

# Policy on Prohibited Discrimination, Harassment and Related Misconduct Including Sex-Based Harassment, Sexual Assault, Interpersonal Violence and Stalking

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## Title

University of North Carolina at Chapel Hill Policy on Prohibited Discrimination, Harassment and Related Misconduct Including Sex-Based Harassment, Sexual Assault, Interpersonal Violence and Stalking

## Introduction

### A. Purpose

The University of North Carolina at Chapel Hill ("UNC-Chapel Hill" or "University") is committed to providing an environment where all members of our community can learn, work, and thrive. The University is firmly committed to maintaining a campus environment free from Discrimination, Harassment, and related misconduct. In accordance with its Policy Statement on Non-Discrimination, the University does not unlawfully discriminate in offering equal access to its educational programs and activities or with respect to employment terms and conditions on the basis of an individual's Age, Color, Disability, Gender, Gender Expression, Gender Identity, Genetic Information, Race, National Origin, Religion, Sex, Sexual Orientation, or Veteran Status (collectively referred to as "Protected Status").

The University's protection of these statuses is grounded in federal and state law. Federal law also governs the University's response to Sexual Assault, Interpersonal Violence (including domestic and dating violence), and Stalking. Such acts violate the essential dignity of our campus member(s) and are contrary to our institutional values. The University is committed to taking all appropriate steps to eliminate Sexual Assault, Interpersonal Violence and Stalking; to prevent the recurrence of such acts; and to address their effects, both for the Reporting Party and the campus community.

### B. Key Terms

**Authorized Legal Representative:** a parent, guardian, or other person who is legally authorized to act on behalf of an individual, through state law, court orders, child custody arrangements, or other sources granting legal rights to guardians or legal representatives. The term Authorized Legal Representative does not include an individual's legal counsel. To the extent permitted by law, an Authorized Legal Representative of a minor enrolled in the Carolina Community Academy or of an individual who is incapacitated may act on behalf of their child or the incapacitated individual regardless of whether the child or incapacitated individual is a Reporting Party or a Responding Party.

**Employee:** any faculty or staff member, including EHRA non-faculty employees, SHRA employees, post-doctoral scholars, and student employees, whether part-time or full-time, permanent or temporary.

**Prohibited Conduct:** Discrimination, Harassment, Sex Discrimination (including Sex-Based Harassment, Sexual Assault, and Sexual Exploitation), Interpersonal Violence, Stalking, Complicity, Retaliation, Violation of Supportive Measures, Interference with the Policy, Failure to Comply with Sanctions or Terms, and Unauthorized Disclosure of Information as defined in the Prohibited Conduct section of this Policy.

**Reporting Party:** an individual who may have been the subject of any Prohibited Conduct by an individual or organization covered under the Policy regardless of whether the Reporting Party makes a report or seeks action under the Policy.

**Responding Party:** an individual who has been accused of violating the Policy. A Responding Party is presumed not responsible for reported violations unless and until the UCO investigates and concludes through the appropriate procedures that the Responding Party violated the Policy or the Responding Party accepts responsibility for the reported violation.

**Student:** a person who is enrolled in or has accepted admission to a full or part-time course of study for academic credit at the University.

**Third party:** an individual who is not a student or an employee of the University.

**UCO:** the University Compliance Office.

## C. Scope

The Policy and associated procedures provide for the prompt, impartial, and effective resolution of reports of Prohibited Conduct. Reports of conduct that meet the definition of Sexual Harassment and the jurisdictional requirements in the University's Policy on Prohibited Sexual Harassment under Title IX ("Title IX Policy") will be addressed solely in accordance with the Title IX Policy and will not be addressed under this Policy.

This Policy is intended to comply with current federal and state law. While the University will make good faith efforts to update this Policy to reflect any legal changes, in the event any provision of this Policy conflicts with applicable law, the law will supersede such provision.

## D. Individuals Covered by this Policy

This Policy and associated procedures apply to the conduct of University students, student organizations, employees, visitors, program participants, contractors and other third parties under circumstances within the University's control.

Student organizations are covered by this Policy. To be eligible for official recognition from the University, and the privileges that accompany official recognition, a student co-curricular organization must abide by the following:

- Membership and participation in the organization must be open to all students without regard to Protected Status, unless exempt under Title IX.
- Student organizations that select their members on the basis of commitment to a set of beliefs (e.g., religious or political beliefs) may limit membership and participation in the organization to students who, upon individual inquiry, affirm that they support the organization's goals and agree with its beliefs, so long as no student is excluded from membership or participation on the basis of a Protected Status, unless exempt under Title IX.

When allegations of Prohibited Conduct are made against an organization or group, the group may be charged as a whole, and the members of the group may be individually charged for their participation in the alleged misconduct. Consistent with the Policy's accompanying procedures, these allegations may be co-investigated by other offices on campus, as appropriate.

## E. Jurisdiction

This Policy applies to Prohibited Conduct, including on-line and electronic conduct, that occurs:

1. On campus or on other property owned, leased, used by, or controlled by the University;
2. In the context of University employment or an educational program or activity, whether on campus or off campus; or
3. Off campus and not in the context of University employment or an educational program or activity, but where the Prohibited Conduct has or is reasonably likely to have continuing adverse effects on University employment or an educational program or activity.

With regard to (3), above, the UCO will assess the seriousness of the alleged conduct, the risk of harm involved to any individual(s) and/or the campus community, whether both parties are members of the campus community, and whether the off-campus conduct is part of a series of actions that occurred both on and off campus. The UCO, in its discretion and based on the totality of the information available, may determine that the presence of any one of these factors, standing alone, is sufficient to exercise jurisdiction.

## F. Mandatory Reporting of Reports Involving Minors

As a matter of University policy and North Carolina state law, any individual who reasonably suspects that a minor has experienced child abuse, neglect or violent offense (Per G.S. 14-318.6) by a parent, guardian, caretaker, peer, non-custodial adult or an employee has an absolute obligation to report that suspicion to all three of the following:

1. The appropriate local law enforcement agency in the county where the juvenile resides or is found;
2. Child Protective Services, when required by state law and/or instructed to by law enforcement; and
3. The UNC-Chapel Hill Protection of Minors Coordinator.

Additional information regarding suspected child abuse or neglect may be found in the University's Policy on Protection of Minors.

## G. Applicable Procedures

Reports of Prohibited Conduct will be addressed by the procedures that correlate to the Responding Party's relationship to the University (e.g., employee, student, third party).

Procedures for Reporting and Responding to Complaints of Discrimination, Harassment, and Related Misconduct Involving a Student as the Responding Party

Procedures for Reporting and Responding to Complaints of Discrimination, Harassment, and Related Misconduct Involving a University Employee as the Responding Party

Procedures for Reporting and Responding to Complaints of Discrimination, Harassment, and Related Misconduct Involving a Third Party as the Responding Party.

Procedures for Reporting and Responding to Complaints of Discrimination, Harassment, and Related Misconduct Involving a Carolina Community Academy Student as a Reporting Party or Responding Party.

Procedures for Alternative Resolution of Complaints of Discrimination, Harassment, and Related Misconduct

For purposes of determining the applicable procedures, University employees who are also students are considered students if 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 employment duties and is considered a student when acting in their role as a student.

## H. Resources

- Safe at UNC website
- Comprehensive Resource Guide

# Policy

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## A. Policy Statement

In accordance with the University Policy Statement on Non-Discrimination, this Policy prohibits all Prohibited Conduct, including all forms of Discrimination and Harassment based on Protected Status, as outlined in the Prohibited Conduct section of this Policy. All members of the University community are responsible for conducting themselves in accordance with this Policy. University students and employees who violate this Policy may face discipline up to and including expulsion or termination.

The University is committed to promptly addressing all claims of Prohibited Conduct and to taking appropriate action, consistent with this Policy, in response to such reports. The UCO has sole authority to administer this Policy and the accompanying procedures and to oversee the investigation, response to, and resolution of all reports of Prohibited Conduct.

The University encourages all campus members to take reasonable and prudent actions to prevent or stop Prohibited Conduct when it is safe to do so.

## B. Protected Status

Consistent with federal and state law, the University prohibits Discrimination and Harassment based on actual or perceived Age, Color, Disability, Gender, Gender Expression, Gender Identity, Genetic Information, National Origin, Race, Religion, Sex, Sexual Orientation, or Veteran Status.

- **Age:** The number of years from the date of a person's birth. With respect to employment, individuals who are forty (40) years of age or older are protected from Discrimination and Harassment. There is no age threshold for students or other participants in educational programs or activities.
- **Color:** An individual's skin pigmentation, complexion, shade, or tone.
- **Disability:** A person with a disability is any person who has a physical or mental impairment that substantially limits one or more major life activities; or has a record of such impairment; or is regarded as having such impairment. A qualified person with a disability must be able to perform the essential functions of the employment or volunteer position or the academic, athletic, or extra-curricular program, with or without reasonable accommodation.
- **Gender:** An individual's socially-constructed status based on the behavioral, cultural, or psychological traits typically associated with societal attribution of masculinity and femininity, typically related to one's assigned sex at birth.
- **Gender Expression:** How someone expresses gender through appearance, behavior, or mannerisms. A person's *Gender Expression* may or may not be the same as the *Gender Identity* or assigned sex at birth.
- **Gender Identity:** The *Gender* with which an individual identifies psychologically, regardless of what *Gender* was assigned at birth.
- **Genetic Information:** Information about (i) an individual's genetic tests, (ii) the genetic tests of family members of such individual, and (iii) the manifestation of a disease or disorder in family members of such individual. *Genetic Information* includes, with respect to any individual, any request for, or receipt of, genetic services, or participation in clinical research that includes genetic services by such individual or any family member of such individual.
- **National Origin:** An individual's actual or perceived country of origin, actual or perceived ethnicity, or actual or perceived shared ancestry. Members of certain religious groups may fall within the Protected Statuses of both Religion and National Origin.
- **Race:** An individual's actual or perceived racial or ethnic ancestry or physical characteristics associated with a person's race, such as a person's color, hair, facial features, height, and weight.
- **Religion:** All aspects of religious observance and practice, as well as belief.
- **Sex:** An individual's biological status of male or female, including pregnancy and related medical conditions as defined in the University's Accommodations Policy. Conduct of a sexual nature is by definition based on *Sex* as a *Protected Status*.
- **Sexual Orientation:** The inclination or capacity to develop intimate, emotional, spiritual, physical, and/or sexual relationships with people of the same *Sex* or *Gender*, a different *Sex* or *Gender*, or irrespective of *Sex* or *Gender*.
- **Veteran Status:** Certain individuals who are Disabled Veterans, Special Disabled Veterans, Veterans of the Vietnam era, and other protected Veterans as defined by federal and state law. These protected veterans are among those who may be considered for certain preferences based on military affiliation.

# Prohibited Conduct

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

### 1. Discrimination

Discrimination means any unlawful distinction, preference, or detriment to an individual as compared to others that is based on an individual's Protected Status and that is sufficiently serious to unreasonably interfere with or limit:

- An employee's or applicant for employment's access to employment or conditions and benefits of employment (e.g., hiring, advancement, assignment);

- A student's or applicant for admission's ability to participate in, access, or benefit from educational programs, services, or activities (e.g., admission, academic standing, grades, assignment, campus housing);
- An authorized volunteer's or applicant for a volunteer position's ability to participate in a volunteer activity; or
- A guest's or visitor's ability to participate in, access, or benefit from the University's programs.

Discrimination includes failing to provide or implement reasonable accommodations, consistent with state and federal law and as set out in the University Policy on Accommodations, to a qualified person with a disability, for pregnancy or related medical conditions, and to a qualified person who has a sincerely held religious belief.

## 2. Harassment

Harassment is a type of Discrimination that occurs when unwelcome verbal, physical, electronic, or other conduct based on Protected Status is severe or pervasive enough to interfere with the Reporting Party's: (a) educational environment (e.g., admission, academic standing, grades, assignment); (b) work environment (e.g., hiring, advancement, assignment); (c) participation in a University program or activity (e.g., campus housing); or (d) receipt of legitimately-requested services (e.g., disability, pregnancy, religious accommodations), thereby creating Hostile Environment Harassment or Quid Pro Quo Harassment, as defined below.

### a. Hostile Environment Harassment

Unwelcome conduct based on Protected Status that in the totality of the circumstances is subjectively and objectively offensive and so severe or pervasive that it alters or denies the conditions of education, employment, or participation in a University program or activity.

To constitute Hostile Environment Harassment by a student(s) towards another student(s), expressive conduct must be unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to a University education program or activity.

In determining whether a hostile environment exists, the UCO will consider whether the unwelcome conduct created an environment that a reasonable person in similar circumstances and with similar identities would find hostile, intimidating, or abusive. An isolated incident, unless sufficiently severe, does not amount to Hostile Environment Harassment.

Evaluation of whether a hostile environment exists will include consideration of multiple factors, including but not limited to:

- The degree to which the conduct affected the Reporting Party's ability to access the University program or activity;
- The type, frequency, and duration of the conduct;
- Whether the conduct is verbal or non-verbal expressive conduct or involves other forms of conduct;
- The parties' ages, roles within the University program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;
- The location of the conduct and the context in which the conduct occurred; and
- Other related Prohibited Conduct in the University's program or activity.

The UCO may determine that the presence of any one of these factors, standing alone, is sufficient to determine that a hostile environment exists.

### b. Quid Pro Quo Harassment

Unwelcome conduct based on Protected Status where submission to or rejection of such conduct is used, explicitly or implicitly, as the basis for decisions affecting an individual's education, employment, or participation in a University program or activity.

Consistent with the definitions in this Policy, conduct that constitutes Discrimination and Harassment:

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

For examples of Discrimination and Harassment that implicate this Policy, see Appendix A.

## B. Sex Discrimination, including Sex-Based Harassment, Sexual Assault, or Sexual Exploitation

For reports of Sex Discrimination that do not meet the definition of Sexual Harassment and/or the jurisdictional requirements in the Title IX Policy, the following definitions will apply.

## 1. Sex Discrimination

Sex Discrimination includes discrimination based on:

- Gender,
- Gender Expression,
- Gender Identity,
- Sex,
- Sexual Orientation,
- Sex characteristics,
- Sex stereotypes,
- Differential treatment based on sex related to parental, family, or marital status, and
- Pregnancy and related medical conditions as defined in the University's Accommodations Policy.

Sex Discrimination must meet the definition of Discrimination previously outlined in this Policy.

## 2. Sex-Based Harassment

Sex-Based Harassment includes quid pro quo or hostile environment harassment and is harassment based on:

- Gender,
- Gender Expression,
- Gender Identity,
- Sex,
- Sexual Orientation,
- Sex characteristics,
- Sex stereotypes,
- Differential treatment based on Sex related to parental, family, or marital status, and
- Pregnancy and related medical conditions as defined in the University's Accommodations Policy.

Sex-Based Harassment may include unwelcome sexual advances; requests for sexual favors; other unwanted conduct of a sexual nature; or harassment for exhibiting, or failing to exhibit, stereotypical characteristics associated with one's Sex.

Sex-Based Harassment must meet the definition of Harassment previously outlined in this Policy.

## 3. Sexual Assault

Sexual Assault involves having or attempting to have Sexual Contact with another individual without Consent.

Additional guidance about Consent is provided below.

## 4. Sexual Exploitation

Sexual Exploitation involves committing or attempting one or more of the following behaviors: (1) for any personal benefit including but not limited to sexual arousal or gratification or financial gain; or (2) where such behavior reasonably could harm another individual, regardless of intent:

- Taking sexual advantage of another person without Consent;
- Taking advantage of another's sexuality; or
- Extending the bounds of consensual Sexual Contact without the knowledge of the other individual.

The following conduct always constitutes Sexual Exploitation:

- Threatening to disclose an individual's Sexual Orientation, Gender Identity, or Gender Expression;
- Observing another individual's nudity or Sexual Contact, or allowing another to observe the same, without the knowledge and Consent of all parties involved;
- Non-consensual creation, distribution, or streaming of images, photography, video, or audio recording of Sexual Contact or nudity, including AI-generated or otherwise altered images, without the knowledge and Consent of all parties involved;
- Prostituting another individual;
- Knowingly or recklessly exposing another individual to a sexually-transmitted infection, without the individual's knowledge and Consent;
- Knowingly failing to use agreed-upon or requested method of contraception without the other party's knowledge and Consent; and
- Inducing Incapacitation for the purpose of taking sexual advantage of another person.

## 5. Sexual Contact

Sexual Contact is any intentional touching or penetration of another person's clothed or unclothed intimate body parts, including but not limited to the buttocks, anus, groin, genitalia, or breast, by another with any part of the body or any object in a sexual manner. Sexual Contact also includes causing another person to touch their own or another's body in the manner described above.

## 6. Consent

Consent is the communication of an affirmative, conscious, informed, and freely made decision by each participant to mutually engage in agreed upon forms of Sexual Contact. Consent requires an outward demonstration, through understandable words or actions, that conveys a clear willingness to engage in Sexual Contact.

Lack of consent, refusal, or non-consent may be expressed in many ways, including verbally or physically. Consent is **not** to be inferred from silence, passivity, or a lack of resistance, and relying on non-verbal communication alone may result in a violation of this Policy. For example, a person who does not physically resist or verbally refuse Sexual Contact may **not** necessarily be giving Consent. There is no requirement that an individual verbally or physically resist unwelcome Sexual Contact for there to be a violation of this Policy.

Consent is **not** to be inferred from an existing or previous dating or sexual relationship. Even in the context of a relationship, there must be mutual Consent for every engagement in Sexual Contact.

Consent to one form of Sexual Contact does **not** constitute Consent to any other form of *Sexual Contact*, nor does Consent to Sexual Contact with one person constitute Consent to *Sexual Contact* with any other person. Additionally, Consent to Sexual Contact on one occasion is not *Consent* to engage in Sexual Contact on another occasion.

Consent **cannot** be obtained by Coercion or Force or by taking advantage of one's inability to give Consent because of Incapacitation or other circumstances. *Coercion, or Force, and Incapacitation* are described in more detail below. Consent cannot be obtained from an individual who is under the applicable legal age to give Consent.

A person who has given Consent to engage in Sexual Contact may withdraw Consent at any time. However, withdrawal of Consent requires an outward demonstration, through understandable words or actions, that clearly conveys that a party is no longer willing to engage in Sexual Contact. Once Consent is withdrawn, the Sexual Contact must cease immediately.

Individuals who initiate or escalate Sexual Contact assume responsibility for their behavior and must understand that the use of alcohol or other drugs does not reduce accountability for their actions or negate their responsibility to effectively seek Consent and to assure that the other party is freely giving Consent. The measure by which Consent will be evaluated is whether the person who initiated or escalated the Sexual Contact knew, or whether a sober and reasonable person in the same position should have known, if the other person gave Consent.

## 7. Coercion

Coercion is the use or attempted use of an unreasonable amount of pressure and/or oppressive behavior. Coercion includes express or implied threats and/or intimidation that wrongfully impair a person's ability to make a clear and willing choice to engage in Sexual Contact. Examples of Coercion include, but are not limited to, use of physical intimidation such as blocking access to an exit; causing the deliberate Incapacitation of another person; conditioning an academic benefit or employment advantage on submission to the Sexual Contact; threatening to harm oneself if the other party does not engage in Sexual Contact; or threatening to disclose an individual's Sexual Orientation, Gender Identity, Gender Expression, prior sexual history, or other personal sensitive information if the other party does not engage in the Sexual Contact.

## 8. Force

Force includes the use of physical violence, intimidation, or express or implied threats of physical or emotional harm that would cause a reasonable person in similar circumstances and with similar identities to fear immediate or future harm and that is employed to persuade or compel someone to engage in Sexual Contact. Physical violence entails exerting control over another person through the use of physical force, including hitting, punching, slapping, kicking, restraining, strangling, or brandishing a weapon.

## 9. Incapacitation/Incapacitated

An individual who is Incapacitated is unable to give Consent to Sexual Contact. An individual is Incapacitated if, by reason of mental or physical condition, the individual is unable to make a knowing and deliberate choice to engage in Sexual Contact. States of Incapacitation include, but are not limited to, sleep, unconsciousness, intermittent consciousness, unresponsiveness, or any other state where a reasonable person under a similar circumstance would know that the individual is unaware that Sexual Contact is occurring. Incapacitation may also exist because of a mental, intellectual, or developmental disability that impairs the ability to Consent to Sexual Contact.

Alcohol or drug use is one of the primary causes of Incapacitation. The impact of alcohol or other drugs varies from person to person and may change over a period of time based on a variety of subjective factors, including the amount of substance intake, speed of intake, body mass, and metabolism. Where alcohol or drug use is involved, being drunk or intoxicated can lead to Incapacitation; however, someone who is drunk or intoxicated is not necessarily Incapacitated because Incapacitation is a state beyond intoxication, impairment in judgment, or drunkenness. Because the impact of alcohol or other drugs varies from person to person, evaluating whether an individual is Incapacitated and therefore unable to give Consent, requires the individual initiating or escalating Sexual Contact to assess whether the consumption of alcohol or other drugs has rendered the other individual physically helpless or substantially incapable of:

- Making a knowing and deliberate choice to engage in Sexual Contact;
- Making decisions about the potential consequences of Sexual Contact;
- Appraising the nature of their own conduct;
- Communicating Consent to Sexual Contact; or
- Communicating unwillingness to engage in Sexual Contact.

Indicators that an individual may be Incapacitated include, but are not limited to, inability to communicate coherently, inability to dress or undress without assistance, inability to walk without assistance, slurred speech, loss of coordination, vomiting, or inability to perform other physical or cognitive tasks without assistance.

No matter the level of an individual's intoxication, if that individual has not affirmatively agreed to engage in Sexual Contact, there is no Consent. A Responding Party's intoxication is never an excuse for or a defense to committing any violation of this Policy, and it does not diminish one's responsibility to obtain Consent. To evaluate whether the Responding Party knew or should have known that the other party was incapacitated, the UCO will consider what a reasonable sober person knew or should have known.

## C. Interpersonal Violence and Stalking

### 1. Interpersonal Violence

Interpersonal Violence (including intimate partner violence, dating violence, domestic violence, and relationship violence), can encompass a broad range of abusive behavior committed by a person who is or has been:

- In a romantic or intimate relationship with the Reporting Party (of the same or different sex);
- The Reporting Party's spouse or partner (of the same or different sex);
- The Reporting Party's family member; or
- The Reporting Party's cohabitant or household member, including a roommate.

Whether there was such a relationship will be gauged by its nature, length, type, and frequency of interaction. Reports of Interpersonal Violence that do not involve one of these specified relationships or that do not involve an individual's Protected Status will be addressed under the Honor Code, which is part of the Instrument of Student Judicial Governance.

Interpersonal Violence includes physical, sexual, emotional, economic, or psychological actions, attempted actions, or threats of actions that would cause a reasonable person in similar circumstances and with similar identities to fear for the person's safety or the safety of others or to experience Substantial Emotional Distress. Such behaviors may include, but are not limited to, physical violence and threats of violence to one's self, one's family member, or one's pet. Interpersonal Violence may include any form of Prohibited Conduct under this Policy, including Sexual Assault and Stalking.

When both parties in a romantic or intimate relationship report Interpersonal Violence, there will be an assessment to determine whether there is a predominant aggressor in the reported circumstances. Assessing for a predominant aggressor includes considering:

- Nature of the injuries, including the seriousness of injuries received by each party and the presence of offensive and defensive injuries;
- Threats made by one party against the other, another person, or a pet;
- Whether a party acted in self-defense or in the defense of another;
- The capacity of each party to injure the other;
- Any history of Interpersonal Violence between the parties;
- Prior findings of responsibility or convictions for acts of Interpersonal Violence;
- Orders for protection or no contact orders, current or past;
- Controlling behavior exhibited or reported by the parties or witnesses;
- Fearful behavior exhibited or reported by the parties or witnesses; and
- Witness statements.

The UCO may determine that the presence of any one of these factors, standing alone, is sufficient to determine that an individual is the predominant aggressor.

### 2. Stalking

Stalking occurs when an individual engages in a course of conduct directed at a specific person under circumstances that would cause a reasonable person in similar circumstances and with similar identities to fear for the person's safety or the safety of others or to experience Substantial Emotional Distress.

Course of conduct means two or more acts, including but not limited to acts in which a person directly, indirectly, or through other parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about another person, or interferes with another person's property.

Stalking may involve individuals who are known to one another or who have a current or previous relationship or may involve individuals who are strangers.

### 3. Substantial Emotional Distress

Substantial Emotional Distress is a level of distress that a reasonable person in similar circumstances and with similar identities would experience in response to Prohibited Conduct. Substantial Emotional Distress is significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling. The University will consider evidence that a Reporting Party experienced Substantial Emotional Distress, but such evidence is not determinative of a Policy violation. Evidence that a Reporting Party has experienced Substantial Emotional Distress may include evidence of one or more of the following:

- Difficulty eating or sleeping;
- Anxiety or nervousness;
- Nightmares;
- Increased drug or alcohol use;
- Physical pain resulting from stress, including stomach aches or headaches;
- Decreased ability to perform at school or accomplish daily tasks;
- Frustration, irritability, anger, shock, or confusion;
- Feeling "on guard"/hypervigilance;
- Changing routines; and
- Depression.

## D. Complicity and Retaliation

### 1. Complicity

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

## 2. Retaliation

Retaliation is any adverse action or attempted adverse action that would discourage a reasonable person from engaging in protected activity. Protected activity includes an individual's actual or perceived: (i) participation in the reporting, investigation, or resolution of an alleged violation of this Policy; (ii) opposition to policies, practices, or actions that the individual reasonably believes are in violation of the Policy; or (iii) requests for accommodations on the basis of religion, pregnancy or related medical conditions, or disability. Adverse actions may include one or more of the following:

- Intimidation,
- Threats,
- Coercion,
- Adverse employment or educational actions,
- Maliciously and purposefully interfering with, threatening, or damaging the academic or professional career of another individual, before, during, or after the resolution of a report of Prohibited Conduct under this Policy,
- Withdrawal of prior offers to assist with the academic or professional career of another individual before, during, or after the resolution of a report of misconduct under this Policy, or
- Intimidating, threatening, or coercing any individual for the purpose of interfering with any right or privilege secured by Title IX of the Education Amendments Act of 1972 and its implementing regulations.

Retaliation may be found even when an investigation determines there is insufficient evidence to substantiate the original report. Reports made in good faith, even if the allegations are ultimately determined to be unsubstantiated, are not considered retaliation. Reports found to have been made frivolously or in bad faith may constitute retaliation and/or may be considered in the sanctioning process if an individual is otherwise found responsible for a violation of the Policy. Retaliation may be committed by the Responding Party, the *Reporting Party*, an attorney, advocate, or any other individual acting on behalf of either party, or any other individual or group of individuals.

The exercise of rights protected under the First Amendment does not constitute Retaliation.

During the investigation and resolution of alleged violations of this Policy, the University will take reasonable steps to protect the Reporting Party, the Responding Party, and other participants in the reporting, investigation, and resolution process from Retaliation. Any individual who engages in Retaliation or who authorizes, instructs, or allows others to engage in retaliation on their behalf will be subject to prompt and appropriate disciplinary action. Individuals who have a concern about potential or actual Retaliation should contact the UCO for assistance in addressing the concern.

## E. Violation of Supportive Measure, Interference with the Policy, Failure to Comply with Sanctions or Terms, and Unauthorized Disclosure of Information

The University requires individuals to comply with campus administrators in the course of enforcing the provisions of this Policy, other UCO conduct policies, and associated procedures and to comply with applicable law and court orders. Accordingly, it is a violation of this Policy to:

1. Violate restraining orders or no-contact orders imposed by government or campus authorities or any other University approved Supportive Measures;
2. Violate or fail to comply with the terms of formal resolution proceedings or of any sanction imposed or term agreed to pursuant to such proceedings;
3. Engage in acts of bad faith or dishonesty intended to interfere with UCO policies and procedures. Such acts include, but are not limited to, intentionally and unreasonably delaying the resolution process, deliberately furnishing false or misleading information to University personnel acting in the scope of their official duties, or allowing, authorizing, or instructing others to engage in such acts on one's behalf. An UCO determination of whether a party engaged in Prohibited Conduct, alone, is not sufficient to allege or conclude that an individual deliberately furnished false or misleading information to the University; and
4. Copy, screenshot, photograph, record, or in any other manner reproduce materials provided by UCO; disclose such materials; or allow, authorize, or instruct others to engage in such acts on one's behalf.

# Reporting Prohibited Conduct

## A. Reporting Prohibited Conduct to the University

The University is committed to providing reporting options that are broadly accessible to all members of the University. The University encourages Reporting Parties to immediately report incidents of alleged Prohibited Conduct to the UCO, regardless of when or where the incident occurred, and to seek any necessary help from campus or community resources. The University will make every effort to respond promptly and appropriately to all reports.

Individuals can report information about Prohibited Conduct to the UCO in person, by telephone, in writing, by e-mail, using the UCO's electronic reporting form, or by any other means that results in the UCO, Title IX Coordinator, or designee receiving the person's verbal or written report.

A Reporting Party is encouraged to make a report even if that individual is not seeking disciplinary action against a Responding Party. The University recognizes that deciding whether to make a report and choosing how to proceed are personal decisions. At the time a report is made, a Reporting Party does not have to decide whether to request any particular course of action. Choosing to make a report, and deciding how to proceed after making the report, is a process that may unfold over time.

Delay in reporting Prohibited Conduct may affect the University's ability to collect relevant evidence or information regarding the alleged conduct. In some cases, the delay may be so significant that the University may not be able to fully investigate or take disciplinary action. In all cases, the University will provide appropriate and reasonably available Supportive Measures to the Reporting Party.

## B. Amnesty

Any student, including a Reporting Party or witness, who voluntarily makes a report or participates in an investigation of Prohibited Conduct and provides full and accurate information relating to the report will not be subject to disciplinary action by the University for their own personal consumption of alcohol or other drugs, or for other behavior that may violate University policies, at or near the time of the incident, provided that any such violations did not harm or place the health or safety of any other person at risk. The University may require a follow up meeting in which support, resources, and educational counseling options may be offered or required for a student who has engaged in the illegal or prohibited use of alcohol or drugs. With consideration to encouraging reporting potential Prohibited Conduct, behavior by employee Reporting Parties or witnesses will be assessed on a case-by-case basis.

## C. Reporting Prohibited Conduct to Law Enforcement

A Reporting Party may choose to report criminal conduct to law enforcement by contacting UNC Police. If the incident occurred off-campus, UNC Police will refer the report to the police department or law enforcement agency in the appropriate jurisdiction.

A Reporting Party may choose to make a report to the University, to law enforcement, or to both. Making a report to the University is different than and separate from making a report to law enforcement, and individuals may choose to pursue both options simultaneously. While the University and law enforcement may share information about concerns of individual or campus safety, a report to the University is not a request for a law enforcement investigation and a request for a law enforcement investigation is not a report to the University.

# Employee Responsibilities

## A. All Employees Except Confidential Resources

All University employees, except University-designated Confidential Resources who are acting within the scope of their confidential duties, are Responsible Employees and are obligated to inform the UCO when the employee is made aware of behavior that may reasonably constitute Prohibited Conduct. Employees must safeguard an individual's privacy but are **required** by the University to immediately share all details about a report of Prohibited Conduct, including:

- The known details of the incident (e.g., date, time, location),
- The names of the parties involved,
- A brief description of the incident, and
- If the incident has been previously reported.

Employees must share information with the UCO in person, by telephone, using the UCO's [electronic reporting form](#), or by email. Such reporting ensures timely support for all parties and enables an effective and consistent institutional response.

Employees must not attempt to resolve the report or address the matter without consultation with and assessment by the UCO.

Employees are not required to report information disclosed during public events to raise awareness about sex-based harassment unless the information reveals an imminent and serious threat to the health or safety of any person. These public events may take place on campus or through an online platform sponsored by the University.

## B. Confidential Resources

Any campus member may choose to seek support from University-designated Confidential Resources. These trained professionals can provide counseling, information, and/or support in a confidential setting as well as help an individual make a report to the University.

University-designated Confidential Resources include:

- Healthcare providers in the following units:
  - Campus Health,
  - Carolina Athletics Mental Health and Performance Psychology Program,
  - Counseling and Psychological Services (CAPS),
- Employees in the following units:
  - Violence Prevention and Advocacy Services, and
  - University Ombuds Office.

Non-confidential staff in the above listed units do not have to report information received in the course of an individual seeking that unit's confidential services.

University-designated Confidential Resources have specific responsibilities. Confidential Resources who are acting within the scope of their confidential duties do not have to disclose information shared with them, including to the University, except under limited circumstances, including:

- Continuing threat of serious violence to the patient/client or to others, or
- Legal obligation to reveal such information (e.g., suspected abuse or neglect of a minor).

Confidential Resources who are acting within the scope of their confidential duties still have an obligation to assist the University in ensuring all students and employees who may have experienced Prohibited Conduct are given accurate information about reporting and support options. All Confidential Resources must provide information to their clients/patients about:

1. The Confidential Resource's status as confidential, including the circumstances in which the confidential employee is not required to notify the UCO about conduct that reasonably may constitute Prohibited Conduct;
2. How to contact the UCO and how to make a report of Prohibited Conduct; and
3. How the UCO may be able to help, including offering and coordinating Supportive Measures and initiating a resolution process under the applicable procedures.

When Confidential Resources are performing job functions outside of their confidential duties, such as teaching and supervising, they are considered Responsible Employees and must adhere to the Responsible Employee reporting requirements outlined in this Policy.

## C. Student Employees

Student employees are considered Responsible Employees when they are serving as Instructors or are designated as Campus Security Authorities (e.g., Residential Advisors). These student employees must follow the Responsible Employee requirements outlined in this section. All students who are not designated as Responsible Employees and/or Campus Security Authorities are strongly encouraged to provide campus resource information to University members and to report information to the UCO because centralized reporting is an important tool to address, end, and prevent Prohibited Conduct.

# University Response to Prohibited Conduct

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## A. UCO Office Responsibilities

As sole administrator of this Policy, the UCO is comprised of highly trained employees, including:

- The Associate Vice Chancellor/Title IX Coordinator,
- Report and Response Managers,
- Investigators,
- ADA Coordinator, and
- Accommodations Specialists.

This use of a central, integrated and coordinated office allows the University to respond promptly and equitably to eliminate the conduct, prevent its recurrence, and address its effects.

The University has designated and authorized a Title IX Coordinator to manage its efforts to comply with its responsibilities under Title IX. The Associate Vice Chancellor/Title IX Coordinator oversees the University's investigation, response to, and resolution of all reports of Prohibited Conduct, including those alleging Sex Discrimination, Sex-Based Harassment, Sexual Assault, Interpersonal Violence, and Stalking, and of related Complicity and Retaliation, involving students, faculty, and staff. The University will notify applicants for admission and employment, students, employees, contractors, and vendors of the name and title, office address, electronic mail address, and telephone number of the Title IX Coordinator.

Individuals who want to report Prohibited Conduct by the Associate Vice Chancellor/Title IX Coordinator should submit their report to the Chief of Staff to the Chancellor.

## B. UCO Office Response to Reports

In response to a report of Prohibited Conduct, the UCO will follow the applicable procedures and will take the following steps, when appropriate.

### 1. Initial Assessment

Upon receipt of a report of Prohibited Conduct, the UCO will conduct an Initial Assessment to determine whether, if true, the alleged conduct would present a potential violation of the Policy and whether further action is warranted based on the alleged conduct. The first step of the Initial Assessment will typically involve a preliminary meeting between the Reporting Party and a Report and Response Manager to gather information sufficient to:

- Address any immediate concerns about physical safety;
- Assess the nature and circumstances of the allegation, including information sufficient to:
  - Determine the need to make a report to the University's Clery Coordinator in compliance with the Clery Act, and
  - Determine the need to refer the matter to the appropriate office for threat and risk assessment;
- Provide the Reporting Party information about:
  - On and off campus resources, including the availability of medical services to address physical and mental health concerns and to preserve evidence,
  - The available range of Supportive Measures,
  - Explain the role of the Support Person and Advocate,
  - Explain the University's policy prohibiting Retaliation, and
  - Formal and informal resolution options, including the option of reporting to law enforcement if the alleged conduct is criminal in nature; and
- Discuss the Reporting Party's preference for manner of resolution and any barriers to proceeding.

If the Responding Party is notified of the allegations during the Initial Assessment, the UCO will provide the Responding Party with the same information, as appropriate.

The UCO will work with appropriate campus units to complete the Initial Assessment and coordinate the appropriate response and resolution path.

The University will make every effort to respect an individual's preference in making the determination as to how to proceed, consistent with its obligations under applicable law. Resources are always available to support a Reporting Party regardless of where the incident occurred or the chosen course of action.

## 2. Threat Assessment and Emergency Removal Process

When appropriate, the UCO will refer a matter to the applicable campus unit(s) to undertake an individualized safety and risk analysis to determine whether there is an imminent and serious threat to the health or safety of a Reporting Party or any students, employees, or other persons arising from a report that justifies a Responding Party's removal or to determine whether other emergency action is necessary.

## 3. Supportive Measures

Supportive Measures are individualized, temporary, non-punitive actions taken by the University to ensure equal access to its education programs and activities and to foster a safe environment before and during the process of reporting, investigation, and/or adjudication. The University may offer Supportive Measures, as appropriate, to either or both the Reporting and Responding Party. Supportive Measures may be requested by the parties or instituted by the University at any time, regardless of whether any particular course of action is sought by the Reporting Party. The UCO will collaborate with campus partners, as appropriate, in the provision of Supportive Measures. The UCO will not share information about Supportive Measures to individuals other than the person to whom they apply except when necessary to implement the Supportive Measure.

All individuals are encouraged to report concerns about the adequacy of the Supportive Measures or failure of another individual to abide by any Supportive Measure to the UCO.

Supportive Measures may include, but are not limited to:

- Access to available resources at Campus Health, Counseling and Psychological Services (CAPS), and/or the Employee Assistance Program (EAP)
- Imposition of a campus "No-Contact Order"
- Rescheduling of exams and assignments
- Providing alternative course completion options
- Change in class schedule, including the ability to drop a course without penalty or to transfer sections
- Change in work schedule or job assignment
- Changes to on-campus housing assignments
- Limiting access to certain University facilities or activities pending resolution of the matter
- Voluntary leave of absence
- Providing an escort to assure safe movement between classes and activities
- Providing academic support services, such as tutoring
- Any other measure which can be tailored without an unreasonable burden to the involved individuals to achieve the goals of this Policy.

## 4. Requirements for Resolution Process Participants

### a. University Participants

The Title IX Coordinator, investigator(s), and any individuals designated by the University as a decision-maker in a formal resolution process, including any appeals under this process, must not have a conflict of interest or bias for or against Reporting Parties or Responding Parties generally or an individual Reporting Party or Responding Party; must not rely on sex stereotypes; and must conduct impartial investigations and adjudications.

These individuals must also receive training as set out in applicable law, which may include but is not limited to how to determine relevance and serve impartially.

### b. Support Persons and Advocates

To the extent permitted by law and subject to some limitations, throughout the process conducted by the UCO, a party may have a Support Person and/or Advocate of their choice present at any meeting related to resolution of a report under the Policy. A party's inclusion of a Support Person or Advocate is at the sole initiative and expense of the party.

The University will prioritize the availability of the parties, witnesses, and University officials assigned to the matter when determining the date and time for the meeting or proceeding. The parties must provide 5 business days advance notice to the UCO (unless the meeting is called on shorter notice) of the name and relationship of any individual who will accompany them to a meeting so that all participants are aware of who will be present at any meeting.

All Support Persons and Advocates participating in the resolution process must conduct themselves with appropriate decorum; respect the privacy of the parties and witnesses; and may not delay, disrupt, or otherwise interfere with any portion of the resolution process. All Support Persons and Advocates must also maintain confidentiality with respect to all information related to the resolution process.

Any action taken by a party's Support Person or Advocate, an employee or contractor of an Advocate, or any other individual engaged or otherwise used by the Advocate that may violate the Policy may be considered authorized by that party regardless of the party's actual knowledge. This applies, but is not limited, to analyzing whether a party has, through their Support Person or Advocate, engaged in Retaliation, Violation of Supportive Measures, Interference with the Policy, Unauthorized Disclosure, or any other Prohibited Conduct.

**Support Person:** A Reporting Party and Responding Party may choose to be assisted by a Support Person of their choice. A Support Person is a person who can provide emotional, logistical, or other kinds of assistance. The Support Person is a non-participant who is present to assist a Reporting Party or Responding 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 UCO may require a Support Person to meet with the UCO or Hearing Officer prior to attending a meeting or proceeding to understand the expectations of the role, privacy considerations, and appropriate decorum. While the University does not place limitations on an individual's choice of Support Person, if a Support Person also participates as a fact witness, the decisionmaker may limit their participation in a proceeding to maintain fairness and integrity of the process.

**Advocate:** A Reporting Party and a Responding Party may, at their own initiative and expense, be assisted by an Advocate. To the extent permitted by law and subject to some limitations, an Advocate is a person who may accompany the party to investigative, administrative, or adjudicative meetings or proceedings under the Policy and may fully participate in the proceeding to the same extent afforded to the represented party. An Advocate may be an attorney but is not required to be.

For an Advocate to participate in an UCO meeting or proceeding, the party must complete and submit required forms, including a form to authorize the Advocate to receive information or documents regarding the party. These forms must be submitted to the UCO no later than 5 business days prior to the meeting or proceeding (unless the meeting is called on shorter notice). The UCO may require an Advocate to meet with the UCO or Hearing Officer prior to attending a meeting or proceeding to understand the expectations of the role, privacy considerations, and appropriate decorum.

The University, its officials, and the members of the UCO will communicate and correspond directly with the party, and in the case of minors, their parent(s), legal guardian, or other Authorized Legal Representative. It is the party's (or parent/legal guardian/Authorized Legal Representative's) responsibility to communicate and share information with the Advocate.

### c. Student and Employee Participation

All University members, including students, faculty and staff, are expected to cooperate with the UCO in the investigation of any report to assure fairness and procedural due process. Student participation in the investigation and adjudication process is voluntary and will not be compelled. In the absence of Reporting Party or Responding Party participation, the investigator(s) will consider the available evidence in determining whether the preponderance of that evidence establishes a violation of the Policy.

## Privacy and Confidentiality

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The UCO will maintain the privacy of information gathered in the reporting and resolution process and will address, as appropriate, violations of this Policy's prohibition against unauthorized disclosure of information outlined in the Prohibited Conduct section. The UCO encourages parties and witnesses to respect the privacy of individuals involved in reports and investigations but cannot limit parties' ability to speak in a non-retaliatory and non-harassing manner about their perspective on any allegation or their experience with the UCO process. The UCO will not prohibit parties from obtaining and presenting evidence; consulting with family members, confidential resources, or Advocates; or otherwise preparing for or participating in any UCO meetings or proceeding, as long as those actions do not otherwise constitute Prohibited Conduct.

Privacy and Confidentiality have distinct meanings under this Policy.

### A. Privacy

Privacy means that information related to a report under this Policy will only be shared with those University employees who "need to know" to assist in the active review, investigation, or resolution of the report. While not bound by confidentiality, these individuals will be discreet and respect the privacy of all individuals involved in the process.

If the decision is made to pursue disciplinary action against a Responding Party, information related to the report will be shared with the Responding Party. Information regarding a report will not be shared with either party's Authorized Legal Representative unless: the party is a minor and sharing is permissible under the Family Education Rights and Privacy Act (FERPA); the party has signed a waiver that is compliant with FERPA; or there is an articulable and significant threat to the health or safety of the party or other individuals.

### B. Confidentiality

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

### C. Records

The UCO will maintain records of all reports of Prohibited Conduct under this Policy and their outcomes in accordance with relevant laws and the General Records Retention and Disposition Schedule; if the requirements are in conflict, the longer period will control. The UCO retains the discretion to maintain records longer than required.

The UCO will maintain records of attended trainings required by federal or state law.

#### 1. Access to Records

Parties will not receive electronic or written copies of materials associated with reports under this Policy. Parties will, to the extent permissible and consistent with FERPA and other state and federal laws, receive access to those materials, which may be presented in redacted form. The parties and their Advocate and/or Support Person are not permitted to screenshot, photograph, copy, record, or in any other manner reproduce these materials but are permitted to take notes on the content.

#### 2. Records of Student Discipline and Effect of Withdrawal

The existence of a pending investigation or adjudication under the Policy will be noted as part of a student's transcript, including while the Formal Determination is held in abeyance pending Alternative Resolution. In addition, currently active sanctions of probation, suspension, or expulsion will be noted as part of a student's transcript. If a Responding Party chooses to withdraw from the University after the initiation but prior to the resolution of an investigation or adjudication under the

Policy, the Responding Party's transcript will be marked with the notation "Student Withdrew with Disciplinary Charges Pending."

The University may, in its discretion, initiate or continue an investigation or adjudication if a student Responding Party is not currently participating in an educational program or activity.

In the event of a withdrawal, or where the Responding Party declines to participate in proceedings under the Policy, the investigation and Hearing may proceed without the Responding Party. After withdrawing or if the University initiates an investigation or adjudication of a student Responding Party who is not currently participating in an educational program or activity, the Responding Party will not be eligible to return to the University until the proceedings under the Policy have finally concluded.

Records documenting disciplinary actions brought against students for violation of the Policy will be maintained by appropriate offices, including the UCO, Student Affairs, and the Registrar's Office, as part of a student disciplinary record separate from the transcript.

### 3. Records of Employee Discipline and Effect of Separation

In the event a Responding Party separates from the University prior to the resolution of an investigation or adjudication under the Policy, the investigation may proceed without the Responding Party, and the existence of a pending investigation or adjudication under the Policy may be noted in the employee's personnel record. In compliance with the University's Ineligibility for Rehire Policy and accompanying procedure, the UCO will classify applicable employees as ineligible for rehire in consultation with the University's Chief Human Resources Officer or designee. Records documenting disciplinary actions or other corrective measures for employees for violation of the Policy will be maintained by appropriate offices, including the UCO, the Office of Human Resources, the Office of the Provost, or the Office for Post-Doctoral Affairs.

## D. Release of Information

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

## E. Artificial Intelligence (AI)

The use of Artificial Intelligence ("AI") in any proceeding under this Policy may be limited by UCO consistent with applicable University standards. In all cases, the disclosure by parties, advocates, support persons, and witnesses of information obtained solely through participation in a UCO process, including but not limited to the identities of parties and witnesses, to any AI platform is prohibited and may constitute a violation of Section F. of the Prohibited Conduct section of this Policy. This prohibition does not apply to communication with UCO staff using University-approved platforms. The use of AI in the completion of any sanction requiring a written product is prohibited.

## F. First Amendment

The University will implement the Policy and associated procedures consistent with the requirements of the First Amendment, and all actions taken by the University will comply with First Amendment principles. No part of the Policy or associated procedures should be interpreted to impinge upon rights protected under the First Amendment to the U.S. Constitution or to require the University to punish the exercise of such rights. There is no conflict between the Policy and associated procedures and the civil liberties guaranteed by the First Amendment. With these principles in mind, the University will, consistent with the requirements of the First Amendment, ensure a safe and nondiscriminatory environment for all campus members that is conducive to learning and protects both the constitutional and civil rights of all campus members.

# Education and Prevention Programs

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The University is committed to offering educational programs to promote awareness and prevention of Prohibited Conduct. The University will provide trainings to campus members as required by state and federal law.

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

# Policy Review

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This Policy is maintained by the University Compliance Office. The UCO will regularly review this Policy and will consider evolving legal requirements, the effectiveness of the resolution process, and the scope of resources available to the parties. Any party or their representative may submit written feedback to the Associate Vice Chancellor/Title IX Coordinator for consideration in this review process.

# Related Requirements

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## External Regulations

- 504 of the Rehabilitation Act of 1973
- 700.4.1 of the University of North Carolina System Policy Manual
- Age Discrimination Act of 1975
- Age Discrimination in Employment Act of 1967
- Americans with Disabilities Act of 1990
- Chapter V, Section 502.D.(3) of the Code of the Board of Governors of the University of North Carolina System
- Equal Pay Act of 1963
- Family Educational Rights and Privacy Act (FERPA)
- Jeanne Clery Campus Safety Act
- NASA Non-Discrimination Regulations for Federally Assisted Programs
- North Carolina General Statutes § 143-422.2
- Title II of the Genetic Information Nondiscrimination Act of 2008
- Title IV of the Civil Rights Act of 1964
- Title VI of the Civil Rights Act of 1964
- Title VII of the Civil Rights Act of 1964
- Title IX of the Education Amendments of 1972
- Vietnam Era Veterans' Readjustment Assistance Act
- Violence Against Women Reauthorization Act of 2013

## University Policies, Standards, and Procedures

- Acceptable Use Policy
- Accommodations Policy
- Administrative Systems Terms of Use Policy
- EHRA Non-Faculty Grievance Policy
- Emergency Evaluation and Action Committee Policy and Procedures
- Expedited Administrative Review by Disability Services Advisory Committee Policy
- Faculty Grievance Procedures and Faculty Hearings Procedures
- Ineligibility for Rehire Policy
- Nepotism and Interpersonal Relationships Policy
- Policies and Procedures Under the Family Educational Rights and Privacy Act of 1974 ("FERPA")
- Policy on Protection of Minors
- Policy on Prohibited Sexual Harassment under Title IX
- Post-Doctoral Scholars Policy
- SHRA Grievance Policy
- The Student Code of Conduct of The University of North Carolina at Chapel Hill
- University Clery Requirements
- University Policy Statement on Non-Discrimination
- Whistleblower Policy
- Workplace Violence Policy

# Contact Information

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## General Inquiries or Concerns

**Office:** University Compliance Office  
**Telephone:** 919-966-3576  
**Email:** uco@unc.edu

## Inquiries or Concerns about Title IX

**Name:** Elizabeth Hall, Associate Vice Chancellor/Title IX Coordinator  
**Telephone:** 919-445-1297  
**Email:** cehall@email.unc.edu

## Concerns about the University's application of laws covered by this Policy

Office for Civil Rights

- **Website:** OCR website
- **Telephone:** 800-421-3481

- **Email:** OCR@ed.gov

United States Equal Employment Opportunity Commission (EEOC)

- **Telephone:** 800-669-4000
- **Email:** info@eeoc.gov

## Appendix A

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This Appendix provides a non-comprehensive list of examples of behavior that may constitute Prohibited Conduct under the Policy. This list is provided for informational purposes only and is not intended to describe all conduct that may violate the Policy, nor are all examples considered Policy violations in all circumstances. If you believe you have experienced Prohibited Conduct, please contact a Reporting Option or Confidential Resource to explore options that may be available to you, even if your experience does not appear in one of the examples below. In all instances, the University Compliance Office will provide support resources and evaluate the reported conduct consistent with the threshold for action and the relevant definitions set out in the Policy. Specifically, all alleged conduct must meet the definitions of either discrimination or harassment (hostile environment or quid pro quo) to be considered Policy violations. Additionally, with respect to expressive conduct alleged to be harassment, the UCO will evaluate the reported conduct consistent with the Policy and with relevant law and other authority related to the First Amendment. When a question exists concerning whether the alleged discrimination or harassment is based in full or in part on a protected characteristic, the University will proceed in accordance with this Policy.

**Age:** Examples of conduct that could be considered discrimination or harassment based on age include, but are not limited to, acting on assumptions about an individual's ability to perform a work, educational, or extracurricular activity based on their age; acting on assumptions about an individual's ability to learn a skill based on their age; ignoring an individual's experience or contributions because of their age; and repeatedly using slurs associated with age.

**Color:** Examples of conduct that could be considered discrimination or harassment based on color include, but are not limited to, showing a preference in conferring employment or educational benefits towards individuals with lighter skin tones; comparing an individual's skin color to an undesirable object or substance (e.g., excrement, charcoal); or repeatedly using slurs based on an individual's skin color.

**Disability:** Examples of conduct that could be considered discrimination or harassment based on disability include, but are not limited to, failing to provide or implement reasonable accommodations to a qualified individual with a disability; taking employment action based on assumptions that an individual with a disability is unable to work; teasing an individual based on or by taking advantage of their disability; and repeatedly using slurs associated with disability.

**Gender, Gender Expression, or Gender Identity:** Examples of conduct that could be considered discrimination or harassment based on gender, gender expression, or gender identity include, but are not limited to, asking invasive personal questions about an individual's genitalia or surgical status; repeatedly using slurs associated with transgender or non-binary individuals; and separating an individual from customer- or front-facing positions because of their non-conformity with gender norms.

**Genetic Information:** Examples of conduct that could be considered discrimination or harassment based on genetic information include, but are not limited to, refusing to hire an individual because of their family history of disease and related fear that the individual will develop the disease; searching for information about a prospective employee's family medical history; and making negative or offensive remarks about an individual's genetic information.

**National Origin:** Examples of conduct that could be considered discrimination or harassment based on national origin include, but are not limited to, repeatedly asking where a person of color "is really from;" mocking an individual's accent or English-speaking ability; requiring individuals to speak English during work breaks, casual conversations, or other personal, non-business-related interactions; or blaming an actual or perceived member of a nation for actions taken by others of that national origin.

**Race:** Examples of conduct that could be considered race-based harassment or discrimination include, but are not limited to, repeatedly using racial slurs; criticism of hairstyles or textures or forms of dress generally associated with a particular race; assigning work based on assumptions about an individual's proclivity towards math or science based on their race; and segregating members of races in workplace or educational settings.

**Religion:** Examples of conduct that could be considered harassment or discrimination based on religion include, but are not limited to, failing to provide or implement reasonable accommodations as provided in the Accommodations Policy; or engaging in adverse actions against an individual because they wear religious attire (e.g., a kippah, a hijab, a turban) or because they wear symbols or styles of dress associated with their religion (e.g., a cross or Star of David, modest forms of dress).

**Sex:** Examples of conduct that could be considered discrimination or harassment based on sex include, but are not limited to, taking adverse action against an employee based on their pregnancy; failing to provide or implement reasonable accommodations as provided in the Accommodations Policy; requiring different dress codes for men and women; repeatedly calling individuals sex-based nicknames (e.g., "sweetie," "hon," "sugar") or using sex-based slurs; and assigning work based on sex stereotypes.

**Sexual Orientation:** Examples of conduct that could be considered discrimination or harassment based on sexual orientation include, but are not limited to, repeatedly using anti-LGBTQIA slurs; asking invasive, personal questions about an individual's sex life or romantic partner(s); refusing to invite an LGBTQIA student's or employee's spouse or partner to an event when all other student's or employee's spouses or partners are included; and acting on assumptions about an individual's abilities in certain areas based on stereotypes about sexual orientation.

**Veteran Status:** Examples of conduct that could be considered discrimination or harassment based on veteran status include, but are not limited to, refusing to hire or failing to accommodate a protected veteran because of a service injury or disability; refusing to hire a protected veteran because of on-going reservist service obligations; and acting on assumptions about a protected veteran's work or educational ability due to prior military service.

**Two or More Protected Statuses:** The University also recognizes that discrimination and harassment may be based on a combination of interconnected protected statuses. A non-exhaustive list of examples of discrimination and harassment based on multiple statuses is below.

- Anti-Semitic discrimination or harassment can be a form of discrimination or harassment based on religion and/or national origin. Anti-Semitic discrimination or harassment may manifest as engaging in any of the following conduct against an individual because the individual is or is perceived to be Jewish or because the individual is or is perceived to be from Israel: repeatedly using anti-Semitic slurs; defacing an individual's property with a hateful symbol or word (e.g., a swastika); denying an individual access to or refusing to allow an individual to participate in any program sponsored or hosted by the University; using force or intimidation to obstruct the path of an individual; or refusing to grant an individual a benefit to which they are entitled (e.g., a letter of recommendation).. Evidence of an individual's perceived protected status may include, for example, association with Israel or with a Jewish organization, wearing religious attire (e.g., a kippah), or displaying a religious symbol associated with Judaism (e.g., a star of David).
- Islamophobic discrimination or harassment can be a form of discrimination or harassment based on **national origin** (from a Middle Eastern nation), and/or religion (Muslim). Islamophobic discrimination or harassment may manifest as repeated incidents of slurs based on an individual's actual or perceived protected status; blaming an individual for actions of other individuals of their actual or perceived shared identity as Middle Eastern or Muslim (e.g., calling an individual a "terrorist"); or denying an individual access to or refusing to allow an individual to participate in any program sponsored or hosted by the University because of their actual or perceived protected status.
- Discrimination or harassment based on **age** and **disability** can be another form of discrimination or harassment based on multiple statuses, which may manifest as acting on assumptions about an individual's inability to work or participate in an educational activity based on their **age** and **disability** or using patronizing language toward an older individual with a disability, even when not engaging in similar behavior towards an older individual without a **disability** or younger individual with a **disability**.
- Discrimination or harassment based on **race** and **gender** can be another form of discrimination or harassment based on multiple statuses, which may manifest as applying different expectations for behavior to women of color or acting on stereotypes about characteristics of particular groups of women of color, even when not engaging in similar behavior towards men of color or white women.

Associational discrimination or harassment is discrimination or harassment directed at an individual based on the protected status of another individual with whom they have an association. Associational discrimination or harassment may be directed at an individual based on their family member's race, disability status, sexual orientation, or other protected status. Examples include refusing to hire an individual because their child has a disability and firing a white employee because they marry a non-white person. In evaluating reports of associational discrimination or harassment, the UCO will assess both whether there is an association with an individual who identifies as having a protected status and whether the alleged conduct is based on that individual's protected status.

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