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I. Scope

This Complaint Resolution Procedure for Student Respondents (“P





is committing violence that may constitute a felony or misdemeanor crime of violence against an individual (a) who is a current or former spouse or intimate partner; (b) with whom the Student shares a child in common; (c) with whom the Student cohabitates or has cohabitated as a spouse or intimate partner; (d) who is similarly situated as a spouse under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or (e) who is a youth or adult and is protected from that Student's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred. If alleged Domestic Violence occurs within a University education program or activity and against a person in the United States, it is processed according to [University Policy 504, Title IX Grievance Policy](#).

means the Family Educational Rights and Privacy Act (20 U.S.C. Section 1232g; 34 C.F.R. Part 99), a federal law that protects the privacy of student education records, Additional information can be found in [University Policy 402, Student Education Records \(FERPA\)](#).

means engaging in unwelcome conduct based upon a target individual's actual or perceived gender through any action, method, device, or means which is so severe or

means a staff member appointed by the Director or designee who assists the parties in preparation for and during a hearing.

third party to observe private sexual activity; engag



Interpersonal Violence is prohibited by Title IX and the Policy. Any such retaliation should be reported promptly to the Office of Civil Rights and Title IX, and in the case of imminent threat of serious bodily injury, to Police and Public Safety. Retaliation will be addressed separately from the underlying allegation(s) of Sexual Misconduct and Interpersonal Violence.

VI. Advisors and Representatives

1. Advisors

The Respondent, the Complainant, and any witnesses may each invite an individual to any interview,







described in Section VII.4. of this Procedure. The Director or designee will inform the Complainant that



investigation at any point prior to signing a Mutual Resolution. In general, a Mutual Resolution in lieu of an investigation will only be appropriate when the basic facts of the underlying incident are not in dispute.

The Director or designee will speak with the Respondent and the Complainant separately to discuss possible resolutions and to ascertain each party's perspective regarding responsibility and sanctions. If the Director or designee identifies a possible resolution, they will offer the proposed Mutual Resolution to both parties. The parties have three (3) Days to respond to an offer of a Mutual Resolution.

If both parties accept a Mutual Resolution, they must voluntarily accept the determinations on responsibility and sanction(s) and waive their right to a hearing. The Mutual Resolution must be in writing and signed by the Respondent, the Complainant, and the Director or designee. The signed Mutual Resolution may not be appealed.

If the Respondent accepts a Mutual Resolution and the Complainant does not respond after multiple contact attempts from the Director or designee, a Mutual Resolution may still be approved. The Respondent must voluntarily accept the determinations on responsibility and sanction(s) and waive their right to a hearing. The Mutual Resolution must be in writing and signed by the Respondent and the Director or designee. The Respondent may not appeal the Mutual Resolution. The Complainant will have three (3) Days following written notification of a finalized Mutual Resolution to request reconsideration by the Director or designee.

If the Director or designee does not offer a Mutual Resolution or if a Mutual Resolution meeting the criteria above is not reached, the Director or designee shall refer the case to an investigation or a hearing pursuant to this Procedure.

#### IX. Investigation Proceedings

The Director or designee will determine whether to conduct an investigation. If the Director

- x inform the Respondent about how the University will share information only on a need-to-know basis and will strive to protect the Respondent's privacy, including







not to be considered in the hearing unless and until the Respondent is found responsible for a violation(s) of this Procedure.

The Administrative Hearing Officer will exercise control over the proceedings in order to maintain a fair, impartial, and efficient hearing. The Administrative Hearing Officer may exclude or remove any individual who unreasonably delays, disrupts, or otherwise interferes with the hearing, including the Respondent, the Complainant, or either of their Representatives or Advisors.

A Staff Advisor appointed by the Director will 12 792 reW\*nBTtin o00000912 0 612 792 reW\*nBT/F1 11.04 Tf1 0 0 1 299.0



responsibility must be announced at the hearing prior to considering sanction(s). The determination on responsibility must contain a brief rationale upon which the determination is based.

B. Determination on Sanction(s)

Following a determination by the Administrative Hearing Officer that a Respondent is responsible for any charge(s), the Administrative Hearing Officer will consider an appropriate sanction(s). The prior conduct

. Formal written warning indicating that the Respondent's behavior was unacceptable and that if the Respondent is subsequently found responsible for additional policy violation(s), more severe sanctions could result.

. A status in which the Respondent is deemed not to be in good conduct standing with the University for a definite period of time not less than the remainder of the semester in which the Probation is imposed or for an indefinite period of time. Probation does not affect the Respondent's academic standing, is not shared with faculty members, and is not notated on the Respondent's academic transcript. In the event the Respondent is subsequently found responsible for a violation(s) of University policy while on Probation, more severe sanctions, including Suspension or Expulsion, could result. Conditions restricting the Respondent's participation in University activities may also be imposed. If the Probation is for an indefinite period, the Respondent may petition the Director in writing for reinstatement to good standing, but not earlier than two (2) calendar years from the effective date of the Probation.

. A status in which the Respondent is deemed not to be in good conduct standing with the University for a definite period of time not less than the remainder of the semester in which the Deferred Suspension is imposed or for an indefinite period of time. Deferred Suspension does not affect the Respondent's academic standing, is not shared with faculty members, and is not notated on the Respondent's academic transcript. In the event the Respondent is subsequently found responsible for a violation(s) of University policy while on Deferred Suspension, more severe sanctions, including Suspension or Expulsion, could result, with Suspension being considered as a most likely possibility. Conditions restricting the Respondent's participation in University activities may also be imposed. If the Deferred Suspension is for an indefinite period, the Respondent may petition the Director in writing for reinstatement to good standing, but not earlier than two (2) calendar years from the effective date of the Deferred Suspension.

. Separation of the Respondent from the University for a definite period of time not less than the remainder of the semester in which the Suspension is imposed or for an indefinite period of time. During the Suspension period, the Respondent is trespassed from the University and may not be present on University premises; attend or participate in classes; access various University electronic systems, including, but not limited to, email services; or participate in Student Organizations or any University-sponsored program, activity, or related event. Violation of the terms of Suspension may subject the Respondent to additional sanctions and/or to arrest. The Respondent will be automatically withdrawn from registered courses based upon the effective date of the Suspension. The Respondent will be responsible for any financial obligations to the University but may be eligible for a reduction of tuitions and fees based upon the effective date of the Suspension and the University's Reduction of Tuition and Fees Schedule. Notification of the Suspension will appear on the Respondent's aca

of the Suspension. If the Director grants reinstatement, the Respondent may reapply for admission to the University, but no Respondent may re-enroll at the University until after the Director has granted reinstatement.

. Permanent separation of the Respondent from the University. The Respondent is trespasses from the University and may not be present on University premises; attend or participate in classes; access various University electronic systems, including, but not limited to, email services; or participate in Student Organizations or any University-sponsored program, activity, or related event. Violation of the terms of Expulsion may subject the Respondent to arrest. The Respondent will be automatically withdrawn from registered courses based upon the effective date of the Expulsion. The Respondent will be responsible for any financial obligations to the University but may be eligible for a reduction of tuitions and fees based upon the effective date of the Expulsion and the University's Reduction of Tuition and Fees Schedule. A Respondent who has been expelled from one constituent institution of The University of North Carolina system may not be admitted to another UNC System institution until the Expulsion has been rescinded by the institution that imposed the sanction. Notification of the Expulsion will appear on the Respondent's academic transcript until the date the Expulsion is rescinded, if it is rescinded. The Respondent's name will be added to the UNC System Suspension/Expulsion Database, where it will remain indefinitely. The Respondent may petition the Chancellor in writing for the Expulsion to be rescinded, but not earlier than two (2) calendar years from the effective date of the Expulsion.

. Loss of the privilege of living in University housing. Removal may be for a definite period of time not less than the remainder of the semester in which the Removal is

- x community service and/or participation in educational programs;
- x restitution for expenses incurred by individuals or the University as a result of providing educational programs or other educational experiences related to the violation(s); or
- x any other appropriate sanction as determined by the Director or designee.

### C. Student Organization Sanctions

One or more of the following sanctions may be imposed on a Student Organization found responsible for a violation(s) of the Policy or this Procedure:

. Formal written warning indicating that the Respondent's behavior was unacceptable and that if the Respondent is subsequently found responsible for a violation(s) of University policy, more severe sanctions could result.

. A status in which the Respondent is deemed not to be in good conduct standing with the University for a definite period of time not less than the remainder of the semester in which the Registration Probation is imposed. In the event the Respondent is subsequently found responsible for a violation(s) of University policy while on Registration Probation, more severe sanctions, including Registration Suspension or Registration Revocation, could result. The Respondent may seek and add members during this probationary period and may host other activities unless otherwise specified.

. A status in which the Respondent is deemed not to be in good conduct standing with the University for a definite period of time not less than the remainder of the semester in which the Deferred Registration Suspension of which is subject to the Respondent's

. The following sanctions may be imposed in addition to those listed above:

- x exclusion from intramural competition;
- x restitution for loss incurred by an individual or the University as a result of the Respondent's violation(s).
- x denial of use of University premises for meetings or activities;
- x exclusion and/or trespass from all or a portion of any University premises or any University-sponsored program, activity, or related event, as specified in the sanction, for a definite or indefinite period of time;
- x suspension of rushing, recruiting, or intake processes;
- x loss of social privileges where the Respondent may not sponsor any activity, party, or function that is social in nature during the established period of time;
- x community service and/or participation in educational programs;
- x xrestitution for expenses incurred by individuals or the University as a result of providing

## B. Process

Within five (5) Days after delivery of the Notice of Outcome, the Appellant may submit written rationale for appeal of the determination on responsibility and/or the determination on sanction(s) to the Director.

Both the Respondent and the Complainant will be notified that the other party has submitted an appeal.

The Director or designee will promptly forward appeals meeting the grounds described in Section XIV.1., along with the Record on Appeal, to the Appellate Officer. Appeals not meeting the grounds described in Section XIV.1. will not be considered.

The Appellate Officer shall decide appeals based upon the Appellant's written appeal and the Record on Appeal. The decision may:

- x Affirm the determinations on responsibility and the sanction(s) (if applicable);
- x Affirm the determination on responsibility and reduce but not eliminate the sanction(s); or
- x Remand the case to the same or a new Administrative Hearing Officer.

The Respondent and the Complainant shall be notified within a reasonable time in writing of the decision on appeal. The decision of the Appellate Officer affirming the determination on responsibility shall be final and conclusive, and the sanction(s) will be imposed as directed. If the case is remanded to an Administrative Hearing Officer, this Procedure shall apply.

If the decision of the Appellate Officer imposes a sanction of Suspension or Expulsion for a Student or Registration Suspension or Registration Revocation for a Student Organization, a Respondent or Complainant who believes that the rights described in [Section 502 D\(3\) of The Code of the University of North Carolina](#) (violation of due process or material deviation from Substantive and Procedural Standards adopted by the Board of Governors) have been violated may file a notice of appeal from the decision of the Appellate Officer to the Board of Trustees by providing such appeal to the Director.

The notice of appeal must be in writing and must specify the rights alleged to have been violated and the reasons for such allegation. No such notice is effective unless received by the Board of Trustees within five (5) Days after delivery of the decision of the Appellate Officer. Appeals not meeting the grounds described in Section XIV.1. will not be considered.

The Board of Trustees shall decide appeals based upon the Appellant's written appeal and the Record on Appeal. The decision may:

- x Affirm the determinations on responsibility and the sanction(s) (if applicable);
- x Affirm the determination on responsibility and reduce but not eliminate the sanction(s); or
- x Remand the case to the same or a new Administrative Hearing Officer.



The Respondent and the Complainant shall be notified within a reasonable time in writing of the decision on appeal. If the case is remanded to an Administrative Hearing Officer, this Procedure shall apply.

No appeal to the Board of Governors or the President of the University of North Carolina is permitted.

XV. Recordkeeping

The University will maintain pertinent records related to each case processed under this Procedure in accordance with the UNC System Records Retention Schedule. Access to these records will be governed by applicable state and federal laws, including but not limited to FERPA.

- x Initially enacted July 26, 2022
- x Revised August 18, 2022