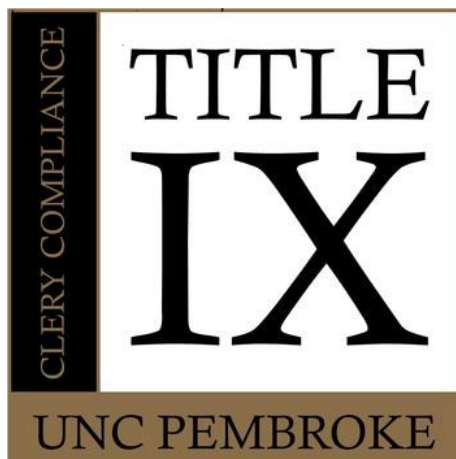


GUIDE FOR CAMPUS COMMUNITY MEMBERS ON SEXUAL VIOLENCE: YOUR RIGHTS, RESOURCES, AND UNIVERSITY POLICY

University of North Carolina at Pembroke
Office of Title IX and Clery Compliance



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P.O. Box 1510, Pembroke, NC 28372

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E-mail: titleixcoordinator@uncp.edu

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

DEFINITIONS

The following are the definitions of conduct prohibited by UNC at Pembroke's Sexual Harassment Policy:

SEXUAL HARASSMENT

Sexual Harassment, as an umbrella category includes the offenses of sexual harassment, sexual assault, domestic violence, dating violence, and stalking and is defined as:

- Unwelcome conduct on the basis of sex¹ or that is sexual in nature that satisfies one or more of the following:

QUID PRO QUO:

- an employee of the College/University
- conditioning² the provision of an aid, benefit, or service of UNC at Pembroke
- on an individual's participation in unwelcome sexual conduct.

SEXUAL HARASSMENT:

- Unwelcome conduct,
- Determined by a reasonable person,
- To be so severe,
- pervasive, and
- objectively offensive
- that it effectively denies a person equal access to a UNC at Pembroke education program or activity

SEXUAL ASSAULT, defined as:

- any sexual act³ directed against another person
- without the consent of the Complainant,
- including instances in which the Complainant is incapable of giving consent.

DATING VIOLENCE, defined as:

- violence,
- committed by a person,
- who is in or has been in a social relationship of a romantic or intimate nature with the Complainant.
 - o The existence of such a relationship shall be determined based on the Complainant's statement and with consideration of the length of the relationship, they type of

¹ Including sexual orientation, sex stereotypes, gender identity and gender expression

² Implicitly or explicitly

³ This includes six sub-offenses clearly defined in the UNCP Sexual Harassment Policy

<https://www.uncp.edu/sites/default/files/2020-12/2020%20UNCP%20Sexual%20Harassment%20Policy.pdf>.

relationship, and the frequency of interaction between the person involved in the relationship. For the purposes of this definition-

- o Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- o Dating violence does not include acts covered under the definition of domestic violence.

DOMESTIC VIOLENCE, defined as:

- Violence,
-
- Committed by a current or former spouse or intimate partner of the Complainant,
- By a person with whom the Complainant shares a child in common, or
- By a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner, or
- By a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of your state, or
- By any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of your state.

STALKING, defined as:

- Engaging in a course of conduct,
- Directed at a specific person, that would
 - o Cause a reasonable person to fear for the person's safety, or the safety of others; or
 - o Suffer substantial emotional distress.

IF YOU HAVE EXPERIENCED ANY FORM OF SEXUAL HARASSMENT



IF YOU HAVE EXPERIENCED SEXUAL VIOLENCE

If you are off campus and experiencing an emergency, you can call local police by dialing 911. You may also call the Pembroke Police Department's non-emergency line at 910-521-4333, or Robeson County Sheriff's Office 910-671-3100



1. **Go to a safe location** as soon as you are able.



2. **Seek immediate medical attention** if you are injured, believe you may have been exposed to the risk of an STI/STD, or pregnancy.

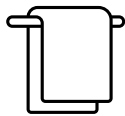
Medical Attention: Evidence collection should be completed within approximately 120 hours of an assault, but fluids, hair samples and DNA can be collected for a long time thereafter. Even if you have washed or bathed, evidence can often still be obtained. After 120 hours, it may still be helpful to have medical attention, even if you are not trying to obtain evidence of an assault.



Sexual assault nurse examiners are trained in the collection of forensic evidence and can check for injuries and exposure to sexually transmitted infections and diseases.



If you are still wearing any clothes worn during the incident, wear them to the hospital, but bring a change of clothes, as the hospital will keep the clothes you are wearing as evidence. If you have changed clothes, bring the ones you were wearing during the incident to the hospital in a clean paper bag (not plastic) or a wrapped in a clean bedsheet.



Leave sheets/towels at the scene of the incident. Police will collect them. Typically, police will be called to the hospital to take custody of the forensic kit, but it is up to you whether you wish to speak with them or file a criminal complaint.

CAMPUS RESOURCES

3. Contact any of these Campus Resources



**Office of Title IX
& Clery Compliance**

910-521-6281

M-F: 8 a.m.-5 p.m.

910-674-0080

24/7 availability



**POLICE &
PUBLIC SAFETY**
UNIVERSITY OF NORTH CAROLINA PEMBROKE

910-521-6235

24/7 availability



**STUDENT HEALTH
SERVICES**
UNIVERSITY OF NORTH CAROLINA PEMBROKE

910-521-6219

M-F: 8 a.m.-5 p.m.



**COUNSELING &
PSYCHOLOGICAL SERVICES**
UNIVERSITY OF NORTH CAROLINA PEMBROKE

910-521-6202

M-F: 8 a.m.-5 p.m.

*You may request a counselor with survivor trauma specialization

Crisis Services 24/7 availability

910-775-4749

Off Campus Resources

Rape Crisis Center of Robeson County at 910-739-6278. 24 /7 availability

Domestic Violence & Rape Crisis Center of Scotland County at 910-276-6268. 24/7 availability

Rape Crisis of Cumberland County at 910-485-7273. 24/7 availability

Hoke County Domestic Violence & Sexual Assault Center at 910-875-4494. 24/7 availability

Families First, Inc. (Bladen County and Columbus County domestic violence and sexual assault center) at 910-641-0444. 24/7 availability

Southeastern Family Violence Center at 910-735-8622. M-Th 8:30 a.m.-5:00 p.m.



UNCP MAP OF CAMPUS RESOURCES

BRAVE HEALTH CENTER

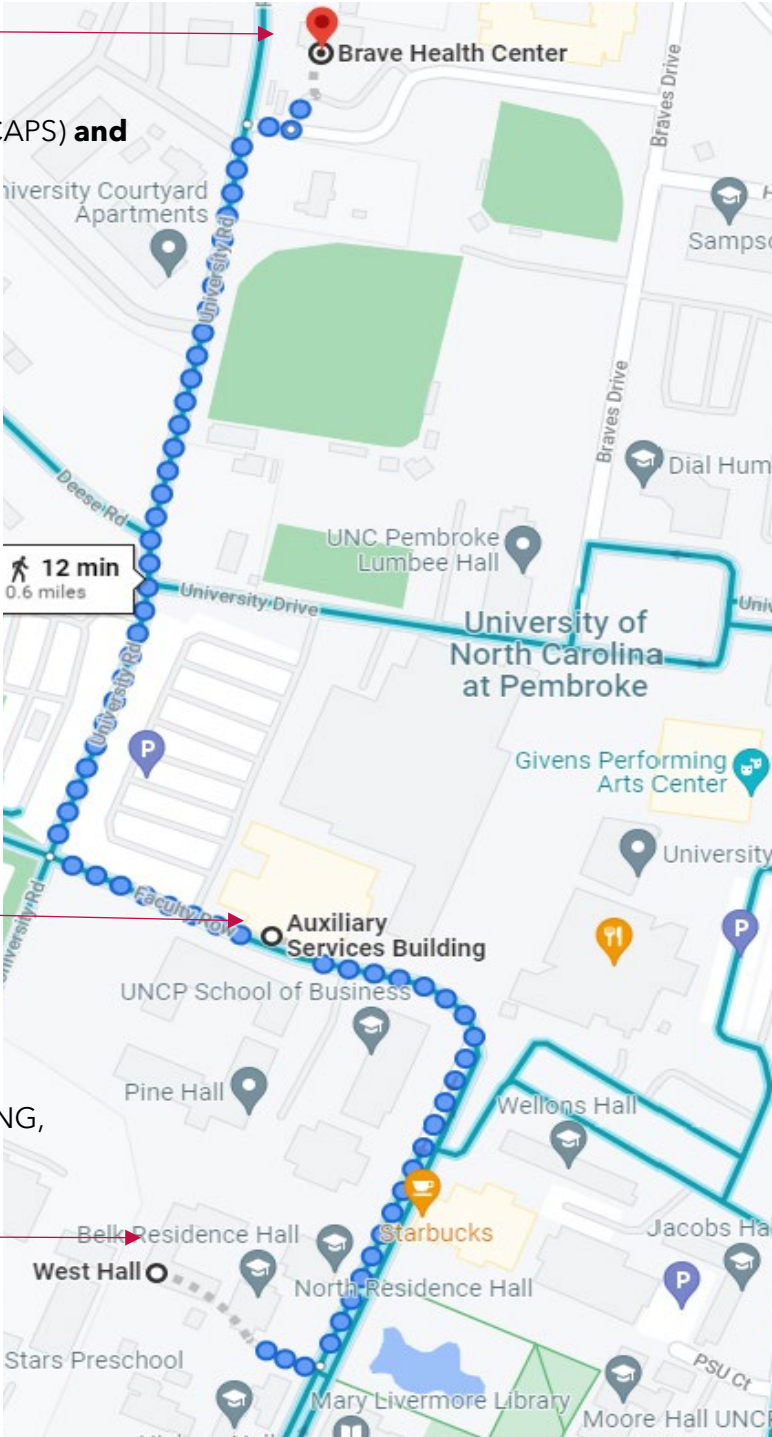
**Student Health Services
Counseling and Psychological Services (CAPS) and
Crisis Services**

AUXILIARY SERVICES BUILDING

Campus Police and Public Safety

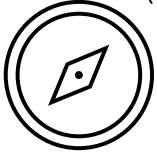
JOSEPH B. OXENDINE ADMINISTRATIVE BUILDING,
The Compliance Suite 104

Office of Title IX & Clery Compliance



YOU HAVE OPTIONS

Choose how to proceed:



- (1) do nothing until you are ready, although the longer time between incident and reporting may lessen the university's ability to conduct a thorough investigation (e.g., evidence is lost, witness leave the university) or
- (2) pursue resolution through the university and/or
- (3) initiate criminal proceedings, and/or
- (4) initiate a civil process against the perpetrator.

You may pursue whichever combination of options is best for you.

If you pursue resolution by the university, your options can include a formal response, informal resolution, and/or supportive measures. If you wish to have an incident investigated and resolved by the university, students should contact the Title IX Coordinator. Employees should contact either Human Resources or the Title IX Coordinator. University procedures will be explained and are summarized below. Those who wish incidents to be handled criminally should contact Campus Police or Local Law Enforcement and have the right to be assisted by the university in doing so.

WHAT YOU NEED TO KNOW BEFORE REPORTING SEXUAL MISCONDUCT

CONFIDENTIALITY

To make informed choices, all parties should be aware of confidentiality and privacy considerations, as well as institutional mandatory reporting requirements. If a Complainant wishes to keep the details of an incident confidential, they should speak with any of the following:



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Confidential Resources:

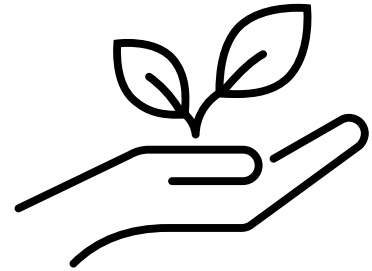
On-campus

- Licensed professional counselors and staff
- Brave Health Services providers and staff

Off-campus (non-employees):

- Licensed professional counselors and other medical providers
- Rape crisis counselors and domestic violence resources
- Attorneys

Mandated Reporting: Most university employees not designated as confidential above are mandatory reporters. This means they are required to share information that you have disclosed to them with the Title IX Coordinator, though that does not obligate you to any formal involvement. **The Title IX Coordinator or Campus Investigator will simply reach out to you to offer support and the opportunity to file a formal complaint.**



FAQ

May a Complainant report anonymously?

- Yes. If a Complainant requests that a Mandatory Reporter maintain the Complainant's anonymity, the Mandatory Reporter may do so unless it is reasonable to believe that a compelling threat to health or safety may exist.



Can a Mandatory Reporter remain anonymous?

- No. The Mandatory Reporter cannot remain anonymous themselves.

Can a Mandatory Reporter keep the details of what happened out of the report?

- No. All information regarding sexual harassment and sexual violence must be shared with the Office of Title IX and Clery Compliance.

ANONYMITY AND THE PROCES

If you wish to pursue a formal resolution process, the Office of Title IX and Clery Compliance will be unable to honor any request for confidentiality. The Respondent must be provided sufficient information, including the identity of the Complainant, to allow them to appropriately respond. Duties with respect to minors may require reporting to state agencies and/or local law enforcement. As a result, confidentiality cannot be guaranteed. Publicly available recordkeeping will be accomplished without the inclusion of identifying information about the victim, to the extent permissible by law.

RESOLUTION THROUGH THE UNIVERSITY

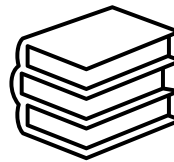
You may request that the Office of Title IX & Clery Compliance provide you with supportive measures and resources as a form of resolution, or as needed throughout a resolution process. *Supportive Measures are available regardless of whether the victim chooses to report the crime to campus police or local law enforcement.*

SUPPORTIVE MEASURES

MEDICAL + MENTAL HEALTH SERVICES



ACADEMIC ACCOMMODATIONS



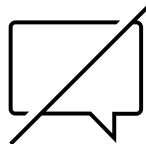
Excused Absences

Extension of deadlines to make up missed work

Incomplete/ Withdrawal

MUTUAL NO-CONTACT ORDERS

Non-punitive measures instituted by the university to prohibit contact between parties



HOUSING/WORK MODIFICATION + OTHER ASSISTANCE THROUGH CARE TEAM



INFORMAL RESOLUTION



Parties who wish to initiate an informal resolution process should contact the Title IX Coordinator for more information about the process.

All parties must agree, in writing, to initiate an informal resolution process. The parties may agree as a condition of engaging in informal resolution that statements made or evidence shared during the informal resolution process will not be considered in the formal grievance process unless all parties consent.

It is not necessary to pursue informal resolution first to pursue a formal grievance process, and any party participating in informal resolution can stop the process at any time and begin or resume the formal grievance process.

GRIEVANCE PROCESSES

SEXUAL HARASSMENT PROCEDURES

Procedures for institutional disciplinary action in cases of alleged domestic violence, dating violence, sexual assault and stalking are required to provide a prompt, fair, and impartial investigation and resolution.

Two different grievance processes for sexual harassment are described and followed in accordance with UNCP's Sexual Harassment Regulation, which can be accessed here: <https://www.uncp.edu/resources/title-ix-clery-compliance/sexual-misconduct/sexual-harassment-policy-and-regulation>

SUMMARY OF THE INCLUSIVE COMPLAINT PROCESS

The university recognizes that incidents which fall outside of the narrow scope of the Title IX regulations may also negatively impact access to the institution's education programs and activities and are counter to the mission and values of the institution. Therefore, UNCP has also adopted the Inclusive Complaint Process and its procedures to address other sex offenses that may fall outside the protections of Title IX.

Both Complainant and Respondent are entitled to the same opportunity to have others present during an institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by a support person or an advisor of their choice.

INCLUSIVE COMPLAINT PROCESS



FORMAL GRIEVANCE PROCESS

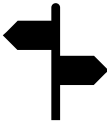
1



Sexual Harassment Reported

An allegation is submitted to notify the Title IX Coordinator.

2



Initial Assessment

The Title IX Coordinator assesses whether the conduct falls under Title IX.

3



Formal Complaint

The Formal Grievance Process is initiated by submitting formal complaint.

4



Notice of Investigation + Allegations

The Respondent will receive written notice of the investigation and a meaningful summary of all allegations and rights.

5



Investigation

The Campus Investigator will collect evidence, information, and conduct interviews of the parties and witnesses.

6



Review of Investigation Report

The parties will have an opportunity to review the Investigation Report and submit a written response before it is submitted to the Conduct Hearing Board.

7



Live Hearing with Questioning

A hearing board conducts a live hearing. The board and parties may ask questions of the parties and witnesses.

8



Final Decision and Sanctions

The hearing board decides whether the Sexual Harassment Policy was violated and if so, assesses sanctions.

9



Appeal

The parties have an opportunity to appeal the decision and/or sanction.

SUMMARY OF THE

FORMAL GRIEVANCE PROCESS

Investigations and resolutions shall be conducted by people trained annually on issues related to sexual harassment, which includes domestic violence, dating violence, sexual assault, and stalking. **Both Complainant and Respondent are entitled to the same opportunity to have others present during an institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by an advisor of their choice.**

Both parties shall be simultaneously informed in writing of:

- The outcome of the disciplinary proceeding that arises from an allegation of domestic violence, dating violence, sexual assault or stalking;
- Procedures for the Respondent, and the Complainant to appeal the results of the disciplinary proceeding;
- Any change(s) to the results that occur prior to the time and when results become final.

SANCTIONS AND REMEDIES

Sanctions are imposed and enforced when the Respondent has been found in violation of the University's Sexual Harassment Policy. There are several factors considered when determining a sanction. Sanctions determined by the hearing board are typically implemented as soon as feasible, either upon the outcome of any appeal or the expiration of the window to appeal without an appeal being requested.

Possible student sanctions



Warning: A formal statement that the conduct was unacceptable and a warning that further violation of any Recipient policy, procedure, or directive will result in more severe sanctions/responsive actions.



Required Counseling: A mandate to meet with and engage in either Recipient-sponsored or external counseling to better comprehend the misconduct and its effects.



Probation: A written reprimand for violation of institutional policy, providing for more severe disciplinary sanctions in the event that the student or organization is found in violation of any institutional policy, procedure, or directive within a specified period of time. Terms of the probation will be articulated and may include denial of specified social privileges, exclusion from co-curricular activities, exclusion from designated **Suspension:** Termination of student status for a definite period of time not to exceed two years and/or until specific criteria are met. Students who return from suspension student at Recipient. [insert transcript notation here if applicable].



Expulsion: Permanent termination of student status and revocation of rights to be on campus for any reason or to attend Recipient-sponsored events. This sanction will be noted permanently as a Conduct Expulsion on the student's official transcript, [subject to any applicable expungement policies.]



Withholding Diploma: The Recipient may withhold a student's diploma for a specified period of time and/or deny a student participation in commencement activities as a sanction if the student is found responsible for an alleged violation.



Revocation of Degree: The Recipient reserves the right to revoke a degree previously awarded from the Recipient for fraud, misrepresentation, and/or other violation of Recipient policies, procedures, or directives in obtaining the degree, or for other serious violations committed by a student prior to graduation.



Organizational Sanctions: Deactivation, loss of recognition, loss of some or all privileges (including registration) for a specified period of time.

- **Other Actions:** In addition to or in place of the above sanctions, the Recipient may assign any other sanctions as deemed appropriate.

Possible employee sanctions

- *Warning - Verbal or Written*
- *Performance Improvement Plan/Management Process*
- *Enhanced supervision, observation, or review*
- *Required Counseling*
- *Required Training or Education*
- *Probation*
- *Denial of Pay Increase/Pay Grade*
- *Loss of Oversight or Supervisory Responsibility*
- *Demotion*
- *Transfer*
- *Reassignment*
- *Delay of tenure track progress*
- *Assignment to new supervisor*
- *Restriction of stipends, research, and/or professional development resources*
- *Suspension with pay*
- *Suspension without pay*
- *Termination*
- *Other Actions: In addition to or in place of the above sanctions/responsive actions, the Recipient may assign any other responsive actions as deemed appropriate.*

Long-term Remedies/Other actions

Following the conclusion of the resolution process, and in addition to any sanctions implemented, the Title IX Coordinator may implement additional long-term remedies or actions with respect to the parties and/or the campus community that are intended to stop the harassment, discrimination, and/or retaliation, remedy the effects, and prevent reoccurrence.
