

FORMAL GRIEVANCE PROCESS

NOTICE:

1. Upon receipt of allegations of sexual harassment, as defined by the UNC Greensboro *Policy Related to Non-Discrimination on the Basis of Sex in Education*, the University will contact the complainant and offer supportive measures, regardless of whether the complaint decides to initiate a formal complaint. The University will also describe the process for filing a formal complaint.
2. To file a formal complaint, a party must submit a Formal Non-Discrimination on the Basis of Sex in Education Incident Report. This can be done online through the reporting form found here:
3. Upon receipt the Formal Complaint, the Title IX Coordinator or designated Investigator, will contact to the complainant and respondent with a written notice of the allegations of sexual harassment, and to the extent that it is known by the University, the identities of the involved parties, the date and location of the incident. This notice will (1) include a reference to this procedure; (2) remind the parties that the respondent is presumed not responsible; (3) reiterate that a determination of responsibility will made at the conclusion for the grievance process; (4) inform the parties that they may have an advisor of their choice, who may or may not be an attorney; (5) that they may inspect and review information that is gathered and (6) that knowingly made false statements or submitting false information during this process is a violation of the student code of conduct and the University's expectations of its employees.
4. If, in the course of an investigation, the University decides to investigate allegations about the complainant or respondent that are not included in the notice provided, the University will provide notice of the additional allegations to the parties.

PRE- INVESTIGATION:

If the University determines that the alleged conduct:

1. does not constitute sexual harassment even if proved;
2. did not occur in a University program or activity;
3. occurred outside of the United States,

The University will dismiss the formal complaint, but may refer the allegations to the Office of Student Rights and Responsibilities for review under the Student Code of Conduct; to Human Resources or the Office of the Provost to evaluate employee conduct.

Appeal Rights. The determination by the fact finder may be appealed within three (3) days to the Provost and Executive Vice Chancellor, the Vice Chancellor for Student Affairs, and the Vice Chancellor for Business Affairs or their designees on the following grounds:

1. Procedural irregularity that affected the outcome of the matter;
2. New evidence that was not reasonably available at the time of the determination that could affect the outcome of the matter;

3. The decision makers, Investigator, or Title IX Coordinator had a conflict of interest or bias either generally for complainants or respondents, or specifically for a particular individual, such that it affected the outcome of the matter.

If one party files an appeal, the University will notify the other party, and advise them that if they wish to submit a written statement in support of or challenging the outcome, they may do so within three (3) days.

Within 14 days of receipt of this information the Provost and Executive Vice Chancellor, the Vice Chancellor for Student Affairs, and the Vice Chancellor for Business Affairs, or their designees, will issue a written decision describing the result of the appeal, and a brief rationale to support that result. This decision will be provided to both parties simultaneously.

INVESTIGATION:

Before the imposition of any disciplinary sanctions or other actions that are not supportive measures, the University will conduct an investigation. At any time during this grievance process, a respondent may voluntarily accept a determination of responsibility for the allegations. Such a determination shall include a referral for review under the Student Code of Conduct; to Human Resources or the Office of the Provost to evaluate employee conduct.

1. The burden of proof and burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the University, not on the parties.
2. The investigator will interview parties and witnesses and gather any documentary evidence available or provided by the parties. The Parties will have the same opportunities to review the material and present witnesses, including both inculpatory and exculpatory evidence. Both parties will have the right to have an advisor of their choice accompany them to any related meeting. Investigator will 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 no less than 48 hour written notice of any meeting or interview requests (excluding hearings, as outlined more fully, below).
3. The investigator will objectively evaluate the information that has been gathered and, presuming that the respondent is not responsible for the alleged conduct, will prepare an investigative report. While preparing this report, the investigator will send to the parties (and to the parties' advisor, if any) the evidence, including the evidence upon which the University does not intend to rely in reaching a determination. Each party will have 10 days to submit a written response to this evidence, which the investigator will consider prior to finalizing the report.
4. The final report will be issued 10 days prior to any scheduled hearing and sent to each party and the party's advisor, for their review and written response. The final report, and response will be provided to the hearing officer for inclusion in the hearing. In addition, the parties will be asked to provide a list of questions they would like asked of the other party at the live hearing, so that the decision maker can determine whether the questions will be relevant.

LIVE HEARING:

In an effort to ensure that conduct hearings provide equal opportunity to the complainant and the respondent and so that the University will be prepared for the hearing, the following procedures apply:

Pre- Hearing

1. When the hearing is scheduled, the parties will be advised of the hearing officer and panelists, and will be advised that, no later than noon (12:00 p.m.) three (3) business days prior to the hearing date they shall submit the following to the hearing officer:
 - a written list of the names of all witnesses they intend to present at the hearing and the expected subject matter of the witnesses' statements;
 - a written list of the written evidence they intend to present at the hearing
 - one copy of all written evidence identified in their list;
 - Any written challenge to the hearing officer or a panelist on the grounds of conflict with, bias about, or interest in, the case with sufficient information to support the basis for the removal of the hearing officer or panelists. The hearing officer, in consultation with the panel will review the challenge;
 - Any request to be visually screened during questioning and/or appear virtually, with technology enabling participants to simultaneously hear and see one another.
2. The parties may contact the hearing officer after noon (12:00 p.m.) two (2) business days prior to the hearing to review the opposing party's witness list, and to review all written evidence, as
3. Evidence and witnesses that are not identified in advance of the hearing may be challenged by the non-presenting party, at the time of the hearing. The failure to list a witness, or to provide advance copies of all exhibits, will not preclude a party from calling the witness or from introducing a document. However, the opposing party may be granted a temporary adjournment of the hearing if the hearing officer deems a delay necessary in order for that party to adequately respond to the new evidence. Such challenges will be reviewed by the hearing officer and panel, who will render a determination.

Live-Hearing Procedures

1. The hearing officer will facilitate introductions of those present and will explain the hearing procedures to the The hearing officer is responsible for maintaining order and decorum;
2. The respondent and the complainant will be given the opportunity to state on the record, that they have been given the opportunity to challenge a panelist or hearing officer and that they have no objections to composition of the panel.
3. The hearing officer will state the allegation(s) against the respondent.
4. The complainant or advisor will be provided the opportunity to make an opening statement. This opening statement is limited to five (5)
5. The respondent or advisor will be provided the opportunity to make an opening statement. This opening statement is limited to no more than five (5)
6. The complainant or advisor, (or, if applicable, Student Case Coordinator) will present evidence in support of the allegations and may also present written evidence and witnesses.
7. The hearing panel/ hearing officer will directly question the complainant.
8. The respondent or advisor, (or, if applicable, Student Conduct Advisor) may directly question the complainant.
9. The complainant will be given an opportunity to offer clarifications to any responses.
10. The complainant or advisor, (or, if applicable, Student Case Coordinator) may present and question any of complainant's witnesses.
11. The hearing panel/ hearing officer will directly question the complainant's witnesses.
12. The respondent or advisor, (or, if applicable, Student Conduct Advisor) may directly question the complainant's witnesses.
13. The complainant or advisor, (or, if applicable, Student Case Coordinator) will be given an opportunity to offer clarifying questions of each witness.
14. The respondent or advisor, (or, if applicable, Student Conduct Advisor)) may respond to the allegations and may present evidence in the form of written evidence or testimony of the respondent or other witnesses.
15. The hearing panel/ hearing officer will directly question the respondent.

16. The complainant or advisor, (or, if applicable, Student Case Coordinator) may directly question the respondent.
17. The respondent will be given an opportunity to offer clarification to any responses.
18. The respondent may present and question any of respondent's witnesses may present and question any of respondent's witnesses.
19. The hearing panel/ hearing officer will directly question any of respondent's witnesses.
20. The complainant or advisor, (or, if applicable, Student Case Coordinator) may directly question the respondent's witnesses.
21. The respondent, or advisor, (or, if applicable, Student Conduct Advisor) will be given an opportunity to offer clarifying questions of each witness.
22. The complaint or advisor, (or, if applicable, Student Case Coordinator) will be provided the opportunity to make a closing statement. This closing statement is limited to no more than five (5) minutes.
23. The respondent or advisor, (or, if applicable, Student Conduct Advisor) will be provided the opportunity to make a closing statement. This closing statement is limited to no more than five (5) minutes.

Deliberations

1. At the conclusion of the hearing, the hearing officer will conclude the evidentiary portion of the hearing and begin deliberations in a closed session. Other parties are excused from the hearing room during this time. Once begun, the deliberations normally will continue until a decision as to responsibility has been reached. Recesses will be granted at the sole discretion of the hearing
2. The hearing panel/hearing officer will be provided access to copies of all written evidence submitted by the parties.
3. Standard of Evidence. In evaluating the information, presented at the hearing, the University will consider whether there is sufficient evidence to assert that is more likely than not that the alleged conduct occurred, to a standard of the preponderance of the evidence.
4. The hearing will reconvene, and the parties will be advised of the decision concerning sanctions.
5. The panel will issue a written determination regarding responsibility confirming whether it was more likely than not that the allegations occurred. This written determination will include
 1. The allegations
 2. A description of the procedural process
 3. Findings of fact to support the determination
 4. Conclusions regarding the application of code of conduct to the facts
 5. Rationale as to each specific allegation, any disciplinary sanctions, and what remedies will be provided
 6. Appeal rights.
6. This determination will be provided to both parties simultaneously.
7. A recording of the hearing will be maintained and made available for inspection and review.
8. Appeal Rights. The determination by the fact finder may be appealed. The appellate officer is dependent on the status and classification of the Respondent.
 1. In cases involving student respondents, appeals will be handled in accordance with the Student Code of Conduct.
 2. In cases involving staff respondents, the Associate Vice Chancellor for Human Resources, or their designee, will act as the appellate officer. The decision of the Associate Vice Chancellor for Human Resources will be the final University decision as that term is defined by relevant state law and UNC System policy.
 3. In cases involving faculty respondents, the Provost and Executive Vice Chancellor, or their designee, will act as the appellate officer.
 4. Appeals may be made on the following bases:

1. Procedural irregularity that affected the outcome of the matter;
2. New evidence that was not reasonably available at the time of the determination that could affect the outcome of the matter;
3. The decision makers, Investigator, or Title IX Coordinator had a conflict of interest or bias either generally for complainants or respondents, or specifically for a particular individual, such that it affected the outcome of the matter.

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Within 14 days of receipt of this information the Provost and Executive Vice Chancellor, the Vice Chancellor for Student Affairs, and the Vice Chancellor for Business Affairs, or their designees, will issue a written decision describing the result of the appeal, and a brief rationale to support that result. This decision will be provided to both parties simultaneously.

RANGE OF DISCIPLINARY SANCTIONS

The sanctions for students is a referral to the Office of Student Conduct for additional sanctioning that may include disciplinary expulsion, disciplinary suspension, deferred disciplinary suspension, disciplinary probation, disciplinary warning, removal from University Housing, administrative room change, restriction of privileges, parental notification, restitution for damaged caused by the student's conduct, community service hours, drug testing at the student's expense, SMART planning, no contact orders, trespass orders, mental and physical health assessments, reflection opportunities (educational tasks such as research papers or essays), cancellation of pre-registration, a Hold being placed on the student's record, and/or preventing the awarding of a degree, other sanctions deemed appropriate by a conduct officer or hearing panel.

The sanction for employees (staff and faculty) who are found responsible for a violation of the Title IX policy is a referral to either the Provost (faculty) or the Associate Vice Chancellor for Human Resources (staff) to evaluate whether the determination of responsibility warrants disciplinary action in accordance with either the SHRA disciplinary action policy; the EHRA employment policies or the UNC Greensboro Academic Freedom, Tenure and Due Process Regulations. Additional sanctioning may include a written warning, disciplinary suspension without pay, demotion, dismissal, no contact orders, divisional separation, non-reappointment, and denial of promotion.