Policy on Sexual and Gender-Based Harassment, Sex Discrimination, and Other Forms of Interpersonal Violence

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Policy on Sexual and Gender-Based Harassment, Sex Discrimination, and Other Forms of Interpersonal Violence

The University of North Carolina at Greensboro

(Approved by the Chancellor, September 12, 2016)

I. PURPOSE
The University of North Carolina at Greensboro, wherever located (collectively, the “University”), is committed to providing a safe and non-discriminatory learning, living, and working environment for all members of the University community. The University does not discriminate on the basis of sex or gender in any of its education or employment programs and activities. This policy prohibits specific forms of discriminatory behavior that violate Title IX of the Education Amendments of 1972 and its implementing regulation (“Title IX”), the Violence Against Women Act (VAWA), and Title VII of the Civil Rights Act of 1964 (“Title VII”).

II. SCOPE
TO WHOM THIS POLICY APPLIES
This policy applies to Students who are registered or enrolled for credit- or non-credit-bearing coursework (“Students”); University employees, consisting of all full-time and part-time faculty, University Staff (including temps), professional research staff, and post-doctoral fellows (“Employees”); and contractors, vendors, visitors, guests or other third parties (“Third Parties”). This policy pertains to acts of Prohibited Conduct committed by or against Students, Employees and Third Parties when the conduct occurs:

- on University Grounds or other property owned or controlled by the University; or
- in the context of a University employment or education program or activity, including, but not limited to, University-sponsored study abroad, research, on-line, or internship programs; or
- outside the context of a University employment or education program or activity, but has continuing adverse effects on or creates a hostile environment for Students, Employees or Third Parties while on University Grounds or other property owned or controlled by the University or in any University employment or education program or activity.

III. POLICY
The University prohibits Sexual Assault, Sexual Exploitation, Intimate Partner Violence, Stalking, Sexual or Gender-Based Harassment, Complicity in the commission of any act prohibited by this
policy, and Retaliation against a person for the good faith reporting of any of these forms of conduct or participation in any review or proceeding under this policy (collectively, “Prohibited Conduct”). These forms of Prohibited Conduct are unlawful, undermine the character and purpose of the University, and will not be tolerated.

The University adopts this policy with a commitment to: (1) eliminating, preventing, and addressing the effects of Prohibited Conduct; (2) fostering the University’s community, in which Prohibited Conduct is not tolerated; (3) cultivating a climate where all individuals are well-informed and supported in reporting Prohibited Conduct; (4) providing a fair and impartial process for all parties; and (5) identifying the standards by which violations of this policy will be evaluated and disciplinary action may be imposed. Employees or Students who violate this policy may face disciplinary action up to and including dismissal or termination from employment or expulsion. The University will take prompt and equitable action to eliminate Prohibited Conduct¹, prevent its recurrence, and remedy its effects. The University conducts ongoing prevention, awareness, and training programs for Employees and Students to facilitate the goals of this policy.

Concerns about the University’s application of Title IX and VAWA may be addressed to the Title IX Coordinator. Concerns about the University’s application of the Clery Act may be addressed to the Clery Compliance Coordinator. Concerns about the University’s application of Title VII may be directed to Human Resources. Concerns over any of the above may also be directed to the United States Department of Education, Clery Act Compliance Division (at clery@ed.gov); the United States Department of Education, Office for Civil Rights (at OCR@ed.gov or (800) 421-3481); and/or the Equal Employment Opportunity Commission (at info@eeoc.gov or (800) 669-4000). The Title IX Coordinator, Deputy Title IX Coordinators, Human Resources, Clery Compliance Officer and other staff with Title IX, Title VII, Clery, and VAWA responsibilities can be contacted by telephone, email, or in person during regular office hours.

A. DEFINITIONS

1. Reporting Party
   A person who reports to a University official that they believe they have been the subject of Discrimination, Harassment or Related Retaliation due to their race, color, religion, sex, sexual orientation, gender identity, national origin, political affiliation, genetic information, veteran status, disabling condition, or age (hereafter referred to as “Protected Classes”).

2. Responding Party
   A person who is alleged by a Reporting Party to have subjected others to Discrimination, Harassment, or Related Retaliation due to their due to their membership in a Protected Class.

3. Third Party
   A person who is not a University student or employee.

¹ Capitalized terms are specifically defined in section A of this policy under, “Definitions.”
4. **Preponderance of the Evidence**
   More likely than not that a policy violation occurred.

5. **False Complaints or False Information**
   Knowingly or recklessly alleging a complaint of discrimination, harassment or related retaliation where no such conduct exists or intentionally providing false information during the course of an investigation.

6. **Discrimination**
   Occurs when an individual suffers an adverse consequence, such as failure to be hired or promoted, denial of admission to an academic program, etc., on the basis of her/his Protected Class.

7. **Harassment**
   Verbal or physical conduct that is sufficiently severe, persistent, or pervasive that it unreasonably interferes with an individual's work or academic performance or creates an intimidating or hostile work or educational environment.

8. **Related Retaliation**
   Retaliation means any adverse action taken against a person for making a good faith report of Harassment or Discrimination or participating in any proceeding related to a claim of Harassment or Discrimination. Retaliation includes threatening, intimidating, harassing, coercing or any other conduct that would discourage a reasonable person from engaging in activity protected under this policy. Retaliation may be present even where there is a finding of “no responsibility” on the allegations of Prohibited Conduct. Retaliation does not include good faith actions lawfully pursued in response to a report of Prohibited Conduct.

9. **Investigator**
   During the investigation, the parties will have an equal opportunity to be heard, to submit information and corroborating evidence, to identify witnesses who may have relevant information, and to submit questions that they believe should be directed by the Investigator to each other or to any witness. The Investigator will notify and seek to meet separately with the Reporting Party, the Responding Party, and third-party witnesses, and will gather other relevant and available evidence and information, including, without limitation, electronic or other records of communications between the parties or witnesses (via voice-mail, text message, email and social media sites), photographs (including those stored on computers and smartphones), and medical records (subject to the consent of the applicable party). If law enforcement is involved, the Investigator may coordinate efforts with law enforcement to conduct an efficient investigation while limiting the burden on the parties.

10. **Draft Investigation Report**
    At the conclusion of the investigation, the Investigator will prepare a Draft Investigation Report summarizing the information gathered and outlining the contested and uncontested information. The Draft Investigation Report will not include any findings. The Reporting Party and the Responding Party will have an opportunity to review the Draft Investigation Report; meet with the Investigator; submit additional comments and information to the Investigator; identify any additional witnesses or evidence for the Investigator to pursue; and submit any
further questions that they believe should be directed by the Investigator to the other party or to any witness. The Investigator will designate a reasonable time for this review and response by the parties, not to exceed ten (10) calendar days. In the absence of good cause, information discoverable through the exercise of due diligence that is not provided to the Investigator during the designated review and response period will not be considered in the determination of responsibility for a violation of the Policy, and will not be considered by the Dean of Students Office, Office of the Provost, or Human Resources.

11. Final Investigation Report

Unless there are significant additional investigative steps requested by the parties or identified by the Investigator, within five (5) calendar days after receipt and consideration of any additional comments, questions and/or information submitted by the parties during the designated review and response period, the Investigator, alone or in coordination with the Office of the Provost, Human Resources or the Dean of Students Office, will prepare a Final Investigation Report, which will include a finding, by a preponderance of the evidence, as to whether there is a violation of University Policy. The Investigator will deliver the Final Investigation Report to the Title IX Coordinator. The Title IX Office will notify both parties, simultaneously, that the Final Investigation Report is complete and available for review.

12. Role of the Title IX Coordinator

Title IX of the Education Amendments Act of 1972 states:

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance.

Accordingly, the Title IX Coordinator is charged with monitoring the University’s compliance with Title IX; ensuring appropriate education and training; coordinating the University’s review, response, and resolution of all reports under this policy; and ensuring appropriate actions to eliminate Prohibited Conduct, prevent its recurrence, and remedy its effects. The Title IX Coordinator is available to meet with any Student, Employee, or Third Party to discuss this policy or the accompanying procedures. The University has also designated Deputy Title IX Coordinators who may assist the Title IX Coordinator in the discharge of these responsibilities. The University may designate additional staff to assist the Title IX Coordinator with his or her duties. All staff with responsibilities related to compliance with Title IX will receive appropriate training to discharge their responsibilities.

B. PROHIBITED CONDUCT UNDER THIS POLICY

Prohibited Conduct under this Policy is prohibited regardless of the sex, sexual orientation and/or gender identity/expression of the Reporting or Responding Parties.

1. Sexual Assault

Sexual Assault/Activity consists of a) Sexual Contact and/or b) Sexual Intercourse that occurs without Affirmative Consent.
a) Sexual Contact is: Any intentional sexual touching, however slight, with any object or body part (as described below), and performed by a person upon another person. Sexual Contact includes:
   (i) intentional touching of the breasts, buttocks, groin or genitals, whether clothed or unclothed, or intentionally touching another with any of these body parts; and/or
   (ii) making another touch you or themselves with or on any of these body parts.

b) Sexual Intercourse is: Any penetration, however slight, with any object or body part (as described below), and performed by a person upon another person. Sexual Intercourse includes:
   (i) vaginal penetration by a penis, object, tongue, or finger; or
   (ii) anal penetration by a penis, object, tongue, or finger; or
   (iii) any contact, no matter how slight, between the mouth of one person and the genitalia of another person.

2. Affirmative Consent

   Affirmative Consent is: Informed (knowing), voluntary (freely given), active (not passive), meaning that, through the demonstration of clear words or actions, a person has indicated permission to engage in mutually agreed-upon sexual activity.

Affirmative Consent cannot be gained by taking advantage of the incapacitation of another, where the person initiating sexual activity knew or reasonably should have known that the other was incapacitated.

   a) Incapacitation means that a person lacks the ability to make informed, rational judgments about whether or not to engage in sexual activity. A person who is incapacitated is:
      (i) unable, temporarily or permanently, to give Affirmative Consent because of mental or physical helplessness, sleep, unconsciousness, or lack of awareness that sexual activity is taking place.
      (ii) a person may be incapacitated as a result of the consumption of alcohol or other drugs, or due to a temporary or permanent physical or mental health condition.

b) Affirmative Consent cannot be obtained by Force. Force includes (i) the use of physical violence, (ii) threats, (iii) intimidation, and/or (iv) coercion.

   (i) Physical violence means that a person is exerting control over another person through the use of physical force. Examples of physical violence include, but is not limited to, hitting, punching, slapping, kicking, restraining, choking, and brandishing or using any weapon.
(ii) Threats are words or actions that would compel a reasonable person to engage in unwanted sexual activity. Examples include threats to harm a person physically, to reveal private information to harm a person’s reputation, or to cause a person academic or economic harm.

(iii) Intimidation is an implied threat that menaces or causes reasonable fear in another person. A person’s size, alone, does not constitute intimidation; however, a person’s size may be used in a way that constitutes intimidation (e.g., blocking access to an exit).

(iv) Coercion is the use of an unreasonable amount of pressure to gain sexual access. Coercion is more than an effort to persuade, entice, or attract another person to have sex. When a person makes clear a decision not to participate in a particular form of Sexual Contact or Sexual Intercourse, a decision to stop, or a decision not to go beyond a certain sexual interaction, continued pressure can be coercive. In evaluating whether coercion was used, the University will consider:

(a) the frequency of the application of the pressure,

(b) the intensity of the pressure,

(c) the degree of isolation of the person being pressured, and

(d) the duration of the pressure.

The University offers the following guidance on Affirmative Consent and assessing incapacitation:

A person who wants to engage in a specific sexual activity is responsible for obtaining Affirmative Consent for that activity. Lack of protest does not constitute Affirmative Consent. Lack of resistance does not constitute Affirmative Consent. Silence and/or passivity also do not constitute Affirmative Consent. Relying solely on non-verbal communication before or during sexual activity can lead to misunderstanding and may result in a violation of this Policy. It is important not to make assumptions about whether a potential partner is consenting. In order to avoid confusion or ambiguity, participants must talk with one another before engaging in sexual activity. If confusion or ambiguity arises during sexual activity, participants must stop and clarify a mutual willingness to continue that activity.

Affirmative Consent to one form of sexual activity does not, by itself, constitute Affirmative Consent to any other form of sexual activity. For example, Affirmative Consent to oral-genital contact does not provide Affirmative Consent to vaginal or anal penetration. Affirmative Consent to sexual activity on a prior occasion does not constitute Affirmative Consent to future sexual activity. In cases of prior relationships, the manner and nature of prior communications between the parties and the context of the relationship may have a bearing on the presence of Affirmative Consent.
Affirmative Consent may be withdrawn at any time. An individual who seeks to withdraw Affirmative Consent must communicate, through clear words or actions, a decision to cease the sexual activity. Once Affirmative Consent is withdrawn, the sexual activity must cease immediately.

In evaluating Affirmative Consent in cases of alleged incapacitation, the University asks two questions:

a) Did the person initiating sexual activity know the other party was incapacitated? And if not,

b) Should a sober, reasonable person in the same situation have known the other party was incapacitated?

If the answer to either of these questions is “YES,” Affirmative Consent was absent and the conduct is likely a violation of this policy.

Incapacitation is a state beyond drunkenness or intoxication. A person is not necessarily incapacitated merely as a result of drinking or using drugs. The impact of alcohol and other drugs varies from person to person.

One is not expected to be a medical expert in assessing incapacitation. One must look for common and obvious warning signs showing a person may be incapacitated or approaching incapacitation. Although every individual may manifest signs of incapacitation differently, typical signs include slurred or incomprehensible speech, unsteady gait, combativeness, emotional volatility, vomiting, or incontinence. A person who is incapacitated may not be able to understand some or all of the following questions: “Do you know where you are?” “Do you know how you got here?” “Do you know what is happening?” “Do you know whom you are with?”

One should be cautious before engaging in Sexual Contact or Sexual Intercourse when either party has been drinking alcohol or using other drugs. The introduction of alcohol or other drugs may create ambiguity for either party as to whether Affirmative Consent has been sought or given. If one has doubt about either party’s level of intoxication, forego all sexual activity.

Being impaired by alcohol or other drugs is no defense to any violation of this policy.

3. Sexual Exploitation

Sexual Exploitation is purposely or knowingly doing any of the following:

   a) Causing the incapacitation of another person (through alcohol, drugs, or any other means) for the purpose of compromising that person’s ability to give Affirmative Consent to sexual activity;
b) Allowing third parties to observe private sexual activity from a hidden location (e.g., closet) or through electronic means (e.g., Skype or streaming of images);

c) Engaging in voyeurism (e.g., watching private sexual activity without the consent of the participants or viewing another person’s intimate parts (including genitalia, groin, breasts or buttocks) in a place where that person would have a reasonable expectation of privacy);

d) Recording or photographing private sexual activity and/or a person’s intimate parts (including genitalia, groin, breasts or buttocks) without consent;

e) Disseminating or posting images of private sexual activity and/or a person’s intimate parts (including genitalia, groin, breasts or buttocks) without consent;

f) Prostituting another person; or

g) Exposing another person to a sexually transmitted infection without the other’s knowledge.

4. **Intimate Partner Violence**

Intimate Partner Violence includes any act of violence or threatened act of violence that occurs between individuals who are involved or have been involved in a sexual, dating, spousal, domestic, or other intimate relationship. Intimate Partner Violence\(^2\) may include any form of Prohibited Conduct under this policy, including Sexual Assault, Stalking, and Physical Assault (as defined below).

**Physical Assault** is threatening or causing physical harm or engaging in other conduct that threatens or endangers the health or safety of any person. Physical Assault will be addressed under this policy if it involves Sexual or Gender-Based Harassment, Intimate Partner Violence, or is part of a course of conduct under the Stalking definition.

5. **Stalking**

Stalking\(^3\) occurs when a person engages in a course of conduct directed at a specific person under circumstances that would cause a reasonable person to fear bodily injury or to experience substantial emotional distress.

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

\(^2\) Intimate Partner Violence includes “dating violence” and “domestic violence,” as defined by VAWA. Consistent with VAWA, the University will evaluate the existence of an intimate relationship based upon the Reporting Party’s statement and taking into consideration the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

\(^3\) This definition is consistent with VAWA.
b) Substantial emotional distress means significant mental suffering or anguish.

Stalking includes “cyber-stalking,” a particular form of stalking in which a person uses electronic media, such as the internet, social networks, blogs, cell phones, texts, or other similar devices or forms of contact.

6. Sexual or Gender-Based Harassment

Sexual Harassment is any unwelcome sexual advance, request for sexual favors, or other unwanted conduct of a sexual nature, whether verbal, non-verbal, graphic, physical, or otherwise, when the conditions outlined in (a) and/or (b), below, are present.

Gender-Based Harassment includes harassment based on gender, sexual orientation, gender identity, or gender expression, which may include acts of aggression, intimidation, or hostility, whether verbal or non-verbal, graphic, physical, or otherwise, even if the acts do not involve conduct of a sexual nature, when the conditions outlined below, are present.

a) Submission to or rejection of such conduct is made, either explicitly or implicitly, a term or condition of a person’s employment, academic standing, or participation in any University programs and/or activities or is used as the basis for University decisions affecting the individual (often referred to as “quid pro quo” harassment); or

b) Such conduct creates a Hostile Environment. A “Hostile Environment” exists when the conduct is sufficiently severe, persistent, or pervasive that it unreasonably interferes with, limits, or deprives an individual from participating in or benefitting from the University’s education or employment programs and/or activities. Conduct must be deemed severe, persistent, or pervasive from both a subjective and an objective perspective. In evaluating whether a hostile environment exists, the University will consider the totality of known circumstances, including, but not limited to:

   (i) the frequency, nature and/or severity of the conduct;
   (ii) whether the conduct was physically threatening;
   (iii) the effect of the conduct on the Reporting Party’s mental or emotional state;
   (iv) whether the conduct was directed at more than one person;
   (v) whether the conduct arose in the context of other discriminatory conduct;
   (vi) whether the conduct unreasonably interfered with the Reporting Party’s educational or work performance and/or University programs or activities; and
   (vii) whether the conduct implicates concerns related to academic freedom or protected speech.

A Hostile Environment can be created by persistent or pervasive conduct or by a single or isolated incident, if sufficiently severe. The more severe the conduct, the less need there is to show a repetitive series of incidents to prove a hostile environment, particularly if the conduct is physical. A single incident of Sexual Harassment, for example, may be sufficiently severe
to constitute a hostile environment. In contrast, the perceived offensiveness of a single verbal or written expression, standing alone, is typically not sufficient to constitute a hostile environment.

7. Retaliation

Retaliation means any adverse action taken against a person for making a good faith report of Prohibited Conduct or participating in any proceeding under this policy.

a) Retaliation includes threatening, intimidating, harassing, coercing or any other conduct that would discourage a reasonable person from engaging in activity protected under this policy.

b) Retaliation may be present even where there is a finding of “no responsibility” on the allegations of Prohibited Conduct. Retaliation does not include good faith actions lawfully pursued in response to a report of Prohibited Conduct.

8. Complicity

Complicity is any act taken with the purpose of aiding, facilitating, promoting or encouraging the commission of an act of Prohibited Conduct by another person.

C. APPLICABLE PROCEDURES UNDER THIS POLICY

The specific procedures for reporting, investigating, and resolving Prohibited Conduct are based upon the nature of the Responding Party’s relationship to the University (Student, Employee, or Third Party). Each set of procedures referenced below is guided by the same principles of fairness and respect for Reporting and Responding Parties. “Reporting Party” means the Student, Employee or Third Party who presents as the victim of any Prohibited Conduct under this policy, regardless of whether that person makes a report or seeks action under this policy. “Responding Party” means the Student, Employee or Third Party who has been accused of violating this policy.

A Student or Employee determined by the University to have committed an act of Prohibited Conduct is subject to disciplinary action, up to and including separation from the University. Third Parties who commit Prohibited Conduct may have their relationships with the University terminated and/or their privileges of being on University premises withdrawn.

The procedures referenced below provide for prompt and equitable response to reports of Prohibited Conduct. The procedures designate specific timeframes for major stages of the process and provide for thorough and impartial investigations that afford all parties notice and an opportunity to present witnesses and evidence and to view the information that will be used in determining whether a policy violation has occurred. The University applies the Preponderance of the Evidence standard when determining whether this policy has been violated. “Preponderance of the Evidence” means that it is more likely than not that a policy violation occurred.
1. Where The Responding Party is a Student

The procedures for responding to reports of Prohibited Conduct committed by Students are detailed in Appendix A: Investigating and Resolving Reports of Sexual and Gender-Based Harassment, Sex Discrimination, and Other Forms of Interpersonal Violence Committed Where the Responding Party is a Student.

2. Where The Responding Party is an Employee

The procedures for responding to reports of Prohibited Conduct committed by Employees are detailed in Appendix B: Investigating and Resolving Reports of Sexual and Gender-Based Harassment, Sex Discrimination and Other Forms of Interpersonal Violence Where the Responding Party is an Employee.

3. Where The Responding Party is Both a Student and an Employee

The Student-Responding Party procedures (Appendix A) will apply if the Responding Party is a full-time Student but not a full-time Employee;

The Employee-Responding Party procedures (Appendix B) will apply if the Responding Party is a full-time Employee but not a full-time Student; or

If there is a question as to the predominant role of the Responding Party, the University’s Title IX Coordinator, in consultation with other members of the administration, will determine which of the procedures applies based on the facts and circumstances (such as which role predominates in the context of the Prohibited Conduct). Further, where a Responding Party is both a Student and an Employee, the Responding Party may be subject to any of the sanctions applicable to Students or Employees.

4. Where The Responding Party is a Third Party

The University’s ability to take appropriate corrective action against a Third Party will be determined by the nature of the relationship of the Third Party to the University. The Title IX Coordinator, in consultation with other members of the administration, will determine the appropriate manner of resolution consistent with the University’s commitment to a prompt and equitable process consistent with federal law, federal guidance, and this Policy.

D. RESOURCES AND REPORTING OPTIONS

The University offers a wide range of resources for all Students and Employees to provide support and guidance in response to any incident of Prohibited Conduct. For comprehensive information on accessing University and community resources, including emergency and ongoing assistance; health, mental health, and victim-advocacy services; options for reporting Prohibited Conduct to the University and/or law enforcement; and available support with academics, housing, and employment:

Students should refer to the Resource and Reporting Guide for Students (Appendix C);
Employees should refer to the Resource and Reporting Guide for Employees (Appendix D); and

Third Parties should contact the Title IX Coordinator to discuss available University and/or community resources and reasonably available assistance.

E. Remedial and Protective Measures

The University offers a wide range of resources for Students and Employees, whether as Reporting or Responding Parties, to provide support and guidance throughout the initiation, investigation, and resolution of a report of Prohibited Conduct. The University will offer reasonable and appropriate measures to protect a Reporting Party and facilitate the Reporting Party’s continued access to University employment or education programs and activities. These measures may be both remedial (designed to address a Reporting Party’s safety and well-being and continued access to educational opportunities) or protective (involving action against a Responding Party). Remedial and protective measures for the Reporting Party, which may be temporary or permanent, may include no-contact orders, residence modifications, academic modifications and support, and work schedule modifications. Remedial and protective measures for the Responding Party, which may be temporary or permanent, may include those identified above as well as interim disciplinary suspension, suspension from employment, pre-disciplinary leave (with or without pay), and other measures deemed appropriate by the University. Remedial measures are available regardless of whether a Reporting Party pursues a complaint or investigation under this policy. The University will maintain the privacy of any remedial and protective measures provided under this policy to the extent practicable and will promptly address any violation of the protective measures. The Title IX Coordinator has the discretion to impose and/or modify any interim measure based on all available information, and is available to meet with a Reporting Party or Responding Party to address any concerns about the provision of interim measures.

The University will provide reasonable remedial and protective measures to Third Parties as appropriate and available, taking into account the role of the Third Party and the nature of any contractual relationship with the University.

F. Privacy and Confidentiality

The University is committed to protecting the privacy of all individuals involved in the investigation and resolution of a report under this policy. The University also is committed to providing assistance to help Students, Employees and Third Parties make informed choices. With respect to any report under this policy, the University will make reasonable efforts to protect the privacy of participants, in accordance with applicable state and federal law, while balancing the need to gather information to assess the report and to take steps to eliminate Prohibited Conduct, prevent its recurrence, and remedy its effects.
Privacy and confidentiality have distinct meanings under this policy:

**Privacy** means that information related to a report of Prohibited Conduct will be shared with a limited circle of University Employees who “need to know” in order to assist in the assessment, investigation, and resolution of the report. All Employees who are involved in the University’s response to reports of Prohibited Conduct receive specific training and guidance about sharing and safeguarding private information in accordance with state and federal law. The privacy of Student education records will be protected in accordance with the Family Educational Rights and Privacy Act (“FERPA”), as outlined in the University’s FERPA policy. The privacy of an individual’s medical and related records generally is protected by the Health Insurance Portability and Accountability Act (“HIPAA”), excepting health records protected by FERPA. Access to an Employee’s personnel records is regulated by North Carolina law, including, but not limited to N.C. Gen. Stat. §126-1 et seq. and N.C. Gen. Stat. §132-1 et seq.

**Confidentiality** exists in the context of laws that protect certain relationships, including with medical and clinical care providers (and those who provide administrative services related to the provision of medical and clinical care), mental health providers, counselors, and ordained clergy, all of whom may engage in confidential communications under North Carolina law. The University has designated individuals who have the ability to have privileged communications as “Confidential Employees,” as defined in section H below. When information is shared by an individual with a Confidential Employee or a community professional with the same legal protections, the Confidential Employee (and/or such community professional) cannot reveal the information to any third party except when an applicable law or a court order requires or permits disclosure of such information. Generally, information may be disclosed when:

a) the individual gives written consent for its disclosure;  
b) if someone is clearly likely to do physical harm to yourself or another person in the near future;  
c) if information is shared about currently occurring abuse or neglect of a child or dependent adult; or  
d) if ordered to do so by a judge as part of judicial proceedings.

**G. REPORTING**

There are multiple channels for reporting Prohibited Conduct. A Reporting Party may choose to report to the University, to law enforcement, to both, or to neither. These reporting options are not exclusive. Reporting Parties may simultaneously pursue criminal and disciplinary action. The University will support Reporting Parties in understanding, assessing and pursuing these options.

1. **Medical**

Moses Cone Hospital, Wesley Long Hospital, and Guilford County Family Justice Center are the only centers where an individual can receive a forensic sexual assault examination
by a Sexual Assault Nurse Examiner (also known as “SANE Nurse”) in Guilford County. SANE Nurses can assess injuries related to physical trauma; evaluate for sexually-transmitted infections and possible pregnancy; provide medical care (including medications to prevent infections and pregnancy; and can, within the first 72 hours after a sexual assault, administer a forensic exam.

2. **Law Enforcement**

Reporting Parties have the right to notify or decline to notify law enforcement. In keeping with its commitment to taking all appropriate steps to eliminate, prevent, and remedy all Prohibited Conduct, the University urges Reporting Parties to report Prohibited Conduct immediately to local law enforcement by contacting:

- (336) 334-4444 (On Campus emergencies)
- 911 (Off Campus emergencies)
- University Police (336) 334-5963 (for non-emergencies)
- Greensboro City Police (336) 373-2287 (for non-emergencies)
- Guilford County Sheriff (336) 641-3694 (for non-emergencies)

Police have unique legal authority, including the power to seek and execute search warrants, collect forensic evidence, make arrests, and assist in seeking Emergency Protective Orders. Although a police report may be made at any time, Reporting Parties should be aware that a two-year statute of limitations may apply to certain misdemeanors in North Carolina. The University will assist Reporting Parties in notifying law enforcement if they choose to do so.

3. **The University**

The University also urges anyone who becomes aware of an incident of Prohibited Conduct to report the incident immediately to the University through the following reporting options:

a) By contacting the University’s Dean of Students Office by telephone, email, or in person during regular office hours on the second floor of the Elliott University Center.

b) By contacting the University’s Title IX Coordinator or any Deputy Title IX Coordinator by telephone, email, or in person during regular office hours at their respective locations, email addresses and/or phone numbers listed in the Reporting Guides.

c) By contacting the University’s Provost or Human Resources Offices by telephone, email, or in person during regular office hours at their respective locations, email addresses and/or phone numbers listed in the Reporting Guides.

There is no time limit for reporting Prohibited Conduct to the University under this Policy; however, the University’s ability to respond may diminish over time, as evidence may erode, memories may fade, and Responding Parties may no longer be affiliated with the University. If the Responding Party is no longer a Student or an Employee, the University will provide
reasonably appropriate remedial measures, assist the Reporting Party in identifying external reporting options, and take reasonable steps to eliminate Prohibited Conduct, prevent its recurrence, and remedy its effects.

4. **Amnesty Policy**

The University will not pursue disciplinary action against Reporting Parties or witnesses for disclosure of illegal personal consumption of drugs or alcohol where such disclosures are made in connection with a good faith report or investigation of Prohibited Conduct.

**H. EMPLOYEE RESPONSIBILITY TO REPORT INFORMATION ABOUT PROHIBITED CONDUCT**

An Employee’s responsibility to report incidents of Prohibited Conduct is governed by this policy. Under this Policy, every Employee is encouraged to report incidents of Prohibited Conduct, however, some employees will be designated as either a “Confidential Employee,” or a “Responsible Employee.” (See Appendix E)

A **“Confidential Employee”**

is (1) any Employee who is a licensed medical, clinical or mental-health professional (e.g., physicians, nurses, physicians’ assistants, psychologists, psychiatrists, professional counselors and social workers, and those performing services under their supervision), when acting in that professional role in the provision of services to a patient who is a Student or an Employee (“health care providers”); or (2) any Employee providing administrative, operational and/or related support for such health care providers in their performance of such services; or (3) any Employee explicitly designated as Confidential by the University. A Confidential Employee will not disclose information about Prohibited Conduct to the University’s Title IX Coordinator without permission of the reporter (subject to the exceptions set forth in the Confidentiality section of this policy).

A **“Responsible Employee”**

is any employee who: (1) has the authority to take action to redress sexual violence; (2) has been given the duty of reporting incidents of sexual violence or any other misconduct by students to the Title IX coordinator or other appropriate school designees. Responsible Employees are required to report to the University’s Title IX Coordinator all relevant details (obtained directly or indirectly) about an incident of Prohibited Conduct that involves any Student as a Reporting Party, Responding Party, and/or witness, including dates, times, locations, and names of parties and witnesses. Responsible Employees include Resident Assistants, when disclosures are made to any of them in their capacity as employees. Responsible Employees are not required to report information disclosed (1) at public awareness events (e.g., “Take Back the Night,” candlelight vigils, protests, “survivor speak-outs” or other public forums in which students may disclose incidents of Prohibited Conduct; collectively, “Public Awareness Events”), or (2) during a student’s participation as a subject in an Institutional Review Board-approved human subjects research protocol (“IRB

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5 Questions and Answers D-2
Research”). The University may provide information about Students’ Title IX rights and about available University and community resources and support at Public Awareness Events, however, and Institutional Review Boards may, in appropriate cases, require researchers to provide such information to all Student subjects of IRB Research.

Under this policy, Responsible Employees are required to report to the University’s Title IX Coordinator all relevant details about an incident of Prohibited Conduct where either the Reporting Party or the Responding Party is an Employee. Reporting is required when Responsible Employees know, or should have known (by reason of a direct or indirect disclosure) of such Prohibited Conduct. For academic faculty, Responsible Employees include department chairs, deans, and other unit administrators.

I. CLERY ACT REPORTING

Pursuant to the Clery Act\(^6\), the University includes statistics about certain offenses in its annual security report and provides those statistics to the United States Department of Education in a manner that does not include any personally identifying information about individuals involved in an incident. The Clery Act also requires the University to issue timely warnings\(^7\) to the University community about certain crimes that have been reported and may continue to pose a serious or continuing threat to Students and Employees. Consistent with the Clery Act, the University withholds the names and other personally identifying information of Reporting Parties when issuing timely warnings to the University community.

CONFIDENTIAL RESOURCES

Consistent with the definition of Confidential Employees and licensed community professionals, there are a number of resources within the University and Greensboro communities where Students and Employees can obtain confidential, trauma-informed counseling and support.

Students can also obtain such counseling at the Counseling Center within the Gove Student Health Center (336) 334-5874. For a complete list of University and community-based confidential resources for Students, see the Student Resource Guide (Appendix C).

Employees can also obtain such counseling through the Employee Assistance Program ((800) 630-4847). For a complete list of University and community-based confidential resources for Employees, see the Employee Resource Guide (Appendix F).

\(^6\) 20 U.S.C. §1092(f)
\(^7\) The Clery Act requires UNCG to alert the campus community to certain crimes in a manner that is timely and will aid in the prevention of similar crimes. Although Clery does not define “timely,” because the intent of a warning regarding a criminal incident(s) is to enable people to protect themselves this means that a warning should be issued as soon as the pertinent information is available. This is critical; it’s expected that even if UNCG doesn't have all of the facts surrounding a criminal incident or incidents, a warning will be issued. A follow up will be issued with additional information as it becomes available. Please find Timely Warning Policy in Annual Security Report available here: http://clery.uncg.edu/security_report/
Community resources include: Family Service of the Piedmont (336) 387-6161 or the Guilford County Family Justice Center (336) 641-7233, pursuant to a separate Memorandum of Understanding with the University.

J. OTHER PROCEDURAL NOTES

1. Violations Of Law

Behavior that violates this policy may also constitute a crime under the laws of the jurisdiction in which the incident occurred. For example, North Carolina criminalizes and punishes some forms of Sexual Assault, Sexual Exploitation, Stalking, and Physical Assault. The criminal statutes that may apply in cases of Physical Assault and Stalking are found in various sections of N.C. General Statute Chapter 14, Articles 8 (Assaults), 35 (Stalking), and 26 (Cyberstalking, Sexual Exploitation). The criminal statutes relating to Sexual Assault are found in Article 7 (Rape and Kindred Offenses). Finally, Intimate Partner Violence crimes are found in Chapter 50B. This compilation of criminal statutes is not exhaustive, but is offered to notify the University community that, some forms of Prohibited Conduct may also constitute crimes under North Carolina state law, which may subject a person to criminal prosecution and punishment in addition to any sanctions under this policy.

2. Coordination With Law Enforcement

The Title IX Office will contact any law enforcement agency that is conducting its own investigation to inform that agency that a University investigation is also in progress; to ascertain the status of the criminal investigation; and to determine the extent to which any evidence collected by law enforcement may be available to the University in its investigation. At the request of law enforcement, the Title IX Office may delay the University investigation temporarily (up to ten (10) days) while an external law enforcement agency is gathering evidence. The Title IX Office will promptly resume the University investigation when notified that law enforcement has completed the evidence-gathering stage of its criminal investigation.

3. Presumption of Non-Responsibility and Participation By The Parties

The investigation is a neutral, fact-gathering process. The Responding Party is presumed to be not responsible; this presumption may be overcome only where the Investigator and/or Hearing Panel conclude that there is sufficient evidence, by a Preponderance of the Evidence, to support a finding that the Responding Party violated the Policy. Neither party is required to participate in the investigation or in any form of resolution under these Procedures, and the Investigator will not draw any adverse inference from a decision by either of the parties not to participate.

4. Prior Sexual History

The sexual history of a Reporting Party or Responding Party will never be used to prove character or reputation. Moreover, evidence related to the prior sexual history of either of the parties is generally not relevant to the determination of a Policy violation and will be considered only in limited circumstances. For example, if the existence of Affirmative Consent is at issue, the sexual history between the parties may be relevant to help understand
the manner and nature of communications between the parties and the context of the relationship, which may have bearing on whether Affirmative Consent was sought and given during the incident in question. However, even in the context of a relationship, Affirmative Consent to one sexual act does not, by itself, constitute Affirmative Consent to another sexual act, and Affirmative Consent on one occasion does not, by itself, constitute Affirmative Consent on a subsequent occasion. In addition, prior sexual history may be relevant to explain the presence of a physical injury or to help resolve another question raised by the report. The Investigator will determine the relevance of this information and both parties will be informed if evidence of prior sexual history is deemed relevant.

5. Prior or Subsequent Conduct

Prior or subsequent conduct of the Responding Party may be considered in determining pattern, knowledge, intent, motive, or absence of mistake. For example, evidence of a pattern of Prohibited Conduct by the Responding Party, either before or after the incident in question, regardless of whether there has been a prior finding of a Policy violation, may be deemed relevant to the determination of responsibility for the Prohibited Conduct under investigation. The determination of relevance of pattern evidence will be based on an assessment of whether the previous or subsequent conduct was substantially similar to the conduct under investigation or indicates a pattern of similar Prohibited Conduct. Such prior or subsequent conduct may also constitute a violation of the Policy and/or other University policy, in which case it may subject the Responding Party to additional sanctions. The Investigator will determine the relevance of this information and both parties will be informed if evidence of prior or subsequent conduct is deemed relevant.

6. Obligation to Provide Truthful Information

All University community members are expected to provide truthful information in any report or proceeding under this policy. Submitting or providing false or misleading information in bad faith or with a view to personal gain or intentional harm to another in connection with an incident of Prohibited Conduct is prohibited and subject to disciplinary sanctions under the University’s Code of Conduct and disciplinary action under the appropriate Employee disciplinary policy. This provision does not apply to reports made or information provided in good faith, even if the facts alleged in the report are not later substantiated.

7. Expert Consultation

The Title IX Office may consult and/or coordinate consultation for decision makers for medical, forensic, technological or other experts when expertise on a topic is needed in order to achieve a fuller understanding of the issues under investigation. Neither Reporting nor Responding Parties will be allowed to offer expert testimony or expert witnesses at any stage of the resolution process.

8. Relevance

The Investigator, Dean of Students Office, Office of the Provost, Human Resources, and Hearing chair have the responsibility to determine the relevance of any proffered evidence and to include or exclude certain types of evidence. In general, the Investigator will not consider statements of personal opinion, rather than direct observations or reasonable
inferences from the facts, or statements as to any party’s general reputation for any character evidence.

9. **Other Forms of Discriminatory and/or Harassing Conduct**

If a report of Prohibited Conduct also implicates other forms of discriminatory and/or harassing conduct prohibited by the University policy, the Title IX Coordinator, in consultation with other appropriate Administrators, will evaluate all reported allegations to determine whether the alleged Prohibited Conduct and the alleged violation(s) may be appropriately investigated together without unduly delaying the resolution of the report of Prohibited Conduct. Where the Title IX Coordinator determines that a single investigation is appropriate, the determination of responsibility for the violation of University policy will be evaluated under the applicable policy, but the investigation and resolution will be conducted in accordance with these Procedures.

K. **PREVENTION AND AWARENESS PROGRAMS**

The University is committed to the prevention of Prohibited Conduct through regular and ongoing education and awareness programs. Incoming Students and new Employees receive primary prevention and awareness programming as part of their orientation, and returning Students and current Employees receive ongoing training and related education.

L. **TRAINING**

The University provides training to Students and Employees to ensure they understand this policy and the topics and issues related to maintaining an education and employment environment free from harassment and discrimination.

IV. **ENFORCEMENT**

The Chancellor’s Office, Office of the Provost, Human Resources, Dean of Students Office, and Title IX Office, in cooperation with other University authorities and administrators, will enforce this Policy, and establish standards, procedures, and protocols in support of the policy.

Any violation of this policy by a University student, staff, faculty member, or visitor will be governed by the appropriate code of conduct, dependent on the Responding Party’s affiliation with the University. For a description of the University’s procedures see Appendices A and B. Appropriate corrective action against a third party will be determined by the nature of the relationship of the third party to the University. The Title IX Office will determine the appropriate manner of resolution consistent with this policy.
V. REVIEW

This policy is maintained by the Title IX Coordinator and the Office of the General Counsel. The University will review and update this policy, as appropriate, at least every five (5) years. The University will evaluate, among other things, any changes in legal requirements, existing University resources, and the resolution of cases from the preceding year.

VI. LINKS TO RELATED UNIVERSITY POLICIES

Student Code of Conduct
http://sa.unCG.edu/handbook/student-code-of-conduct/

Section 7 – Employee Relations, Disciplinary Process, Grievance/Appeals SHRA (SPA)
http://web.unCG.edu/hrs/PolicyManuals/StaffManual/Section7/
http://web.unCG.edu/hrs/PolicyManuals/StaffManual/Section7/FINAL-University%20SHRA%20Employee%20Grievance%20Policy-eff-2016-02-01.pdf

Appeal Guidelines for Designated Exempt Employees EPA-Non-Faculty
http://web.unCG.edu/hrs/PolicyManuals/StaffManual/Section7/EPANFAppeals.pdf

Promotion, Tenure, Academic Freedom, and Due Process Regulations for Faculty

Clery Compliance
http://clery.unCG.edu

Federal Education Rights and Privacy Act (FERPA)
University Registrar Links: https://reg.unCG.edu/policies/ferpa/
Dean of Students Office Links: http://sa.unCG.edu/dean/parents/ferpa/

Health Insurance Portability and Accountability Act (HIPAA)
http://policy.unCG.edu/university-policies/hipaa/

VII. LINKS TO RELEVANT GUIDANCE DOCUMENTS

2011 Dear Colleague Letter (issued by The United States Department of Education’s Office for Civil Rights)
http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201104.pdf

2014 Questions and Answers on Title IX and Sexual Violence (issued by The United States Department of Education’s Office for Civil Rights)
http://www2.ed.gov/about/offices/list/ocr/docs/qa-201404-title-ix.pdf
2016 Dear Colleague Letter (issued by The United States Department of Education’s Office for Civil Rights; concerning gender identity and transgender students)  
http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201605-title-ix-transgender.pdf

United States Department of Justice “Overview of Title IX of the Education Amendments of 1972” and related links  

https://www.eeoc.gov/laws/statutes/titlevii.cfm

North Carolina Criminal Code including Rape and Other Sex Offenses  
http://www.ncga.state.nc.us/gascripts/statutes/statutestoc.pl?Chapter=0014

VIII. CONTACT

Please contact the Title IX Coordinator for any comments or questions.
APPENDIX A

INVESTIGATING AND RESOLVING REPORTS OF SEXUAL AND GENDER-BASED HARASSMENT, SEX DISCRIMINATION, AND OTHER FORMS OF INTERPERSONAL VIOLENCE

WHERE THE RESPONDING PARTY IS A STUDENT

University students, faculty, staff, visitors, or third parties who believe they are directly affected by the conduct of a University student may report the Prohibited Conduct to the University through the University Police, Dean of Students Office, or Title IX Office. This Appendix identifies the Procedures the University follows when it receives a report alleging Prohibited Conduct. The University uses these Procedures to investigate and adjudicate any such allegations and to impose disciplinary sanctions against University students found responsible for violating the Policy.  

I. REPORTING

The University encourages anyone who experiences or becomes aware of an incident of Prohibited Conduct involving a Student or Employee to immediately report the incident to the University through the following reporting options:

By contacting University Police, Title IX Coordinator, Dean of Students Office, Office of the Provost, or Human Resources by telephone, email, or in person during regular office hours:

**UNCG Police**
1200 W. Gate City Blvd.
(336) 334-5963
Dean of Students
Elliott University Center
(336) 334-5514
Dean of Students Office@uncg.edu
Human Resources
159 Mossman
(336) 334-5009
btpeace@uncg.edu

**Title IX Coordinator**
Elliott University Center
(336) 256-0362
mechappe@uncg.edu
Office of the Provost
201 Mossman
(336) 334-5494
Alan_Boyette@uncg.edu

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8 These Procedures should be read in conjunction with the Policy. Capitalized terms used and not otherwise defined in these Procedures are defined in the Policy. For purposes of these Procedures, the following definitions apply: (1) the “Title IX Coordinator” means the Title IX Coordinator, any Deputy Title IX Coordinator, and/or any of their respective trained designees; (2) “Supervisor” means the individual or individuals to whom an Employee reports in the context of their employment with the University (for academic faculty, that individual may be the Department Chair, Dean or other unit administrator); and (3) “Human Resources” means University Human Resources.

9 Pursuant to University policy, certain University employees, called “Responsible Employees,” are required to report to the Title IX Coordinator all information disclosed to them about an incident of Prohibited Conduct.

10 Unlike other University offices, University Police operate around the clock and may be contacted 24/7.
A Reporting Party may choose to make a report to the University to pursue resolution under these Procedures and may also choose to make a report to law enforcement. A Reporting Party may pursue either or both of these options at the same time. As set forth in the Policy, a Reporting Party who wishes to pursue criminal action in addition to, or instead of, making a report under these Procedures should contact law enforcement directly:

(336) 334-4444 (On Campus emergencies)
911 (Off Campus emergencies)
University Police (336) 334-5963 (for non-emergencies)
Greensboro City Police (336) 373-2287 (for non-emergencies)
Guilford County Sheriff (336) 641-3694 (for non-emergencies)

The University also offers access to confidential resources for individuals who are unsure about whether to report Prohibited Conduct or are seeking counseling or other emotional support in addition to (or without) making a report to the University. The following guides identify confidential resources, both at the University and in the Greensboro community, and further explain options for reporting Prohibited Conduct to the University and to law enforcement:

Students may refer to the Student Resource Guide (Appendix C);
Employees may refer to the Employee Resource Guide (Appendix D);
Third Parties may contact the University’s Title IX Coordinator.

Reporting Parties are entitled to receive information, assistance and a broad range of support and remedial measures regardless of whether they choose to pursue criminal and/or University disciplinary resolution of Prohibited Conduct. The Student and Employee Resource Guides outline these resources and remedial measures and describe how to request them.

II. EXPECTATIONS OF REPORTING AND RESPONDING PARTIES

Pursuant to these Procedures, Reporting Parties and Responding Parties can expect:

- Prompt and equitable resolution of allegations of Prohibited Conduct;
- Privacy in accordance with the Policy and any legal requirements;
- Reasonably available interim remedial measures, as described in these Procedures and in the applicable Resource Guide;
- Freedom from Retaliation for making a good faith report of Prohibited Conduct or participating in any proceeding under the Policy;
- The responsibility to refrain from Retaliation directed against any person for making a good faith report of Prohibited Conduct or participating in any proceeding under the Policy;
- The responsibility to provide truthful information in connection with any report, investigation, or resolution of Prohibited Conduct under the Policy or these Procedures;
• The opportunity to articulate concerns or issues about proceedings under the Policy and these Procedures;
• Timely notice of any meeting or proceeding at which the party’s presence is contemplated by these Procedures;
• The opportunity to choose an attorney or non-attorney advisor, including the right to have that advisor attend any meeting or proceeding at which the party’s presence is contemplated by these Procedures;
• Written notice of an investigation, including notice of potential Policy violations and the nature of the alleged Prohibited Conduct;
• The opportunity to challenge the Investigator or any member of the Review Panel for bias or conflict of interest; The opportunity to offer information, present evidence, and identify witnesses during an investigation;
• The opportunity to be heard, orally and/or in writing, as to the determination of a Policy violation and the imposition of any sanction(s);
• Timely and equal access to any information that will be used during resolution proceedings and related meetings;
• Reasonable time to prepare any response contemplated by these Procedures;
• Written notice of any extension of timeframes for good cause; and
• Written notice of the outcome of any formal resolution proceedings, including the determination of a Policy violation, and imposition of any sanction(s).

Because of the sensitive nature of alleged prohibited harassment or discrimination, all members of the University community are encouraged to make reasonable efforts to have their concerns addressed through the investigation process. Under the investigation process, responsibility for investigation and resolution of a complaint is assigned to the Title IX Office in coordination with the Dean of Students Office.

III. PROCEDURES AND TIMEFRAMES

A. Filing a Complaint

The University encourages a student or employee who has a concern involving a student to bring a complaint as soon as reasonably possible with the University Police, Dean of Students Office, or Title IX Office. However, there is no time limit for filing a complaint.

B. Investigating a Complaint

1) Initial Notice

Any administrator or supervisor who receives notice of a student’s complaint of alleged prohibited harassment, including sexual misconduct, or discrimination must notify the Dean of Students Office and/or the Title IX Coordinator, preferably immediately, but within five (5) calendar days of receiving the complaint.

2) Conducting the Review
The University expects that an investigation will be performed and the Investigation Report submitted to the Title IX Coordinator and the Dean of Students Office within forty-five (45) calendar days of receiving the complaint unless an extension has been granted.

3) Responding to Report and Notification to the Parties

The Dean of Students Office, in conjunction with the Title IX Office will notify the parties, to the extent permitted by law, in writing, of the results of the investigation and of the efforts to resolve the complaint within ten (10) calendar days after the final Investigation Report is issued.

4) Administrative Responsibility

University administrators and supervisors have special responsibility for implementing these procedures and are required to timely and appropriately respond to concerns. If an employee in an administrative or supervisory position has knowledge of conduct that may constitute prohibited harassment, sexual misconduct, or discrimination or receives a complaint from a University member alleging prohibited harassment, sexual misconduct, or discrimination, the administrator or supervisor must take steps to promptly and appropriately address the matter. Any other student or employee who becomes aware of conduct that may constitute prohibited harassment, sexual misconduct, or discrimination is strongly encouraged to contact the police department, Dean of Students Office, or Title IX Office.

If an administrator becomes aware of prohibited harassment, including sexual misconduct, or discrimination of a student by another student, he/she must take steps to promptly and appropriately address the matter, including contacting the Dean of Students or Title IX Offices. Consistent with the Policy, University administrators and supervisors cannot assure confidentiality if they receive information about conduct that may constitute prohibited harassment or discrimination.

5) Investigation Process

The purpose of an investigation, which will include interviewing the parties and witnesses, is to gather and assess the facts relevant to the complaint and to make recommendations to equitably address the concerns in order to resolve the complaint.

6) Filing a Complaint:

A Reporting Party should bring their complaint directly to the attention of the Dean of Students Office or Title IX Office either orally or in writing. A student may also bring their complaint to the appropriate administrator or supervisor. This may include a department chair, associate dean or other administrator.

Any supervisor or administrator receiving a complaint must contact the Title IX Coordinator or the Dean of Students Office preferably immediately, but within five (5) calendar days from the receipt of the complaint for consultation regarding an appropriate response.

7) Determination of Whether to Conduct an Investigation

The Title IX Office will determine whether to proceed to an investigation based on its assessment of whether there is sufficient information to believe that a policy violation may
have occurred. The Title IX Office will convey this decision in writing to the Reporting and Responding Parties as applicable.

8) Investigating the Complaint

The Investigator is expected to promptly investigate and submit a confidential Investigation Report to the Title IX Office and Dean of Students Office, depending on the Responding Party’s affiliation with the University within forty-five (45) calendar days of receiving the complaint, unless an extension has been granted. If meeting this deadline is not possible, the Investigators will advise the Title IX Office and Dean of Students Office of the need for an extension and request a revised date. The Title IX Office will review the request for a revised date and determine whether an extension is warranted. If the extension is approved, the Title IX Office will provide written notification of the revised date to the parties.

The person(s) accused of prohibited harassment or discrimination must be notified of the complaint, advised of the need for confidentiality and reminded to refrain from any behavior that could in any way be construed as retaliatory.

Both the Reporting and Responding Parties will be given a copy of the Policy and relevant Procedures and also be given an explanation of the Investigation process.

Both the Reporting Party and the Responding Party may provide information relevant to the complaint, including the names of any witnesses to the Investigator or the Title IX Office.

In determining whether alleged conduct violates the Policy and what, if any, corrective action should be taken, the Investigator must consider the record as a whole, including the nature of the alleged conduct and the context in which it occurred, and determine whether a preponderance of the evidence shows that the Policy has been violated.

9) Acceptance of Responsibility

The Responding Party may, at any time, elect to resolve the formal resolution process by accepting responsibility for the Prohibited Conduct, in which case the Title IX Office will refer the matter to the Dean of Students Office for imposition of sanction(s).

10) Report and Documentation

At the conclusion of an investigation, the investigator(s) will prepare a written report (“Investigation Report”) that includes, subject to confidentiality protections provided by the Family Educational Rights and Privacy Act (FERPA) and the State Personnel Act: factual findings, a summary of witness statements, a determination of whether the Policy has been violated, and the resolution of the complaint, including any corrective actions recommended or taken.

The Investigator will prepare a Draft Investigative Report summarizing the information gathered and outlining the contested and uncontested information. The Draft Investigation
Report will not include any findings. The Reporting Party and the Responding Party will have an opportunity to review the Draft Investigation Report; meet with the Investigator; submit additional comments and information to the Investigator; identify any additional witnesses or evidence for the Investigator to pursue; and submit any further questions that they believe should be directed by the Investigator to the other party or to any witness. The Investigator will designate a reasonable time for this review and response by the parties, not to exceed five (5) calendar days. In the absence of good cause, information discoverable through the exercise of due diligence that is not provided to the Investigator during the designated review and response period will not be considered in the determination of responsibility for a violation of the Policy, and will not be considered by the hearing officers.

11) Final Investigation Report

Unless there are significant additional investigative steps requested by the parties or identified by the Investigator, within five (5) calendar days after receipt and consideration of any additional comments, questions and/or information submitted by the parties during the designated review and response period, the Investigator will prepare a Final Investigation Report, which will include a recommendation as to whether there is sufficient evidence, by a Preponderance of the Evidence, to support a finding of responsibility for a violation of the Policy. In reaching this recommended finding, the Investigators may consult with the Office of University Counsel. The Investigator will deliver the Final Investigation Report to the Title IX Coordinator. The Title IX Coordinator will submit the Final Investigation Report to the Dean of Students Office. The Dean of Students Office will proceed in accordance with the procedures outlined in the Student Code of Conduct.

12) Actions Taken as a Result of the Review

If an investigation results in a finding that the conduct or issue complained of violates the Policy, appropriate corrective action must be taken. Corrective action to address the Responding Party’s conduct may include counseling about the behavior, a letter of reprimand, or other appropriate action up to, and including, expulsion or dismissal. The Investigator may also take measures to assist the Reporting Party, including but not limited to, recommending a review of any negative academic decision that may have resulted from the conduct that violated the Policy or informing the Reporting Party of University resources, such as the Counseling Center that may be helpful. If an investigation results in a finding that the conduct or issue complained of is more likely than not to have violated the Policy, all parties will be advised of the finding. The Final Investigation Report will then be forwarded to the Dean of Students Office for final resolution. If an Investigation results in a finding that the conduct or issue complained of does not violate the Policy, all parties will be advised of the finding.
APPENDIX B

INVESTIGATING AND RESOLVING REPORTS OF SEXUAL AND GENDER-BASED HARASSMENT, SEX DISCRIMINATION, AND OTHER FORMS OF INTERPERSONAL VIOLENCE

WHERE THE RESPONDING PARTY IS AN EMPLOYEE

University students, faculty, staff, visitors, or third parties who believe they are directly affected by the conduct of a University employee may report the Prohibited Conduct to the University through the University Police, Dean of Students Office, Title IX Office, Office of the Provost, or Human Resources. This Appendix identifies the Procedures the University follows when it receives a report alleging Prohibited Conduct. The University uses these Procedures to investigate and adjudicate any such allegations and to impose disciplinary sanctions against University employees found responsible for violating the Policy.11

I. REPORTING

The University encourages anyone12 who experiences or becomes aware of an incident of Prohibited Conduct involving a Student or Employee to immediately report the incident to the University through the following reporting options

By contacting University Police, Title IX Coordinator, Dean of Students Office, Office of the Provost, or Human Resources by telephone, email, or in person during regular office hours:

<table>
<thead>
<tr>
<th>UNCG Police</th>
<th>Dean of Students</th>
<th>Human Resources</th>
</tr>
</thead>
<tbody>
<tr>
<td>1200 W. Gate City Blvd.</td>
<td>Elliott University Center</td>
<td>159 Mossman</td>
</tr>
<tr>
<td>(336) 334-5963</td>
<td>(336) 334-5514</td>
<td></td>
</tr>
<tr>
<td>Title IX Coordinator</td>
<td><a href="mailto:Deanofstudentsoffice@uncg.edu">Deanofstudentsoffice@uncg.edu</a></td>
<td>(336) 334-5009</td>
</tr>
<tr>
<td>Elliott University Center</td>
<td>Office of the Provost</td>
<td></td>
</tr>
<tr>
<td>(336) 256-0362</td>
<td>(336) 334-5494</td>
<td></td>
</tr>
<tr>
<td><a href="mailto:mechappe@uncg.edu">mechappe@uncg.edu</a></td>
<td><a href="mailto:Alan_Boyette@uncg.edu">Alan_Boyette@uncg.edu</a></td>
<td></td>
</tr>
</tbody>
</table>

11 These Procedures should be read in conjunction with the Policy. Capitalized terms used and not otherwise defined in these Procedures are defined in the Policy. For purposes of these Procedures, the following definitions apply: (1) the “Title IX Coordinator” means the Title IX Coordinator, any Deputy Title IX Coordinator, and/or any of their respective trained designees; (2) “Supervisor” means the individual or individuals to whom an Employee reports in the context of their employment with the University (for academic faculty, that individual may be the Department Chair, Dean or other unit administrator); and (3) “Human Resources” means University Human Resources.

12 Pursuant to University policy, certain University employees, called “Responsible Employees,” are required to report to the Title IX Coordinator all information disclosed to them about an incident of Prohibited Conduct.
A Reporting Party may choose to make a report to the University to pursue resolution under these Procedures and may also choose to make a report to law enforcement. A Reporting Party may pursue either or both of these options at the same time. As set forth in the Policy, a Reporting Party who wishes to pursue criminal action in addition to, or instead of, making a report under these Procedures should contact law enforcement directly:

(336) 334-4444 (On Campus emergencies)  
911 (Off Campus emergencies)  
University Police (336) 334-5963 (for non-emergencies)  
Greensboro City Police (336) 373-2287 (for non-emergencies)  
Guilford County Sheriff (336) 641-3694 (for non-emergencies)

The University also offers access to confidential resources for individuals who are unsure about whether to report Prohibited Conduct or are seeking counseling or other emotional support in addition to (or without) making a report to the University. The following guides identify confidential resources, both at the University and in the Greensboro community, and further explain options for reporting Prohibited Conduct to the University and to law enforcement:

Students may refer to the Student Resource Guide (Appendix C);  
Employees may refer to the Employee Resource Guide (Appendix D);  
Third Parties may contact the University’s Title IX Coordinator.

Reporting Parties are entitled to receive information, assistance and a broad range of support and remedial measures regardless of whether they choose to pursue criminal and/or University disciplinary resolution of Prohibited Conduct. The Student and Employee Resource Guides outline these resources and remedial measures and describe how to request them.

**II. EXPECTATIONS OF REPORTING AND RESPONDING PARTIES**

Pursuant to these Procedures, Reporting Parties and Responding Parties can expect:

- Prompt and equitable resolution of allegations of Prohibited Conduct;
- Privacy in accordance with the Policy and any legal requirements;
- Reasonably available interim remedial measures, as described in these Procedures and in the applicable Resource Guide;
- Freedom from Retaliation for making a good faith report of Prohibited Conduct or participating in any proceeding under the Policy;
- The responsibility to refrain from Retaliation directed against any person for making a good faith report of Prohibited Conduct or participating in any proceeding under the Policy;
- The responsibility to provide truthful information in connection with any report, investigation, or resolution of Prohibited Conduct under the Policy or these Procedures;
- The opportunity to articulate concerns or issues about proceedings under the Policy and these Procedures;
- Timely notice of any meeting or proceeding at which the party’s presence is contemplated by these Procedures;
- The opportunity to choose an attorney or non-attorney advisor, including the right to have that advisor attend any meeting or proceeding at which the party’s presence is contemplated by these Procedures;
- Written notice of an investigation, including notice of potential Policy violations and the nature of the alleged Prohibited Conduct;
- The opportunity to challenge the Investigator or any member of the Review Panel for bias or conflict of interest;
- The opportunity to offer information, present evidence, and identify witnesses during an investigation;
- The opportunity to be heard, orally and/or in writing, as to the determination of a Policy violation and the imposition of any sanction(s);
- Timely and equal access to any information that will be used during resolution proceedings and related meetings;
- Reasonable time to prepare any response contemplated by these Procedures;
- Written notice of any extension of timeframes for good cause; and
- Written notice of the outcome of any formal resolution proceedings, including the determination of a Policy violation, and imposition of any sanction(s).

Because of the sensitive nature of alleged prohibited harassment or discrimination, all members of the University community are encouraged to make reasonable efforts to have their concerns addressed through the investigation process. Through the investigation process, responsibility for investigation and resolution of a complaint is assigned to the Title IX Office in coordination with the Office of the Provost or Human Resources depending on the Responding Party’s affiliation with the University.

III. PROCEDURES AND TIMEFRAMES

A. Filing a Complaint

The University encourages a student or employee who has a concern involving a faculty or staff member to bring a complaint as soon as reasonably possible with the University Police, Dean of Students Office, Title IX Office, Office of the Provost or Human Resources. However, there is no time limit on filing a complaint.

B. Investigating a Complaint

1) Initial Notice

Any administrator or supervisor who receives notice of a student’s complaint of alleged prohibited harassment, including sexual misconduct, or discrimination must notify the Office of the Provost and/or the Title IX Coordinator, preferably immediately, but within five (5) calendar days of receiving the complaint.

2) Conducting the Review

The University expects that an investigation will be performed and the Investigation Report submitted to the Title IX Coordinator and/or Office of the Provost or Human Resources,
depending on the Responding Party’s affiliation with the University, within forty-five (45) calendar days of receiving the complaint unless an extension has been granted.

3) Responding to Report and Notification to the Parties

The Office of the Provost or Human Resources will notify the parties, to the extent permitted by law, in writing, of the results of the Investigation and of the efforts to resolve the complaint within ten (10) calendar days after the final Investigation Report is issued.

4) Administrative Responsibility

University administrators and supervisors have special responsibility for implementing these procedures and are required to timely and appropriately respond to concerns. If an employee in an administrative or supervisory position has knowledge of conduct that may constitute prohibited harassment, sexual misconduct, or discrimination or receives a complaint from a University member alleging prohibited harassment, sexual misconduct, or discrimination, the administrator or supervisor must take steps to promptly and appropriately address the matter. Any other student or employee who becomes aware of conduct that may constitute prohibited harassment, sexual misconduct, or discrimination is strongly encouraged to contact the police department, Dean of Students Office, or Title IX Office.

If an administrator becomes aware of prohibited harassment, including sexual misconduct, or discrimination of a community member by another community member, they must take steps to promptly and appropriately address the matter, including contacting the Office of the Provost, Human Resources, Dean of Students Office, or Title IX Office. Consistent with the Policy, University administrators and supervisors cannot assure confidentiality if they receive information about conduct that may constitute prohibited harassment or discrimination.

5) Investigation Process

The purpose of an investigation, which will include interviewing the parties and witnesses, is to gather and assess the facts relevant to the complaint and to make recommendations to equitably address the concerns in order to resolve the complaint.

6) Filing a Complaint:

A Reporting Party should bring their complaint directly to the attention of the Dean of Students Office, Title IX Coordinator, or the Office of the Provost either orally or in writing. A student may also bring their complaint to the appropriate administrator or supervisor. This may include a department chair, associate dean or other administrator.

Any supervisor or administrator receiving a complaint must contact the Title IX Coordinator, Dean of Students Office or Office of the Provost, preferably immediately, but within five (5) calendar days from the receipt of the complaint for consultation regarding an appropriate response.

7) Determination of Whether to Conduct an Investigation

The Title IX Office will determine whether to proceed to an investigation based on its assessment of whether there is sufficient information to believe that a policy violation may have occurred. The Title IX Office will convey this decision in writing to the Reporting and Responding Parties as applicable, identify the appropriate administrator(s) to conduct the Investigation (the
“Investigators”, who are usually the Title IX Coordinator paired with a representative from the Office of the Provost or Human Resources, depending on the Responding Party’s affiliation with the University. The Title IX Office will also notify the appropriate Dean, Director or Department Chair.

a) Investigation Deemed Appropriate
   If the Reporting Party alleges conduct that appears to violate the Policy, the Title IX Office will initiate an investigation.

b) Investigation Not Deemed Appropriate
   If an investigation is not deemed appropriate under this Policy, the Title IX Office will meet with the Reporting Party to explain the reason and discuss other options for addressing their concerns.

8) Investigating the Complaint

   The Investigator/s is/are expected to promptly investigate and submit a confidential Investigation Report to the Title IX Office, Office of the Provost, and/or Human Resources, depending on the Responding Party’s affiliation with the University within forty-five (45) calendar days of receiving the complaint, unless an extension has been granted. If meeting this deadline is not possible, the Investigators will advise the Title IX Office, Office of the Provost, or Human Resources, of the need for an extension and request a revised date. The Title IX Office will review the request for a revised date and determine whether an extension is warranted. If the extension is approved, the Title IX Office will provide written notification of the revised date to the parties.

   The person(s) accused of prohibited harassment or discrimination must be notified of the complaint, advised of the need for confidentiality and reminded to refrain from any behavior that could in any way be construed as retaliatory.

   Both the Reporting and Responding Parties will be given a copy of the Policy and relevant Procedures and also be given an explanation of the Investigation process.

   Both the Reporting Party and the Responding Party may provide information relevant to the complaint, including the names of any witnesses to the Investigationer(s) or the Title IX Office.

   In determining whether alleged conduct violates the Policy and what, if any, corrective action should be taken, the Investigationer must consider the record as a whole, including the nature of the alleged conduct and the context in which it occurred, and determine whether a preponderance of the evidence shows that the Policy has been violated.

9) Acceptance of Responsibility

   The Responding Party may, at any time, elect to resolve the formal resolution process by accepting responsibility for the Prohibited Conduct, in which case the Title IX Office will refer the matter to the Office of the Provost or Human Resources for imposition of sanction(s).

10) Report and Documentation
At the conclusion of an Investigation, the Investigationer(s) will prepare a written report ("Investigation Report") that includes, subject to confidentiality protections provided by the Family Educational Rights and Privacy Act (FERPA) and the State Personnel Act: factual findings, a summary of witness statements, a determination of whether the Policy has been violated, and the resolution of the complaint, including any corrective actions recommended or taken.

The Investigator will prepare a Draft Investigation Report summarizing the information gathered and outlining the contested and uncontested information. The Draft Investigation Report will not include any findings. The Reporting Party and the Responding Party will have an opportunity to review the Draft Investigation Report; meet with the Investigator; submit additional comments and information to the Investigator; identify any additional witnesses or evidence for the Investigator to pursue; and submit any further questions that they believe should be directed by the Investigator to the other party or to any witness. The Investigator will designate a reasonable time for this review and response by the parties, not to exceed five (5) calendar days. In the absence of good cause, information discoverable through the exercise of due diligence that is not provided to the Investigator during the designated review and response period will not be considered in the determination of responsibility for a violation of the Policy, and will not be considered by the hearing officers.

a) Final Investigation Report. Unless there are significant additional investigative steps requested by the parties or identified by the Investigator, within five (5) calendar days after receipt and consideration of any additional comments, questions and/or information submitted by the parties during the designated review and response period, the Investigator will prepare a Final Investigation Report, which will include a recommendation as to whether there is sufficient evidence, by a Preponderance of the Evidence, to support a finding of responsibility for a violation of the Policy. In reaching this recommended finding, the Investigators may consult with the Office of University Counsel. The Investigator will deliver the Final Investigation Report to the Title IX Coordinator. The Title IX Coordinator will forward the Investigation Report to the Office of the Provost or Human Resources, depending on the affiliation of the Responding Party with the University.

b) Recommended Finding(s) of Responsibility. When the Investigators determine that there is sufficient evidence, by a Preponderance of the Evidence, to support a finding of responsibility on one or more of the allegations, the Responding Party may accept or contest such recommended finding(s) by so notifying the Title IX Coordinator, in writing. If the Responding Party accepts the recommended finding(s) of responsibility, the Title IX Coordinator will refer the case to the Office of the Provost or Human Resources for final resolution.

Upon receipt of the Investigation Report, the Office of the Provost and/or Human Resources shall have no more than five (5) calendar days to either accept or reject the recommendations contained in the report, subject to any appeal rights.
The Office of the Provost or Human Resources will notify the parties, to the extent permitted by law, of the results of the review and of efforts to resolve the complaint within ten (10) calendar days after the final Investigation report is issued. The Title IX Office will inform the Reporting Party that appropriate corrective action has been taken, but cannot reveal the specifics of the action if it is a confidential personnel action. Additional information regarding what may and may not be reported to either party is available from the Office of University Counsel.

The University will also maintain an appropriate record in the confidential departmental personnel file and the appropriate student’s file.

11) Actions Taken as a Result of the Review

If an investigation results in a finding that the conduct or issue complained of violates the Policy, appropriate corrective action must be taken. Corrective action to address the Responding Party’s conduct may include counseling about the behavior, a letter of reprimand, or other appropriate action up to, and including, suspension or dismissal. The Investigator may also take measures to assist the Reporting Party, including but not limited to, recommending a review of any negative academic decision that may have resulted from the conduct that violated the Policy or informing the Reporting Party of University resources, such as the Employee Assistance Program that may be helpful.

If an Investigation results in a finding that the conduct or issue complained of does not violate the Policy, all parties will be advised of the finding and the basis thereof.

12) Appeal of an Investigation

A Reporting Party or Responding Party who is unsatisfied with the outcome of the investigation may appeal the finding through the appropriate Grievance Procedures, depending on the Responding Party’s affiliation with the University. A grievance must be filed according to that Committee’s established procedures, and that Committee will proceed under its established procedures.

13) Time Frames for Filing an Appeal

Reporting or Responding Parties have three (3) calendar days from the date of notification of the investigation findings to file an appeal if he/she feels that the investigation failed to produce an equitable resolution.
How to Get Help in the Event of an Emergency

Individuals who experience sexual assault or any other form of interpersonal violence are strongly encouraged to seek immediate help including medical attention, seeking confidential counseling or crisis response, reporting to law enforcement, and/or reporting to the University.

<table>
<thead>
<tr>
<th>Emergency Response</th>
<th>Medical Treatment</th>
<th>Counseling &amp; Crisis Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Emergency Law Enforcement</td>
<td>Guilford County Family Justice Center: Monday-Friday, 8:30-4:30pm</td>
<td>Local Resources:</td>
</tr>
<tr>
<td>911 (from anywhere)</td>
<td>336-641-7273</td>
<td>Family Service of the Piedmont</td>
</tr>
<tr>
<td>UNCG Police Department:</td>
<td>• Confidential medical care for students – emergency contraceptives, pregnancy tests, screening for STIs</td>
<td>24-hour rape crisis line</td>
</tr>
<tr>
<td>336-334-4444 (emergency)</td>
<td>• Sexual assault exams/evidence collection</td>
<td>336-273-7273</td>
</tr>
<tr>
<td>336-334-5963 (non-emergency)</td>
<td>• Safety planning, assistance in filing emergency protective orders</td>
<td>• Confidential support for victims</td>
</tr>
<tr>
<td>Greensboro Police:</td>
<td>• Criminal investigations, meet with detectives</td>
<td>• Support/advocate for all patients seeking medical attention</td>
</tr>
<tr>
<td>336-373-2287 (non-emergency)</td>
<td>• Mental health/counseling services</td>
<td>• Emergency shelter placement</td>
</tr>
<tr>
<td>High Point Police</td>
<td>Moses Cone and Wesley Long Hospital: 24-hour emergency room</td>
<td>UNCG Counseling Center</td>
</tr>
<tr>
<td>336-883-3224</td>
<td>336-832-700</td>
<td>During business hours:</td>
</tr>
<tr>
<td><a href="http://www.highpointnc.gov/police/">http://www.highpointnc.gov/police/</a></td>
<td>• Confidential care for students</td>
<td>336-334-5874</td>
</tr>
<tr>
<td>Guilford County Sheriff:</td>
<td>• Sexual assault exams/evidence collection</td>
<td>After business hours:</td>
</tr>
<tr>
<td>336-641-3694</td>
<td>• Screening and treatment of sexually transmitted infections</td>
<td>336-334-4444</td>
</tr>
<tr>
<td><a href="http://www.gcsonc.com/">http://www.gcsonc.com/</a></td>
<td>• Emergency contraceptives</td>
<td>• Police can connect you to counselor on evening and weekends</td>
</tr>
<tr>
<td></td>
<td>• Pregnancy tests</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Info regarding sexual assault exams can be found below.</td>
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</tr>
<tr>
<td></td>
<td>Survivor's Assistance Fund is available to offset medical experience resulting from a sexual assault.</td>
<td></td>
</tr>
<tr>
<td>Police have unique authority to seek and execute search warrants, collect forensic evidence, and make an arrest when supported by probably cause to believe a crime has been committed.</td>
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<tr>
<td>UNCG police have jurisdiction when incidents occur on-campus. If you are unsure of jurisdiction or which department should be called, call “911” and Students will be directed to appropriate Police Department.</td>
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</tbody>
</table>
Sexual Assault Examinations

An individual who has experienced a sexual assault and wishes to receive a forensic sexual assault examination should call the Family Service of the Piedmont’s Crisis Line at (336) 273-7273. Students are not required to report an incident to law enforcement or the University in order to receive medical attention or a forensic exam.

Moses Cone Hospital, Wesley Long Hospital, and Guilford County Family Justice Center are the only centers where an individual can receive a forensic sexual assault examination by a Sexual Assault Nurse Examiner (also known as “SANE Nurse”) in Guilford County. SANE Nurses can assess injuries related to physical trauma; evaluate for sexually-transmitted infections and possible pregnancy; provide medical care (including medications to prevent infections and pregnancy; and can, within the first 72 hours after a sexual assault, administer a forensic exam.

During the Exam

The SANE Nurse documents and collects evidence of sexual contact and/or physical trauma (including injuries to the body and genitals), trace evidence, biological fluids, and identifiable DNA. When there is reason to believe that an assault may have been facilitated by the use of drugs or alcohol, the forensic exam may also include the collection of urine and blood samples for toxicology testing.

Students may have a support person of their choosing present throughout the forensic exam. Family Service of the Piedmont ensures that an advocate from the Rape & Victim Assistance Program is available to all patients. Students may accept or decline this service.

Forensic evidence will be stored for at least 1 year in a central repository when completing an anonymous exam. If the Reporting Party does not wish to file an official police report, the law enforcement officer will make a brief report (containing no personally identifiable information).

Regardless of whether a forensic exam is obtained within the first 72 hours after a sexual assault, Students are encouraged to seek follow-up care to address any ongoing medical concerns. Students may access follow-up care at the Gove Student Health Center or through any appropriate health care provider outside of the University.

Preparing for a SANE Exam

Try to avoid activities that could potentially damage evidence if possible such as:

- Bathing and/or showering
- Combing your hair
- Using the restroom
- Changing your clothes
- Cleaning up the area where the assault took place

It’s natural to want to go through these motions after a traumatic experience. If you have done any of these activities, you can still have an exam performed. You may want to bring a spare change of clothes with you to the hospital or health facility where you’re going to have the exam.
What Are Your Reporting Options?

**FILING WITH UNIVERSITY (STUDENT CONDUCT VIOLATIONS)**

*What Does This Mean:* Students can choose to file a report to the University ("Reporting Party") if the assailant is/was also a student or employee. The University can then bring charges against the assailant ("Responding Party") for violations to the Student Code of Conduct or the Faculty/Staff Policy Manual. Making a report to the University does not require participation in any subsequent University proceedings. There is no time limit for reporting Prohibited Conduct to the University.

*After a Student Reports:* The University is committed to provide support to all students. Support and protective measures vary case by case, but some examples include:

- No-contact order between Reporting and Responding parties.
- Arrange access to counseling services
- Modify on-campus housing arrangements or parking
- Modify class schedules or other academic support

If “Responding Party” is found responsible for violations to charges filed by the University, various sanctions may be distributed including possible temporary or indefinite suspension, expulsion.

*How Do I Report to University:*

<table>
<thead>
<tr>
<th></th>
<th>Dean of Students Office</th>
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<tbody>
<tr>
<td>Murphie Chappell</td>
<td>210 Elliott University Center</td>
</tr>
<tr>
<td>Title IX Coordinator</td>
<td>336-334-5514</td>
</tr>
<tr>
<td>238 Elliott University Center</td>
<td><a href="mailto:deanofstudents@uncg.edu">deanofstudents@uncg.edu</a></td>
</tr>
<tr>
<td>336-256-0362</td>
<td></td>
</tr>
<tr>
<td><a href="mailto:mechappe@uncg.edu">mechappe@uncg.edu</a></td>
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</table>

*Students should be aware that all disclosures of Prohibited Conduct to any “responsible employee” will be reported to the Title IX Coordinator.*

**FILING WITH LAW ENFORCEMENT (CRIMINAL INVESTIGATIONS)**

*What Does This Mean:* The police with proper jurisdiction (referenced above) will conduct a thorough investigation and collect evidence including witness statements, SANE kit if completed, and other forensic evidence. Reporting an assault to campus or Greensboro police does not commit a person to pressing charges or prosecuting the assailant. For most assaults in North Carolina, there is no statute of limitations for crimes; however, reporting earlier will allow a more thorough investigation to occur.

*After a Student Reports:* The evidence and case will be passed on the Guilford County’s District Attorney’s Office where they will decide if the case will be tried or not. If the District Attorney decides to try the case, then it will be heard in criminal court.

*How Do I Report to Law Enforcement:*

<table>
<thead>
<tr>
<th></th>
<th>Greensboro Police:</th>
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<tbody>
<tr>
<td>UNCG Police Department:</td>
<td>300 West Washington Street</td>
</tr>
<tr>
<td>1210 West Gate City Blvd.</td>
<td>911 (emergency)</td>
</tr>
<tr>
<td>336-334-4444 (emergency)</td>
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</tbody>
</table>

*The Dean of Students Office and Title IX Coordinator can also connect you with the UNCG Police Department. While filing a report with the University, it is possible for law enforcement agencies to be present as well. This is done in an attempt to streamline the reporting process – and keep the survivor from having to retell the account multiple times.*
**Assistance without Reporting (Confidential Resources)**

<table>
<thead>
<tr>
<th>Resource</th>
<th>Contact Info</th>
<th>Hours of Operation</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>UNCG Counseling Center</td>
<td>336-334-5874 <a href="http://shs.uncg.edu/cc">http://shs.uncg.edu/cc</a> Gove Student Health Center</td>
<td>Monday-Friday, 8am-6pm</td>
<td>Free</td>
</tr>
<tr>
<td>Vacc Counseling and Consulting Clinic</td>
<td>336-334-5112 <a href="mailto:cedclinic@uncg.edu">cedclinic@uncg.edu</a> 223 Ferguson Building</td>
<td>Monday-Wednesday, 8am-8pm  Wednesday, 8am-6pm Friday, 9am-4pm</td>
<td>Contact clinic for info on sliding scale costs</td>
</tr>
<tr>
<td>UNCG Psychology Clinic</td>
<td>336-334-5662 <a href="https://psy.uncg.edu/clinic/">https://psy.uncg.edu/clinic/</a> 1100 W. Market Street</td>
<td>Monday-Thursday, 8:30am-8pm 8am-6pm Friday, 8:30-7pm</td>
<td>Contact clinic for info on insurance and costs</td>
</tr>
<tr>
<td>Family Service of the Piedmont Counseling</td>
<td>336-387-6161 <a href="mailto:clinincalservices@fspcares.org">clinincalservices@fspcares.org</a> 315 East Washington Street</td>
<td>Monday-Friday, 8:30am-2:30pm</td>
<td>Contact FSP</td>
</tr>
</tbody>
</table>

**Additional Resources on Campus**

**Office of Intercultural Engagement (OIE)**
Works with students and university offices to create a community in which all students feel safe and empowered. This office offers advocacy, programming, and support systems to traditionally underserved populations (such as, but not limited to race, ethnicity, sexual orientation, gender identity, and gender expression).
336-334-5090

**Office of Accessibility, Resources, and Services (OARS)**
The Office of Accessibility Resources and Services provides, coordinates, and advocates for services which enable students with disabilities to receive equal access to a college education and to all aspects of university life.
336-334-5440

**Student Success Center (SSC)**
The SSC is composed of four academic support offices that assist students as they persist toward an undergraduate degree and develop into lifelong learners. Services provided in the SSC include tutoring, academic skills instruction, and academic workshops.
336-334-3878

**Housing & Residence Life (HRL)**
Housing and Residence Life encompasses all residence halls and apartments that are on campus including managing health, safety, and special accommodations
336-334-5636
# RESOURCE AND REPORTING GUIDE FOR EMPLOYEES

## How to Get Help in the Event of an Emergency

Individuals who experience sexual assault or any other form of interpersonal violence are strongly encouraged to seek immediate help including medical attention, seeking confidential counseling or crisis response, filing a report with law enforcement, and/or making a report to the University.

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<td><strong>Local Resources:</strong>&lt;br&gt;<em>Family Service of the Piedmont</em>&lt;br&gt;24-hour rape crisis line&lt;br&gt;<em>336-273-7273</em>&lt;br&gt;• Confidential support for victims&lt;br&gt;• Support/advocate for all patients seeking medical attention&lt;br&gt;• Emergency shelter placement</td>
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<td><strong>UNCG Police Department:</strong>&lt;br&gt;336-334-4444 (emergency)&lt;br&gt;336-334-5963 (non-emergency)</td>
<td><strong>Guilford County Sheriff:</strong>&lt;br&gt;336-641-3694&lt;br&gt;<a href="http://www.gcsconc.com/">http://www.gcsconc.com/</a></td>
<td><strong>Monarch Counseling</strong>&lt;br&gt;24-hour crisis line&lt;br&gt;<em>336-676-6840</em></td>
</tr>
<tr>
<td><strong>Greensboro Police:</strong>&lt;br&gt;336-373-2287 (non-emergency)&lt;br&gt;<a href="http://www.greensboro-nc.gov/index.aspx?page=1045">http://www.greensboro-nc.gov/index.aspx?page=1045</a></td>
<td><strong>Moses Cone and Wesley Long Hospital:</strong>&lt;br&gt;24-hour emergency room&lt;br&gt;<em>336-832-7000</em>&lt;br&gt;• Confidential care for patients&lt;br&gt;• Sexual assault exams/evidence collection&lt;br&gt;• Screening and treatment of sexually transmitted infections&lt;br&gt;• Emergency contraceptives&lt;br&gt;• Pregnancy tests</td>
<td><strong>ComPysch Guidance</strong>&lt;br&gt;24-hour resource&lt;br&gt;<em>800-630-4847</em>&lt;br&gt;• Part of Employee Assistance Program that provides no-cost confidential counseling&lt;br&gt;• Legal support and resources</td>
</tr>
<tr>
<td><strong>High Point Police</strong>&lt;br&gt;336-883-3224&lt;br&gt;<a href="http://www.highpointnc.gov/police/">http://www.highpointnc.gov/police/</a></td>
<td><strong>Monarch Counseling</strong> 24-hour crisis line&lt;br&gt;<em>336-676-6840</em></td>
<td><strong>National Resources:</strong>&lt;br&gt;<em>National Sexual Assault Hotline:</em>&lt;br&gt;800-656-4673</td>
</tr>
<tr>
<td><strong>Guilford County Sheriff:</strong>&lt;br&gt;336-641-3694&lt;br&gt;<a href="http://www.gcsconc.com/">http://www.gcsconc.com/</a></td>
<td><strong>Monarch Counseling</strong> 24-hour crisis line&lt;br&gt;<em>336-676-6840</em></td>
<td><strong>RAINN Online Hotline</strong>&lt;br&gt;<a href="ohl.rainn.org/online">ohl.rainn.org/online</a></td>
</tr>
</tbody>
</table>

*Police have unique authority to seek and execute search warrants, collect forensic evidence, and make an arrest when supported by probable cause to believe a crime has been committed.*

*UNCG police have jurisdiction when incidents occur on-campus. If you are unsure of jurisdiction or which department should be called, call “911” and Employees will be directed to appropriate Police Department.*

Info regarding sexual assault exams can be found below.

Survivor’s Assistance Fund is available to offset medical experience resulting from a sexual assault.
Sexual Assault Examinations

An individual who has experienced a sexual assault and wishes to receive a forensic sexual assault examination should call the Family Service of the Piedmont’s Crisis Line at (336) 273-7273. Employees are not required to report an incident to law enforcement or the University in order to receive medical attention or a forensic exam.

Moses Cone Hospital, Wesley Long Hospital, and Guilford County Family Justice Center are the only centers where an individual can receive a forensic sexual assault examination by a Sexual Assault Nurse Examiner (also known as “SANE Nurse”) in Guilford County. SANE Nurses can assess injuries related to physical trauma; evaluate for sexually-transmitted infections and possible pregnancy; provide medical care (including medications to prevent infections and pregnancy; and can, within the first 72 hours after a sexual assault administer a forensic exam.

Preparing for a SANE Exam

Try to avoid activities that could potentially damage evidence if possible such as:

- Bathing and/or showering
- Using the restroom
- Changing your clothes
- Combing your hair
- Cleaning up the area where the assault took place
It’s natural to want to go through these motions after a traumatic experience. If you have done any of these activities, you can still have an exam performed. You may want to bring a spare change of clothes with you to the hospital or health facility where you’re going to have the exam.

**What Are Your Reporting Options?**

<table>
<thead>
<tr>
<th>FILING WITH UNIVERSITY (POLICY CONDUCT VIOLATIONS)</th>
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</thead>
<tbody>
<tr>
<td><strong>What Does This Mean:</strong> Employees can choose to file a report to the University (“Reporting Party”) if the assailant (“Responding Party”) is/was also a student or employee. The University can then bring charges against the assailant for violations of this Policy. Making a report to the University does not require participation in any subsequent University proceedings. There is no time limit for reporting Prohibited Conduct to the University.</td>
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<tr>
<td><strong>After an Employee Reports:</strong> The University is committed to provide support to all employees. Support and protective measures vary case by case, but some examples include:</td>
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<tr>
<td>• No-contact order between Reporting and Responding parties.</td>
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<td>• Arrange access to counseling services</td>
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<tr>
<td>• Modify on-campus parking arrangements or phone number</td>
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<tr>
<td>• Modify work schedule and/or work location</td>
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<tr>
<td>If “Responding Party” is found responsible for violations to charges filed by the University, various sanctions may be distributed including possible temporary or indefinite suspension, expulsion.</td>
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<tr>
<td><strong>How Do I Report to University:</strong></td>
</tr>
<tr>
<td>Murphie Chappell</td>
</tr>
<tr>
<td>Title IX Coordinator</td>
</tr>
<tr>
<td>238 Elliott University Center</td>
</tr>
<tr>
<td>336-256-0362</td>
</tr>
<tr>
<td><a href="mailto:mechappe@uncg.edu">mechappe@uncg.edu</a></td>
</tr>
<tr>
<td>Benita Peace</td>
</tr>
<tr>
<td>Human Resources/ADA</td>
</tr>
<tr>
<td>159 Mossman</td>
</tr>
<tr>
<td>336-334-4510</td>
</tr>
<tr>
<td><a href="mailto:btpeace@uncg.edu">btpeace@uncg.edu</a></td>
</tr>
<tr>
<td>Alan Boyette</td>
</tr>
<tr>
<td>Vice Provost</td>
</tr>
<tr>
<td>201 Mossman</td>
</tr>
<tr>
<td>336-334-5494</td>
</tr>
<tr>
<td><a href="mailto:alan_boyette@uncg.edu">alan_boyette@uncg.edu</a></td>
</tr>
<tr>
<td><strong>FILING WITH LAW ENFORCEMENT (CRIMINAL INVESTIGATIONS)</strong></td>
</tr>
<tr>
<td><strong>What Does This Mean:</strong> The police with proper jurisdiction (referenced above) will conduct a thorough investigation and collect evidence including witness statements, SANE kit if completed, and other forensic evidence. Reporting an assault to campus or Greensboro police does not commit a person to pressing charges or prosecuting the assailant. For most assaults in North Carolina, there is no statute of limitations for crimes; however, reporting earlier will allow a more thorough investigation to occur.</td>
</tr>
<tr>
<td><strong>After an Employee Reports:</strong> The evidence and case will be passed on the Guilford County’s District Attorney’s Office where they will decide if the case will be tried or not. If the District Attorney decides to try the case, then it will be heard in criminal court.</td>
</tr>
<tr>
<td><strong>How Do I Report to Law Enforcement:</strong></td>
</tr>
<tr>
<td><strong>UNCG Police Department:</strong></td>
</tr>
<tr>
<td>1210 West Gate City Blvd.</td>
</tr>
<tr>
<td>336-334-4444 (emergency)</td>
</tr>
<tr>
<td><strong>Greensboro Police:</strong></td>
</tr>
<tr>
<td>300 West Washington Street</td>
</tr>
<tr>
<td>911 (emergency)</td>
</tr>
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</table>

Human Resources, Office of the Provost, and Title IX Coordinator can also connect you with the UNCG Police Department. While filing a report with the University, it is possible for law enforcement agencies to be present as well. This is done in an attempt to streamline the reporting process – and keep the survivor from having to retell the account multiple times.
Assistance without Reporting (Confidential Resources)

<table>
<thead>
<tr>
<th>Resource</th>
<th>Contact Info</th>
<th>Hours of Operation</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>ComPsych Guidance Resources</td>
<td>800-630-4847 guidanceresources.com (Company ID: UNCG)</td>
<td>24 hours, 7 days a week</td>
<td>3 in-person counseling sessions for free</td>
</tr>
<tr>
<td>Vacc Counseling and Consulting Clinic</td>
<td>336-334-5112 <a href="mailto:cedclinic@uncg.edu">cedclinic@uncg.edu</a> 223 Ferguson Building</td>
<td>Monday-Wednesday, 8am-8pm Thursday, 8am-6pm Friday, 9am-4pm</td>
<td>Contact clinic for info on sliding scale costs</td>
</tr>
<tr>
<td>UNCG Psychology Clinic</td>
<td>336-334-5662 <a href="https://psy.uncg.edu/clinic/">https://psy.uncg.edu/clinic/</a> 1100 W. Market Street</td>
<td>Monday-Thursday, 8:30am-8pm Friday, 8:30-7pm</td>
<td>Contact clinic for info on insurance and costs</td>
</tr>
<tr>
<td>Family Service of the Piedmont Counseling</td>
<td>336-387-6161 <a href="mailto:clinincalservices@fspcares.org">clinincalservices@fspcares.org</a> 315 East Washington Street</td>
<td>Monday-Friday, 8:30am-2:30pm</td>
<td>Contact FSP</td>
</tr>
</tbody>
</table>

Additional Resources

Human Resources (HR)
Works with employees related to all needs related to their employment. They are able to assist in providing any necessary accommodations at work. This office focuses on affirmative action and equal opportunity, employee relations, and employee services.
336-334-5009

Family Justice Center of Guilford County
A public safety initiative to assist victims of violence. It is a single point access to services for victims of domestic violence, sexual assault, child abuse, and elder abuse. This center houses over 17 agencies (including medical, legal, and mental health support) to provide consolidated and coordinated services to families in need.
336-641-2809
Consistent with Title IX and other applicable state and federal law, this appendix outlines the options available to students and employees to disclose alleged Prohibited Conduct to University employees to respond to such disclosures, including the responsibilities of certain University employees, called “Responsible Employees,” to report such disclosures to the University’s Title IX Coordinator, so that the University may provide appropriate support, resources, and interim measures, take immediate and appropriate steps to investigate what occurred, and take prompt and effective action to end any Prohibited Conduct, remedy its effects, and prevent its recurrence. All University employees are also required to complete training in order to understand their responsibilities in this area, including how to respond to disclosures of alleged Prohibited Conduct.

I. CONFIDENTIAL EMPLOYEES

Confidential Employees are not required to disclose information about Prohibited Conduct to the University without the student’s or employee’s permission (subject to the exceptions set forth in the Confidentiality section of this policy).

There are three categories of Confidential Employees:

A. Any employee who is a licensed medical, clinical or mental-health professional (e.g. physicians, nurses, physicians’ assistants, psychologists, psychiatrists, professional counselors and social workers, and those performing services under their supervision, when acting in that professional role in the provision of services to a patient who is a student or employee.

B. Any employee providing administrative, operational and/or related support for such health care providers in their performance of such services.

C. Any employee explicitly designated as Confidential by the University.

Please keep in mind that professionally-licensed employees will only be considered as confidential employees when acting in their professionally licensed role. For instance, a nurse who also serves as a faculty member will not be a confidential employee while teaching.

Confidential Employees at UNCG include:

- Employees at the Student Health Center
- Employees at the Student Counseling Center
- Sexual Violence Campus Advocate

II. RESPONSIBLE EMPLOYEES
Responsible Employees are required to report to the University’s Title IX Coordinator all relevant details disclosed by a reporting party about an incident of Prohibited Conduct that involves any Student or employee as a Reporting Party, Responding Party, and/or witness, including dates, times, locations, and names of parties and witnesses.

Responsible Employees are not required to report information disclosed:

A. At public awareness events (e.g., Take Back the Night, candlelight vigils, protests, survivor speak outs, or other public forums in which students or employees may disclose incidents of Prohibited Conduct; collectively, “Public Awareness Events”). If hosting or attending an event not mentioned, please contact the Title IX Coordinator before the event for appropriate designation.

B. During a student or employee’s participation as a subject in an Institutional Review Board-approved human subjects research protocol (“IRB Research”).

The University may provide information about Students’ Title IX rights and about available University and community resources and support at Public Awareness Events, however, and Institutional Review Boards may, in appropriate cases, require researchers to provide such information to all student subjects of IRB research.

Responsible Employees at UNCG include:

- Title IX Coordinator
- Dean of Students and their direct reports
- Chancellor, Chief of Staff, and Associate Chief of Staff
- Provost and Vice Provosts
- Vice Chancellors
- Associate and Assistant Vice Chancellors
- Directors and Assistant Directors
- General Counsel, Assistant and Associate General Counsel
- University Police Department
- Director of Athletics and their direct reports
- Coaches of Varsity Athletics
- Deans, Assistant and Associate Deans Department Chairs and Heads
- Directors of Undergraduate or Graduate Studies
- Directors of Research and/or Instructional Centers
- Staff members within the Office of Human Resources
- Faculty and/ or Staff Advisors to officially recognized student organizations
- Office of Housing and Residence Life Supervisors whose positions require them to be based within a residence hall (Note that this does not include administrative supervisors, maintenance staff supervisors)
- Professional Student Advising Staff (This does not include Faculty Advisors, but does include Students First Office and professional academic advisors)
• Residential Advisors\textsuperscript{13}
• Coordinators for University sponsored programs involving minors

\textsuperscript{13} Department of Education guidance recommends Residential Advisors as Responsible Employees based on their general authority to take action to redress misconduct or the duty to report misconduct to appropriate school officials.