Title IX Grievance Policy

University Policy 504

Institutional Integrity

Table of Contents

- Effective for violations occurring on or after August 14, 2020
- Click here for .pdf version

I. Statement of Policy

Sexual Harassment, including sexual violence and other Covered Conduct, is a violation of both law and University policy and will not be tolerated in the University community. The University is committed to fostering an environment that encourages prompt reporting of all types of Sexual Harassment; a timely response to reports; the provision of equitable support services and resources; and a fair, impartial, and equitable investigation and resolution process. Retaliation for reporting a violation of this Policy or for cooperating in the University's investigation of any such report is also prohibited by law and University policy and will not be tolerated.

The University treats Complainants and Respondents equitably throughout the proceedings outlined in this Policy. University officials charged with implementing this Policy will objectively evaluate all relevant evidence, both inculpatory and exculpatory, and will not make credibility determinations that are based on a person's status as a Complainant, Respondent, or witness.

Respondents are presumed not responsible for any alleged conduct until a determination regarding responsibility is made at the conclusion of the proceedings outlined in this Policy.

This Policy sets forth the rights of University community members and the obligations of the University pursuant to Title IX of the Education Amendments of 1972 and its implementing regulations ("Title IX"). The University's Title IX Coordinator ("the Coordinator") is charged with ensuring the University's compliance with this Policy and applicable laws. Throughout this Policy, any references to the Coordinator include the Coordinator's designee(s).

II. Scope

The expectations and procedures outlined in this Policy apply to all members of the University community, including faculty, staff, and students.

Only alleged Covered Conduct, as that term is defined in Section IV below, will be processed under this Policy. Alleged sexual harassment or interpersonal misconduct that is not Covered Conduct is addressed under University Policy 502, Sexual Misconduct and Interpersonal Violence.

III. Timeframes and Parallel Proceedings

The University strives to complete the proceedings outlined in this Policy within sixty (60) Days, excluding any appeals, of a Formal Complaint. In the University's experience, however, circumstances including, but not limited to, parallel criminal investigations, multiple witnesses, and difficulties with availability and scheduling of parties and witnesses, often exist; therefore, many cases may take longer to be resolved. If the proceedings outlined in this Policy take longer than one hundred twenty (120) Days, the Office of Civil Rights and Title IX will provide a written explanation to all Parties as to the reason(s) for the delay.

The procedures in this Policy differ from the criminal justice system in scope, purpose, procedure, and outcome, and are not designed to replace state or federal criminal laws or procedures. Faculty, staff, and students may be accountable to both civil authorities and to the University for acts that constitute violations of law and this Policy. The procedures in this Policy will normally proceed during the pendency of criminal proceedings and will not be subject to challenge on the ground that criminal charges involving the same incident(s) have not been filed or have been dismissed or reduced.

IV. Definitions

1. **Complainant** means an individual who is alleged to be the victim of conduct that could constitute Sexual Harassment.

2. **Coordinator** means the University's Title IX Coordinator or designee(s).

3. **Covered Conduct** means Sexual Harassment that occurs within the University's Education Program or Activity and that occurs against a person in the United States.

4. **Dating Violence** means violence committed against an individual with whom the Respondent is or has been in a social relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on a consideration of the following factors: (a) the length of the relationship; (b) the type of relationship; and (c) the frequency of interaction between the individuals involved in the relationship. Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating Violence does not include conduct that meets the definition of Domestic Violence under this Policy.

5. **Day** (unless otherwise specified) means a business day on which the University is open.

6. **Domestic Violence** means violence that may constitute a felony or misdemeanor crime of violence against an individual (a) who is a current or former spouse or intimate partner; (b) with whom the Respondent shares a child in common; (c) with whom the Respondent cohabitates or has cohabitated as a spouse or intimate partner; (d) who is similarly situated as a spouse under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or (e) who is a youth or adult and is protected from that Respondent's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

7. **Education Program or Activity** includes locations, events, or circumstances over which the University exercised substantial control over both the Respondent and the context in which the alleged Sexual Harassment occurred, and also includes any building owned or controlled by a student organization that is officially recognized by the University.

8. **Formal Complaint** means a document submitted by a Complainant or signed by the Coordinator alleging Sexual Harassment against a Respondent and requesting that the University investigate the allegation of Sexual Harassment. A Formal Complaint includes a document or electronic submission (such as by electronic mail or through an online portal verified by the user's NinerNet credentials) that contains the Complainant's physical or digital signature, or otherwise indicates that the Complainant is the person filing the Formal Complaint.

9. Investigator means an official(s) appointed by the Coordinator to conduct the investigation of an alleged violation(s) of this Policy and who testifies in the event of a hearing.

10. Party or **Parties** means the Complainant(s) or Respondent(s) either separately or collectively.

11. Respondent means an individual who has been reported to be the perpetrator of conduct that could constitute Sexual Harassment.

12. Sexual Assault means any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent. Sexual Assault includes:

a. the penetration of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person;

b. the intentional touching of the clothed or unclothed genitals, buttocks, groin, breasts, or other body parts of another person for the purpose of sexual degradation, sexual gratification, or sexual humiliation;

c. intentionally causing a victim to touch the clothed or unclothed genitals, buttocks, groin, breasts, or other body parts of any other person for the purpose of sexual degradation, sexual gratification, or sexual humiliation

d. sexual intercourse with a person who is under the statutory age of consent; and

e. sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

13. Sexual Harassment means:

a. A University employee conditioning the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct;

b. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's Education Program or Activity; or

c. Sexual Assault, Dating Violence, Domestic Violence, or Stalking.

14. Stalking is engaging in a course of conduct (two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties [by any action, method, device, or means] follows, monitors, observes, surveils, threatens, or communicates to or about

an individual, or interferes with an individual's property) directed at a specific individual that would cause a reasonable individual (under similar circumstances and with similar identities to the victim) to (a) fear for their safety or the safety of others or (b) suffer substantial emotional distress. Allegations of Stalking are only processed under this Policy if the alleged Stalking behavior is based on sex. Non-sex-based Stalking is addressed by other University Policies, as described in Section II above.

15. **Supportive Measures** means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent.

16. **Title IX Advisor** means a person who accompanies a Party and who may be, but is not required to be, an attorney.

V. Reports

Any person may report sex discrimination, including Sexual Harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or Sexual Harassment), in person, by mail, by telephone, or by electronic mail, to the Coordinator, or by any other means that results in the Coordinator receiving the person's verbal or written report. Such a report may be made at any time (including during non-business hours) by using the Coordinator's telephone number or electronic mail address, by completing the appropriate report on incidentreport.charlotte.edu, or by mailing a report to the office address. The Coordinator's contact information is available at civilrights.charlotte.edu. It is expected that every University employee will report incidents that implicate this Policy to the Coordinator.

University officials who have the authority to institute corrective measures on the University's behalf are required to provide to the Coordinator any and all information they receive concerning alleged Sexual Harassment. University officials who have the authority to institute corrective measures on the University's behalf include, but are not limited to, all University officials at the Vice Chancellor level or above, all staff members in the Office of Civil Rights and Title IX, Associate Vice Chancellor for Human Resources, all staff members in the Human Resources Employee Relations Office, the Associate Vice Chancellor for Housing & Residence Life, and the Associate Vice Chancellor and Dean of Students.

VI. Supportive Measures

a. Generally

Supportive Measures are available to the Complainant and to the Respondent before or after the filing of a Formal Complaint or where no Formal Complaint has been submitted. Such measures are designed to restore or preserve equal access to the University's Education Program or Activity without unreasonably burdening the other Party, including measures designed to protect the safety of all parties or the University's educational environment, or deter Sexual Harassment. Supportive Measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual no-contact orders between the Parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.

The University will maintain as confidential any Supportive Measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality would not impair the ability of the University to provide the Supportive Measures. The Coordinator is responsible for coordinating the effective implementation of Supportive Measures.

b. Offering Supportive Measures

When the Coordinator receives a report of alleged Sexual Harassment, the Coordinator will promptly contact the Complainant to:

1. Discuss the availability of Supportive Measures and consider the Complainant's wishes with respect to Supportive Measures;

2. Provide the Complainant with written information regarding the Complainant's rights and options under this Policy and the Supportive Measures available to the Complainant;

3. Inform the Complainant of the availability of Supportive Measures with or without the filing of a Formal Complaint;

4. Explain the process for filing a Formal Complaint;

5. Explain this Policy in general terms, including the resolution options available following the filing of a Formal Complaint;

6. Seek to determine if the Complainant wishes to notify law enforcement authorities, wishes to be assisted in notifying law enforcement authorities, or does not wish to notify law enforcement authorities of the allegation(s); and

7. Inform the Complainant that the University will share information only on a need-to-know basis and will strive to protect the Complainant's privacy, including the omission of the

Complainant's identifying information in publicly available records, to the extent permissible by law.

If the Complainant submits a Formal Complaint, as discussed in Section VIII below, the Coordinator will promptly contact the Respondent to:

1. Discuss the availability of Supportive Measures and consider the Respondent's wishes with respect to Supportive Measures;

2. Provide the Respondent with written information regarding the Respondent's rights and options under this Policy and the Supportive Measures available to Respondent;

3. Inform the Respondent of the availability of Supportive Measures;

4. Explain this Policy in general terms, including the resolution options available following the filing of a Formal Complaint; and

5. Inform the Respondent that the University will share information only on a need-to-know basis and will strive to protect the Respondent's privacy, including the omission of the Respondent's identifying information in publicly available records, to the extent permissible by law.

VII. Emergency Removal/Administrative Leave

a. Emergency Removal

The University may remove a Respondent from the University's Education Program or Activity on an emergency basis, so long as the University undertakes an individualized safety and risk analysis and determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Sexual Harassment justifies removal. The University will provide the Respondent with written notice of the emergency removal and the reasons therefor.

1.

Within five (5) Days of the effective date of the emergency removal, the Respondent may submit a written request for termination or modification of the emergency removal to the Coordinator, who will consult with the appropriate University official. In reviewing the request, the Coordinator shall consider the following issues only:

1. the reliability of the information concerning the Respondent's conduct, including an assertion of mistaken identity; and

2. whether the conduct in the surrounding circumstances reasonably indicates that the continued presence of the Respondent in the University's Education Program or Activity presents an immediate threat to the physical health or safety of any student or other individual.

The Coordinator may, in their discretion, meet with the Respondent and utilize information gathered in that meeting to make a decision whether to terminate or modify the emergency removal.

b. Administrative Leave

Nothing in this Policy or in Title IX precludes the University from placing a non-student employee Respondent on administrative leave during the pendency of the proceedings outlined in this Policy.

VIII. Formal Complaints

a. Initiating a Formal Complaint

A Complainant may submit a Formal Complaint by submitting to the Coordinator or the Coordinator's office staff a document that alleges Sexual Harassment against a Respondent and requests that the University investigate the allegation of Sexual Harassment. The Formal Complaint may be submitted from the Complainant's official University email account, through an online submission if it is verified by the Complainant's NinerNet credentials, or in hard copy if it is signed by the Complainant. The Coordinator's contact information is available at civilrights.charlotte.edu.

At the time of submitting a Formal Complaint, a Complainant must be participating in or attempting to participate in the University's Education Program or Activity.

The Coordinator, at their sole discretion, may submit a Formal Complaint even when a Complainant declines to do so. Where the Coordinator signs a Formal Complaint, the Coordinator is not a Complainant or otherwise a Party under this Policy.

b. Mandatory Dismissal of Formal Complaint

The Coordinator must dismiss a Formal Complaint if the conduct alleged in the Formal Complaint:

1. Would not constitute Sexual Harassment as defined in this Policy even if proved;

2. Did not occur in the University's Education Program or Activity; or

3. Did not occur against a person in the United States.

Allegations within a Formal Complaint that has been dismissed by the Coordinator may still be addressed by other University Policies as outlined in Section II above.

c. Notice of Formal Complaint

Upon receipt of a Formal Complaint, the Coordinator will provide the following written notice to the Parties who are known:

1. Notice of this Policy, including the informal resolution process described in Section X.

2. Notice of the allegations that potentially constitute Sexual Harassment under this Policy, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the Parties involved in the incident, if known; the conduct allegedly constituting Sexual Harassment under this Policy; and the date and location of the alleged incident, if known.

3. A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the proceedings outlined in this Policy.

4. Notice that all Parties may have a Title IX Advisor of their choice, who may be, but is not required to be, an attorney, and who may inspect and review evidence under Section XI(a)(9) and XI(b)(2) of this Policy.

5. Notice of the specific provision of University policy that prohibits knowingly making false statements or knowingly submitting false information during the proceedings outlined in this Policy.

If, in the course of an investigation, the University decides to investigate allegations about the Complainant or Respondent that are not included in the original notice, the University will issue notice of the additional allegations to the Parties.

d. Permissive Dismissal of Formal Complaint

The Coordinator may dismiss a Formal Complaint or any allegations therein, if at any time during the informal resolution, investigation, or hearing:

1. a Complainant notifies the Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein;

2. the Respondent is no longer enrolled or employed by the University; or

3. specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein.

e. Notice of Dismissal

Upon a dismissal of a Formal Complaint, the Coordinator will promptly send written notice of the dismissal and reason(s) therefor simultaneously to the Parties. Any Party may appeal the Coordinator's dismissal of the Formal Complaint or any allegations therein as provided in Section XII below.

f. Consolidation of Formal Complaints

The Coordinator may consolidate Formal Complaints as to allegations of Sexual Harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one Party against the other Party, where the allegations of Sexual Harassment arise out of the same facts or circumstances.

IX. Title IX Advisors

All Parties are permitted to have a Title IX Advisor of their choice, at their own expense, accompany them to any meeting or proceeding outlined in this Policy. The Title IX Advisor may be, but is not required to be, an attorney.

Unless otherwise required by law, the Title IX Advisor's role under this Policy is limited to conferring directly with the Party whom they advise and to conducting cross-examination of Parties or witnesses at a hearing pursuant to Section XI(b) below. A Title IX Advisor may be required to complete specific paperwork regarding this Policy and the parameters of student or employee confidentiality prior to serving as a Title IX Advisor. A Title IX Advisor may be present in the meetings and interviews outlined in this Policy only when the Party they advise is present. A Title IX Advisor may not unreasonably delay, disrupt, or otherwise interfere with the meetings or other proceedings outlined in this Policy.

If a Party does not have a Title IX Advisor present at the hearing described in Section XI(b) below, the University will provide a Title IX Advisor of the University's choice without fee or charge for the limited purpose of conducting cross-examination on behalf of the Party.

X. Informal Resolution

a. Voluntary Process

1.

At any time prior to reaching a determination regarding responsibility, with the voluntary written consent of both Parties, the University may, at the discretion of the Coordinator, facilitate an informal resolution process that does not involve a full investigation and hearing. The Parties' option to pursue an informal resolution process is completely voluntary. At any time prior to agreeing to a final resolution, all Parties have the right to withdraw from the informal resolution process and resume the investigation and hearing of the Formal Complaint pursuant to Section XI below.

The informal resolution process is not available to resolve allegations that a faculty or staff member committed Sexual Harassment against a student.

b. Notice

1.

Prior to agreeing to participate in a voluntary informal resolution process, the Respondent and the Complainant will receive written notice setting forth:

1. the allegations,

2. the requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a Formal Complaint arising from the same allegations, and

3. any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.

c. Agreement to Participate

1.

Parties will have three (3) Days after receiving written notice to consider whether they wish to participate in the informal resolution process. If all Parties provide their voluntary consent to the University in writing by the end of the three (3) Days, then the informal resolution process will move forward.

d. Facilitator

1.

The Coordinator will appoint a trained facilitator, who does not have a conflict of interest or bias for or against Complainants or Respondents generally or for or against an individual Complainant or Respondent, to facilitate the Parties' informal resolution. Any Party may notify the Coordinator if they believe that the appointed facilitator has a conflict of interest or bias.

e. Final Resolution

1.

The appointed facilitator will meet separately with the Parties to discuss possible resolutions to the Formal Complaint and to ascertain each Party's perspective regarding responsibility and sanctions. In most cases, the Parties will not interact directly with each other during the informal resolution process unless agreed upon by all Parties and deemed necessary by the appointed facilitator.

If, after consultation with the Coordinator, the appointed facilitator identifies a potential resolution, the appointed facilitator will offer the resolution in writing to all Parties. In cases involving an employee Respondent, the Chancellor or Chancellor's designee must approve the resolution before it is offered. The Parties will have three (3) Days to consider the offered resolution. If all Parties sign the offered resolution of the Formal Complaint, the resolution becomes final. The signed informal resolution may not be appealed.

XI. Formal Resolution

a. Investigation

1.

Formal Complaints that are not dismissed by the Coordinator or resolved through the Informal Resolution process will be investigated. The Coordinator will appoint a trained Investigator, who does not have a conflict of interest or bias for or against Complainants or Respondents generally or for or against an individual Complainant or Respondent, to investigate. Any Party may notify the Coordinator if they believe that the appointed Investigator has a conflict of interest or bias.

The Coordinator, in consultation with the appropriate University official overseeing the implementation of other relevant policies, may, but is not required to, request that the Investigator also investigate violations of other University policies.

Throughout the investigation process, the Investigator will:

1. Maintain the burden of gathering evidence sufficient to reach a determination regarding responsibility;

2. Not access, consider, disclose, or otherwise use a Party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional, unless given voluntary, written consent to do so by the affected Party;

3. Not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege;

4. Provide an equal opportunity for the Parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence;

5. Not restrict the ability of either Party to discuss the allegations under investigation or to gather and present relevant evidence;

6. Provide the Parties with equal opportunities to have other individuals present during any investigative interview or other meeting, including the opportunity to be accompanied by the Title IX Advisor of their choice, who may be, but is not required to be, an attorney to any related meeting or proceeding;

7. Provide, to a Party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all investigative interviews or other meetings, with sufficient time for the Party to prepare to participate;

8. Audio record all investigative interviews of the Parties and witnesses (investigative interviews may not be recorded by the Parties, Title IX Advisors, or witnesses);

9. Provide all Parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a Formal Complaint, including the evidence upon which the University does not intend to rely in reaching a determination regarding responsibility and all inculpatory or exculpatory evidence.

Prior to completion of the investigative report, the Investigator will send to all Parties and the Parties' Title IX Advisors, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and give the Parties ten (10) Days to submit a written response, which the Investigator will consider prior to completing the investigative report. The Investigator will then

finalize the investigative report that fairly summarizes relevant evidence. The investigative report will be sent to all Parties and the Parties' Title IX Advisors, if any, at least ten (10) Days prior to a hearing for their review and written response.

b Hearing

1.

1. Generally

Upon conclusion of the investigation, a trained hearing officer, or panel of trained hearing officers, will oversee a hearing in order to make a determination regarding the Formal Complaint. Hearing officers will be appointed by the Coordinator and must not have a conflict of interest or bias for or against Complainants or Respondents generally or for or against an individual Complainant or Respondent. Any Party may notify the Coordinator if they believe that the appointed hearing officer(s) has a conflict of interest or bias.

Hearings pursuant to this Policy may be conducted with all Parties physically present in the same geographic location or, at the University's discretion, any or all Parties, witnesses, and other participants may appear at the hearing virtually, with technology enabling participants simultaneously to see and hear each other.

The University will create an audio or audiovisual recording, or transcript, of any hearing and make it available to the Parties for inspection and review. Such recording or transcript will be maintained in accordance with Section XVI of this Policy. No Party, Title IX Advisor, witness, or other individual may record the hearing.

2. Available Evidence

Any evidence obtained as part of the investigation that is directly related to the allegations raised in a Formal Complaint, including the evidence upon which the University does not intend to rely in reaching a determination regarding responsibility and all inculpatory or exculpatory evidence, will be available to all Parties and their Title IX Advisors at the hearing. All Parties will have an equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.

Absent extraordinary circumstances, no witnesses who were not brought to the attention of the Investigator may participate in the hearing, and no information that was not brought to the attention of the Investigator may be presented.

3. Testimony and Cross-Examination[1]

The hearing officer(s) will permit each Party's Title IX Advisor to ask the other Party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Such cross-examination at the hearing will be conducted directly, orally, and in real time by the Party's Title IX Advisor and never by a Party personally. The hearing officer(s) may not draw an inference about the determination regarding responsibility based solely on a Party's or witness's absence from the hearing or refusal to answer cross-examination or other questions.

At the request of either Party, the University will permit the Parties to be located in separate rooms for the hearing with technology enabling the hearing officer(s) and Parties to simultaneously see and hear the Party or the witness answering questions. Only relevant cross-examination and other questions may be asked of a Party or witness. Before a Complainant, Respondent, or witness answers a cross-examination or other question, the hearing officer(s) will first determine whether the question is relevant and explain any decision to exclude a question as not relevant.

If a Party does not have a Title IX Advisor present at the hearing, the University will provide a Title IX Advisor of the University's choice without fee or charge for the limited purpose of conducting cross-examination on behalf of the Party. The University-appointed Title IX Advisor will relay the Party's desired questions to be asked of other Parties and witnesses.

Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

4. Determination

The hearing officer(s) will issue a written determination to the Coordinator regarding responsibility. To reach this determination, the hearing officer(s) will apply the preponderance of the evidence standard. The written determination will include:

a. Identification of the allegations potentially constituting Sexual Harassment as defined in this Policy;

b. A description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the Parties, interviews with Parties and witnesses, site visits, methods used to gather other evidence, and hearings held;

c. Findings of fact supporting the determination;

d. Conclusions regarding the application of this Policy or related University policies to the facts;

e. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, proposed sanctions for the appropriate University official's consideration if the Respondent is found responsible, and whether remedies designed to restore or preserve equal access to the University's Education Program or Activity for the Complainant will be recommended to the Coordinator; and

f. The University's procedures and permissible bases for the Complainant and Respondent to appeal.

5. Notice of Determination

The Coordinator will provide the hearing officer's written determination to the Parties simultaneously. Any Party may appeal the determination regarding responsibility pursuant to Section XII below. The determination regarding responsibility becomes final either on the date that the Coordinator provides the Parties with the written determination of the result of the appeal, if an appeal is submitted, or on the day the appeal period outlined in Section XII expires, if an appeal is not timely submitted. When the final determination includes a finding of responsibility against the Respondent, the Coordinator will share that determination and the hearing officer's proposed sanctions with the appropriate University official to impose sanctions pursuant to Section XIII below.

XII. Appeals

A. Timeframes and Bases for Appeal

Any Party may appeal a determination regarding responsibility or the Coordinator's dismissal of a Formal Complaint or any allegations therein on the following bases:

1. Procedural irregularity that affected the outcome of the matter (including, but not limited to, a material deviation from Substantive and Procedural Standards adopted by the Board of Governors, described in The University of North Carolina Board of Governors Policy 700.4.1 for cases involving student Respondents);

2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and

3. The Coordinator, Investigator(s), or hearing officer(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter.

A Party must submit a written notice of appeal to the Coordinator within five (5) Days of issuance of the written determination.

B. Process for Appeal

The appellate officer is dependent on the status and classification of the Respondent.

- In cases involving student Respondents, appeals will proceed according to Section XIV.B. of the Complaint Resolution Procedure for Student Respondents under UP 502.
- In cases involving faculty Respondents, the Provost will act as the appellate officer.
- In cases involving SHRA staff or EHRA non-faculty Respondents, the Associate Vice Chancellor for Human Resources will act as the appellate officer.

The Coordinator will notify all Parties in writing when an appeal is submitted. All Parties will have five (5) Days to submit a written statement in support of, or challenging, the determination. The appellate officer will issue a written decision describing the result of the appeal and the rationale for the result. The written decision will be provided simultaneously to all Parties.

XIII. Sanctions and Remedies

A. Sanctions

The hearing officer(s) may recommend to the appropriate University official any sanctions against a student Respondent that are permitted by Section XIII of the Complaint Resolution Procedure for Student Respondents under UP 502. The hearing officer(s) may recommend any sanctions, including but not limited to required training, written reprimands, and suspension or termination of employment, against an employee Respondent.

After considering any recommendation by the hearing officer(s), and in consultation with the Coordinator, a University official will impose appropriate sanctions.

- In cases involving student Respondents, the University official will be the hearing officer in cases involving suspension or a lesser sanction. If the sanctioning recommendation is expulsion, the Vice Chancellor for Student Affairs is the University official.
- In cases involving faculty Respondents, the Provost is the University official.

- In cases involving SHRA staff or EHRA non-faculty Respondents, the Associate Vice Chancellor for Human Resources is the University official.

For employee Respondents, the University official may issue sanctions simultaneously with a written appellate decision described in Section XII(b).

B. Remedies

After considering any recommendation by the hearing officer(s), the Coordinator may conclude that certain remedies are necessary to restore or preserve the Complainant's equal access to the University's Education Program or Activity. Remedies may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, no-contact orders, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. Unlike Supportive Measures, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the Respondent. The Coordinator is responsible for effective implementation of any remedies.

XIV. Retaliation Prohibited

No University community member may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or this Policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this Policy.

Except as may be permitted to be disclosed pursuant to the Family Educational Rights and Privacy Act and its implementing regulations (FERPA) or as otherwise required by law or to carry out the purposes of Title IX and this Policy, the University must keep confidential the identity of:

- any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or submitted a Formal Complaint of Sexual Harassment,
- any Complainant,
- any individual who has been reported to be the perpetrator of sex discrimination,
- any Respondent, and
- any witness.

Complaints alleging retaliation may be submitted to the Coordinator.

XV. Training

The Coordinator, Investigators, hearing officers, appellate officers, and informal resolution facilitators receive regular training on, in addition to other topics:

1. the definition of Sexual Harassment,

2. the scope of the University's Education Program or Activity,

3. how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable, and

4. how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

Hearing officers also receive training on any technology to be used at a live hearing and on issues of relevance of questions and evidence, including when questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant. Investigators also receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.

XVI. Recordkeeping

The University will maintain the following records in accordance with the UNC System Records Retention Schedule and in no event for less than seven (7) years:

1. Records of any Supportive Measures or other response taken to a report or Formal Complaint of Sexual Harassment;

2. Records of each investigation under this Policy, including any determination regarding responsibility and any audio or audiovisual recording or transcript;

3. Records of any disciplinary sanctions imposed on the Respondent, and records of any remedies provided to the Complainant designed to restore or preserve equal access to the University's Education Program or Activity;

4. Records of any appeal and the result therefrom;

5. Records of any informal resolution and the result therefrom; and

6. Records of all materials used to train the Coordinator, Investigators, hearing officer(s), appellate officers, and any person who facilitates an informal resolution process.

XVII. Other Rights and Obligations

Nothing in this Policy shall be interpreted to infringe on rights protected by other laws and policies, including but not limited to the First, Fifth, and Fourteenth Amendments to the U.S. Constitution; academic freedom; and the Americans with Disabilities Act.

Nothing in this Policy shall be interpreted to prevent the University from complying with other federal laws, including but not limited to Title VII of the Civil Rights Act.

---

[1] Effective August 19, 2021, the following provision (which was included in this section between August 14, 2020 and August 19, 2021) has been removed from University Policy 504 based on the invalidation of the provision by a federal court in Victim Rights Law Center v. Cardona, No. CV 20-11104-WGY, 2021 WL 3185743 (D. Mass. July 28, 2021):

The hearing officer(s) may not rely on any statement of a Party or witness in reaching a determination regarding responsibility if that Party or witness does not submit to cross-examination at the hearing.

Related References

- University Policy 406, Code of Student Responsibility
- University Policy 502, Sexual Misconduct and Interpersonal Violence
- Office of Civil Rights and Title IX
- PIM 35, Grievance and Appeal Procedures for SHRA Employees
- PIM 36, EHRA Non-Faculty Grievance Procedures
- Procedures for Resolving Faculty Grievances Arising from Section 607(3) of The Code of The University of North Carolina
- University Policy 411, Student Grievance Procedure
- UNC System Policy 1300.11, Title IX Sexual Harassment
- UNC System Regulation 1300.11[R], Regulation Applicable to Policy on Title IX Sexual Harassment

---

Authority

Chancellor

Policy Revisions

Revised December 18, 2025

Updated October 10, 2022

Updated August 1, 2022

Updated August 25, 2021

Revised August 19, 2021

Revised November 9, 2020

Initially Approved August 14, 2020

UNIVERSITY OF NORTH CAROLINA

MAIN CAMPUS ADDRESS
9201 University City Blvd
Charlotte, NC 28223

THE DUBOIS CENTER ADDRESS
320 East 9th Street
Charlotte, NC 28202

PHONE
704-687-8622

RESOURCES

HEALTH & SAFETY

© 2026 UNC Charlotte. All rights reserved.