Support Persons and Advocates (Attorney or Non-Attorney)

At any meeting or hearing related to the resolution of a report under the policy, both parties may have a support person **and** either a second support person, non-attorney advocate, or an attorney selected at the party's own initiative and expense. These roles are defined below.

SUPPORT PERSONS

A support person is someone who can provide emotional, logistical, or other kinds of assistance. The support person is a non-participant who is present to assist a party by taking notes, providing emotional support and reassurance, organizing documentation, or consulting directly with the party in a way that does not disrupt or delay the proceeding. The support person cannot be a fact witness or provide testimony in the proceedings.

ADVOCATES (ATTORNEY, NON-ATTORNEY)

The advocate (attorney or non-attorney) may accompany the party to any investigative, administrative, or adjudicative meeting or proceeding, including the hearing. The advocate may participate in the adjudicative proceeding to the same extent as the party, but may not delay, disrupt or otherwise interfere with procedures.

Contact the hearing coordinator for information about the role of the advocate.

Hearing Coordinator, Nicole Wiley (919) 962-2099, nicole_wiley@unc.edu

Information for Advocates (Attorney or Non-Attorney)

The University's investigation and adjudication process serves the educational mission of the University. It is separate from the court system and the state's criminal process, which students are also encouraged to pursue. Thus, the requirements below for the advocate (attorney or non-attorney) are unique under the University's process.

COMMUNICATION/CORRESPONDENCES

The University will communicate at all times directly with the party. It is the party's responsibility to forward any communication to their advocate.

INVESTIGATIONS

Interviews conducted by the investigator during the investigation provide parties the opportunity to present information and evidence. An advocate may assist and advise a party throughout this interview process.

ADJUDICATION

During a hearing, a party or their advocate may question the other party by directing the questions through the hearing coordinator. Parties or advocates may ask questions of witnesses if the hearing coordinator determines that the questions are not unduly intimidating or burdensome for any witness(es).

The rules of federal and state civil procedure/evidence do not apply during hearings.

FERPA protected information that is accessed for the purpose of this proceeding may only be used for the purpose of this proceeding. Other use is considered a violation of FERPA and could subject the student and attorney to disciplinary action.

Policy on Prohibited Discrimination, Harassment and Related Misconduct

An overview of the procedures and the role of support persons and advocates (attorney or non-attorney) for reports involving students as the Responding Party.





About

The Equal Opportunity and Compliance Office seeks to ensure Carolina's commitment to a campus that is free from discrimination or harassment on the basis of an individual's age, color, disability, gender, gender expression, gender identity, genetic information, national origin, race, religion, sex, sexual orientation or veteran status by providing equal educational and employment opportunities for students, faculty and staff members.

As part of this commitment, the office administers the University's Policy on Prohibited Discrimination, Harassment and Related Misconduct. Visit eoc.unc.edu for more information and the contact information for the Title IX Compliance Coordinator.

This brochure provides you with information about the University's Policy on Prohibited
Discrimination, Harassment and Related
Misconduct and the role of the support person and advocate under the policy. The policy provides for the rights afforded by Title IX and relevant statutes, regulations, and orders.

What Happens When An Incident Is Reported To The University?

SUPPORT

The Report and Response Coordinator will contact the Reporting Party to discuss safety concerns and interim protective measures, identify resources and other means of seeking justice and restoration, and outline the following paths of resolution with the University.

The Reporting Party may request that no further action be taken.

The Reporting Party may request an investigation to address the conduct with disciplinary action. The Reporting Party may request voluntary resolution to address the conduct without disciplinary action.

PATHS OF RESOLUTION

The University will strive to honor the request. To ensure the Reporting Party's safety and the safety of the campus community, the University will assess whether taking no further action poses a risk to the Reporting Party or other community members. If safety is an issue, the University will take necessary action while supporting and protecting the privacy of the Reporting Party.

End – Continue to receive support.

The investigator will gather information and, in consultation with the Equal Opportunity and Compliance Office, determine by a preponderance of the evidence whether a Policy violation occurred and, if so, recommend an appropriate sanction and remedy.

Resources are available to both the Reporting Party and Responding Party during the process. In those cases where voluntary resolution is available, immediate and corrective action may be taken through individual and community remedies. There are forms of voluntary resolution that do not involve sharing identifiable information with the Responding Party. The Reporting Party can request to end voluntary resolution and pursue an investigation at any time.

End – Continue to receive support.

RESOLUTION

Where there has been an investigative finding that a policy violation has occurred, both parties may: (1) accept both the investigative finding and recommended sanction (which becomes final upon agreement); (2) accept the investigative finding, but request a hearing on the recommended sanction; or (3) request a hearing on the investigative finding and recommended sanction. Where either party requests a hearing, the matter will be forwarded for adjudication by the hearing panel.

End - Continue to receive support.

Where there has been an investigative finding that no policy violation occurred, the Reporting Party may: (1) accept the investigative finding(s) or (2) request administrative review of any investigative finding. The designated reviewer may agree with the investigative finding, reverse the finding, or request additional investigative follow-up. Where the designated reviewer requests additional investigation, the matter will be returned to the investigator for further review.

End - Continue to receive support.

If the matter is brought before a hearing panel, the panel will determine, using a preponderance of the evidence standard, whether a policy violation occurred and will impose appropriate sanctions and remedies where appropriate. Either party may appeal the panel determination based on the specific grounds stated in the policy.

End - Continue to receive support.