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# POL 04.25.05 – SEX DISCRIMINATION AND SEXUAL HARASSMENT POLICY

## Section Menu

## ABOUT THIS POLICY

Authority:

Chancellor

Responsible Office:

Assistant Vice Chancellor for Academic Planning and Accreditation

Date Established:

01-01-2015

Last Revised:

11-25-2025

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# 1. Introduction

1.1 The University of North Carolina at Pembroke is committed to providing an inclusive and welcoming environment for all students, faculty, staff, and visitors. This includes providing a workplace and educational environment, as well as other benefits, programs, and activities that are free from discrimination and harassment based on a protected category and from retaliation for engaging in a protected activity. All members of the University community and guests are responsible for conducting themselves in a manner that helps enhance an environment of learning in which the rights, dignity, worth, and freedom of each member of the academic community are respected.

1.2 The University prohibits its faculty, staff, and students from engaging in any form of sex discrimination or sex-based harassment, including sexual violence, as these offenses jeopardize the health and welfare of our students and employees. UNC Pembroke maintains fair and equitable processes to provide redress and remediation to individuals or groups who believe they have been the victim of these offenses. Violations of campus or University policies, rules or regulations, or federal, state, or local law, as outlined in this Policy, may result in a violation of the student code of conduct or this Policy and imposition of student or employee discipline. When an alleged violation of this Policy is reported, the allegations are subject to resolution using the options outlined herein.

1.3 Inquiries regarding the application of this Policy and the respective resolution processes used to resolve Formal Complaints may be referred to the UNC Pembroke Title IX Coordinator, to the U.S. Department of Education's Office for Civil Rights, or both.

## **Title IX Coordinator**<sup>1</sup>

Director, Title IX

[910.521.6398](tel:910.521.6398)

Dr. Joseph B. Oxendine Administrative Building 129

Faculty Row One University Drive,

Pembroke, NC 28372

[titleixCoordinator@uncp.edu](mailto:titleixCoordinator@uncp.edu)

<https://www.uncp.edu/about/administration/policies-procedures-reports/title-ix-clery-act/index.html>

## **U.S. Department of Education**

U.S. Department of Education Office for Civil Rights

(OCR)

400 Maryland Avenue, SW

Washington, D.C. 20202-1100

Customer Service Hotline #: [800.421.3481](tel:800.421.3481)

Facsimile: 202.453.6012 TDD#: 877.521.2172

[OCR@ed.gov](mailto:OCR@ed.gov)

<http://www.ed.gov/ocr>

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<sup>1</sup> For a full list of Title IX Personnel, see [Appendix B](#)

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## 2. Scope and Jurisdiction

2.1 To ensure compliance with federal, state, and local civil rights laws and regulations and to affirm its commitment to promoting the goals of fairness and equity in all aspects of the educational program or activity, UNC Pembroke has developed policies and procedures that provide a prompt, fair, and impartial process for those involved in an allegation of sex discrimination. The prohibited behaviors outlined in this Policy may also be prohibited by Title IX of the Education Amendments Act of 1972, the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1990 (The Clery Act) as amended by the Violence Against Women Act (VAWA) in 2013, Title VII of the Civil Rights Act of 1964, and the Stop Campus Hazing Act of 2024. This Policy prohibits a broad continuum of discrimination and harassment on the basis of sex, some of which are not prohibited under Title IX or other laws. Their inclusion in this Policy reflects UNC Pembroke's standards and expectations for a safe working and learning environment. This Policy applies to any alleged incidents of sex-based harassment on or after August 14, 2020.

2.2 In addition to discrimination and harassment on the basis of sex as covered in this Policy, UNC Pembroke also prohibits discrimination on the basis of other protected statuses as outlined by the UNC System Code and Policy on Student Conduct. No person shall threaten, coerce, harass, or intimidate another person or identifiable group of persons, in an unlawful manner or in violation of a constitutionally valid University policy, while on University premises or at University-sponsored activities based in whole or in part upon any protected statuses including race, color, religion, sex, national origin, age, disability, genetic information, or veteran status. No person shall engage in unlawful harassment leading to a hostile environment as defined in this Policy. In determining whether conduct by a student or employee violates these provisions, all

relevant facts and circumstances shall be considered. Care must be exercised to preserve freedoms of speech and expression, as articulated in current legal standards.

2.3 Harassment and discrimination not on the basis of sex involving students will be addressed using the procedures in the [Code of Student Conduct](#) . Employees will utilize a process outlined by Human Resources.

2.4 UNC Pembroke does not discriminate in its education program or activity against any applicant for admission, student, applicant for employment, or employee on the basis of current, potential, or past pregnancy or related conditions as mandated by Title IX of the Education Amendments of 1972 (Title IX). For information on reasonable modifications and rights for persons who are pregnant or experiencing related conditions, see the Title IX webpage. Reports of violations of that policy may be made to the Title IX Coordinator and the processes in this Policy will apply.

2.5 This Policy applies to all students, faculty, staff, and third parties (e.g. non-members of the University community such as applicants, volunteers, vendors, alumni/ae, trustees, or visitors) that are participating in or attempting to participate in UNC Pembroke's program or activities, including education and employment. Third parties may be protected by and subject to this Policy depending on their relationship with the University. A third-party Complainant may make a Report or Formal Complaint of an alleged violation of this Policy by a member of the UNC Pembroke community. However, for third parties, the decision to bring a Formal Complaint is at the discretion of the Title IX Coordinator. A third party may also be permanently barred from the University or subject to other restrictions for failing to comply with this Policy.

2.6 This Policy applies to the University's education programs and activities (defined as including locations, events, or circumstances in which UNC Pembroke exercises substantial control over both the Respondent and the context in which the conduct occurred) and to misconduct occurring within any building owned or controlled by a UNC Pembroke-recognized student organization.

2.7 This Policy may also apply to the effects of off-campus misconduct that limit or deny a person's access to the University's education program or activities.

2.8 UNC Pembroke recognizes that allegations under this Policy may include multiple forms of discrimination and harassment and violations of other University policies; may involve various combinations of students, employees, and other members of UNC Pembroke community, and/or third parties; and may require the simultaneous attention of multiple University departments. Accordingly, all UNC Pembroke departments will share information, combine efforts, and otherwise collaborate, to the maximum extent permitted by law and consistent with other applicable University policies, to provide uniform, consistent, efficient, and effective responses to alleged sex discrimination, harassment, or retaliation.

2.9 [UNC System Policy 300.4.1](#) should be referenced for specific guidance on interpersonal relationships among faculty, staff, and students that may unduly affect the academic career of students or the employment of faculty, staff, or students.

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### 3. Policy Definitions

3.1 *Appellate Officer* means the person(s) that will make the determination on any appeal submitted under this Policy including appeals of dismissals and determinations of responsibility. The Appeals Officer may be an employee or a contracted service provider. No Appellate Officer will have been previously involved in the Resolution Process for the Formal Complaint. For student cases, the Appellate Officer is the Chancellor or his/her designee. The Chancellor has designated the Vice Chancellor for Student Affairs with this responsibility. For employee cases, the Title IX Coordinator may appoint one or more Appellate Officers to a Resolution Process.

3.2 *Attorney/Non-Attorney Advisor ("Advisor")* means a person chosen by a Party or appointed by UNC Pembroke to accompany the Party to meetings or hearings related to the Resolution Process. An Advisor provides the Complainant or Respondent support, guidance, or advice and is not a witness in the case. The Advisor may not participate in the meetings or speak on behalf of the party except as outlined in this Policy. UNC Pembroke will not limit the choice of Advisor but may remove an Advisor that violates the University's established rules of decorum. An Advisor should be chosen whose schedule allows attendance at the scheduled dates and times because delays typically will not be permitted due to the scheduling conflicts of an Advisor. An employee may serve as an Advisor but is not required to do so even if requested. For cases involving a student Complainant or student Respondent that utilize a hearing, the Parties must have an Advisor for the hearing. If a party does not have an Advisor for a hearing, the University will appoint one for the hearing free of charge. UNC Pembroke may permit Parties to have more than one Advisor and/or an Advisor and a support person, upon special request to the Title IX Coordinator. The decision to grant this request is at the Title IX Coordinator's sole discretion and will be granted equitably to all Parties.

3.3 The Title IX Coordinator will appoint a pool of faculty and staff members to serve as advisors. The term of service is ongoing until removed or replaced in writing or unless otherwise established in the letter of appointment. Each advisor must complete annual training to be prepared to fulfill their duties in alignment with the published procedures and with respect to both Complainant and Respondent rights. The faculty and staff

members appointed to serve in the advisor pool will not also serve as Hearing Board members for Title IX hearings.

3.4 *Complainant* means an individual who is alleged to have been the target of, or subject to, Prohibited Conduct as defined in this Policy.

3.5 *Confidential Employee* means an employee whose communications are privileged or confidential under federal or state law and who is functioning within the scope of their duties to which privilege or confidentiality applies; or an employee whom UNC Pembroke has designated confidential under this Policy to provide services to persons related to sex discrimination.

3.6 *Directly Related Evidence* is evidence connected to the matters raised in the Formal Complaint but may include evidence upon which the Hearing Board does not intend to rely on in reaching a determination regarding responsibility. Compared to Relevant Evidence, which is a subset of Directly Related Evidence.

3.7 *Employee* means a person employed by UNC Pembroke in either a full or part-time role, including student employees when acting within the scope of their employment.

3.8 *Formal Complaint* means a written document submitted by a Complainant or by the Title IX Coordinator alleging Prohibited Conduct against a Respondent and requesting UNC Pembroke investigate the allegation. The document may be submitted in person, by mail, email, or other electronic submission. If submitted by the Complainant, the document must contain the Complainant's signature or otherwise indicate the Complainant is the person submitting and is clearly requesting to proceed with a Formal Complaint.

3.9 The Conduct Hearing Board (hereafter "CHB" or "Hearing Board") is the group of university officials selected, trained, and designated by the Chancellor or his/her designee to review charges and information to ascertain whether a policy violation has occurred in accordance with procedures outlined in this Policy and in the Code of Student Conduct.

3.10 *Informal Resolution Facilitator* is an individual designated by UNC Pembroke to resolve Reports and Formal Complaints utilizing an informal resolution process. The assigned Facilitator will not be the same person as the assigned Investigator or Hearing Board member and may be an employee or a contracted service provider.

3.11 *Investigator* means the person or persons authorized by UNC Pembroke to investigate a Formal Complaint. The Investigator may be an employee or contracted service provider. The Title IX Coordinator may appoint one or more Investigators to a Formal Complaint.

3.12 *Official with Authority* means an employee of UNC Pembroke explicitly vested with the responsibility to implement corrective measures for sex discrimination, harassment, and/or retaliation on behalf of UNC Pembroke and who is obligated by law to share knowledge, notice, and/or reports of sexual harassment, discrimination, and/or retaliation with the Office of Title IX and Clery Compliance.

3.13 *Mandated Reporters* means a specific category of UNC Pembroke employees and students who are obligated by this Policy to share knowledge, notice, and/or reports of sex discrimination, harassment, and/or retaliation with the Office of Title IX and Clery Compliance (formerly known as Responsible Employees).

3.14 *Campus Security Authority* means a specific category of UNC Pembroke employees and students who have a duty under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (The Clery Act), as amended by the Violence Against Women Act, to share knowledge, notice, and/or reports of certain crimes, to include sexual violence (dating violence, domestic violence, stalking, and sexual assault) with the Office of Title IX and Clery Compliance (sexual violence offenses) or UNCP Police and Public Safety (all other crimes).

3.15 *Report* means that an employee, student, or third party informs the Office of Title IX and Clery Compliance or other Official with Authority of the alleged occurrence of sex discrimination, harassment, or retaliatory conduct.

3.16 *Parties* include the Complainant(s) and Respondent(s) collectively.

3.17 *Relevant Evidence* is evidence that tends to prove (inculpatory) or disprove (exculpatory) an issue in the Formal Complaint. Compare to Directly Related Evidence which is a broader category.

3.18 *Remedies* are actions directed to the Complainant and/or the community to restore or preserve access to UNC Pembroke's educational programs and activities.

3.19 *Resolution Process* means the investigation and resolution of a Formal Complaint of Prohibited Conduct as defined in this Policy. The Resolution Processes facilitated by the Title IX office include Informal Resolution. Title IX offenses requiring a Formal Process and Non-Title IX offenses will be referred for adjudication.

3.20 *Respondent* means an individual who has been reported to be the perpetrator of Prohibited Conduct.

3.21 *Sanction* means a consequence imposed by UNC Pembroke on a Respondent who is found to have violated this Policy.

3.22 *Title IX Coordinator* is the official designated by UNC Pembroke to ensure compliance with Title IX and UNC Pembroke's Resolution Process. The Title IX Coordinator may delegate responsibilities under this Policy to a Deputy Title IX

Coordinator or other designee, who will be appropriately trained per the requirements of Title IX and other relevant state and federal laws. For purposes of this Policy, any reference to the Title IX Coordinator should be read as the “Title IX Coordinator, Deputy Title IX Coordinator, or other designee.”

3.23 *Title IX Personnel* refers to all Title IX Coordinators, Investigators, Administrative Officers, Hearing Board members, Appeals Officers, Informal Resolution Facilitators, and other persons who are responsible for implementing UNC Pembroke's Title IX policies and procedures. These people, including contract service providers, will receive annual training per their duties under Title IX and VAWA.

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## 4. Prohibited Conduct Definitions

4.1 This Policy governs Prohibited Conduct that constitutes sex-based harassment and/or sex-based discrimination. Under federal law, universities are required to distinguish between Prohibited Conduct that meets the definition and jurisdiction as outlined in the Title IX regulations and behaviors that do not meet that threshold but are otherwise prohibited by this Policy.

4.2 The Title IX Coordinator or designee is the University official designated to evaluate Reports and Formal Complaints to determine which law(s) may apply and which resolution process to utilize to resolve such reported behavior. Based on UNC System expectations of equality of opportunity,

4.3 For purposes of this Policy, the following definitions constitute conduct to be “on the basis of sex.” The University will treat attempts to commit any Prohibited Conduct as if those attempts had been completed. Acts of sexual harassment may be committed by any person upon any other person, regardless of the sex of those involved.

4.4 UNC Pembroke reserves the right to impose any level of sanction, ranging from a reprimand to suspension or expulsion/termination, for any offense under this Policy. The most serious Prohibited Conduct is likely to result in suspension/expulsion/termination, where warranted.

### 4.5 **Sex Discrimination and Harassment**

4.5.1 *Sex Discrimination* is the unlawful distinction, preference, detriment, or different treatment concerning a person's employment or participation in an education program or activity based, in whole or in part, upon the person's actual sex. Sex discrimination

also includes allegations of a failure to provide reasonable accommodation as required by law or policy, such as for pregnancy or related conditions.

4.5.2 *Hostile Environment Harassment* is unwelcome verbal, nonverbal, online, graphic, or physical aggression, intimidation, or hostile conduct directed at a person or persons based in whole or in part on sex that is severe, pervasive, and objectively offensive and so unreasonably interferes with the targeted person's employment, academic pursuits, or participation in University-sponsored activities, as to effectively deny equal access to the University's resources and opportunities.

4.5.3 *Quid Pro Quo Harassment* is unwelcome conduct based on sex 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.

4.5.4 *Sexual Assault – Rape* is penetration no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the Complainant.

4.5.5 *Sexual Assault – Fondling* means the intentional touching of another person's clothed or unclothed (Designated) body parts, or the forced touching by the victim of the actor's clothed or unclothed body parts, for the purpose of sexual degradation, sexual gratification, or sexual humiliation, and without the consent of the victim, including instances where the victim is incapable of giving consent because of age, or due to temporary or permanent mental or physical impairment, or intoxication.

4.5.6 *Sexual Assault – Incest* is sexual intercourse, between persons who are related to each other, within the degrees wherein marriage is prohibited by North Carolina state law.

4.5.7 *Sexual Assault – Statutory Rape* is sexual intercourse, with a person under the statutory age of consent.

4.5.8 *Dating Violence* is violence, on the basis of sex, committed by a person, who is in or has been in a social relationship of a romantic or intimate nature with the Complainant. The existence of such a relationship shall be determined based on the Complainant's statement, the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved. For this definition, dating violence includes but is not limited to, sexual or physical abuse or the threat of such abuse.

4.5.9 *Domestic Violence* is violence, based on sex, committed by a current or former spouse or intimate partner of the Complainant, by a person with whom the Complainant shares a child in common, or by a person who is cohabitating with or has cohabitated with, the Complainant as a spouse or intimate partner, or by a person

similarly situated to a spouse of the Complainant under the domestic or family violence laws of North Carolina, or by any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of North Carolina. To categorize an incident as Domestic Violence, the relationship between the Respondent and the Complainant must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have an intimate relationship. Reference N.C. Gen. Stat. § 50B-1(a).

4.5.10 *Stalking* is engaging in a course of conduct, on the basis of sex, directed at a specific person, that would cause a reasonable person to fear for the person's safety, or the safety of others and/or suffer substantial emotional distress. For this definition—  
Course of conduct means two or more acts, including, but not limited to, acts in which the Respondent directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property. A reasonable person means a reasonable person under similar circumstances and with similar identities to the Complainant. Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

4.5.11 Sexual Exploitation is defined as an individual taking non-consensual or abusive sexual advantage of another for their own benefit or for the benefit of anyone other than the person being exploited and conduct that does not otherwise constitute sexual harassment under this Policy. Examples of Sexual Exploitation include, but are not limited to:

Sexual voyeurism without the consent of the person being observed;

Invasion of sexual privacy including taking pictures, video, or audio recording of another in a sexual act, without consent or exceeding the boundaries of consent;

Prostituting another person or engaging in sex trafficking;

Engaging in sexual activity with another person while knowingly infected with a sexually transmittable disease, virus, or infection without informing the other person;

Causing or attempting to cause the incapacitation of another person to compromise that person's ability to give consent to sexual activity;

Misappropriation of another person's identity on apps, websites, or other venues designed for dating or sexual connections; and/or

Knowing creation, possession, or dissemination of child pornography.

## 4.6 Title IX Sexual Harassment

4.6.1 Title IX Sexual Harassment, as an umbrella category, includes the offenses of sexual assault, domestic violence, dating violence, and stalking defined above, and the following specific definition of sexual harassment listed below.

4.6.2 To be considered Title IX Sexual Harassment, the incident must have occurred within the education program or activity in the United States. This includes locations, events, or circumstances over which the University exercised substantial control over the Respondent and the context in which the sexual harassment occurs, and includes any building owned or controlled by an officially recognized student organization. At the time of filing a Title IX Sexual Harassment Formal Complaint, a Complainant must be participating in or attempting to participate in the education program or activity of UNC Pembroke.

4.6.3 Quid Pro Quo Harassment occurs when an employee of UNC Pembroke conditions the provision of an aid, benefit, or service of UNC Pembroke, on an individual's participation in unwelcome sexual conduct.

4.6.4 Sexual Harassment is unwelcome conduct, determined by a reasonable person, to be so severe, pervasive, and, objectively offensive, that it effectively denies a person equal access to UNC Pembroke's education program or activity.

## 4.7 Retaliation

4.7.1 Acts of alleged retaliation should be reported immediately to the Title IX Coordinator and will be promptly investigated. UNC Pembroke will take all appropriate and available steps to protect individuals who fear they may be subjected to retaliation. UNC Pembroke may utilize a process in this Policy or may refer it for consideration under the student Code of Conduct or through Human Resources.

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

4.7.3 Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a resolution proceeding under this Policy and procedure does not constitute retaliation, provided that the determination of responsibility, by itself, is not sufficient to conclude that any Party has made a materially false statement in bad faith.

4.7.4 Retaliation is taking or attempting to take materially adverse action by intimidating, threatening, coercing, harassing, or discriminating against any individual to interfere with any right or privilege secured by law or this Policy, or because the individual has made a Report or Formal Complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under

this Policy. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a Report or Formal Complaint of sex discrimination, or a Report or Formal Complaint of sexual harassment, to interfere with any right or privilege secured by this Policy, constitutes retaliation.

## 4.8 Related Definitions

4.8.1 As used in the offenses discussed in this Policy, the following definitions and understandings apply:

4.8.2 *Consent*: Knowing, voluntary, and clear permission by word or action to engage in sexual activity. It is the responsibility of each person to determine that the other has consented before engaging in the activity. For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct. Consent is evaluated based on what a reasonable person would conclude are mutually understandable words or actions. Reasonable reciprocation can establish consent.

4.8.2.1 Consent can be withdrawn once given as long as the withdrawal is reasonable and communicated. If consent is withdrawn, sexual activity should cease within a reasonably immediate time. Silence or the absence of resistance alone should not be interpreted as consent. Consent is not demonstrated by the absence of resistance. While resistance is not required or necessary, it demonstrates non-consent.

4.8.2.2 Consent to some sexual contact cannot be assumed to be consent to other sexual activity. A current or previous intimate relationship is not sufficient to constitute consent. If an individual expresses conditions on their willingness to consent (e.g., use of a condom) or limitations on the scope of their consent, those conditions must be respected.

4.8.2.3 The existence of consent is based on the totality of the circumstances evaluated from the perspective of a reasonable person in the same or similar circumstances, including the context in which the alleged misconduct occurred and any similar and previous patterns that may be evidenced.

4.8.3 *Force*: Force is the use of physical violence and physical imposition to gain sexual access. Force is conduct that, if sufficiently severe, can negate consent. Force also includes threats, intimidation (implied threats), and coercion intended to overcome resistance or produce consent.

4.8.4 *Coercion*: Coercion is unreasonable pressure for sexual activity. If sufficiently severe, coercive conduct can render a person's consent ineffective because it is not

voluntary. Coercion is evaluated based on the frequency, intensity, isolation, and duration of the pressure involved.

**4.8.5 Incapacitation:** A state where a person is incapable of giving consent. An incapacitated person cannot make rational, reasonable decisions because they lack the capacity to give knowing/informed consent (e.g., to understand the “who, what, when, where, why, and how” of their sexual interaction). A person cannot consent if they are unable to understand what is happening or are disoriented, helpless, asleep, or unconscious for any reason, including because of alcohol or other drug consumption.

4.8.5.1 This Policy also covers a person whose incapacity results from a temporary or permanent physical or mental health condition, involuntary physical restraint, and the consumption of incapacitating substances.

4.8.5.2 Incapacitation is determined through consideration of all relevant indicators of a person's state and is not synonymous with intoxication, impairment, blackout, and being drunk.

4.8.5.3 If the Respondent neither knew nor should have known the Complainant to be physically or mentally incapacitated, the Respondent is not violating this Policy. “Should have known” is an objective, reasonable person standard that assumes that a reasonable person is sober and exercising sound judgment.

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## 5. First Amendment and Online Behavior

5.1 The University embraces and strives to uphold the freedoms of expression and speech guaranteed by the First Amendment of the U.S. Constitution and the North Carolina Constitution. The University has the right under appropriate circumstances to regulate the time, place, and manner of exercising these and other constitutionally protected rights.

5.2 The University will implement this 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. This Policy is not meant to inhibit or prohibit educational content or discussions inside or outside the classroom that include germane but controversial or sensitive subject matters protected by academic freedom. When speech or conduct is protected by academic freedom and the First Amendment, it will not be considered a violation of UNC Pembroke Policy. However, supportive measures will be offered to those impacted.

5.3 Any online posting or other electronic communication by students, including technology-facilitated bullying, stalking, harassment, etc., occurring entirely outside of UNC Pembroke's control (e.g., not on University networks, websites, or between UNC Pembroke email accounts) will only be subject to this Policy when such online conduct can be shown to cause (or will likely cause) a substantial in-program disruption or infringement on/harm to the rights of others. Otherwise, such communications are considered speech protected by the First Amendment. Supportive measures for Complainants will be provided.

5.4 Off-campus harassing speech by employees, whether online or in person, may be regulated by UNC Pembroke only when such speech is made in an employee's official or work-related capacity or when off-campus harassing speech affects a substantial UNC Pembroke interest as described under Jurisdiction of this Policy. For behaviors not covered under this Policy, the [UNC Pembroke Acceptable Use Policy](#) may apply.

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## 6. Confidentiality/Privacy

6.1 For this Policy, the terms privacy, confidentiality, and privilege have distinct meanings.

6.2 UNC Pembroke will keep confidential the identity of any Complainant, Respondent, or witness, except as may be permitted by the Family Educational Rights and Privacy Act (FERPA), or as required by law, or to carry out the purposes of this Policy, including the conduct of any investigation, hearing, or resolution process arising thereunder. The Title IX Coordinator reserves the right to determine which University officials have a legitimate educational interest in being informed about student-related incidents under this Policy and as permitted by FERPA.

6.1.2 Confidentiality exists in the context of laws or professional ethics (including Title IX) that protect certain relationships, including clinical care, mental health providers, and counselors. Confidentiality also applies to those designated by UNC Pembroke as Confidential Employees for purposes of Reports under this Policy, regardless of legal or ethical protections. Confidential Employees may disclose information when: (1) the reporting person gives written consent for its disclosure; (2) there is a concern that the person will likely cause serious physical harm to self or others; or (3) the information concerns conduct involving suspected abuse or neglect of a minor under the age of 18, elders, or persons with disabilities. Non-identifiable information may be shared by Confidential Employees for statistical tracking purposes as required by the Clery

Act/Violence Against Women Act (VAWA). Other information may be shared as required by law.

6.1.3 Privilege exists in the context of laws that protect certain relationships, including attorneys, spouses, and clergy. A provider maintains privilege unless a court order is released or the holder of the privilege (e.g., a client, spouse, parishioner) waives the protections of the privilege. Privilege extends to information shared with a Confidential Employee but only information received about sex discrimination in connection with providing confidential services.

6.3 UNC Pembroke may contact students' parents/guardians to inform them of situations with significant health and safety risks. However, the University will usually consult with the student before doing so.

6.4 Certain institutional officials (those deemed Campus Security Authorities) must report specific information for federal statistical reporting purposes (Clery Act). All personally identifiable information is kept private, but statistical information regarding the type of incident and its general location (on- or off-campus or in the surrounding area, but no addresses are given) must be shared for publication in the Annual Security Report and daily campus crime log. Campus Security Authorities include student affairs/student conduct staff, campus law enforcement/public safety/security, local police, coaches, athletic directors, residence life staff, student activities staff, human resources staff, advisors to student organizations, and any other official with significant responsibility for student and campus activities.

6.5 Under the Clery Act, UNC Pembroke must also issue timely warnings for reported incidents that pose a serious or continuing threat of bodily harm or danger to members of the University community. UNC Pembroke will ensure that a Complainant's name and other identifying information are not disclosed while providing enough information for community members to make safety decisions in light of the potential danger.

## **6.6 Unauthorized Disclosure of Information**

6.6.1 Parties and Advisors are prohibited from disclosing information obtained through a Resolution Process to the extent that information is the work product of UNC Pembroke (meaning it has been produced, compiled, or written for purposes of its investigation and resolution of a Formal Complaint), without authorization. It is also a violation of University policy to publicly disclose institutional work product that contains a Party or witness's personally identifiable information without authorization or consent. Violations are subject to significant sanctions and may be referred to appropriate student or employee conduct processes for enforcement or added as collateral misconduct allegations to an ongoing Formal Complaint under this Policy.

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## 7. Reporting and Formal Complaint Definitions and Options

7.1 A Report is notice to UNC Pembroke of an allegation or concern of sex discrimination, including harassment or retaliation. It provides an opportunity for the Title IX Coordinator to provide information, resources, and supportive measures.

7.2 A Formal Complaint is a written document filed by a Complainant or signed by the Title IX Coordinator alleging Sexual Harassment against a Respondent and requesting that the University investigate the allegation. At the time of filing a Formal Complaint, the Complainant must be participating in or attempting to participate in the University's education program or activity. A Formal Complaint may be filed with the Title IX Coordinator in person, by mail, by email, through an electronic submission, or by using the other contact information and reporting options outlined in this Policy. Submissions made to someone other than the Title IX Coordinator will be promptly forwarded to the Title IX Coordinator. A Complainant or individual may initially make a Report and decide later to make a Formal Complaint. Reports or Formal Complaints of sex discrimination may be made using any of the following options:

### 7.3 Reporting to the Title IX Coordinator

7.3.1 Any person may make a Report or file a Formal Complaint directly to the Title IX Coordinator. A Report or Formal Complaint may be made at any time (including during non-business hours) using the online reporting forms, telephone number, email address, or mail to the office of the Title IX Coordinator as listed in this Policy. During business hours a Report may be made in person.

7.3.2 Reporting carries no obligation to initiate a Formal Complaint, and in most situations, UNC Pembroke can respect a Complainant's request not to initiate a Resolution Process. However, there may be circumstances, such as pattern behavior, allegations of severe misconduct, or a compelling threat to health and safety, where the University may need to initiate a Resolution Process. If a Complainant does not wish to file a Formal Complaint, the University will maintain the privacy of information to the best of its ability.

7.3.3 There is no time limitation on providing a Report or Formal Complaint to the Title IX Coordinator. However, if the Respondent is no longer subject to UNC Pembroke's jurisdiction and significant time has passed, the ability to investigate, respond, and provide Remedies may be limited. Acting on a Report or Formal Complaint significantly

impacted by the passage of time (including, but not limited to, after the rescission or revision of this Policy) is at the Title IX Coordinator's discretion; they may document allegations for future reference, offer supportive measures and Remedies, and engage in an Informal or Formal Resolution Process, as appropriate.

### **Title IX Coordinator <sup>2</sup>**

Director, Title IX

[910.521.6281](tel:910.521.6281)

Dr. Joseph B. Oxendine Administrative Building 129

Faculty Row One University Drive,

Pembroke, NC 28372

[titleixCoordinator@uncp.edu](mailto:titleixCoordinator@uncp.edu)

## **7.4 Online and Anonymous Reporting**

7.4.1 Anonymous Reports are accepted, but the Reports may give rise to a need to try to determine the Parties' identities. Anonymous Reports typically limit the University's ability to provide supportive measures, investigate, and prevent recurrence, depending on what information is shared. Measures intended to protect the community or redress or mitigate harm may be enacted.

### **Online and Anonymous Reporting**

Reports may be submitted online at

[https://cm.maxient.com/reportingform.php?](https://cm.maxient.com/reportingform.php?UNCPembroke&layout_id=3)

[UNCPembroke&layout\\_id=3](https://cm.maxient.com/reportingform.php?UNCPembroke&layout_id=3)

## **7.5 Confidential Reporting**

7.5.1 To enable Complainants to access support and resources without filing a Formal Complaint, UNC Pembroke has designated specific employees as Confidential Employees. Those designated by UNC Pembroke as Confidential Employees are not required to report actual or suspected sex discrimination or harassment in a way that identifies the Parties. They will, however, provide the Complainant with the Title IX Coordinator's contact information and offer options and resources without any obligation to inform an outside agency or UNC Pembroke official unless a Complainant has requested the information be shared.

7.5.2 Confidential Employees may be required to submit timely anonymous statistical information for Clery Act statistical reporting purposes.

### **7.5.3 On-Campus Confidential Employees**

7.5.4 All employees in the following departments are considered Confidential Employees (including the directors, counselors, medical providers, interns, and administrative assistants):

## **Counseling & Psychological Services (CAPS)**

Brave Health Center 2nd Floor,  
PO Box 1510 Pembroke, NC 28372  
Phone: [910.521.6202](tel:910.521.6202)

Fax: 910.521.6786

[caps@uncp.edu](mailto:caps@uncp.edu)

**24/7 UNCP Counseling Hotline : [910.775.4749](tel:910.775.4749)**

<https://www.uncp.edu/campus-life/counseling-psychological-services>

## **Student Health Services**

Brave Health Center  
PO Box 1510 Pembroke, NC 28372  
Phone: [910.521.6219](tel:910.521.6219)

Fax: 910.521.6549

[shs@uncp.edu](mailto:shs@uncp.edu)

**UNC Nurse Connect After Hours : [1.910.521.6219](tel:1.910.521.6219) ,  
Press Option 1**

<https://www.uncp.edu/campus-life/student-health-services>

### 7.5.5 Off-Campus Confidential Medical and Advocacy Resources

7.5.6 In addition to Confidential Employees, Complainants may speak with confidential resources unaffiliated with UNC Pembroke without concern that the Policy will require the off-campus agencies to disclose information to the University without permission. Options include local and national rape crisis centers and the employee assistance program.

7.5.7 For contact information for the resources, see [Appendix B](#) .

## **7.6 Reporting to Law Enforcement**

7.6.1 Any student or employee who has experienced domestic violence, dating violence, sexual assault, or stalking may report the incident to the Department of Public Safety or local law enforcement. Individuals are encouraged to contact law enforcement and seek medical treatment as soon as possible following an incident that poses a threat to safety or physical well-being or following a potential criminal offense. Individuals also have the right to decline to notify law enforcement authorities. A report to law enforcement is not a Formal Complaint for purposes of the University's resolution process.

7.6.2 At an individual's request, a UNC Pembroke representative will assist in contacting local law enforcement and will cooperate within the extent permitted by law with law enforcement agencies if an individual decides to pursue the criminal process.

### **UNC Pembroke Police & Public Safety Department**

Purchasing & Business Services Building

PO Box 1510 Pembroke, NC 28372

Phone: [910.521.6235](tel:910.521.6235) or [911](tel:911)

Fax: 910.521.6193

[police@uncp.edu](mailto:police@uncp.edu)

### **Pembroke Police Department**

[910.521.4333](tel:910.521.4333) or [911](tel:911)

### **Robeson County Sheriff's Department**

[910.671.3170](tel:910.671.3170) or [911](tel:911)

7.6.3 A Complainant interested in a mutual no-contact order at UNC Pembroke may contact the Title IX Coordinator. An Order of Protection may be sought through the court system. The university complies with State of North Carolina law in recognizing orders of protection.

7.6.4 Reports of Prohibited Conduct under this Policy may also constitute violations of state and local law. University officials are required to document certain reports of interpersonal violence for Clery Act reporting purposes. There will be no personally identifiable information about the Complainant shared in that report. If the University is required to notify the community of the incident, including recording the assault in the Daily Crime Log or through the issuance of a Timely Warning Notice, no identifying information will be included to the extent permissible by law.

## **7.7 Other External Reporting Options**

7.7.1 Concerns about UNC Pembroke's application of this Policy and compliance with specific federal civil rights laws may also be addressed to:

### **U.S. Department of Education Office for Civil Rights (OCR)**

400 Maryland Avenue, SW

Washington, D.C. 20202-1100

Customer Service Hotline #: [800](tel:800)

[421-3481](tel:421-3481)

Facsimile: (202) 453-6012

### **U.S. Department of Justice Civil Rights Division**

950 Pennsylvania Avenue,

N.W. Educational Opportunities

Section, PHB

Washington, D.C. 20530

[\(202\) 514-4092](tel:202-514-4092) or [1-877-292-3804](tel:1-877-292-3804)

(toll-free)

TDD#: (877) 521-2172  
<http://www.ed.gov/ocr>

Facsimile: (202) 514-8337  
[education@usdoj.gov](mailto:education@usdoj.gov)  
<http://www.justice.gov/crt/> "

For Employees:

### **US Equal Employment Opportunity Commission**

434 Fayetteville Street, Suite 700  
 Raleigh, NC 27601  
[\(800\) 669-4000](tel:(800)669-4000)  
 Facsimile: (919) 856-4151  
 TDD: (844) 234-5122  
<http://www.eeoc.gov>

## **7.8 Other UNC Pembroke Employees**

7.8.1 Officials with Authority: In compliance with Title IX, UNC Pembroke has identified the following administrators as Officials with Authority to address and correct harassment, discrimination, and/or retaliation. In addition to the Title IX Team members listed above, the Officials with Authority have a legal duty, upon receipt of a Report of sexual harassment, to report information gleaned to the Office of Title IX and Clery Compliance.

7.8.1.1 Chancellor

7.8.1.2 Vice Chancellors

7.8.1.3 Athletic Director

7.8.1.4 Associate Vice Chancellor for Student Affairs and Dean of Students

7.8.1.5 All staff members: Office of Title IX

7.8.1.6 All staff members: Office of Human Resources

7.8.1.7 All staff members: Office of Student Conduct

7.8.1.8 All staff members: Office of Housing and Residence Life

7.8.2 Mandated Reporters: Most employees of UNC Pembroke (including some student employees), other than those who are designated as Confidential Employees, are Mandated Reporters (and must promptly share with the Title IX Coordinator all known details of a Report of Prohibited Conduct made to them in the course of their employment. A Mandated Reporter who is a target of sex discrimination or other misconduct under this Policy is not required to report their own experience. However, they are encouraged to do so. A Mandated Reporter who fails to report Prohibited Conduct of which they become aware may be subject to disciplinary action.

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<sup>2</sup> For a full list of Title IX Personnel, see [Appendix B](#) . Updated information for Title IX Personnel may also be found on the [Title IX](#) website.

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## 8. University Response to Reports

### 8.1 Outreach

8.1.1 Upon receiving a Report alleging Prohibited Conduct, the Title IX Coordinator will promptly contact the Complainant to discuss the availability of supportive measures, provide a written explanation of rights and options, explain the different reporting options, and provide the available Resolution Processes at UNC Pembroke.

8.1.2 The Title IX Coordinator will seek to determine if the person impacted wishes to make a Formal Complaint, and will assist them to do so, if desired. If they do not wish to do so, the Title IX Coordinator determines whether to initiate a Formal Complaint.

8.1.3 If a Report is submitted to the Title IX Coordinator that does not identify or describe Prohibited Conduct, the Title IX Coordinator will take steps to clarify the reported behavior. If the behavior does not fall within this Policy, the Title IX Coordinator will inform the Complainant that the matter is not within the jurisdiction of this Policy and will forward the matter to the appropriate University department, if needed.

### 8.2 Supportive Measures

8.2.1 Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate and as reasonably available. They are offered without fee or charge to the parties to restore or preserve access to UNC Pembroke's education program or activity, including measures designed to protect the safety of all parties and/or UNC Pembroke's educational environment, and/or to deter harassment, discrimination, and/or retaliation.

8.2.2 The Title IX Coordinator will promptly make supportive measures available to the Complainant upon receiving a Report. Supportive measures are available regardless of the Complainant's intent to pursue or not pursue a Resolution Process or report to law enforcement. The Title IX Coordinator will work with the Parties to ensure that their wishes are taken into account with respect to the supportive measures that are planned and implemented. UNC Pembroke will act to ensure as minimal an academic/occupational impact as possible and will implement it in a way that does not unreasonably burden the other Party.

8.2.3 UNC Pembroke will maintain the confidentiality of the supportive measures, provided that confidentiality does not impair UNC Pembroke's ability to provide those supportive measures. Supportive measures may include, but are not limited to:

8.2.3.1 Academic support, extensions of deadlines, or other course/program-related adjustments

8.2.3.2 Class schedule modifications, withdrawals, or leaves of absence

8.2.3.3 Altering campus housing assignment(s)

8.2.3.4 Altering work arrangements for employees or student-employees

8.2.3.5 Mutual no-contact orders between the Parties

8.2.3.6 Safety planning

8.2.3.7 Trespass orders

8.2.3.8 Increased security and monitoring of certain areas of the campus

8.2.3.9 Providing campus safety escorts

8.2.3.10 Providing transportation assistance

8.2.3.11 Referral to counseling, medical, and other healthcare services

8.2.3.12 Referral to the Employee Assistance Program

8.2.3.13 Referral to community-based service providers

8.2.3.14 Visa and immigration assistance

8.2.3.14 Visa and immigration assistance

8.2.3.15 Student financial aid counseling

8.2.3.16 Educational programming to the campus community

8.2.3.17 Any other actions deemed appropriate by the Title IX Coordinator

8.2.4 Violations of Mutual No-Contact Orders or other restrictions put in place as Supportive Measures will be referred to appropriate student or employee conduct processes for enforcement or added as collateral misconduct allegations to an ongoing Formal Complaint under this Policy.

### **8.3 Emergency Removal**

8.3.1 UNC Pembroke can act to remove a student or employee Respondent entirely or partially from its education program or activities on an emergency basis when an individualized safety and risk analysis has determined that an immediate threat to the physical health or safety of any student or other individual justifies removal.

8.3.2 In cases where the Title IX Coordinator, in consultation with the Person of Concern Team, determines through an individualized safety and risk analysis that a respondent poses an immediate threat to the physical health or safety of any individual or group arising from allegations of sexual harassment, the University may implement an emergency removal.

8.3.3 When an emergency removal or interim suspension is imposed, wholly or partially, the affected student will be notified of the action, which will include a written rationale, and the option to challenge the emergency removal or interim suspension. The student may be accompanied by an Advisor at any challenge meeting.

### **8.4 Employee Leave**

8.4.1 A Respondent who is an employee or a student employee accused of misconduct during their employment is subject to existing procedures for interim actions and leaves.

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## 9. University Response to Formal Complaints

### 9.1 Filing a Formal Complaint

9.1.1 A Formal Complaint may be filed with the Title IX Coordinator in person, by mail, email, electronic submission, or by using the other contact information and reporting options outlined in this Policy. Submissions to someone other than the Title IX Coordinator will be provided to the Title IX Coordinator.

### 9.2 Initial Assessment

9.2.1 Upon receipt of a Report or a Formal Complaint, the Title IX Coordinator will initiate a prompt initial evaluation to determine the University's next steps. This may include offering Informal Resolution, assigning the case to an Investigator, or moving to dismiss one or more allegations.

### 9.3 Title IX Dismissal: Mandatory or Discretionary <sup>3</sup>

9.3.1 After receiving a Formal Complaint, the Title IX Coordinator must dismiss the Formal Complaint or any allegations therein, from the Title IX Hearing Process if, at any time during the investigation or hearing, it is determined that:

9.3.2 The conduct alleged in the Formal Complaint would not constitute sexual harassment as defined by the Title IX definitions, even if proven; and/or

9.3.3 The conduct did not occur in an educational program or activity controlled by UNC Pembroke (including buildings or property controlled by recognized student organizations), and/or UNC Pembroke does not have control of the Respondent; and/or

9.3.4 The conduct did not occur against a person in the United States; and/or

9.3.5 At the time of filing the Formal Complaint, the Complainant was not participating in or attempting to participate in the education program or activity of UNC Pembroke.

9.3.6 A Formal Complaint that is dismissed because of the reasons above, may still be addressed through a referral to Student Conduct for students or to Human Resources for employees at the discretion of the Title IX Coordinator. Alternatively, it may be

referred to a different UNC Pembroke policy or procedure if the conduct does not meet the definition of Prohibited Conduct defined in this Policy.

9.3.7 After receiving a Formal Complaint, the Title IX Coordinator may dismiss a Formal Complaint or any allegations therein if, at any time during the investigation or hearing:

9.3.8 A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein; or

9.3.10 Specific circumstances prevent UNC Pembroke from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein.

9.3.11 A Complainant who decides to withdraw a Formal Complaint may later request to reinstate it or refile it.

9.3.12 Upon any dismissal, UNC Pembroke will promptly send written notice of the dismissal and the rationale for doing so simultaneously to the Parties. The dismissal decision is appealable by any Party, within 7 days of the decision, to the Title IX Coordinator. The decision not to dismiss is also appealable by any Party claiming that a dismissal is required or appropriate. Appeals of a dismissal of a Formal Complaint will utilize the appeals process per this Policy.

#### **9.4 When a Complainant Does Not Wish to Proceed**

9.4.1 If a Complainant does not wish for their name to be shared, does not wish for an investigation to take place, and/or does not want a Formal Complaint to be pursued, they may make such a request to the Title IX Coordinator, who will evaluate that request in light of the duty to ensure the safety of the campus and to comply with state and federal law.

9.4.2 The Title IX Coordinator has ultimate discretion over whether UNC Pembroke proceeds when the Complainant does not wish to do so.

9.4.3 Note that UNC Pembroke's ability to remedy and respond to a Report may be limited if the Complainant does not want UNC Pembroke to proceed with an investigation and/or resolution process. The goal is to provide the Complainant with control over the process while balancing UNC Pembroke's obligation to protect its community.

9.4.4 In cases in which the Complainant requests confidentiality and no formal action and the circumstances allow UNC Pembroke to honor that request, UNC Pembroke may offer informal resolution options, supportive measures, and remedies to the Complainant and the community, but will not otherwise pursue formal action.

9.4.5 If the Complainant elects to take no action, they can change that decision if they decide to pursue a Formal Complaint at a later date.

## 9.5 Counter-Complaints and Collateral Misconduct

9.5.1 UNC Pembroke is obligated to ensure that the Resolution Process is not abused for retaliatory purposes. Although the University permits filing a counter-complaint, the Title IX Coordinator will use an initial evaluation described above to assess whether the allegations in the counter-complaint are made in good faith. When counter-complaints are not made in good faith, they will not be permitted and may be considered retaliatory in violation of this Policy.

9.5.2 Counter-complaints determined to have been reported in good faith will be processed using the Resolution Processes in this Policy. At the Title IX Coordinator's discretion, investigation of such claims may take place concurrently or after resolution of the underlying initial Formal Complaint.

9.5.3 The Resolution Processes in this Policy may be used to address collateral misconduct arising from the investigation of or occurring in conjunction with other reported misconduct when alleged violations of the Policy are being addressed at the same time. Determinations as to whether collateral misconduct is addressed via the Resolution Processes in this Policy or a different policy will be determined by the Title IX Coordinator.

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<sup>3</sup> *These dismissal requirements are mandated by the 2020 Title IX Regulations, 34 CFR Part 106.45.*

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## 10. Informal Resolution

10.1 Informal Resolution is an option to resolve Reports and Formal Complaints of alleged Prohibited Conduct. UNC Pembroke offers different Informal Resolution options including mutual agreement on responsibility and sanctions, shuttle negotiation, and an educational conversation. The Title IX Coordinator has ultimate discretion to determine whether it is appropriate to offer Informal Resolution and the type of process to be utilized. The Title IX Coordinator may decline to allow Informal Resolution despite one or more of the Parties' wishes. Under the 2020 Title IX Regulations, Informal Resolution may not be used to resolve allegations that an employee sexually harassed a student.

10.2 For Formal Complaints in which Informal Resolution is an appropriate option, it may be requested by the Parties via the Title IX Coordinator or recommended by the Title IX Coordinator and initiated per this Policy at any time prior to a Final Determination.

10.3 Before initiation of an Informal Resolution, UNC Pembroke will provide the Parties with notice which will include the allegations, the process requirements, and the Party rights. Informal Resolution is voluntary—the Title IX Coordinator will obtain voluntary, written confirmation that all Parties wish to resolve the matter through Informal Resolution before proceeding and will not pressure the Parties to participate.

10.4 At the conclusion of the Informal Resolution, the Parties will sign and agree to an Informal Resolution Agreement. Prior to the resolution of the process, any Party participating can withdraw from the Informal Resolution Process and initiate or resume a formal Resolution Process. The Informal Resolution Agreement at the conclusion of the process may not be appealed and precludes both Parties from resuming a different Resolution Process arising from the same allegations.

10.5 When an Informal Resolution Agreement is reached, the appropriate sanction(s) or responsive actions are promptly implemented to effectively stop the discrimination or harassment, prevent its recurrence, and remedy the effects of the discriminatory conduct, both on the Complainant and the community.

10.6 The Title IX Coordinator maintains records of any resolution that is reached and will provide notification to the Parties of what information is maintained. Failure to abide by the resolution agreement may result in appropriate responsive/disciplinary actions (e.g. dissolution of the agreement and resumption of the Resolution Process, referral to the conduct process for failure to comply, application of the enforcement terms of the agreement). The results of Formal Complaints resolved by Informal Resolution are not appealable.

10.7 If an Informal Resolution option is not available or selected, the Title IX Coordinator will initiate or continue an investigation and subsequent Formal Resolution Process to determine whether the Policy has been violated.

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## 11. Formal Resolution — Notice and Investigation

11.1 In addition to Informal Resolution, which is available at the Title IX Coordinator's discretion, UNC Pembroke offers two Formal Resolution Processes for addressing Formal Complaints of Prohibited Conduct under this Policy—Administrative Hearing and Title IX Hearing. The determination as to which Resolution Processes are appropriate for a specific Formal Complaint will be made by the Title IX Coordinator.

### 11.2 **Notice of Investigation and Allegations**

11.2.1 Prior to an Investigation, the Title IX Coordinator will provide the Parties with a written notice of allegation <sup>4</sup>. Amendments and updates to the notice of allegation may be made as the investigation progresses and more information becomes available regarding the addition or dismissal of various allegations.

11.2.2 The notice will include:

11.2.2.1 A meaningful summary of all allegations,

11.2.2.2 The identity of the involved Parties (if known),

11.2.2.3 The precise misconduct being alleged,

11.2.2.4 The date and location of the alleged incident(s) (if known),

11.2.2.5 The specific policies implicated,

11.2.2.6 A description of the applicable procedures and the Resolution Process to be utilized,

11.2.2.7 A statement that UNC Pembroke presumes the Respondent is not responsible for the reported misconduct unless and until the evidence supports a different determination,

11.2.2.8 A statement that determinations of responsibility are made at the conclusion of the process and that the Parties will be allowed to inspect and review all directly related and/or relevant evidence obtained during the review and comment period,

11.2.2.9 A statement about UNC Pembroke's policy on retaliation,

11.2.2.10 A statement about the Party's right to an Advisor, when applicable,

11.2.2.11 A statement informing the Parties that UNC Pembroke's policy prohibits knowingly making false statements, including knowingly submitting false information during the resolution process,

11.2.2.12 Details on how the Party may request disability accommodations during the interview process,

11.2.2.13 The name of the Investigator, along with a statement of how to report any potential conflict(s) of interest or bias(es) the Investigator may have, and

11.2.2.14 An instruction to preserve any evidence that is directly related to the allegations.

11.3 Amendments and updates to the notice may be made as the investigation progresses, and more information becomes available regarding the addition or dismissal of various allegations.

11.4 When participation of a Party is expected at a meeting or hearing, UNC Pembroke will provide that Party with written notice of the date, time, and location of the meeting, as well as the expected participants and purpose.

### 11.5 **Resolution Timeline and Notice of Delays**

11.5.1 Investigations are completed expeditiously, normally within forty-five (45) business days, though some investigations may take longer depending on the nature, extent, and complexity of the allegations, availability of witnesses, police involvement, intervening holidays, university closures, etc.

11.5.2 UNC Pembroke will make a good faith effort to complete investigations as promptly as circumstances permit. UNC Pembroke will communicate in writing any anticipated delay and the reason to the Parties and provide the Parties with status updates if necessary.

11.5.3 UNC Pembroke action(s) are not typically altered or precluded because civil or criminal charges involving the underlying incident(s) have been filed, or criminal charges have been dismissed or reduced.

11.5.4 Per the Title IX Regulations, additional mandatory timelines lengthen the period from the conclusion of the investigation through any appeal.

### 11.6 **Ensuring Impartiality**

11.6.1 Any individual materially involved in the administration of the resolution process (including the Title IX Coordinator, Investigator, and Hearing Board members) may neither have nor demonstrate a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent. Any Title IX Personnel with conflicts of interest or bias related to a specific Formal Complaint should recuse themselves from the Resolution Process. If Title IX Personnel refuse to recuse themselves, the Title IX Coordinator or their next-level supervisor shall make the recusal decision.

11.6.2 The Title IX Coordinator will vet the Investigator for impartiality by ensuring there are no actual or apparent conflicts of interest or disqualifying biases. At any time during the resolution process, the Parties may raise a concern regarding bias or conflict of interest, and the Title IX Coordinator will determine whether the concern is reasonable and supportable. If so, another Investigator will be assigned and the impact of the bias or conflict, if any, will be remedied. If the source of the conflict of interest or bias is the Title IX Coordinator, concerns should be raised with the Vice Chancellor for Student Affairs.

11.6.3 The Formal Resolution Process involves an objective evaluation of all relevant evidence obtained, including evidence that supports that the Respondent engaged in

Prohibited Conduct and evidence that supports that the Respondent did not engage in Prohibited Conduct. Credibility determinations may not be based solely on an individual's status or participation as a Complainant, Respondent, or witness.

11.6.4 UNC Pembroke operates with the presumption that the Respondent is not responsible for the reported misconduct unless and until it is determined the Respondent engaged in Prohibited Conduct at the conclusion of the Resolution Process.

## 11.7 Investigation

11.7.1 All investigations are thorough, reliable, impartial, prompt, and fair. Investigations involve interviews with all relevant Parties and witnesses; obtaining available, relevant evidence; and identifying sources of expert information, as necessary.

11.7.2 All Parties have a full and fair opportunity, through the investigation process, to suggest witnesses and questions, to provide evidence and expert witnesses, and to fully review and respond to all evidence on the record.

11.7.3 Recordings of interviews, if any, are not provided to the Parties, but the Parties may request a review of the summary of the interview once the investigation is completed. No unauthorized audio or video recording of any kind is permitted during investigation meetings.

11.7.4 The Investigator will interview all available, relevant witnesses and conduct follow-up interviews as necessary and will allow each Party the opportunity to suggest witnesses and questions they wish the Investigator to ask of the other Party and witnesses. The Investigator will document which questions were asked, with a rationale for any changes or omissions.

11.7.5 Witnesses (as distinguished from the Parties), including students, employees, and third parties are strongly encouraged to cooperate with and participate in UNC Pembroke's investigation and resolution process and to share what they know about a Formal Complaint.

11.7.6 Prior to the conclusion of the investigation, the University will provide the Parties and their respective Advisors (if applicable or so desired by the Parties) an opportunity to inspect and review all of the Directly Related Evidence obtained as part of the investigation. The Directly Related Evidence is shared with all Parties and their Advisors through secure electronic transmission or hard copy. The Parties will be given an opportunity to inspect and comment so that each Party may meaningfully respond to the evidence.

11.7.7 For Prohibited Conduct that meets the threshold for Title IX Sexual Harassment, the inspection and review period will be a minimum of ten (10) business days. The Parties may elect to waive the full ten days.

11.7.8 After the Parties have been provided an opportunity to inspect and review the Directly Related Evidence, the Investigator will create a final investigation report. The final investigation report will include a summary of Relevant Evidence. This may include relevant elements of the Parties' written responses. The Investigator may elect to respond in writing in the final investigation report to the Parties' submitted responses or new evidence and/or to share the responses or new evidence between the Parties for an additional opportunity to inspect and review.

11.7.9 The Investigator will submit the final investigation report to the Title IX Coordinator for review. When the Title IX Coordinator considers the investigation complete, the final investigation report will be shared with all Parties and their Advisors (if applicable) through secure electronic transmission or hard copy.

## 11.8 **Evidentiary Considerations in the Investigation**

11.8.1 The investigation does not consider:

11.8.1.1 incidents not directly related to the possible violation, unless they evidence a pattern; or

11.8.1.2 questions and evidence about the Complainant's sexual predisposition; or

11.8.1.3 questions and evidence about the Complainant's prior sexual behavior, 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.

11.8.1.4 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.

11.8.2 Within the boundaries stated above, the investigation can consider character evidence generally, if offered, but that evidence is unlikely to be relevant unless it is fact evidence or relates to a pattern of conduct.

## 11.9 **False Allegations and Evidence**

11.9.1 Deliberately false and malicious accusations under this Policy are a serious offense and will be subject to appropriate disciplinary action. This does not include an allegation made in good faith that is ultimately shown to be erroneous or does not result in a determination of a Policy violation.

11.9.2 Additionally, witnesses and Parties who knowingly provide false evidence, tamper with or destroy evidence, or deliberately mislead an official conducting a Resolution

Process may be subject to discipline under appropriate UNC Pembroke policies.

## 11.10 Referral for Review & Adjudication for Non-Title IX Conduct

11.10.1 Allegations of Prohibited Conduct that do not meet the Title IX definition of sexual harassment will be referred to the appropriate university process for resolution.

11.10.1.1 Student Respondents: Referred to Student Conduct for adjudication in accordance with the Code of Student Conduct.

11.10.1.2 Employee Respondents: Referred to Human Resources for resolution under applicable university and UNC System personnel policies. SHRA Employee respondents can also be referred to the North Carolina Office of State Human Resources.

11.10.2 When allegations of Prohibited Conduct do not meet the Title IX definition of Sexual Harassment, the Title IX Coordinator may, at their discretion, conduct an investigation for the limited purpose of gathering information prior to referring the matter to the appropriate University office for resolution.

11.10.3 Investigations conducted under this section do not constitute a Title IX grievance process and are not subject to the procedural requirements applicable to Title IX Sexual Harassment matters. The Title IX Coordinator may prepare a written summary or investigative report and forward relevant materials to the receiving office for use in the applicable adjudicatory or resolution process.

11.10.4 The receiving office retains sole authority over any charging decisions, adjudication, and the determination of responsibility or outcomes under the applicable University or UNC System policies.

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*<sup>4</sup> For Purposes of the Policy, all notice documents (including but not limited to notice of investigation and allegations, notice of hearing, notice of outcomes, and notice of appeal), will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address(es) of the Parties as indicated in official UNC Pembroke records, or emailed to the Parties' UNC Pembroke-issued email or designated accounts. Once mailed, emailed, and/or received in person, notice will be presumptively delivered.*

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## 12. Formal Resolution — Title IX Hearing

### 12.1 Referral for Hearing

12.1.1 For Formal Complaints meeting the threshold for Title IX sexual harassment, including jurisdictional requirements, the resolution process will utilize a Title IX Hearing.

12.1.2 Upon determination that a Title IX Hearing is required, the Title IX Office will refer the matter to be heard by the Conduct Hearing Board. The Title IX Coordinator, in coordination with Student Conduct, will identify and select faculty and/or staff members from the Conduct Hearing Board pool appointed by the Chancellor to serve on the Hearing Board for the case.

12.1.3 A Hearing Board member may be an employee or a contracted service provider. Students will not serve on the Conduct Hearing Board for Title IX cases. A Hearing Board member will not have been previously involved in the Resolution Process for the Formal Complaint.

12.1.4 The Title IX Coordinator will have final approval of all Hearing Board members to ensure required training has been completed and that no conflict of interest or bias exists.

12.1.5 The Title IX Coordinator will designate one chair to speak for the Board during the hearing, to screen questions for relevancy, and/or to represent the Hearing Board at pre-hearing meetings.

12.1.6 The hearing cannot be held less than ten (10) business days from the conclusion of the investigation – when the final investigation report is transmitted to the Parties and the Hearing Board – unless all Parties and Hearing Board agree to an expedited timeline.

## 12.2 **Notice of Hearing**

12.2.1 No less than ten (10) business days prior to the hearing, the Title IX Coordinator will send notice of the hearing to the Parties.

12.2.2 The notice will contain:

12.2.2.1 A description of the alleged violation(s), and a list of all policies allegedly violated.

12.2.2.2 The time, date, and location of the hearing.

12.2.2.3 Description of any technology that will be used to facilitate the hearing.

12.2.2.4 How to request an alternative to an in-person hearing allowing the Parties to be located in separate rooms using technology that enables the Hearing Board and Parties to see and hear other persons.

12.2.2.5 The name of the Hearing Board members and the process for requesting the removal and replacement of a member based on bias or conflict of interest. Any

request for a change in the Hearing Board members must be accompanied by supporting information.

12.2.2.6 Notification that the Parties may have the assistance of an Advisor of their choosing at the hearing and will be required to have one present for any questions they may desire to ask. If the Party does not have an Advisor for the hearing, the Party must notify the Title IX Coordinator who will appoint one.

12.2.2.7 A copy of all the materials provided to the Hearing Board about the matter, including the final investigation report summarizing the Relevant Evidence and any additional Directly Related Evidence, unless they have been provided already.

12.2.2.8 An invitation to contact the Title IX Coordinator to arrange any disability accommodation, language assistance, and/or interpretation services that may be needed at the hearing, at least five (5) business days prior to the hearing.

12.3 Hearings for possible violations that occur near or after the end of an academic term (assuming the Respondent is still subject to this Policy) and are unable to be resolved before the end of term will typically be held immediately after the end of the term or during the summer, as needed, to meet the resolution timeline followed by UNC Pembroke and remain within the 90 business day goal for resolution.

12.3.1 In these cases, if the Respondent is a graduating student, a hold may be placed on graduation and/or official transcripts until the matter is fully resolved (including any appeal). A student facing charges under this Policy is not in good standing to graduate.

#### **12.4 Pre-Hearing Preparation**

12.4.1 Any witness scheduled to participate in the hearing must have been first interviewed by the Investigator or have proffered a written statement or answered written questions unless all Parties and the Hearing Board assent to the witness's participation in the hearing. The same holds for any evidence that is first offered at the hearing. If the Parties and Hearing Board do not assent to the admission of evidence newly offered at the hearing, the Hearing Board may delay the hearing and/or instruct that the investigation needs to be re-opened to consider that evidence.

#### **12.5 Joint Hearings**

12.5.1 In Formal Complaints involving more than one Complainant accusing the same person of substantially similar conduct, the default procedure will be to hear the allegations jointly. In instances involving more than one Respondent, the incident will be heard in one hearing only if each student Respondent consents to such a proceeding. The Title IX Coordinator may permit the investigation and/or hearings pertinent to each Respondent or Formal Complaint to be conducted separately if there is a compelling reason to do so. In joint hearings, separate determinations of responsibility will be made

for each Respondent and/or for each Formal Complaint with respect to each alleged Policy violation.

## **12.6 Hearing Venue Options**

12.6.1 The live hearing may occur in person or virtually at the Title IX Coordinator's discretion. However, either Party may request at least three days prior to the hearing that the hearing be held virtually.

## **12.7 Hearing Participants**

12.7.1 Persons who may be present for a hearing include the Hearing Board members, Title IX Coordinator, Investigator(s), the Parties and their Advisors, anyone providing authorized accommodations, interpretation, and/or assistive services, and anyone else deemed necessary by the Hearing Board. Witnesses are present only during their portion of the testimony.

## **12.8 Pre-Hearing Meetings**

12.8.1 The Title IX Coordinator may convene a pre-hearing meeting(s) with the Parties and their Advisors to review the hearing process and to accept questions or topics they wish to ask or discuss at the hearing. Any questions or topics submitted will be reviewed by the Hearing Board for relevance ahead of time to avoid any improper evidentiary introduction in the hearing or to provide recommendations for more appropriate phrasing. Any decision to exclude or rephrase a question will be documented for the record.

12.8.2 The advance review opportunity does not preclude the Parties from submitting additional questions and follow-up questions at the hearing.

12.8.3 The Title IX Coordinator will work with the Parties to finalize a witness list for the hearing and will notify any witnesses of the hearing's logistics. The Hearing Board, with the agreement of all Parties, may decide in advance of the hearing that certain witnesses do not need to be present if their testimony is adequately summarized in the final investigation report and their presence is not essential to assess credibility.

12.8.4 The pre-hearing meetings will typically be conducted as separate meetings with each Party/Advisor and can be done remotely or as a written communication exchange. The Title IX Coordinator will work with the Parties to establish the format and timing of the meetings and will circulate a summary of any rulings made to ensure all Parties and Advisors are aware.

## **12.9 Hearing Procedures**

12.9.1 At the hearing, the Hearing Board has the authority to hear and make determinations on all allegations including additional alleged policy violations that

occurred in concert with the harassment, and/or retaliation, even though those collateral allegations may not specifically fall within this Policy.

12.9.2 The Hearing will include cross-examination by the Advisors. All questions proposed by the Parties through their Advisors are subject to a relevancy determination by the Hearing Board Chair. The Advisor will pose the proposed question orally, electronically, or in writing (orally is the default method, but other means of submission may be permitted by the Hearing Officer(s) upon request if agreed to by all Parties).

12.9.3 The Hearing Board Chair will limit or disallow questions on the basis that they are irrelevant, unduly repetitious (and thus irrelevant), or abusive and have the final say on all questions and determinations of relevance. They may consult with legal counsel on any questions of admissibility. The Hearing Board Chair will not entertain arguments on relevance once a ruling has been made on a question.

12.9.4 The Hearing Board Chair will explain on the record any decision to exclude a question as not relevant or request the question be reframed to clarify relevance.

12.9.5 If the hearing is conducted virtually, the Parties, Advisors, and anyone who provides testimony must have their computer/tablet camera in operation during the hearing.

12.9.6 The Hearing Board may not draw any inference solely from a Party's or witness's absence from the hearing or refusal to answer cross-examination or other questions.

12.9.7 If a Party's Advisor refuses to comply with UNC Pembroke's established rules of decorum for the hearing, UNC Pembroke may require the Party to use a different Advisor. An Advisor may not be called as a witness at a hearing to testify to what their advisee has told them during their role as an Advisor unless the Party being advised consents to that information being shared. It is otherwise considered off-limits, and an Advisor who is a UNC Pembroke employee is temporarily alleviated from mandated reporter responsibilities related to their interaction with their advisee during the resolution process.

## 12.10 **Evidentiary Considerations in the Hearing**

12.10.1 Any evidence that the Hearing Board determines is relevant may be considered other than the following:

12.10.1.1 incidents not directly related to the possible violation, unless they evidence a pattern;

12.10.1.2 questions and evidence about the Complainant's sexual predisposition;

12.10.1.3 questions and evidence about the Complainant's prior sexual behavior, 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; or

12.10.1.4 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.

12.11 Within the boundaries stated above, the hearing can consider character evidence generally, if offered, but that evidence is unlikely to be relevant unless it is fact evidence or relates to a pattern of conduct.

12.12 Previous disciplinary action of any kind involving the Respondent may be considered in determining an appropriate Sanction upon a determination of responsibility. This information is only considered at the sanction stage of the process and is not shared until then unless it is evidence of pattern behavior.

12.13 After post-hearing deliberation, the Hearing Board renders a determination of responsibility based on preponderance of the evidence; whether it is more likely to be true than not true that the Respondent violated the Policy as alleged.

#### 12.14 **New Evidence Considerations**

12.14.1 The Parties must provide all evidence to the Investigator(s) prior to the completion of the final investigation report. Evidence offered after that time will be evaluated by the Hearing Board for admissibility at the hearing. If the evidence is deemed not relevant or impermissible, the Hearing Officer(s) will proceed with the hearing absent the new evidence. Even if the evidence is deemed relevant, it will be admitted to the record only if:

12.14.2 All Parties and the Hearing Board assent to the new evidence being included in the hearing without remanding the Formal Complaint back to the Investigator(s), and

12.14.3 The evidence is not duplicative of evidence already in the record, and

12.14.4 The new evidence was either not reasonably available prior to the conclusion of the final investigation report, or the failure to provide it in a timely manner was not the result of bad faith by the Parties, witnesses, or others.

12.14.5 If the above criteria are not met but the evidence is deemed materially relevant and not duplicative, the Hearing Board may, at their discretion, delay the hearing, allow all Parties to review and comment on the new evidence, or remand the Formal Complaint back to the Investigator(s) for further investigation or analysis.

#### 12.15 **Recording Hearings**

12.15.1 Hearings (but not deliberations) are recorded by UNC Pembroke for purposes of review in the event of an appeal. The Parties may not record the proceedings and no other unauthorized recordings are permitted. The recording is the property of the University.

12.15.2 The Hearing Board, the Parties, their Advisors, and appropriate administrators of UNC Pembroke will be permitted to listen to the recording or review a transcript of the recording in a controlled environment determined by the Title IX Coordinator, upon request. The Title IX Coordinator may also provide copies of the recording or transcript at their discretion. Access to the recording will be provided equitably to all Parties.

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## 13. Deliberation, Determinations, and Standard of Proof

13.1 The Hearing Board will deliberate in closed session to determine whether the Respondent is responsible for the alleged Policy violation(s) based on the standard of proof.

13.2 UNC Pembroke uses the preponderance of the evidence standard of proof when determining whether a Policy violation occurred. This means that the University will decide whether it is more likely than not, based on the available information at the time of the decision, that the Respondent is responsible for the alleged Policy violation(s).

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## 14. Sanctions

14.1 When a student or employee respondent is found responsible for a violation under this Policy, the University will impose sanctions that are appropriate and proportionate to the nature, severity, and impact of the misconduct. Sanctions are designed to achieve the dual purposes of promoting accountability and supporting the safety and well-being of the University community.

14.2 Previous disciplinary records of the Respondent that the Title IX Coordinator, in their discretion, considers to be related, may be considered at the time sanctions are determined.

### 14.3 Student Sanctions

14.3.1 Sanctions for student respondents will be determined by the Hearing Board in accordance with the procedures outlined in this Policy and applied consistent with the range of disciplinary actions described in the Code of Student Conduct. The Code of Student Conduct provides a comprehensive list of possible sanctions, which may be imposed individually or in combination, depending on the circumstances of the case.

14.3.2 In addition to the sanctions outlined in the Code of Student Conduct, the University reserves the right to take other responsive or remedial actions as appropriate to prevent and address discrimination, harassment, and retaliation. Sanctions or corrective actions may also be accompanied by educational, restorative, or supportive measures to foster a safe and inclusive environment.

#### 14.4 **Employee Sanctions**

14.4.1 For Hearings involving a Staff Respondent, the determination of Sanctions and Remedies, if any, will be made by the supervisor in consultation with the Office of Human Resources' Director of Employee Relations and Workforce Development.

14.4.2 For Hearings involving a Faculty Respondent, the determination of Sanctions and Remedies, if any, will be done by the Provost and Vice Chancellor for Academic Affairs in consultation with the appropriate Dean.

14.4.3 When determining appropriate sanctions for a faculty member Respondent who is a beneficiary of institutional guarantees of tenure, sanctions must be recommended based on the clear and convincing evidence standard that the sanction is appropriate and proportionate to the nature, severity, and impact of the misconduct.

14.4.4 Below are possible sanctions to be applied:

14.4.4.1 Warning – Verbal or Written

14.4.4.2 Performance Improvement Plan/Management Process

14.4.4.3 Enhanced supervision, observation, or review

14.4.4.4 Required Counseling

14.4.4.5 Required Training or Education

14.4.4.6 Probation

14.4.4.7 Denial of Pay Increase/Pay Grade

14.4.4.8 Loss of Oversight or Supervisory Responsibility

14.4.4.9 Demotion

14.4.4.10 Transfer

#### 14.4.4.11 Reassignment

#### 14.4.4.12 Delay of tenure track progress

#### 14.4.4.13 Assignment to new supervisor

#### 14.4.4.14 Restriction of stipends, research, and/or professional development resources

#### 14.4.4.15 Suspension with pay

#### 14.4.4.16 Suspension without pay

#### 14.4.4.17 Termination

14.4.4.18 Other Actions: In addition to or in place of the above sanctions/responsive actions, UNC Pembroke may assign any other responsive actions as deemed appropriate.

### 14.5 Written Determination and Notice of Outcome

14.5.1 Within ten (10) business days of the conclusion of the Resolution Process, the Title IX Coordinator will provide the Parties with a notice of outcome. The notice of outcome will specify the determination for each alleged Policy violation, all applicable Sanctions that the University is permitted to share pursuant to state or federal law, and a detailed rationale, written by the Hearing Board supporting the determination.

14.5.2 The notice of outcome will also detail the Parties' equal rights to appeal, the grounds for appeal, the steps to request an appeal, and when the determination is considered final if no Party appeals.

14.5.3 The Title IX Coordinator will provide the Parties with the notice of outcome simultaneously or without significant time delay between notifications.

14.5.4 The notice of outcome will include a determination written by the Hearing Board Chair. For Title IX Hearings, the written determination will include the following:

14.5.5 Identification of the allegations potentially constituting sexual harassment;

14.5.6 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;

14.5.7 Findings of fact supporting the determination;

14.5.8 Conclusions regarding the application of the Policy to the facts;

14.5.9 A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions imposed on the

Respondent, and whether remedies designed to restore or preserve equal access to the education program or activity will be provided to the Complainant; and

14.5.10 The procedures and permissible bases for the Complainant and Respondent to appeal.

14.5.11 The determination regarding responsibility becomes final either on the date that UNC Pembroke provides the Parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

## 14.6 Remedies

14.6.1 Following the conclusion of the Resolution Process, and in addition to any Sanctions implemented, the Title IX Coordinator may implement Remedies with respect to the Parties designed to restore or preserve access to the University's education programs or activities. Remedies may include instituting permanent supportive measures listed in the Policy, however, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the Respondent.

14.6.2 In addition to the supportive measures listed, the Remedies may include, but are not limited to climate surveys, policy modification, and/or training.

14.6.3 At the discretion of the Title IX Coordinator, certain Remedies may also be provided to the Parties even if no policy violation is found. When no policy violation is found, the Title IX Coordinator will address any Remedies owed by UNC Pembroke to the Respondent to ensure no effective denial of educational access.

14.6.4 UNC Pembroke will maintain the confidentiality of any Remedies, provided confidentiality does not impair UNC Pembroke's ability to provide these services.

## 14.7 Withdrawal or Resignation While Charges Pending

14.7.1 Students: Should a student Respondent decide not to participate in the resolution process, the process proceeds absent their participation to a reasonable resolution. Should a student Respondent permanently withdraw from UNC Pembroke, the resolution process ends with a dismissal, as UNC Pembroke no longer has disciplinary jurisdiction over the withdrawn student. However, the registration and transcript hold remain on the student's account and the student may not reenroll until a resolution process is completed.

14.7.1.1 However, UNC Pembroke will continue to address and remedy any systemic issues, variables that may have contributed to the alleged violation(s), and any ongoing effects of the alleged harassment, discrimination, and/or retaliation. The student who withdraws or leaves while the process is pending may not return to UNC

Pembroke in any capacity. The Office of Admissions and the Office of Human Resources will be notified, accordingly.

14.7.1.2 If the student Respondent only withdraws or takes a leave for a specified period (e.g., one semester or term), the resolution process may continue remotely and that student is not permitted to return to UNC Pembroke unless and until all sanctions, if any, have been satisfied.

14.7.2 Employees: Should an employee Respondent resign with unresolved allegations pending, the resolution process ends with a dismissal, as UNC Pembroke no longer has disciplinary jurisdiction over the resigned employee.

14.7.2.1 However, UNC Pembroke will continue to address and remedy any systemic issues, variables that contributed to the alleged violation(s), and any ongoing effects of the alleged harassment, discrimination, and/or retaliation.

14.7.2.2 The employee who resigns with unresolved allegations pending is not eligible for admission or rehire with UNC Pembroke until the case can be fully resolved and/or adjudicated, and the records retained by the Title IX Coordinator and the Office of Human Resources will reflect that status.

14.7.2.3 All UNC Pembroke responses to future inquiries regarding employment references for that individual will include that the former employee resigned during a pending disciplinary matter.

#### **14.8 Failure to Comply with Sanctions and/or Responsive Actions**

14.8.1 All Respondents are expected to comply with the assigned sanctions, responsive actions, and/or corrective actions within the timeframe specified in the notice of outcome.

14.8.2 Failure to abide by the sanction(s)/action(s) imposed by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanction(s)/action(s), including suspension, expulsion, and/or termination from UNC Pembroke.

14.8.3 A suspension will only be lifted when compliance is achieved to the satisfaction of the Title IX Coordinator.

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## 15. Appeals

15.1 Any Party may file a request for appeal of a determination or outcome. To appeal, the Party must submit a request for appeal in writing to the Title IX Coordinator within three (3) business days of the delivery of the notice of outcome.

## 15.2 **Grounds for Appeal**

15.2.1 Appeals are limited to the following grounds:

15.2.1.1 A violation of the rights of the Complainant or Respondent has occurred as a result of significant deviation from procedures.

15.2.1.2 The discovery of new and significant information that would have affected the outcome of the hearing and that was not known, or could not reasonably have been discovered and/or presented at the time of the hearing.

15.2.1.3 The Title IX Coordinator, Investigator(s), or Hearing Board members had a conflict of interest or bias for or against Complainants or Respondents generally or the specific Complainant or Respondent that affected the outcome of the matter;

## 15.3 **Appeal Procedure**

15.3.1 If any of the grounds in the request for appeal do not meet the grounds in this Policy, that request will be denied and the Parties and their Advisors will be notified in writing of the denial and the rationale.

15.3.2 If any of the information in the request for appeal meets the grounds in this Policy, then the TIX Coordinator ,will notify all Parties and their Advisors that the Appeal will be forwarded to the Appellate Officer for review. The Parties will be provided a copy of the request for appeal and be given five (5) business days to submit a statement in support of, or challenging, the outcome.

15.3.3 Appeals are not intended to provide for full re-hearing (de novo) of the allegation(s), except for appeals based on conflict of interest or bias (see Section 15.3.6 below). In most cases, appeals are confined to a review of the written documentation or record of the original hearing and pertinent documentation regarding the specific grounds for appeal.

15.3.4 An appeal is not an opportunity for the Appellate Officer to substitute their judgment for that of the original Hearing Board merely because they disagree with the determination and/or Sanctions.

15.3.5 The Appellate Officer may consult with the Title IX Coordinator and/or legal counsel on questions of procedure or rationale, for clarification, if needed. Documentation of all such consultations will be maintained.

15.3.6 Appeals granted on the basis of conflict of interest or bias on the part of the Hearing Board should remand (or partially remand) to a new hearing with a newly appointed Hearing Board.

15.3.7 The results of the decision to remand to a new hearing cannot be appealed. The results of a new hearing can be appealed, once, on any of the three available appeal grounds.

15.3.8 If the appeal does not result in the remand to a new hearing, the Appellate Officer may uphold the Hearing Board's decision or modify the decision.

15.3.9 In cases in which the appeal results in reinstatement to UNC Pembroke or resumption of privileges, all reasonable attempts will be made to restore the Respondent to their prior status, recognizing that some opportunities lost may be irreparable in the short term.

#### 15.4 **Sanctions Status During the Appeal**

15.4.1 Any Sanctions imposed as a result of the hearing are stayed during the appeal process. Supportive measures may be reinstated, subject to the same supportive measure procedures above.

15.4.2 If the original Sanctions include separation in any form, the University may place a hold on official transcripts, diplomas, graduations, and course registration pending the outcome of an appeal.

15.4.3 The Respondent may request a stay of these holds from the Title IX Coordinator within two (2) business days of the notice of the Sanctions. The request will be evaluated by the Title IX Coordinator or designee, whose determination is final.

#### 15.5 **Notice of Appeal Outcome**

15.5.1 A notice of appeal outcome will be sent to all Parties simultaneously including the decision on each approved ground and rationale for each decision. The notice of appeal outcome will specify the following:

15.5.1.1 the determination on each ground for appeal,

15.5.1.2 any specific instructions for remand or reconsideration,

15.5.1.3 any Sanctions that may result which the UNC Pembroke is permitted to share according to state or federal law, and

15.5.1.4 the rationale supporting the essential determinations to the extent the UNC Pembroke is permitted to share under state or federal law.

#### 15.6 **Employee Review of Sanctions**

15.6.1 A staff member Respondent who is an SHRA employee may utilize the SHRA Grievance Policy for review of the sanctions. The review shall be limited to the question of whether the disciplinary sanction is supported by just cause. Any other appealable issues, including the determination(s) of responsibility, shall be resolved through the appeals process in these Regulations and are not grievable under the SHRA Grievance Policy. See [UNC Policy Manual 1300.11\(R\)](#), referencing the SHRA Grievance Policy.

15.6.2 A faculty member Respondent who is a beneficiary of institutional guarantees of tenure may utilize Section 603 of The Code for review of the sanctions. The review shall be limited to the question of whether the recommended sanction is supported by clear and convincing evidence. Any other appealable issues, including the determination(s) of responsibility, shall be resolved through the appeals process in these Regulations and are not grievable under The Code.<sup>5</sup>

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<sup>5</sup> See [UNC Policy Manual 1300.11\(R\)](#), referencing Section 603 of The Code.

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## 16. Recordkeeping

16.1 UNC Pembroke will maintain all records in accordance with state and federal laws.

16.2 UNC Pembroke will maintain for a period of ten (10) years records of each sexual harassment report or complaint and the associated case file to include the following when applicable:

16.2.1 Any disciplinary sanctions imposed on the Respondent, including the rationale for findings of responsibility and the appropriateness of outcomes;

16.2.2 Any remedies or supportive measures provided to the Complainant;

16.2.3 Any appeal and the result therefrom;

16.2.4 Any Informal Resolution and the result therefrom;

16.3 All materials used to train Title IX Coordinators, Investigators, Advisors, Hearing Officers, and any person who facilitates an Informal Resolution process. UNC Pembroke will make these training materials publicly available on the Office of Title IX website.

16.4 UNC Pembroke will maintain cases of sexual harassment for which a Respondent was found responsible indefinitely.

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## APPENDIX A: Statement of Party Rights and Responsibilities

The following rights and responsibilities apply to all members of the University community, including students and employees. Additional rights and obligations specific to discrimination, harassment, or retaliation matters are outlined in the **Title IX Policy** and other applicable University policies.

Students and employees at the University have the same rights and protections under the Constitutions of the United States and the State of North Carolina as other citizens. These rights include freedom of expression, press, religion, and assembly. The University values freedom of expression, which includes voicing unpopular views and dissent. As members of the University community, students and employees have the right to express their own views, but must also take responsibility for affording the same right to others.

### **Equal Treatment and Non-Discrimination**

Students and employees have the right to be treated fairly and with dignity regardless of race, color, religion, sex, sexual orientation, gender identity, age, national origin, physical or mental disability, veteran status, or genetic information. Accordingly, no member of the University community will be unlawfully discriminated against pursuant to 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, or other applicable federal and state laws prohibiting discrimination in programs, employment, and activities that receive federal financial assistance.

### **Due Process and Fair Hearing**

The University of North Carolina Policy Manual (700.4.1) specifically refers to the important right of a fair hearing and due process. Students and employees have the right to be protected from arbitrary decision-making by the University and to have access to University policies which affect them. The University is committed to providing all members of the University community with a balanced and fair system. Accordingly, no student or employee will be deprived of the appropriate due process protections to which they are entitled. University conduct or grievance procedures are administrative in nature and should not be equated with or substituted for procedures used in civil or criminal court.

## **Accessibility and Accommodations**

Any student or employee needing assistance because of a disability may contact the Accessibility Resource Center at [910-521-6695](tel:910-521-6695) or by email at [arc@uncp.edu](mailto:arc@uncp.edu) . Employees may also contact the Office of Human Resources for workplace accommodation requests.

## **Respondent Rights Related to the Hearing Process**

Respondents have the following rights related to the hearing or resolution process:

1. to be provided a fair, impartial, and efficient process;
2. to be presumed not responsible until determined otherwise through the applicable University process;
3. to be given advance written notice of any formal charge(s);
4. to examine the documentary information that will be presented in any hearing or review;
5. to present relevant information on their behalf, including witnesses and documentary evidence;
6. to respond to information presented against them;
7. to accept responsibility for any or all formal charge(s);
8. to decline to make statements;
9. to be represented, at their own expense, by a licensed attorney or non-attorney Advisor to assist in preparing for the hearing and/or during the process, as permitted by University policy;
10. to obtain the list of witnesses and/or co-respondents who have been called to present information at the hearing;
11. to request a delay of the hearing due to extenuating circumstances, provided that the granting of such request is at the discretion of the appropriate University official;
12. to challenge the objectivity of a hearing officer, board member, or investigator if they believe that a bias or conflict of interest may exist;
13. to pose relevant questions at the hearing in a manner consistent with University procedures;
14. to be notified in writing of the outcome of the hearing or resolution process;
15. to appeal the decision within the time limits and conditions specified in the applicable policy; and
16. to have any conduct or disciplinary records kept confidential to the extent permitted under University policy, state law, and federal law (including FERPA, Title IX, and Title VII).

## **Student and Employee Responsibilities**

All students and employees are responsible for conducting themselves in a manner that helps enhance an environment of learning, working, and living in which the rights, dignity, worth, and freedom of each member of the University community are respected.

Students and employees have the responsibility to check their University email address on a regular basis and take appropriate action on items related to their academic, professional, or conduct standing.

Students and employees are expected to comply with local, state, and federal laws as well as University policies and regulations. Members of the University community are responsible for their actions and behaviors, the impacts they have on others, and the consequences of their decisions.

During a student's enrollment or an employee's term of employment, if the individual is subject to any criminal charge and/or disposition of a criminal charge, on or off campus, they must notify the appropriate University office (Student Conduct for students, Human Resources for employees) within two (2) business days regarding the nature and disposition of the charge if applicable. Traffic-related misdemeanors do not require notification unless they involve alcohol or drugs. Failure to report may be grounds for disciplinary action up to and including dismissal.

Upon registration or employment, student organizations, students, and employees voluntarily accept the rules and regulations outlined by the University. All members of the University community are expected to follow applicable laws and University policies. In addition to federal, state, and local laws that pertain to all citizens, each member of the University community must accept the institutional rules and regulations necessary to accomplish the purposes for which the University was established.

## **Complainant and Respondent Rights and Responsibilities**

In addition to the rights and responsibilities outlined above, parties (Complainants and Respondents) involved in Title IX proceedings have specific rights and responsibilities under federal law and University policy, including:

**Right to Equitable Treatment:** The right to have allegations of sexual harassment, discrimination, or retaliation addressed promptly, sensitively, and equitably, in accordance with the Title IX Policy.

**Right to Supportive Measures:** The right to be informed of and request supportive measures, such as academic or workplace adjustments, housing modifications, no-contact orders, and safety planning, regardless of whether a formal complaint is filed.

**Right to Information and Notice:** The right to timely, written notice of all alleged violations, the parties involved, the alleged misconduct, and any updates or adjustments to the allegations.

**Right to Privacy and Confidentiality:** The right to have personally identifiable information protected to the extent permitted by law and University policy.

**Right to a Fair and Impartial Process:** The right to an equitable investigation and hearing conducted by trained officials free from bias or conflict of interest, using the “preponderance of the evidence” standard.

**Right to an Advisor:** The right to have an advisor of choice, including an attorney or non-attorney Advisor, accompany them in all meetings, interviews, and hearings.

**Right to Evidence and Participation:** The right to review and respond to relevant evidence, provide witnesses, and suggest questions for the Investigator or Hearing Board to ask.

**Right to Written Outcomes and Appeal:** The right to receive written notice of findings, sanctions (if applicable), and rationale, as well as the right to appeal consistent with Title IX procedures.

**Right to Protection from Retaliation:** The right to report concerns or participate in the process without fear of retaliation; the University will take prompt action if retaliation occurs.

**Employee Responsibilities:** Employees, including faculty and staff, are required to comply with mandatory reporting obligations under Title IX and to cooperate fully with investigations, hearings, and remedial measures.

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## APPENDIX B: On and Off Campus Resources

### **Title IX Coordinators and other Title IX Personnel**

**Leigh Parker**

**Title IX Coordinator** [6](#)

Director, Title IX & Clery Compliance Office

(TIX): [910.521.6398](tel:910.521.6398)

Dr. Joseph B. Oxendine Administrative Building 129

Faculty Row One University Drive,  
Pembroke, NC 28372

[titleixCoordinator@uncp.edu](mailto:titleixCoordinator@uncp.edu)

<https://www.uncp.edu/resources/title-ix-clery-compliance>

**Title IX Specialist, Investigator, & Pregnant & Parenting Compliance Coordinator**

Dr. Joseph B. Oxendine Administrative Building  
The Compliance Suite, Room 104

The University of North Carolina at Pembroke

Office: [910.775.4590](tel:910.775.4590)

Facsimile: 910.521.6891

[titleixcoordinator@uncp.edu](mailto:titleixcoordinator@uncp.edu)

**Deputy Title IX Coordinator – Staff**

Director of Employee Relations and Workforce  
Development,

Department of Human Resources

Lumbee Hall,

[910.775.4341](tel:910.775.4341)

**Deputy Title IX Coordinator – Faculty**

Associate Vice Chancellor for Faculty Affairs

Lumbee Hall, 427

[910.521.6353](tel:910.521.6353) or [910.521.6224](tel:910.521.6224)

**Deputy Title IX Coordinator – Students**

Associate Vice Chancellor for Student Affairs

University Center Annex, 220

[910.521.6304](tel:910.521.6304)

**Deputy Title IX Coordinator – Athletics**

Associate Athletic Director for Compliance & Student  
Services

[910-775-4246](tel:910-775-4246)

Visa and Immigration Assistance

[910.521.6865](tel:910.521.6865)

**On-Campus Resources**

**On-Campus CONFIDENTIAL Services**

**Counseling & Psychological Services (CAPS)**

Brave Health Center 2nd Floor,  
PO Box 1510 Pembroke, NC 28372

Phone: [910.521.6202](tel:910.521.6202)

Fax: 910.521.6786

[caps@uncp.edu](mailto:caps@uncp.edu)

**24/7 UNCP Counseling Hotline : [910.775.4749](tel:910.775.4749)**

<https://www.uncp.edu/campus-life/counseling-psychological-services>

**Student Health Services**

Brave Health Center  
PO Box 1510 Pembroke, NC 28372

Phone: [910.521.6219](tel:910.521.6219)

Fax: 910.521.6549

[shs@uncp.edu](mailto:shs@uncp.edu)

**UNC Nurse Connect After Hours : [1.910.521.6219](tel:1.910.521.6219) ,  
Press Option 1**

<https://www.uncp.edu/campus-life/student-health-services>

**Medical Assistance**

The well-being of a student or employee who has been sexually assaulted is a crucial priority. The sooner a sexual assault is reported, the sooner the victim can be treated and tested for pregnancy and sexually transmitted diseases. A victim is reminded to go to a safe place. It is particularly important to preserve all physical evidence; therefore, the victim should not bathe, shower, douche, brush their teeth, rinse their mouth, or change clothes. The evidence is extremely important if the case goes to court.

Calling a friend, family member, and/or rape crisis companion to be physically present for emotional support is encouraged. UNCP Student Health Services or Police and Public Safety will provide transportation to the hospital emergency room. A victim of sexual assault should seek services of UNCP Counseling and Psychological Services (CAPS) or a local rape crisis center; counseling options will be provided with no restrictions to off-campus services if the victim so chooses. Both on and off campus counseling and crises centers have trained professionals that can help the victim and the victim's family members with the aftermath of the assault.

North Carolina does not require a victim of sexual assault to participate in the criminal justice system or cooperate with law enforcement in order to be provided with a

forensic medical exam, reimbursement for charges incurred on account of such an exam, or both. In North Carolina, evidence still may be collected even if you choose not to make a report to law enforcement.

### **Closest Forensic Medical Exam**

#### **UNC Health**

SANE Program Office: [984-215-3078](tel:984-215-3078)

[ForensicNurse@unchealth.unc.edu](mailto:ForensicNurse@unchealth.unc.edu)

Instagram: [@UNCForensicNursing](https://www.instagram.com/UNCForensicNursing)

These are not monitored 24 hours a day.

If you are having an emergency, call [911](tel:911), reach out to the local hotlines for rape crisis: [919-967-7273](tel:919-967-7273) or domestic violence: [919-929-7122](tel:919-929-7122), or contact a national crisis hotline.

### **Medical Facilities**

#### **UNC Health Southeastern**

[910.671.5000](tel:910.671.5000)

300 W 27th St.

Lumberton, NC 28358

<https://www.unchealthsoutheastern.org/>

#### **Scotland Memorial Hospital**

[910.291.7000](tel:910.291.7000)

500 Lauchwood Drive

Laurinburg, NC 28352

<https://www.scotlandhealth.org/>

### **Off-Campus Resources**

Any individual may also access resources located in the local community. These organizations can provide crisis intervention services, counseling, medical attention, and assistance in interfacing with the criminal justice system. Campus officials may provide assistance, upon the individual's request, in accessing and navigating campus and local health and mental health services, counseling, and advocacy services. If accessing these resources, individuals are encouraged to clarify whether the resources are confidential.

The Title IX Coordinator or other college officials may also provide assistance connecting an individual with additional resources including legal assistance, financial aid services, and immigration/visa assistance that is needed following a report of prohibited conduct under this policy.

### **Local Sexual Assault and Domestic Violence Services**

#### **Rape Crisis Center of Robeson County** **24-Hour Local Hotline: [910-739-6278](tel:910-739-6278)**

1603 Godwin Avenue  
Lumberton, NC 28358

<https://www.rapecrisiscenterrobesoncounty.com/>

Services include a 24-hour crisis line, ER support, information and referrals.

#### **Southeastern Family Violence Center** **24 Hour Crisis Line: [800-742-7794](tel:800-742-7794)**

1407 E 5th Street  
Lumberton NC 28358

<https://www.southeasternfamilyviolencecenter.org/>

Services include 24 hour crisis line, court advocacy, safe shelter, and support groups.

#### **The Phoenix Center** **24-Hour Local Hotline: [910-485-7273](tel:910-485-7273)**

519 Ramsey Street  
Fayetteville, NC 28301  
Phone: [910-485-7273](tel:910-485-7273)

[admin@rapecrisisonline.org](mailto:admin@rapecrisisonline.org)  
<https://www.rapecrisisonline.org/home>

Founded to provide free services to victims of sexual assault.

#### **UNC Hospitals Beacon Program** A Hospital Response To Domestic Abuse [www.med.nc.edu/beacon](http://www.med.nc.edu/beacon) [984-974-0470](tel:984-974-0470)

 [Beacon-Brochure.pdf](#)

 [Beacon-Program-Brochure-for-Men.pdf](#)

## **North Carolina Coalition Against Sexual Assaults**

<https://nccasa.org/>

[\(919\) 871-1015](tel:9198711015)

[info@nccasa.org](mailto:info@nccasa.org)

Agency supporting rape crisis centers across NC.  
Contact information available for centers in other  
counties and communities.

## **Employee Assistance Program (EAP)**

### **ComPsych**

Call: [877-848-2851](tel:8778482851)

TDD: 800-697-0353

Online: [guidanceresources.com](https://guidanceresources.com)

App: GuidanceResources®

Now Web ID: UNCP

The Employee Assistance Program (EAP) offers  
services for personal issues, planning for life events  
or simply managing day-to-day tasks that may  
affect your work life, health and family.

### **Legal Aid of North Carolina**

<https://legalaidnc.org/>

Toll-Free: [1 \(866\) 219-LANC \(5262\)](tel:1866219LANC5262)

Pembroke Office: [910.521.2831](tel:9105212831)

Legal services for victims of domestic violence and  
sexual assault to assist in securing court protective  
orders and other services.

## **National Sexual Assault and Domestic Violence Services**

### **National Sexual Assault Hotline**

Connects to the nearest RAINN (Rape, Abuse &  
Incest National Network)-affiliated crisis center.

24-hour Hotline: [1-800-656-HOPE](tel:1800656HOPE)

## **National Domestic Violence Hotline**

**1-800-799-SAFE**

**<http://www.thehotline.org/>**

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<sup>6</sup> Updated names and direct contact information for all Title IX Coordinators and Deputy Title IX Coordinators are available on the [Title IX](#) website.

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## Related Policies

[UNCP Regulation 11.30.01 – Code of Student Conduct](#)

[UNCP POL 04.10.01 – Campus Crime Reporting Policy](#)

[UNCP Policy 04.30.02 – Pregnant and Parenting Students Policy](#)

[UNCP Policy 05.30.01 – Unlawful Workplace Harassment Prevention Policy](#)

[UNCP Policy 08.00.05 – Acceptable Use Policy](#)

[UNC Policy Manual, The Code – Section 103: Equality of Opportunity in the University](#)

[UNC Policy Manual, The Code – Section 502 D \(3\): Relation of the Chancellor to the Constituent Institutions](#)

[UNC Policy Manual 300.4.1 – Policy on Interpersonal Relationships among Faculty, Staff, and Students](#)

[Policy on Minimum Substantive and Procedural Standards for Student Disciplinary Proceedings](#)

[UNC Policy Manual 700.4.1.1\[R\] – Right to an Attorney or Non-Attorney Advocate for Student and Student Organizations](#)

[UNC Policy Manual 700.4.2 – Policy on Student Conduct](#)

[UNC Policy Manual 700.4.3\[G\] – Guideline on Student Disciplinary Proceedings: Meaning and Effect of “Expulsion”](#)

[UNC Policy Manual 1300.11 – Policy on Title IX Sexual Harassment](#)

[UNC Policy Manual 1300.11\[R\] – Regulation Applicable to Policy on Title IX Sexual Harassment](#)

## Additional References

[2020 Title IX Regulations](#)

[FERPA statute, 20 U.S.C. 1232g](#)

[FERPA regulations, 34 CFR part 99](#)