and University policies.

The campaign includes a social media component as well as resources, events, and programs, including the Heels United Project.

- ***Resources and Reference Materials:*** Prior to the start of the 2015-16 academic year, students and parents received information about resources and reporting options in all new student and parent handbooks. Further, before students moved into residence halls in August 2016, nearly 10,000 quick reference guides about resource and reporting options were placed in residence hall rooms along with brochures for EOC. All resident advisors received posters containing similar information to post in high-traffic locations within their communities; building representatives across campus also receive these posters. Key support staff received comprehensive resource guidebooks to share with the students they serve, including the Title IX Compliance Coordinator, Report and Response Coordinators, DPS, other local law enforcement agencies, Gender Violence Services Coordinators, the Office of the Dean of Students, CAPS, and community support resources.
- ***Events and Programs:*** The campaign distributed information and items with the resource website URL to thousands of students at campus events like FallFest and Safetoberfest, graduate student orientation, resident advisor sessions, Sexual Assault Awareness Month events, and Relationship Violence Awareness Month events.
- ***Heels United Project:*** The Heels United Project is an ongoing communication installation about creating a safe campus for all. The project was officially launched during summer 2015 and has since continued. The project includes installations about a range of topics, including consent, resources, bystander intervention, and sexual violence. The first installation, Think A.C.E. for Consent, provided information about consent to sexual contact, as defined in the University's Policy. Using 50 large A-frame signs, messages about consent were placed in key locations throughout campus during the first few weeks of class in August-September 2015. The second installation, Love Empowers, was launched in October 2015 to help create awareness about relationship violence, resources on campus, and programs. The third installation, Stick Together!, was launched toward the end of October 2015 and provided information about UNC-

Chapel Hill's One Act bystander intervention program and directed students to resources on campus.

Safe.unc.edu Website: The University continues to provide up to date content on the safe.unc.edu website, which is the main online portal for University students, faculty, staff, and visitors to learn about resources and reporting options related to discrimination, harassment, sexual violence, interpersonal violence, and stalking. The website is designed to help streamline resource, reporting, and program information for students and employees. While user statistics vary, the website receives visits from an average of 1,500 users per month. This site will be updated in 2017-18.

Tar Heel Tribute: EOC, the Office of the Dean of Students, and the Office of Human Resources hosted the second annual Tar Heel Tribute program to celebrate Carolina's veterans in November 2015. More than 250 people attended. The program provided information about campus resources and policies for student and employee veterans.

Ongoing Policy Initiatives and Next Steps

Advisory Group Policy Review: The Policy requires an annual review, stating: "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 aggregate view of reports, resolution and climate."

In the fall of 2015, Becci Menghini, Senior Associate Vice Chancellor of Workforce Strategy, Equity and Engagement, charged an advisory committee composed of the following parties to review and evaluate the Policy. Christi Hurt, Assistant Vice Chancellor and Chief of Staff in Student Affairs, chaired the committee. The members included:

- Rahdika Arora, Undergraduate Student
- Kiran Bhardwaj, Graduate Student
- Emily Blackburn, Undergraduate Student
- Sabrina Garcia, Chapel Hill Police Department
- Katie Nolan, Interim Title IX Compliance Coordinator
- Jonathan Sauls, Dean of Students
- Kara Simmons, Associate Vice Chancellor and Senior University Counsel
- Mike Smith, Dean, School of Government

The committee considered feedback from a wide range of individuals, departments, and units involved with the Policy. Additionally, all reporting and responding parties involved in reports addressed during the initial year of the Policy were invited to provide first-hand feedback to a faculty member tasked with conducting private interviews. That feedback was aggregated and provided to the committee in an oral report, to protect the privacy and identities of the parties. The committee also heard feedback from members of the following groups or units:

- EOC Staff

- Investigative staff
- Report and response coordinators
- Other EOC staff
 - Carolina Women’s Center
 - University Ombuds Office
 - Student Wellness
 - Campus Health
 - Office of the Dean of Students
 - Carolina Housing Staff
 - Student leaders
 - Advocacy groups
 - ARS

In addition to feedback from campus constituents and partners, the group considered data from the previous year’s annual report, information from the AAU Climate Survey¹⁷, guidance provided by UNC General Administration, OCR recommendations described in resolution agreements with other institutions of higher education, and guidance from professional organizations and experts in the field. In April 2017, the advisory committee delivered a report to Senior Associate Vice Chancellor Menghini outlining several recommendations for improvements to the Policy, to the student procedures that support the Policy, and to the communications and marketing associated with the Policy and the work of EOC more generally. Specifically, the report proposed revisions to Policy language and the definitions relating to prohibited conduct, streamlining mechanisms for reporting misconduct, more specificity about the roles of staff and attorneys in the process, more precise and inclusive communications, and broader coordination of support and resources. The committee also recommended a more detailed review of the hearing process and of the sanctions imposed when a student is found to have violated the Policy. A copy of the full report can be found [here](#), and more information about how recommendations are being implemented will be included in the 2017-18 Annual Report. EOC has already begun working to address these recommendations.

Employee Procedures: In addition to assessing the Policy and the procedures for reports involving students as the responding party, the University is developing new procedures for reports of discrimination, harassment (including sexual assault and sexual violence), and retaliation involving faculty and staff. In October 2015, Felicia Washington, Vice Chancellor for Workforce Strategy, Equity, and Engagement, convened a working group to examine all of the procedures that apply to reports against employees, including: the Procedures for Reports by Students Regarding the Conduct of Employees; the Procedures for EPA (EHRA) Faculty and Non-Faculty Employees; and the Procedures for SPA (SHRA) Employees. Vice Chancellor Washington charged the working group with identifying areas for improvement in these procedures with regard to clarity, efficiency, and organization, as well as ensuring consistency with the Policy and procedures for reports against students. Vice Chancellor Washington asked the working group to consider effective implementation of evolving state and federal mandates, including Title IX, the Violence Against Women Act, and the Clery Act, and to develop

¹⁷ In April 2015, UNC-Chapel Hill was one of 27 public and private institutions to participate in the AAU Campus Climate Survey on Sexual Assault and Sexual Misconduct. The AAU sought to gain a detailed understanding of the general campus climate regarding sexual assault, sexual harassment, intimate partner violence, and stalking and to help collect institution-specific data to guide prevention and support efforts. In mid-September 2015, AAU released aggregate survey data, which can be found online at <https://www.aau.edu/Climate-Survey.aspx?id=16525>. Details of the UNC-Chapel Hill specific data were summarized in a reader-friendly compilation that distilled the key findings and points on which prevention and response efforts in the coming year will be based. This information, the UNC-Chapel Hill report, and infographics can be accessed online at <http://safe.unc.edu/create-change/aau-survey/>.

recommendations for revised procedures to address reports against employees under the Policy. The group included representation from across campus, including:

- Academic Personnel Office
- DPS
- Employee Forum
- EOC
- Faculty Hearings Committee
- Faculty members
- Office of Faculty Governance
- Office of Human Resources
- Office of Postdoctoral Affairs
- Staff members (including a post-doctoral scholar)
- Student Affairs
- Students (both undergraduate and graduate)
- University Ombuds Office

The working group met from October 2015 through October 2016. To help inform its recommendations, the working group learned about the complex interplay between governing policies, laws, and regulations including: the multiple employee classifications and related regulations and grievance processes established by UNC System polices and the Office of State Human Resource rules; the University's current policies and procedures; the relevant state and federal laws; national trends and issues; and the current campus climate. To ensure that the group received input from diverse campus groups and representatives from all types of employee classifications, the working group also hosted focus groups, inviting representatives of other campus constituents, including but not limited to the following, to participate and share their concerns and suggestions for improvements to the current procedures:

- ARS
- American Indian Caucus
- American Indian Center
- Association for Women Faculty and Professionals
- Carolina Black Caucus
- Carolina Human Resources Council
- Carolina Women's Center
- Diversity and Multicultural Affairs
- Employee Forum
- Faculty Council (including the Faculty Hearings Committee and University Government Committee)
- Graduate and Professional Student Federation
- Latina/o Caucus
- LGBTQ Center
- Office for International Student and Scholar Services
- Postdoctoral Association
- Sonja Haynes Stone Center for Black Culture and History
- Student Government

The working group also hosted employees who implement the current procedures to offer insight as to which provisions of the current procedures work well and which can be improved. The working group thoroughly discussed all pertinent topics and completed a draft set of recommendations, which are currently under review. In these recommendations, the working

group recommended that the University adopt a new set of procedures applicable to all types of employees that, to the extent possible, replicate the procedures that apply when students are accused of misconduct. The working group suggested that these procedures be clear and accessible and reflect trauma-informed practices both in the provision of care and support and in the investigation and adjudication processes. The group also recommended that the new procedures ensure fairness and consistency of treatment among all categories of University employees and that they highlight available resources and support for employees as well as multiple options for resolution. Drafting of the procedures based on the recommendations is also underway.

Prevention Task Force: Vice Chancellors Felicia Washington and Winston Crisp charged the Violence Prevention Task Force in April 2015 to develop a strategic plan to prevent gender-based violence, specifically sexual violence, interpersonal violence, and stalking. Members representing undergraduate students, graduate students, staff, and faculty met monthly through December 2016 to review best practices and federal requirements, review UNC-Chapel Hill data about the campus climate and current resources, write a prevention philosophy, identify ways to support and expand current prevention initiatives, and provide evidence-supported recommendations for 21 new initiatives to strengthen UNC Chapel Hill's commitment to prevent gender-based violence. The recommendations from the Task Force are currently under review by leadership in Student Affairs and Workforce, Strategy, Equity and Engagement.