

Policy on Prohibited Sexual Harassment Under Title IX

Summary

The University is committed to providing an inclusive and welcoming environment for all members of our community. The University values safety, diversity, education, and equity and is firmly committed to maintaining a campus environment free from Sexual Harassment. This Policy is grounded in Title IX of the Education Amendments Act of 1972 (“Title IX”) and its implementing regulations.

Body

Title

University of North Carolina at Chapel Hill Policy on Prohibited Sexual Harassment Under Title IX

Introduction

Purpose

The University is committed to providing an inclusive and welcoming environment for all members of our community. The University values safety, diversity, education, and equity and is firmly committed to maintaining a campus environment free from Sexual Harassment. This Policy is grounded in Title IX of the Education Amendments Act of 1972 (“Title IX”) and its implementing regulations.¹ Title IX governs the University’s response to Sexual Harassment, including Sexual Assault, Dating Violence, Domestic Violence, and Stalking, as defined in this Policy. Such acts violate the essential dignity of our community members and are contrary to our institutional values.

Scope of Applicability

This Policy and associated Procedures provide for the prompt and equitable response to reports of Sexual Harassment, including Sexual Assault, Dating Violence, Domestic Violence, and Stalking, as defined in this Policy (“Title IX Sexual Harassment”).

This Policy and associated Procedures protect University Students, Employees, and other persons in the United States from Title IX Sexual Harassment in an Education Program or Activity of the University. This Policy and associated Procedures apply to the conduct of University Students, Employees, and other persons reported to have engaged in conduct that could constitute Sexual Harassment under this Policy.

This Policy applies to locations, events, or circumstances for which the University exercised substantial control over both the Responding Party and the context in which the Title IX Sexual Harassment occurred at the time of the alleged incident. This includes any building owned or controlled by a student organization that is officially recognized by the University. This Policy applies to conduct that occurs in the United States.

Sexual Assault, Dating Violence, Domestic Violence, Stalking, and Discrimination or Harassment based on Sex not meeting the definitions and/or jurisdictional requirements set out in this Policy will be addressed under the University’s Policy on Prohibited Discrimination, Harassment and Related Misconduct and accompanying Procedures.

Effective Date

The Title IX Sexual Harassment Policy and Procedures will apply to reports of Title IX Sexual Harassment that reportedly occurred on or after August 14, 2020.

Policy

Policy Statement

This Policy prohibits specific forms of Sexual Harassment. Specifically, this Policy prohibits Sexual Harassment, including Sexual Assault, Dating Violence, Domestic Violence, and Stalking, as defined in this Policy (“Title IX Sexual Harassment”).

When the University has Actual Knowledge of a potential violation of this Policy, the Title IX Coordinator, in consultation with other administrators, will implement reasonable and appropriate Supportive Measures to restore or preserve equal access to the University’s Educational Program or Activities and to protect the safety of the parties.

When a Formal Complaint under this Policy is filed, as detailed in the related Procedures, the University will initiate a formal process of investigation and adjudication of the alleged Policy violation.

Definitions

Actual Knowledge: Notice of Sexual Harassment or allegations of Sexual Harassment to the University’s Title IX Coordinator or any official of the University who has authority to institute corrective measures on behalf of the University.

Consent: As defined in the Policy on Prohibited Discrimination, Harassment and Related Misconduct.

Dating Violence: Violence committed by a Responding Party who is or has been in a social relationship of a romantic or intimate nature with the Reporting Party. The existence of such a relationship is determined based on consideration of:

- The length of the relationship;
- The type of relationship;
- and the frequency of interaction between the persons involved in the relationship.

Domestic Violence: Felony or misdemeanor crimes of violence committed by:

- A current or former spouse or intimate partner of the Reporting Party;
- By a person with whom the Reporting Party shares a child in common;
- By a person who is cohabitating with, or has cohabitated with, the Reporting Party as a spouse or intimate partner;
- By a person similarly situated to a spouse of the Reporting Party under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
- By any other person against an adult or youth Reporting Party who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

Education Program or Activity: Locations, events, or circumstances for which the University exercised substantial control over both the Responding Party and the context in which the Sexual Harassment occurred at the time of the alleged incident, which includes any building owned or controlled by a student organization that is officially recognized by the University.

Employee: Any faculty or staff member, whether part-time or full-time, permanent or temporary, including post-doctoral scholars. For the purposes of this Policy, employees who are also students are considered employees if the Reporting Party alleges that the student-employee conditioned the provision of University aid, benefits, or services which the student-employee had the authority or ability to provide on the Reporting Party’s participation in unwelcome Sexual Contact.

Forcibly: Using physical violence, intimidation, or express or implied threats of physical or emotional harm that would cause a reasonable person in similar circumstances and with similar identities to fear immediate or future harm. Physical violence entails exerting control over another person through the use of physical force, including but not limited to hitting, punching, slapping, kicking, restraining, strangling, or brandishing a weapon.

Formal Complaint: A document filed by a Reporting Party or signed by the Title IX Coordinator alleging Title IX Sexual Harassment against a Responding Party and requesting that the University investigate the allegation of Title IX Sexual Harassment.

Mental or Physical Incapacity: As defined in the “Incapacitation/Incapacitated” portions of the Policy on Prohibited Discrimination, Harassment and Related Misconduct.

Reporting Party: An individual who is alleged to be the subject of conduct that could constitute Title IX Sexual Harassment.

Responding Party: An individual who has been reported to have engaged in conduct that could constitute Title IX Sexual Harassment.

Sex: An individual’s biological status of male or female.

Sexual Assault: Any of the following sexual acts directed against another person, without Consent, including instances where the person is incapable of giving Consent.

- Rape: 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 that person.
- Fondling: The touching of the private body parts of another person for the purpose of sexual gratification, without the Consent of the person, including instances where the person is incapable of giving Consent because of age or temporary or permanent mental incapacity.
- Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- Statutory Rape: Sexual intercourse with a person who is under the statutory age of Consent.

Sexual Contact: As defined in the Policy on Prohibited Discrimination, Harassment and Related Misconduct.

Sexual Harassment (also Title IX Sexual Harassment): Conduct on the basis of Sex that satisfies one of the following:

- An Employee conditioning the provision of University aid, benefits, or services on the Reporting Party's participation in unwelcome Sexual Contact;
- Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to a University education program or activity; or
- Sexual Assault, Dating Violence, Domestic Violence, or Stalking, as defined in this Policy.

Stalking: Engaging in a course of conduct based on Sex directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others or suffer substantial emotional distress.

Supportive Measures: Non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to a party before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. Supportive Measures are designed to restore or preserve equal access to the University's educational programs or activities without unreasonably burdening the other party and include measures designed to protect the safety of all parties or the University's educational environment or to deter Sexual Harassment. Supportive Measures will be maintained as confidential, to the extent that maintaining such confidentiality would not impair the ability of the University to provide the Supportive Measures. Supportive Measures may include, but are not limited to:

- Access to counseling services and assistance in setting up initial appointments, both on and off campus
- Arranging for medical services
- Rescheduling of exams and assignments
- Providing alternative course completion options
- Changes to class schedules, including the ability to drop a course without penalty or to transfer sections
- Providing academic support services, such as tutoring
- Modifications of work or class schedules
- Providing an escort to promote safe movement between classes and activities
- Restrictions on contact between the parties
- Changes to work or housing locations
- Assistance from University support staff in completing housing relocation
- Voluntary leaves of absences
- Increased security and monitoring of certain areas of the University

Related Requirements

External Regulations and Consequences

- Title IX of the Education Amendments Act of 1972 and accompanying regulations
- The Jeanne Clery Disclosure of Campus Security and Campus Crime Statistics Act, 20 U.S.C. section 1092(f) (Clery Act)
- Section 304 of the 2013 Amendments to the Violence Against Women Act (VAWA)

University Policies, Standards, and Procedures

- Procedures for Addressing Prohibited Sexual Harassment Under Title IX
- Policy on Prohibited Discrimination, Harassment and Related Misconduct and accompanying Procedures
- Procedures for Addressing Misconduct Involving a Carolina Community Academy Student as a Reporting or Responding Party

Contact Information

Policy Contacts

Inquiries or concerns about this policy or Title IX may be referred to the University's Title IX Coordinator.

Elizabeth Hall
Title IX Coordinator
Equal Opportunity and Compliance Office
elizabeth.hall@unc.edu
[919-445-1297](tel:919-445-1297)

Concerns about the University's application of laws covered by this Policy may be addressed to the United States Department of Education, Office for Civil Rights.

Office for Civil Rights
OCR@ed.gov
[\(800\) 421-3481](tel:800-421-3481)

Footnotes

1. Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 85 FR 30026 (May 19, 2020)