

# Title IX Grievance Policy

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# University Policy: 504

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The University of Toronto

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

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- a means an individual who is alleged to be the victim of conduct that could constitute Sexual Harassment
- b means the University

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digital signature, or otherwise indicates that the complainant is the person filing the Formal Complaint

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

Joint or Joint means the complainant(s) or Respondent(s) either separately or collectively

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

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any person may report sexual discrimination, including Sexual Harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sexual discrimination or Sexual Harassment), in person, by mail, by telephone, or by electronic mail, to the coordinator, or by any other means that results in the coordinator receiving the person's verbal or written report. Such a report may be made at any time (including during non-business hours) by using the coordinator's telephone number or electronic mail address, by completing the appropriate report on [nc.dentreport.charlotte.edu](http://nc.dentreport.charlotte.edu) (<http://nc.dentreport.charlotte.edu>), or by mailing a report to the o



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

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

1. the reliability of the information concerning the Respondent's conduct, including an assertion of mistaken identity; and
2. whether the conduct in the surrounding circumstances reasonably indicates that the continued presence of the Respondent in the University's Education Program or activity presents an immediate threat to the physical health or safety of any student or other individual.

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

b.

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

Complainant may submit a Formal Complaint by submitting to the coordinator or the coordinator's office staff a document that alleges Sexual Harassment against a Respondent and requests that the University investigate the allegation of Sexual Harassment. The Formal Complaint may be submitted from the complainant's official University email account, through an online submission first verified by the complainant's NetNet credentials, or in hard copy first signed by the complainant. The coordinator's contact information is available at [civlrights.charlotte.edu](http://civlrights.charlotte.edu) (<http://civlrights.charlotte.edu/>).





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

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

- 1 a Complainant notifies the coordinator in writing that the Complainant would like to withdraw the Formal Complainant or any allegations therein
- 2 the Respondent is no longer enrolled or employed by the University or
- 3 specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the Formal Complainant or allegations therein

Upon a dismissal of a Formal Complainant, the coordinator will promptly send written notice of the dismissal and reason(s) for dismissal simultaneously to the Parties and any Party involved in the case.

in the meetings and interviews outlined in this Policy only when the Party they advise is present. Title IX advisors may not unreasonably delay, disrupt, or otherwise interfere with the meetings or other proceedings outlined in this Policy.

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

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- 2 Not access, consider, disclose, or otherwise use a Party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional, unless given voluntary, written consent to do so by the affected Party
- 3 Not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege
- 4 Provide an equal opportunity for the Parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence  
Not restrict the ability of either Party to discuss the allegations under investigation or to gather and present relevant evidence  
Provide the Parties with equal opportunities to have other individuals present during any investigative interview or other meeting, including the opportunity to be accompanied by the Title IX advisor of the choice, who may be, but is not required to be, an attorney to any related meeting or proceeding
- 7 Provide, to a Party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all investigative interviews or other meetings, with sufficient time for the Party to prepare to participate
- 8 Record all investigative interviews of the Parties and witnesses (investigative interviews may not be recorded by the Parties, Title IX advisors, or witnesses)  
Provide all Parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a Formal Complaint, including the evidence upon which the University does not intend to rely in reaching a determination regarding responsibility and all inculpatory or exculpatory evidence

Prior to completion of the investigative report, the Investigator will send to all Parties and the Parties' Title IX advisors, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and give the Parties ten (10) days to submit a written response, which the Investigator will consider prior to completing the investigative report. The Investigator will then finalize the investigative report that fairly summarizes relevant evidence. The investigative report will be sent to all Parties and the Parties' Title IX advisors, if any, at least ten (10) days prior to a hearing for the review and written response.

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Before a formal complaint, Respondent, or witness answers a cross-examination or other question, the hearing officer(s) will first determine whether the question is relevant and exclude any decision to exclude a question as not relevant

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

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

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

- Identification of the allegations potentially constituting Sexual Harassment as defined in this Policy
- Brief description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the Parties, interviews with Parties and witnesses, site visits, methods used to gather other evidence, and hearings held
- Findings of fact supporting the determination
- Conclusions regarding the application of this Policy or related University policies to the facts
- Evidence statement of, and rationale for, the results as to each allegation, including a determination regarding responsibility, proposed sanctions for the appropriate University official's consideration of the Respondent's found responsible, and whether remedies designed to restore or preserve equal access to the University's Education Program or activity for the complainant will be recommended to the coordinator and
- F The University's procedures and permissible bases for the complainant and Respondent to appeal





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

The hearing officer(s) may recommend to the appropriate University official any sanctions against a student Respondent that are permitted by Section XIII of the Complaint Resolution Procedure for Student Respondents under UP 02 (<https://civilrights.charlotte.edu/laws-policies-procedures-procedures>). The hearing officer(s) may recommend any sanctions, including but not limited to required training, written reprimands, and suspension or termination of employment, against an employee Respondent.

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

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

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

Except as may be permitted to be disclosed pursuant to the Family Educational Rights and Privacy Act and other applicable laws, or as otherwise required by law or to carry out the purposes of Title IX and this Policy, the University must keep confidential the identity of:

- any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or submitted a Formal Complaint of Sexual Harassment,
- any complainant, Title IX Investigator, or Sexual Assault Response Team member.

The University will maintain the following records in accordance with the UN System Records Retention Schedule (<https://archives.ncdcr.gov/government/higher-education-institutions/university-north-carolina-general-records-retention-and-disposition-schedule>) and in no event for less than seven (7) years:

- a Records of any Supportive Measures or other response taken to a report or Formal Complaint of Sexual Harassment
- b Records of each investigation under this Policy, including any determination regarding responsibility and any audio or audiovisual recording or transcript
- c Records of any disciplinary sanctions imposed on the Respondent, and records of any remedies provided to the complainant designed to restore or preserve equal access to the University's Education Program or activity
- d Records of any appeal and the result therefrom
- e Records of any informal resolution and the result therefrom and
- f Records of all materials used to train the coordinator, investigators, hearing officer(s), appellate officers, and any person who facilitates an informal resolution process

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Nothing in this Policy shall be interpreted to infringe on rights protected by the Bill of Rights.

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- Revised August 1, 2021 (<https://legal.charlotte.edu/revisions/2021-08-1/revisions-title-x-gravance-policy>).
- U dated August 2, 2021
- U dated August 1, 2022
- U dated October 10, 2022

: Chancellor

: Division of Institutional Integrity

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## Website Information

*The materials and information on the Office of Legal Affairs website are presented for informational and general guidance purposes only and should not be relied upon as legal advice. This website is revised from time to time as appropriate, but references to law or policy may not always be current.*

ADDITIONAL CAMPUS RESOURCES >

(<https://www.charlotte.edu>)