Understanding Carolina’s Sexual Harassment Policies

UNC-Chapel Hill addresses sexual misconduct under two policies. How do you know which policy applies?

If the answer to all of the questions below is yes, the reported conduct falls under Carolina’s Policy on Prohibited Sexual Harassment under Title IX.

If the answer to any of the questions below is no, the reported conduct falls under Carolina’s umbrella Policy on Prohibited Discrimination, Harassment and Related Misconduct.

| WHEN | Did the reported conduct occur on/after August 14, 2020? |
| WHERE | Was the person impacted by the reported conduct in the U.S. at the time of the reported conduct? |
| WHO (IMPACTED) | Was the person impacted by the reported conduct participating in or attempting to participate in a UNC program or activity at time of the reported conduct? |
| WHO (ACCUSED) | Did UNC exercise substantial control over the person accused of the reported conduct? |
| HOW | Did UNC exercise substantial control over the location, event, or circumstances in which the reported conduct occurred? |
| WHAT | Does the reported conduct meet one of these definitions? |
| • Quid Pro Quo harassment by an employee, |
| • Unwelcome conduct based on sex that is severe, pervasive, and objectionably offensive, or |
| • Sexual assault, dating violence, domestic violence, or stalking |

This guide is intended to help you understand which Carolina policy will be used to address reports of sexual misconduct. You’re encouraged to reach out to the Gender Violence Services Coordinators (Confidential Resource) or the Report and Response Coordinators for help navigating through these processes. For more information, please visit eoc.unc.edu.
Flow Chart of Adjudication Process for Allegations of Conduct under the
Policy on Prohibited Discrimination, Harassment and Related Misconduct

Conduct that falls under the University’s Policy on Prohibited Discrimination, Harassment and Related Misconduct is addressed by the Procedures that accompany the Policy. This flow chart is designed to give an overview of the Procedures. You’re encouraged to reach out to the Gender Violence Services Coordinators (Confidential Resource) or the Report and Response Coordinators for help navigating through these Procedures.

Supportive measures are available to both parties during entire process.

Does the Reporting Party want to request an investigation of the reported conduct?

**YES**
- Written notice to Responding Party and Reporting Party

**NO**
- Supportive measures*

*In limited circumstances, the University may be compelled to investigate a report. Please see the relevant procedures for more detail.

Do both parties agree to an Informal Resolution?

**YES**
- Parties agree to an Informal Resolution
  - University must deem appropriate
  - Voluntary process for both parties
  - If unsuccessful, matter returns to Investigation

**NO**
- EOC Investigation (i.e., evidence gathering, witness interviews)

If Responding Party is a **Student**

1. Parties review draft report without outcome and provide comments
2. EOC issues written determination of outcome

Is the outcome accepted by both parties?

**YES**
- Outcome is final

**NO**
- Either party appeals.
  - Appeal options will differ based on each party’s status as student, employee, or other affiliation.

Either party appeals.

**NO**
- Outcome is final

If Responding Party is a **Employee**

1. Administrative Advisor reviews report with outcome
2. EOC issues written determination of outcome

Is the outcome accepted by both parties?

**YES**
- Outcome is final

**NO**
- Either party appeals
  - Appeals Officer

Reporting Party appeals

**NO**
- Outcome is final

Student Responding Party appeals

Administrative Review

Live Hearing

- Hearing Panel of three administrators
- Parties and witnesses not required to be present for information to be considered
- Cross-examination questions are asked by neutral administrator
- Panel determines outcome, including sanction

* Appeal options will differ based on each party’s status as student, employee, or other affiliation.
Flow Chart of Adjudication Process for Allegations of Conduct under the
Policy on Prohibited Sexual Harassment under Title IX

Supportive measures are available to both parties during entire process.

Conduct that falls under the University’s Policy on Prohibited Sexual Harassment under Title IX is addressed by the Procedures that accompany the Policy. This flow chart is designed to give an overview of the Procedures. You’re encouraged to reach out to the Gender Violence Services Coordinators (Confidential Resource) or the Report and Response Coordinators for help navigating through these Procedures.

Does the Reporting Party want to request an investigation of reported conduct (i.e., file Formal Complaint)?

- **YES**: Written notice to Responding Party and Reporting Party
- **NO**: Supportive measures*

In limited circumstances, the Title IX Coordinator may initiate a Formal Complaint or the University may be compelled to investigate a report under other relevant procedures. Please review the policies in full for more detail.

Do both parties agree to an Informal Resolution?

- **YES**: Parties agree to an Informal Resolution
  - University must deem appropriate
  - Voluntary process for both parties
  - If unsuccessful, matter returns to investigation
- **NO**: Live Hearing

- Hearing Panel of three administrators
- Parties and witnesses must be present for information to be considered
- Cross-examination by party’s advocate or by University-provided advisor if no advocate
- Panel determines outcome

Is the outcome accepted by both parties?

- **YES**: Outcome is final
- **NO**: Appeals Process

  - Either party appeals
  - Appeals Officer

  Does Appeals Officer affirm outcome?

  - **YES**: Returns to Hearing Panel
  - **NO**: Convenes new Hearing Panel

Formal Complaint can be dismissed at any time prior to outcome of Hearing. Either party can appeal dismissal. Appeals Officer may affirm or return to formal process.