



THE UNIVERSITY  
of NORTH CAROLINA  
at CHAPEL HILL

March 21, 2013

**VIA EMAIL AND OVERNIGHT DELIVERY**

Ms. Christa Cothrel  
Ms. Selena Fox  
Mr. Alessandro Terenzoni  
United States Department of Education  
Office for Civil Rights  
400 Maryland Avenue, SW  
Washington, DC 20202-1473

**Re: OCR Complaint No. 11-13-2051**

Dear Ms. Cothrel, Ms. Fox, and Mr. Terenzoni:

The University of North Carolina at Chapel Hill (the “University” or “UNC-Chapel Hill”) is writing in response to your March 1, 2013 letter to H. Holden Thorp, Chancellor, in which you requested information and documents regarding the University’s policies and procedures for addressing complaints of sexual harassment, including sexual assault/sexual violence, and discrimination based upon sex to assist with your investigation of complaint number 11-13-2051. The University appreciates the opportunity to respond to this complaint and looks forward to working with the Office for Civil Rights (“OCR”) during its investigation of the concerns that have been raised.<sup>1</sup>

Part A of this response provides introductory information relevant to this complaint. The University’s response to the specific items of information requested in your letter is set forth in Part B.

**A. BACKGROUND**

Since the introduction of the April 4, 2011 Dear Colleague Letter, UNC-Chapel Hill has endeavored to be a leader among colleges and universities in responding to, investigating, and adjudicating student complaints of sexual harassment, including sexual assault/sexual violence, and discrimination based upon sex as required by Title IX of the of the Education Amendments of 1972 (“Title IX”). This effort to achieve policies, procedures, and processes that constitute informed and effective practices for addressing sexual harassment, including sexual assault/sexual violence, and discrimination based upon sex began in 2011 but continues to be an area of tireless focus and commitment for the University.

---

<sup>1</sup> Consistent with the North Carolina State Personnel Act and other applicable law, the University is providing confidential personnel information herein solely for the purpose of assisting OCR to investigate the subject complaint. Likewise, under the Family Educational Rights and Privacy Act, the University is providing protected education record information solely for the purpose of allowing OCR to evaluate the University’s compliance with federal legal requirements, as specified in 34 C.F.R. section 99.35(a)(1). The University requests that OCR redact the names of the individuals identified herein before providing a copy of this document in response to any Freedom of Information Act request.

As noted in *Inside Higher Ed* on April 24, 2012, the University has developed an entirely new system for responding to, investigating, and adjudicating complaints of sexual harassment, including sexual assault/sexual violence, and discrimination based upon sex.<sup>2</sup> In creating this new process, the University sought to achieve not only compliance with governing law and agency guidance, but also policies and procedures that best meet the needs of all UNC-Chapel Hill students.

## **1. An Introduction to UNC-Chapel Hill**

UNC-Chapel Hill was chartered in 1789 as the nation's first public university. It is a constituent institution of The University of North Carolina System. As of Fall 2012, the University had a total of 29,278 enrolled students. With *lux, libertas* – “light and liberty” – as its founding principles, the University embodies a strong history of recruiting and maintaining a diverse student body and faculty and has long recognized the vital importance of gender equity in education. In fact, the University admitted women to all areas of study, appointed its first female dean, established its first co-educational dormitory, created a special Dean of Women position, and hired its first tenured African-American female faculty member all before the passage of Title IX. To this day, the University continues to champion equal access to education for all its students and, specifically, in its efforts to promptly and thoroughly address complaints of sexual harassment, including sexual assault/sexual violence, and discrimination based upon sex.

## **2. The University's Commitment to Title IX and to Providing Equal Access to Educational Opportunities**

The University is fully committed to providing an inclusive and welcoming educational environment for all members of its community. Consistent with these principles and applicable law, the University's policies explicitly prohibit unlawful harassment, discrimination, and retaliation on the basis of gender, as well as other legally protected bases.<sup>3</sup> Furthermore, these policies provide for prompt and appropriate responses to allegations of discrimination, retaliation, and harassment, including sexual harassment, sexual assault/sexual violence, and discrimination based upon sex. At all times relevant hereto, the University has maintained published policies to respond to, investigate, and adjudicate complaints of sexual harassment, including sexual assault/sexual violence, and discrimination based upon sex.<sup>4</sup>

### **a. The University's Designated Title IX Coordinator**

---

<sup>2</sup> “‘Many institutions are still trying to adjust their policies and procedures to the mandates of the Dear Colleague letter,’ said Ada Meloy, general counsel for the American Council on Education. . . . ‘Wholesale restructurings like the one at UNC have been less common,’ she said.” “Tide Shifts on Title IX,” *Inside Higher Ed*, [www.insidehighered.com/news/2012/04/24/ocr-dear-colleague-letter-prompts-big-chance-sexual-assault-hearings-unc](http://www.insidehighered.com/news/2012/04/24/ocr-dear-colleague-letter-prompts-big-chance-sexual-assault-hearings-unc), (April 24, 2012) (Emphasis added). A copy of this article is enclosed as Exhibit 1.

<sup>3</sup> Based upon the facts of the underlying complaint, the University's response is limited to student complaints of sexual harassment, including sexual assault/sexual violence, and discrimination based upon sex involving other students.

<sup>4</sup> The subject complaint seeks information for the 2011-12 academic school year (August 23, 2011 to August 20, 2012) and 2012-13 academic school year (August 21, 2012 to present). Unless otherwise stated, the information provided herein pertains exclusively to this relevant time period.

The University's Title IX Officer is Ann Penn. Ms. Penn also serves as the Director of the Equal Opportunity/ADA Office. She is responsible for coordinating the University's campus-wide efforts to comply with and carry out its responsibilities under Title IX. As explained in more detail below, this involves investigating complaints of sexual harassment, including sexual assault/sexual violence, and discrimination based upon sex and conducting training on Title IX and other applicable laws. Information about Ms. Penn and her office is available online at <http://equalopportunity-ada.unc.edu/index.htm> and is provided in all applicable University policies and handbooks, as discussed herein.

**b. The University's Policy Statement on Non-Discrimination**

The University maintains a Policy Statement on Non-Discrimination ("Policy Statement") that is widely disseminated online and in University policies and handbooks. The Policy Statement expressly provides that the University does not discriminate on the basis of sex in its educational programs and activities and contains the contact information for the University's Title IX Officer. At the beginning of each academic year, the Chancellor distributes a memorandum to all students, faculty members, and staff members by email notifying them about the University's commitment to an educational and employment environment free from discrimination and harassment. This memorandum specifically discusses the Policy Statement and other relevant policies. The email memoranda sent by Chancellor Thorp during the Fall of 2011 and the Fall of 2012 are enclosed as Exhibit 2.

**3. The University's Policy for Providing Prompt and Equitable Resolution of Complaints of Sexual Harassment, Including Sexual Assault/Sexual Violence, and Discrimination Based Upon Sex**

When OCR issued its April 4, 2011 Dear Colleague Letter, the University took immediate steps to review its policies and procedures for responding to sexual harassment complaints. After careful consideration, and based upon feedback from students, administrators, and faculty members, the University decided to completely restructure its process for addressing complaints of sexual harassment, including sexual assault/sexual violence, and discrimination based upon sex.

As part of this process, the University determined that complaints of sexual harassment, including sexual assault/sexual violence, and discrimination based upon sex should no longer be adjudicated through the University's Honor System. For more than 130 years, UNC-Chapel Hill has taken great pride in its student-led Honor System, pursuant to which students hold each other accountable for maintaining a just and safe campus community. The Honor System is composed of two branches: the Attorney General's Staff and the Honor Court. The Office of the Attorney General receives reports of suspected violations of the Instrument of Student Judicial Governance ("Instrument"), which is the University's honor code, and makes a decision regarding whether to charge the alleged offender. It is the responsibility of the Attorney General's staff to work with the accused student and the reporting party to gather and prepare all relevant material for the case. During the Honor Court hearing, members of the Attorney General's staff act as either defense or investigative counsels representing the accused student or the University community, respectively. The Honor Court is composed of student members who are responsible for hearing alleged violations of the Instrument and who deliberate to reach a finding and, where appropriate, issue sanctions.

The University recognized that creating a new and effective system to investigate and adjudicate complaints of sexual harassment, including sexual assault/sexual violence, and discrimination based upon sex would require time and careful thought. The University was determined that its new process would reflect existing effective practices that were discerned from a review of available literature and sample

policies from peer institutions, training through professional associations regarding the Dear Colleague Letter, and conversations with key members of the University community, including members of the Office of the Vice Chancellor for Student Affairs, the Office of the Dean of Students, the Equal Opportunity/ADA Office, the Department of Public Safety, and the Office of University Counsel. While this process occurred, however, the University sought to assure that its existing procedures for responding to, investigating, and adjudicating complaints of sexual harassment, including sexual assault/sexual violence, and discrimination based upon sex were compliant with the guidance set forth in the Dear Colleague Letter. To this end, the University adopted Interim Procedures for Sexual Misconduct (Including Sexual Assault), Harassment or Intimidation, and Discrimination Cases Involving Students (the “Interim Procedures”). A copy of the Interim Procedures is enclosed as Exhibit 3.

The Interim Procedures were enacted at the beginning of the Spring 2012 semester, on January 9, 2012, and amended the process established by the Instrument for investigating and adjudicating cases. The version of the Instrument that was in effect when the Interim Procedures were adopted is enclosed as Exhibit 4. Pursuant to the Interim Procedures, cases involving sexual harassment, including sexual assault/sexual violence, and discrimination based upon sex were transitioned out of the Honor Court’s jurisdiction and, instead, assigned to the University Hearings Board, an adjudicatory body whose members include faculty, staff, and students. Additionally, the Interim Procedures amended the relevant standard of proof from the Honor System’s usual “beyond a reasonable doubt” standard to the “preponderance of the evidence” standard required by the Dear Colleague Letter. The Interim Procedures also prohibited the parties from questioning one another during any hearing, provided that both the complainant and the respondent would have an equal opportunity to present witnesses and evidence, and mandated that all individuals involved in the investigation and adjudication of cases of sexual harassment, including sexual assault/sexual violence, and discrimination based upon sex receive specialized training. The Interim Procedures further established a system of bilateral appeals, pursuant to which either party could appeal the decision and sanctions of the University Hearings Board. Finally, the Interim Procedures offered an extensive summary of resources available to all students, including advocacy, counseling, medical treatment, law enforcement, and general support services. The Interim Procedures were publicized to all members of the community through the Honor System’s website.

Before and during the implementation of the Interim Procedures, key members of the University met regularly – often twice weekly – to develop the new final process for responding to, investigating, and adjudicating complaints of sexual harassment, including sexual assault/sexual violence, and discrimination based upon sex. These administrators included representatives from the Office of the Vice Chancellor for Student Affairs, the Office of the Dean of Students, the Equal Opportunity/ADA Office, the Department of Public Safety, and the Office of University Counsel. The resulting process is now set forth in Appendix C of the University’s Policy on Prohibited Harassment, Including Sexual Misconduct, and Discrimination (“PPHISMD” or “Policy”) and became effective on August 1, 2012. The PPHISMD is available online at <http://www.unc.edu/campus/policies/harassanddiscrim.pdf>, and a copy is enclosed as Exhibit 5.

Briefly, the new process established by the PPHISMD provides for an investigation of each complaint, followed by either Informal Resolution or Formal Resolution, depending upon the complainant’s preference. The Informal Resolution process is conducted by the Dean of Students, who reviews the investigation report, meets with both parties, determines whether a violation of the PPHISMD has occurred, and, where necessary, proposes an appropriate sanction. The Formal Resolution process entails a hearing before the Student Grievance Committee where both parties are given the opportunity to present testimony, witnesses, and evidence to a panel composed of one faculty member, one staff member, and one student. The Student Grievance Committee panel then determines whether a

preponderance of the evidence establishes that a violation of the PPHISMD occurred, and if so, the sanctions appropriate to redress the violation.

In order to assure full and effective implementation of the PPHISMD, the University, despite steep budget cuts and declining legislative appropriations, created two new, full-time positions. The first position was a new Investigator position which would report to the Title IX Officer and be responsible for meeting with complainants and respondents, interviewing witnesses, reviewing all available evidence, and making determinations regarding whether good cause exists to proceed to either Informal Resolution or Formal Resolution of the complaint. This search commenced in September 2012 and resulted in the hiring of Jayne Grandes.

The second position was a new Student Complaint Coordinator/Deputy Title IX Officer who would be responsible for:

- receiving student reports of sexual harassment, including sexual assault/sexual violence, and discrimination based upon sex;
- discussing the reporting options available to students who wish to pursue complaints through the University's process;
- imposing interim protective measures, as appropriate;
- advising complainants and respondents regarding available resources;
- explaining to complainants the University's obligation to investigate allegations of sexual harassment, including sexual assault/sexual violence, and discrimination based upon sex and to take appropriate responsive measures even when complainants do not wish to pursue a complaint or have decided to withdraw a pending complaint;
- assisting complainants to file reports with law enforcement; and
- providing guidance about the process to both complainants and respondents.

The membership of the search committee for this position included representatives from the Office of the Vice Chancellor for Student Affairs, the Department of Public Safety, Counseling and Psychological Services, the Office of University Counsel, the Office of Student Wellness, and the Equal Opportunity/ADA Office. Andrea Pino served on this search committee as the undergraduate student representative, and Cassie Ford served as the graduate student representative. This search commenced in September 2012 and resulted in the hiring of Ew Quimbaya-Winship.

#### **4. Educating the University Community About Sexual Harassment and Sexual Misconduct**

The University recognizes that in order to effectively respond to, investigate, and adjudicate complaints of sexual harassment, including sexual assault/sexual violence, and discrimination based upon sex, it is not sufficient to merely institute effective policies and procedures. Instead, the University understands that publicizing and disseminating these policies and procedures through campus education initiatives is also critically important.

As discussed in detail in response to Item 4, the University employs a number of methods to disseminate and publicize its policies and procedures regarding sexual harassment, including sexual assault/sexual violence, and discrimination based upon sex to the campus community. The University also assures that, as part of this effort, students, faculty members, and staff members are informed about how to file a complaint of sexual harassment, including sexual assault/sexual violence, and discrimination based upon sex.

Additionally, as discussed in more detail in response to Items 4, 5, and 6, the University provides training to students, faculty members, and staff members regarding the University's policies and procedures for responding to complaints of sexual harassment, including sexual assault/sexual violence, and discrimination based upon sex.

As part of its effort to assure that members of the campus community receive information about sexual harassment and the University's policies, procedures, and processes for responding to, investigating, and adjudicating complaints of sexual harassment, including sexual assault/sexual violence, and discrimination based upon sex, the University was engaged in conversations with OCR in December 2012 about the possibility of OCR's reviewing and commenting on the campus's new Title IX policies and procedures and about members of the OCR team visiting the University to conduct training sessions for the campus community.

Unfortunately – but understandably – the filing of the subject complaint derailed tentative plans for OCR's visit and prevented OCR from providing the feedback the University invited regarding the University's PPHISMD. Yet the University hopes that its engagement with and enthusiasm for OCR's assistance further demonstrates the University's sincere desire to achieve policies, procedures, and processes that represent informed and effective practices among higher education institutions for responding to complaints of sexual harassment, including sexual assault/sexual violence, and discrimination based upon sex and to effectively educate the campus community regarding the University's commitment to respond to, investigate, and resolve these complaints.

In a further effort to assure that UNC-Chapel Hill is a leader among its peers with respect to Title IX response, investigation, and adjudication, the University recently engaged Gina Maisto Smith to review the University's policies and procedures and to provide training to University investigators, adjudicators, and other members of the campus community. Ms. Smith, a former prosecutor, educator, and consultant who is regarded as a national expert on institutional response to sexual harassment, including sexual assault/sexual violence, and discrimination based upon sex, has visited the University 6 times since the beginning of February 2013. As further described in the response to Item 5 and 6, Ms. Smith and her colleague, Leslie Gomez, have conducted dozens of individual and small and large group meetings with University administrators and faculty members to discuss a variety of Title IX topics, including but not limited to:

- The University's policies and procedures for responding to and investigating complaints of sexual harassment, including sexual assault/sexual violence, and discrimination based upon sex;
- The responsibility of University employees to promptly share reports of sexual harassment, including sexual assault/violence, and discrimination based upon sex with the Title IX Officer;
- The limitations upon the University's ability to keep information confidential when a complainant shares information about sexual harassment, including sexual assault/sexual violence, and discrimination based upon sex; and
- How to respond in the event a complainant requests confidentiality.

In addition to meeting with University administrators and faculty members, Ms. Smith has conducted town hall, individual, and small group meetings with UNC-Chapel Hill students in order to provide information about the University's policies, practices, and resources for responding to, investigating, and adjudicating sexual harassment, including sexual assault/sexual violence, and discrimination based upon sex. These meetings also provided an opportunity for the University to engage the campus community in

a discussion of the campus climate and to solicit feedback for the University's ongoing education, training, and prevention programs. A schedule of the meetings Ms. Smith has held to date with students appears below.

**February 6**

Open forum for all students sponsored by the Student Advisory Committee to the Chancellor<sup>5</sup>

**February 13**

Executive Branch Officers/Student Government Task Force  
Project Dinah<sup>6</sup>  
Campus Y<sup>7</sup> and the SAFER Carolina Y Campaign<sup>8</sup>  
Greek Community

**February 14**

Graduate and Professional Students  
Student Congress and Honor System

**February 21**

Sexual Assault and Relationship Violence Training and Education Committee  
One Act<sup>9</sup> and HAVEN<sup>10</sup> Trainers  
Executive Branch of Student Government

**March 6**

Inter-Fraternity Council  
Graduate and Professional Students  
Student Athletes  
Pan-Hellenic Counsel

---

<sup>5</sup> The Student Advisory Committee to the Chancellor (SACC) is composed of 12 undergraduate and graduate students who meet monthly with the Chancellor to "peacefully and professionally advance the interests of the students and the [U]niversity." Additional information regarding SACC is available at <http://execbranch.web.unc.edu/external-appointments/student-advisory-committee-to-the-chancellor-sacc/>.

<sup>6</sup> Project Dinah is a student organization "devoted to safety and empowerment." Its mission is "to prevent and end all interpersonal violence (stalking, relationship abuse, and sexual violence) on campus and in our community." Further information regarding Project Dinah is available at <http://projectdinah.webs.com/>.

<sup>7</sup> With an estimated 2,000 members, the Campus Y is the oldest and largest student service organization on campus. "Its mission is the pursuit of social justice through promoting pluralism, and as such it is an organization that welcomes and supports a diversity of views, approaches and activities in its agenda to drive lasting social change." Additional information regarding the Campus Y is available at <http://campus-y.unc.edu/about>.

<sup>8</sup> The SAFER Carolina Y Campaign "aims to raise awareness about the reality of sexual and interpersonal violence at Carolina and of its effects on our Carolina community." Additional information about the SAFER Carolina Y Campaign is available at <http://campus-y.unc.edu/news/campus-y-campaign-safer-carolina>.

<sup>9</sup> One Act is a student organization founded for the purpose of training campus leaders about interpersonal violence, peer education skills, and bystander intervention. Additional information regarding One Act is available online at <http://uncstudentorgs.collegiatelink.net/organization/oneact>.

<sup>10</sup> The University, in partnership with Duke University, has developed the HAVEN Program, a campus initiative that offers training to faculty and staff members and students about responding to and preventing interpersonal violence, including sexual assault. Information regarding HAVEN is available at the following website: <http://safe.unc.edu/get-involved/haven-training/>.

**March 7**

Honor System  
Executive Branch Officers

**March 21**

Executive Branch Officers

Ms. Smith also met with  
and she made numerous attempts to speak with

Additional information regarding Ms. Smith's work at the University is available at <http://campusconversation.web.unc.edu/>, a website the University recently created to provide updates to the campus community regarding its continued efforts and commitment to achieving informed and effective practices in sexual assault/sexual violence response.

**5. University Resources Available to Students**

The University recognizes that in addition to having policies and procedures that provide for the prompt, thorough, and equitable resolution of complaints of sexual harassment, including sexual assault/sexual violence, and discrimination based upon sex, the University must also address the emotional and physical needs of students who have experienced sexual harassment, including sexual assault/sexual violence, and discrimination based upon sex. A description of University resources available to students is provided below.

- a. Student Complaint Coordinator/Deputy Title IX Officer** – Offers information regarding the options available to students who wish to pursue complaints through the University's process; imposes interim protective measures, as appropriate; advises complainants regarding available resources, regardless of whether they decide to pursue a formal complaint; and assists complainants with filing reports with law enforcement.
- b. Office of the Dean of Students** ([www.deanofstudents.unc.edu](http://www.deanofstudents.unc.edu)) – Provides academic advocacy, housing reassignment, counseling about grievance options, and assistance in reporting sexual assault or sexual violence to law enforcement.
- c. Campus Health Services** ([www.campushealth.unc.edu](http://www.campushealth.unc.edu)) – Offers medical services for sexual assault/sexual violence survivors including treatment for sexually transmitted diseases and infections, pregnancy prevention, HIV prophylaxis, and counseling services. Forensic Nurse Examiners on staff can collect evidence with a sexual assault evidence collection kit. The medical expenses incurred by survivors of sexual assault/sexual violence are funded through the Student Government Victims Assistance Fund and the Student Emergency Fund.
- d. Counseling and Psychological Services** ([www.campushealth.unc.edu/caps](http://www.campushealth.unc.edu/caps)) – Provides confidential individual and group therapy to students affected by sexual harassment, including sexual assault/sexual violence, and discrimination based upon sex. Courage to Heal, a sexual assault recovery group, is available to women seeking support from others who have experienced sexual assault/sexual violence.

- e. **University Ombuds Office** ([www.ombuds.unc.edu](http://www.ombuds.unc.edu)) – Offers a safe place for all University faculty members, staff members, administrators, and students to talk in confidence about any campus issue, problem, or dispute.
- f. **Lesbian, Gay, Bisexual, Transgender & Queer (“LGBTQ”) Center** ([www.lgbtq.unc.edu](http://www.lgbtq.unc.edu)) – Provides support and referral services to individuals who have experienced harassment, assault, or discrimination.
- g. **Department of Public Safety** ([www.dps.unc.edu](http://www.dps.unc.edu)) – Investigates reports of sexual harassment, including sexual assault/sexual violence, for resolution through the criminal process; offers blind reporting.
- h. **Equal Opportunity/ADA Office** (<http://equalopportunity-ada.unc.edu/index.htm>) – Investigates reports of sexual harassment, including sexual assault/sexual violence, and discrimination based upon sex for resolution through the University’s Title IX grievance process.
- i. **Carolina Women’s Center** ([www.womenscenter.unc.edu](http://www.womenscenter.unc.edu)) – Provides support and referral services to individuals who have experienced sexual harassment, including sexual assault/sexual violence, or discrimination based upon sex. Along with the Office of the Dean of Students, The Carolina Women’s Center sponsors the HAVEN Program, a campus-wide initiative to increase support for student survivors of sexual violence, abusive relationships, and stalking. Participants attend a four-hour HAVEN training session and then receive a sign for their office or residence hall door or laptop indicating that they can provide a safe space to discuss issues around interpersonal violence.
- j. **Sexual Assault & Relationship Violence Training & Education (“SARVTAE”) Task Force** (<http://campushealth.unc.edu/ipv/sarvtae.html>) – SARVTAE is a University committee whose members include UNC-Chapel Hill faculty members, administrators, staff members, and students, as well as members of the community. SARVTAE is dedicated to educating members of the campus community about the prevention of sexual assault, relationship violence, and stalking; ensuring safe, visible, and accessible services for all survivors of interpersonal violence; and creating a campus and community environment free of interpersonal violence.

In addition to the on-campus resources listed above, the University also informs students of the following confidential community resources:

- a. **Orange County Rape Crisis Center** (<http://ocrcc.org/>) – Provides 24-hour crisis intervention services to survivors of sexual violence; support groups; workshops; and therapy referrals. Winston Crisp, Vice Chancellor for Student Affairs, served on the Board of Directors of the Orange County Rape Crisis Center from 2004 until 2009. Christi Hurt, the Director of the Carolina Women’s Center, presently serves on the Orange County Rape Crisis Center’s Advisory Council.
- b. **Compass Center for Women and Families** (<http://compassctr.org/>) – Offers domestic violence crisis counseling, support groups, and safety planning.

- c. **UNC Hospitals Emergency Room** (<http://www.med.unc.edu/emergmed/>) – Provides 24-hour emergency medical services, including evidence collection, emergency contraception, screening and treatment of sexually-transmitted infections and diseases.
- d. **Chapel Hill Police Department** (<http://www.ci.chapel-hill.nc.us/>) – Investigates reports of sexual harassment, including sexual assault/sexual violence, for resolution through the criminal process; offers blind reporting.
- e. **Carrboro Police Department** (<http://www.townofcarrboro.org/pd/default.htm>) – Investigates reports of sexual harassment, including sexual assault/sexual violence, for resolution through the criminal process; offers blind reporting.
- f. **Orange County Sheriff's Office** (<http://www.co.orange.nc.us/sheriff/index.htm>) – Investigates reports of sexual harassment, including sexual assault/sexual violence, for resolution through the criminal process; offers blind reporting.
- g. **The University's Continued Commitment to Appropriately Responding to Complaints of Sexual Harassment, Including Sexual Assault/Sexual Violence, and Other Discrimination Based Upon Sex**

Despite all that the University has accomplished since the release of the April 4, 2011 Dear Colleague Letter – new policies and procedures for addressing sexual harassment, including sexual assault/sexual violence, and discrimination based upon sex; new employees to help with the implementation of this process; and extensive efforts to assure that the campus community is fluent in the University's policies, procedures, and resources for responding to sexual harassment, including sexual assault/sexual violence, and discrimination based upon sex – the University's work is not done.

UNC-Chapel Hill continues to strive to be a leader among colleges and universities in the response, investigation, and adjudication of student complaints of sexual harassment, including sexual assault/sexual violence, and discrimination based upon sex. In order to achieve this objective, the University recognizes the need to perform ongoing assessment of its policies and procedures and to seize opportunities to clarify, refine, and improve these processes. To this end, UNC-Chapel Hill continues to foster and support dialogue between faculty members, staff members, and students about ways to eradicate sexual harassment, including sexual assault/sexual violence, and discrimination based upon sex. The University also continues to engage Gina Smith to help the University with its communication and training efforts. Finally, the University continues to welcome feedback from OCR about its policies and procedures.

## **B. RESPONSES TO REQUESTS FOR INFORMATION**

Below please find the University's responses to OCR's specific requests for information and records.

- 1. **A copy of the following University documents. To the extent that these documents are available on the University's website, an appropriate link would be sufficient.**
  - a. **Title IX policies and procedures regarding sexual harassment, including sexual assault/sexual violence, and other discrimination based on sex.**

- b. Grievance procedures for complaints alleging sexual harassment, including sexual assault/sexual violence, or other discrimination based on sex.**
- c. Student Code of Conduct and/or Student Handbook or any other document(s) that contain the University's policies and procedures regarding student behavior, student discipline, and other student reporting avenues.**

### **2012-13 Academic Year**

As explained in further detail above, the current Title IX policy and grievance procedure for responding to, investigating, and adjudicating complaints of sexual harassment, including sexual assault/sexual violence, and other discrimination based on sex is the PPHISMD, which has been in effect throughout the 2012-13 academic year. The PPHISMD is available at [www.unc.edu/campus/policies/harassanddiscrim.pdf](http://www.unc.edu/campus/policies/harassanddiscrim.pdf), and a copy is enclosed as Exhibit 5. Appendix C of the PPHISMD sets forth the University's procedures for responding to, investigating, and adjudicating student complaints of sexual harassment, including sexual assault/sexual violence, and discrimination based upon sex involving other students.

The University's Instrument of Student Judicial Conduct ("Instrument") contains the University's policies and procedures regarding student behavior and student discipline. The Instrument is available online at <http://studentconduct.unc.edu/sites/studentconduct.unc.edu/files/Fall2012print.pdf>, and a copy is enclosed as Exhibit 6. Effective August 1, 2012, the Instrument no longer governs student complaints of sexual harassment, including sexual assault/sexual violence, and discrimination based upon sex.

### **2011-12 Academic Year**

At the beginning of the 2011-12 academic year, complaints of student-on-student sexual harassment were addressed in accordance with the Instrument. As previously discussed, following the dissemination of the April 4, 2011 Dear Colleague Letter, the University implemented the Interim Procedures, which became effective on the first day of class of the Spring 2012 semester (January 9, 2012). These Interim Procedures, a copy of which is enclosed as Exhibit 3, incorporated the requirements of the April 4, 2011 Dear Colleague Letter into the Honor System's processes for adjudicating cases of sexual harassment, including sexual assault/violence, and discrimination based upon sex involving students. The Interim Procedures were implemented on a temporary basis to provide the University with an opportunity to develop an entirely new process and policy for responding to, investigating, and adjudicating student complaints of sexual harassment, including sexual assault/sexual violence, and discrimination based upon sex involving other students that was separate and apart from the Honor System. The Interim Procedures remained in effect until the PPHISMD was enacted on August 1, 2012.

- 2. If not addressed in the policies and procedures referenced in Item 1 above, state whether the University has different entities, practices, or processes for investigating and resolving complaints alleging sexual assault as distinct from sexual harassment and other discrimination based on sex. If a different entity, practice, or process is used when the complaint includes an allegation of sexual assault, explain that process including information on when a complaint would be addressed by each entity or process. Also, please state whether students have the option to choose between the entities or processes and whether the University provides students with information regarding the differences between each entity and process, including available remedies and timeframes.**

In addition to the policies and procedures addressed in Item 1, above, the University also encourages students to report incidents of sexual harassment, including sexual assault/sexual violence, to the Department of Public Safety, if the incident(s) occurred on campus, or to one of the local law enforcement agencies listed in Item 3, below, if the incident(s) occurred off-campus. The Department of Public Safety investigates the reports it receives to determine whether there has been a violation of criminal law. The University makes clear to students that they may pursue both of these processes – the University’s Title IX process described in Item 1, above, and the criminal process – simultaneously and that the decision to participate in one process does not prevent the student from also participating in the other. The University’s Student Complaint Coordinator/Deputy Title IX Officer explains the difference between each process, including the available sanctions and standards that apply.

**3. Identify the University’s Title IX coordinator (or other coordinators) and provide the person’s name and job title. Also identify other persons, by name and job title, who are designated to investigate complaints [of] sexual harassment, including sexual assault/sexual violence, or other discrimination based on sex.**

**2012-13 Academic Year**

During the current academic year, Ann Penn has served as the University’s Title IX Officer. Ms. Penn is also the Director of the Equal Opportunity/ADA Office. Beginning in August 2012, the University created a Student Complaint Coordinator/Deputy Title IX Officer position, which was held on an interim basis by Desiree Rieckenberg, Senior Associate Dean of Students. On March 11, 2013, Ew Quimbaya-Winship joined the University to serve as the Student Complaint Coordinator/Deputy Title IX Officer.

During the 2012-13 academic year, several investigators within the Equal Opportunity/ADA Office have been designated to investigate complaints of sexual harassment, including sexual assault/sexual violence, and other discrimination based upon sex. These individuals include the following investigators:

- Camille Brooks,
- Lynne Deitch,
- Jayne Grandes, and
- Rudolph Jones.

Ms. Deitch resigned her position with the University in December 2012. Ms. Grandes began her position with the University on March 4, 2013.

As previously discussed, if an investigation of a complaint of sexual harassment, including sexual assault/sexual violence, or discrimination based upon sex concludes that the complaint is supported by good cause, the complainant has the option to pursue either Informal Resolution or Formal Resolution. Both processes involve continued consideration of the parties’ evidence and testimony. The individual responsible for conducting the Informal Resolution process is Jonathan Sauls, Dean of Students. Complaints that are submitted for Formal Resolution are adjudicated by the Student Grievance Committee. The members of the Student Grievance Committee are provided in response to Item 8.

The University’s Department of Public Safety has also been responsible for investigating complaints of sexual harassment, including sexual assault/sexual violence that occurred on campus during the current academic year. The Director of the Department of Public Safety is Chief Jeff McCracken.

Neighboring police departments in the Town of Chapel Hill, the Town of Carrboro, and Orange County are responsible for investigating off-campus incidents of sexual assault or sexual violence. Chris Blue is the Chief of the Chapel Hill Police Department. The Chief of the Carrboro Police Department is Carolyn Hutchison. Lindy Pendergrass is the Orange County Sheriff.

### **2011-12 Academic Year**

During the 2011-12 academic year, the University's Title IX Officer was Ms. Penn.

Student allegations of sexual harassment, including sexual assault or sexual violence, and other discrimination based upon sex involving students were investigated through the University's Honor System during this timeframe. Erik Hunter, Director of Student Conduct, was the University administrator responsible for coordinating Honor System cases.

The University's Department of Public Safety was also responsible for investigating complaints of sexual harassment, including sexual assault/sexual violence, that occurred on campus during the 2011-12 academic year. The Director of the Department of Public Safety was Chief Jeff McCracken. Neighboring police departments in the Town of Chapel Hill, the Town of Carrboro, and Orange County were responsible for investigating off-campus incidents of sexual assault or sexual violence. During the 2011-12 academic year, Chris Blue was the Chief of the Chapel Hill Police Department, Carolyn Hutchison was the Chief of the Carrboro Police Department, and Lindy Pendergrass was the Sheriff of Orange County.

- 4. Indicate how the University's policies and procedures regarding sexual harassment, including sexual assault/sexual violence, are distributed and/or publicized to University students and staff and any other means the University uses to notify students and staff about how to file a complaint of sexual harassment, including sexual assault/sexual violence. Additionally, please include documentation that evinces or supports this response, including but not limited to current website links, copies of distributed flyers, newspaper or web articles, orientation materials, and copies of pertinent portions of the Student Handbook.**

The University employs a number of methods to distribute and publicize its policies and procedures regarding sexual harassment, including sexual assault/sexual violence, to the campus community. The University assures that, as part of this effort, students, faculty members, and staff members are informed about how to file a complaint of sexual harassment, including sexual assault/sexual violence.

The University's PPHISMD is accessible online at <http://www.unc.edu/campus/policies/harass-anddiscrim.pdf>. A link to the PPHISMD is also included on the University's "Campus Policies and Procedures" webpage, <http://www.unc.edu/campus/policies.html>. In addition, examples of other University websites that provide information about the Policy and ways to file a complaint are listed below:

- Office of the Dean of Students
  - Polices Administered in Conjunction with Other Offices: <http://deanofstudents.unc.edu/policies/policies-administered-conjunction-other-offices>
  - Incident Reporting – Prohibited Harassment/Sexual Misconduct: <http://deanofstudents.unc.edu/incident-reporting/prohibited-harassmentsexual-misconduct>

- Equal Opportunity/ADA Office
  - Equal Opportunity Policies: <http://equalopportunity-ada.unc.edu/eopolicies/index.htm>
- Safe@UNC: Interpersonal Violence Awareness & Prevention
  - Sexual Assault: <http://safe.unc.edu/get-info/sexual-assault/>
  - Resources: <http://safe.unc.edu/resources/>
- Campus Conversation on Sexual Assault
  - Policy: <http://campusconversation.web.unc.edu/policy/>
  - Resources: <http://campusconversation.web.unc.edu/resources/>
- The University Ombuds Office
  - Policies and Procedures: <http://www.ombuds.unc.edu/policies.html>

Moreover, at the beginning of each academic year, the Chancellor distributes a memorandum to students, faculty members, and staff members via email explaining the University policies and procedures for responding to, investigating, and resolving complaints of discrimination and harassment, including sexual harassment and sexual assault/sexual violence. This memorandum provides an electronic link to the PPHISMD, as well as contact information for the University offices that can assist faculty members, staff members, and students with questions or concerns. The email also notes the availability of confidential counseling through Counseling and Psychological Services and through the University Ombuds Office. This campus-wide email message serves as a reminder to the University community of the University's policies and procedures, the campus resources available to students, and the University's overall commitment to an environment free from discrimination and harassment. The email memoranda sent by Chancellor Thorp during Fall 2011 and Fall 2012 are enclosed as Exhibit 7.

A number of other University websites provide links to the Policy, as well as to information about filing a complaint of sexual harassment, including sexual assault/sexual violence. In accordance with the Resolution Agreement the University signed in 2011 to address OCR complaint number 11-10-2125,<sup>11</sup> the University includes a summary of the PPHISMD and a link to that Policy on the website of every University School or College and in their academic policies. A chart providing the location of the policy on each School or College website and in their academic policies is enclosed as Exhibit 8.

The University's student handbooks, the *Undergraduate Bulletin*, the *Graduate Record*, and the *Graduate School Handbook*, also include information regarding the PPHISMD and an electronic link to the Policy. These handbooks identify the various administrators and offices that are responsible for responding to and investigating allegations of harassment and discrimination. The current *Undergraduate Bulletin* may be accessed online at <http://www.unc.edu/ugradbulletin/pdf/2012-13.pdf>. Please see page 4 for information regarding the Policy. The current *Graduate Record* may be found at <http://www.unc.edu/gradrecord/pdf/2012-2013.pdf>. Please see pages 2-3 and 39-40 for information regarding the Policy. The current *Graduate School Handbook* may be accessed online at

---

<sup>11</sup> OCR complaint number 11-10-2125 was filed by a former UNC-Chapel Hill graduate student who alleged that her dismissal from the School of \_\_\_\_\_ was the result of discrimination based upon age and disability. OCR determined that there was insufficient evidence to support these allegations. Nevertheless, Samantha Shofar provided helpful feedback regarding the University's policies and procedures for addressing student complaints of harassment and discrimination involving University employees. The University executed a Resolution Agreement committing to incorporate Ms. Shofar's feedback. The University received a Closure Letter regarding this complaint in September 2012.

<http://handbook.unc.edu/preface.html>. The PPHISMD is referenced in the “Policies and Procedures” section, <http://handbook.unc.edu/policies.html>. Copies of the relevant pages from these handbooks are enclosed as Exhibit 9.

The Policy is further publicized to the UNC-Chapel Hill community through University newspaper articles. The *University Gazette* is a University publication that communicates important information for faculty and staff members. The *Gazette* has published a number of recent articles that describe the University’s process for responding to, addressing, and resolving complaints of sexual harassment, including sexual assault/sexual violence, on campus and recent changes to the PPHISMD. Examples of two such articles, one discussing the Policy as reinforcement of the University’s commitment to a discrimination-free environment, and another explaining how the Policy has improved the process for responding to incidents of sexual harassment, including sexual assault/sexual violence, are enclosed as Exhibit 10. Information related to the Policy is also consistently publicized through *The Daily Tar Heel*, the University’s student newspaper. Two articles describing recent revisions to the Policy, one in 2011 and another in 2012, are enclosed as Exhibit 11.

Additionally, every UNC-Chapel Hill student is informed about the University’s resources, policies, and procedures for responding to, investigating, and resolving complaints of sexual harassment, including sexual assault/sexual violence, at a mandatory new student orientation, which is required for both first-year and transfer students.

Further, the University has conducted a number of informational sessions with students regarding the University’s policies and procedures for responding to reports of sexual harassment, including sexual assault/sexual violence. As previously noted, Gina Smith and Leslie Gomez met with the following groups of students during February and March 2013 to talk about the University’s processes for responding to, investigating, and adjudicating sexual harassment, including sexual assault/sexual violence:

- Open forum for all students sponsored by the Student Advisory Committee to the Chancellor;
- Executive Branch Officers
- Student Government Task Force;
- Project Dinah;
- Campus Y and the SAFER Carolina Y Campaign;
- Greek Community;
- Graduate and Professional Students;
- Student Congress
- Honor System;
- Sexual Assault and Relationship Violence Training and Education Committee;
- One Act and HAVEN Trainers;
- Inter-Fraternity Council;
- Student Athletes; and
- Pan-Hellenic Counsel

Additionally, Ms. Penn and Joanna Carey Cleveland, Associate University Counsel, have conducted multiple training sessions for the University’s student-athletes in which they shared information regarding the University’s policies and procedures for responding to complaints of sexual harassment, including sexual assault/sexual violence.

On August 22, 2012, members of the following teams attended this meeting:

- Baseball;
- Gymnastics;
- Men's Lacrosse;
- Men's Soccer;
- Men's Tennis;
- Rowing;
- Softball;
- Swimming;
- Volleyball;
- Women's Basketball;
- Women's Soccer;
- Women's Tennis; and
- Wrestling.

On August 23, 2012, members of the following teams attended this meeting:

- Fencing;
- Field Hockey;
- Men's Basketball;
- Men's Golf;
- Track/Cross Country;
- Women's Golf; and
- Women's Lacrosse.

A meeting for the members of the football team was held on August 2, 2012. An additional training session was held for the members of the men's tennis team on November 28, 2012.

A copy of the handouts that were distributed at these meetings is enclosed as Exhibit 12. Similar training sessions were conducted by Ms. Penn and Ms. Cleveland during at the beginning of the Fall 2011 semester for student-athletes as part of their Team Eligibility meetings.

On January 6, 2012, Ms. Penn presented a training session to students in the Dental Hygiene program regarding the University's policies and procedures for responding to complaints of sexual harassment. A copy of the Power Point slides Ms. Penn used for this training session is enclosed as Exhibit 13.

Similarly, all UNC-Chapel Hill employees are informed about the University's policies and procedures for responding to, investigating, and resolving complaints of sexual harassment, including sexual assault/sexual violence, by their department's Human Resources Facilitator on their first day of work. These policies and procedures are further explained during a presentation at a new employee orientation.

Finally, as discussed in more detail in response to Item 5, the University provides training to faculty members and staff members regarding the University's policies and procedures for responding to complaints of sexual harassment, including sexual assault/sexual violence.

**5. A detailed description of training provided to University staff covering the topics of sexual harassment, including sexual assault/sexual violence, or other discrimination based on sex.**

**Include the most recent date(s) provided and the names, titles, and qualifications of the person(s) who provided the training(s). Also, copies of any material provided during the training including power point slides and lists of attendees and their affiliations and titles.**

### **2012-13 Academic Year**

During the 2012-13 academic year, members of the University community participated in numerous training sessions regarding sexual harassment, including sexual assault/sexual violence, and discrimination based upon sex. These training sessions were conducted by several individuals, including Gina Maisto Smith, Leslie Gomez, Ann Penn, Rudolph Jones, Camille Brooks, and Joanna Carey Cleveland.

Ms. Smith is a partner in the law firm of Pepper Hamilton who advises colleges and universities regarding sexual misconduct policies and investigations and delivers training for Title IX coordinators, judicial hearing boards, investigators, and other members of the campus community. Ms. Smith previously served for nearly two decades in the Philadelphia District Attorney's Office, where she investigated and prosecuted sex crimes and child abuse. She is a frequent lecturer and author on issues related to sexual assault response. Additional information regarding Ms. Smith's qualifications is available online at [http://www.pepperlaw.com/LegalStaff\\_preview.aspx?LegalStaffKey=1024&LegalStaffTypeKey=1](http://www.pepperlaw.com/LegalStaff_preview.aspx?LegalStaffKey=1024&LegalStaffTypeKey=1). A copy of Ms. Smith's biography is enclosed as Exhibit 14.

Ms. Gomez is also a partner in the law firm of Pepper Hamilton, where her practice focuses upon the institutional response to sexual misconduct in accordance with Title IX and the April 4, 2011 Dear Colleague Letter. Prior to entering private legal practice, Ms. Gomez served as an assistant district attorney with the Philadelphia District Attorney's Office for 14 years where she handled complex child abuse, domestic violence, and sexual assault cases. Additional information regarding Ms. Gomez's qualifications is available online at [http://www.pepperlaw.com/LegalStaff\\_Preview.aspx?LegalStaffKey=1025](http://www.pepperlaw.com/LegalStaff_Preview.aspx?LegalStaffKey=1025). A copy of Ms. Gomez's biography is enclosed as Exhibit 15.

Ms. Penn is the University's Title IX Officer and the Director of the Equal Opportunity/ADA Office. Prior to joining the University in 2006, Ms. Penn served as the Director of Equal Opportunity/Affirmative Action and the Women's Resource Center at Kent State University and as Director of Equal Opportunity and Diversity at Case Western Reserve University. Ms. Penn also previously worked as an Equal Opportunity Compliance Investigator with the U.S. Department of Labor, Office of Federal Contract Compliance Programs. Ms. Penn has particular expertise in the investigation of harassment and discrimination complaints and in the delivery of training regarding sexual harassment response. Ms. Penn's curriculum vitae is enclosed as Exhibit 16.

Mr. Jones has been with the University's Equal Opportunity/ADA Office since 2009 and currently serves as the Associate Director of that office. Mr. Jones holds a Bachelor of Arts degree in Sociology and a Master of Science degree in Organizational Management and Human Resource Development. Mr. Jones's curriculum vitae is enclosed as Exhibit 17.

Ms. Brooks is an Equal Opportunity Specialist who has more than 15 years of human resource management and training development experience. She holds a Bachelor of Arts degree in Human Resource Management and an MBA with a Human Resource Management concentration. Ms. Brooks's curriculum vitae is enclosed as Exhibit 18.

Ms. Cleveland is an Associate University Counsel who concentrates her legal practice at the University in the areas of harassment and discrimination, employment, and athletics. She is also an Adjunct Professor at the UNC School of Law, where she teaches a seminar course entitled, "Legal Issues in Higher Education." Ms. Cleveland's biography is enclosed as Exhibit 19.

On February 6, 2013, Ms. Smith conducted a large training session for members of several University departments, including the following:

- Campus Health Services;
- Counseling and Psychological Services;
- Department of Housing and Residential Education;
- Department of Public Safety;
- Equal Opportunity/ADA Office;
- LGBTQ Center;
- Office of Fraternity and Sorority Life;
- Office of Student Conduct;
- Office of the Dean of Students;
- Office of the Vice Chancellor for Student Affairs;
- Office of University Counsel;
- Office of Student Wellness Services; and
- Ombuds Office.

A list of the specific individuals who attended this training is enclosed as Exhibit 20. A copy of Ms. Smith's Power Point slides from this training session is enclosed as Exhibit 21.

On several dates in February and March 2013, Ms. Smith and Ms. Gomez held additional meetings with faculty and staff members. During these individual, small group, and large group meetings, Ms. Smith addressed assorted Title IX topics, including but not limited to:

- The University's policies and procedures for responding to and investigating complaints of sexual harassment, including sexual assault/sexual violence, and discrimination based upon sex;
- The responsibility of University employees to share information regarding reports of sexual harassment, including sexual assault/sexual violence, and discrimination based upon sex with the Title IX Officer;
- The limitations upon the University's ability to keep information confidential when a complainant shares information about sexual harassment, including sexual assault/sexual violence, and discrimination based upon sex; and
- How to respond in the event a complainant requests confidentiality.

Specific information regarding the dates of these meetings and the individuals who participated in these meetings is provided below.

On February 6, 2013, February 13, 2013, February 22, 2013, March 6, 2013, March 8, 2013, and March 20, 2013, Ann Penn, the University's Title IX Officer, met with Ms. Smith. On February 14, 2013, March 7, 2013, March 8, 2013, and March 20, 2013, Jayne Grandes, the investigator charged with investigating student complaints of sexual harassment, including sexual assault/violence, and discrimination based upon sex met with Ms. Smith.

Ms. Smith met with Winston Crisp, Vice Chancellor for Student Affairs; Jonathan Sauls, Dean of Students; Desiree Rieckenberg, Senior Associate Dean of Students and interim Student Complaint Coordinator/Deputy Title IX Officer; and Erik Hunter, Director of Student Conduct, on February 6, 2013. On February 13, 2013, February 14, 2013, March 6, 2013, and March 7, 2013, Vice Chancellor Crisp met again with Ms. Smith. On March 6, 2013 and March 8, 2013, Dean Sauls met again with Ms. Smith and Ms. Gomez. On February 13, 2013, Ms. Smith met again with Dean Rieckenberg. On February 21, 2013 and March 8, 2013, Ms. Smith spoke by telephone with Ew Quimbaya-Winship, the University's incoming Student Complaint Coordinator/Deputy Title IX Officer. Ms. Smith and Mr. Quimbya-Winship also met on March 20, 2013.

On February 6, 2013 and February 14, 2013, Ms. Smith met with members of the University's Office of Student Wellness Services. On February 6, 2013, Ms. Smith met with Dean Blackburn, Associate Dean of Students and Director of Student Wellness and Prevention Initiatives, and Kelli Raker, Rape Prevention Coordinator. On February 14, 2013, Ms. Smith met with Robert Pleasants, Interpersonal Violence Coordinator.

Ms. Smith met with Lieutenant George Hare, Deputy Director of Public Safety, on February 6, 2013 and March 20, 2013. On March 7, 2013, Ms. Smith and Ms. Gomez provided further training to the members of the Department of Public Safety. A list of the individuals who attended this March 7, 2013 training session is enclosed as Exhibit 22. The Power Point slides that Ms. Smith and Ms. Gomez presented during this session are enclosed as Exhibit 21.

On February 6, 2013, Ms. Smith met with Christi Hurt, the Director of the Carolina Women's Center.

Ms. Smith met with Wayne Blair and Laurie Mesibov, members of the University Ombuds Office, on February 6, 2013.

On February 6, 2013, Ms. Smith met with Professor Jan Boxill, Chair of the Faculty. On March 8, 2013, Ms. Smith and Ms. Gomez presented to the University's Faculty Council.

On February 14, 2013, Ms. Smith met with Larry Hicks, Director of the Department of Housing and Residential Education; Amy Gauthier, Associate Director of the Department of Housing and Residential Education; Katie Bartholomew, Assistant Director of the Department of Housing and Residential Education; Jess Evans, Assistant Director of the Department of Housing and Residential Education; and Lisa Freeman, Assistant Director of the Department of Housing and Residential Education. On March 7, 2013, Ms. Smith and Ms. Gomez provided additional training to the members of the Department of Housing and Residential Education, including Resident Advisors. A list of the individuals who attended this March 7, 2013 training session is enclosed as Exhibit 23.

Ms. Smith and Ms. Gomez met with Cricket Lane, Assistant Athletics Director for Student-Athlete Development, on February 21, 2013.

Ms. Smith and Ms. Gomez conducted training for members of the University's Campus Health Services and its Counseling and Psychological Services on March 7, 2013. A list of the individuals who attended this March 7, 2013 training session is enclosed as Exhibit 24. The Power Point slides that Ms. Smith and Ms. Gomez presented during this session are enclosed as Exhibit 21.

Several University administrators also attended a Title IX training session conducted by Gary Margolis, Steven Healy, and Jeffrey Nolan on February 13, 2013 and February 14, 2013. Dr. Margolis is the former Chief of Police at the University of Vermont and State Agricultural College. Currently, he and Mr. Healy, formerly the Director of Public Safety at Princeton University, are the Managing Partners of Margolis Healy and Associates, LLC, a consulting firm that specializes in campus safety, security, and regulatory compliance for institutions of higher education. Mr. Nolan, an attorney who advises institutions of higher education regarding student-related issues, serves as Margolis Healy's Senior Legal Associate. Additional information regarding the backgrounds and credentials of these individuals is enclosed as Exhibit 25 and is available online at <http://www.margolishealy.com/associates/>.

The University administrators in attendance for this training session included Ann Penn, Director of the Equal Opportunity/ADA Office and Title IX Officer; Desiree Rieckenberg, Senior Associate Dean of Students and interim Student Complaint Coordinator/Deputy Title IX Officer; Lieutenant George Hare, Deputy Director of Public Safety; and Kara Simmons, Associate University Counsel. The topics covered during this training session included:

- Overview of Title IX Institutional Obligations and Enforcement Context;
- Capstone Case Study;
- Understanding Sexual and Gender Violence on Campus;
- Duties and Responsibilities of the Title IX Coordinator;
- Defining Roles and Confronting Conflict;
- Complaint Intake, Confidentiality and Conducting Investigations;
- Conduct Hearings, Respecting Rights;
- Navigating the Legislative Minefield – The Intersection Between Clery, FERPA, Title IX, and Other Legislative Mandates; and
- Title IX Training, Education, and Prevention Requirements.

A copy of the materials distributed during this training is enclosed as Exhibit 26.

On February 11, 2013, Ms. Brooks conducted a training session entitled, "Preventing Sexual Harassment in the Workplace." This training session addressed the following topics:

- What constitutes sexual harassment;
- The University's policies and procedures for responding to and investigating complaints of sexual harassment;
- The University's obligation to investigate all complaints of harassment and discrimination;
- The requirement that University employees share information regarding all reports of harassment and discrimination; and
- The fact that most University employees cannot promise to keep information regarding reports of harassment and discrimination confidential.

A list of the individuals who attended this training session and a copy of the Power Point slides Ms. Brooks used for the training session are enclosed as Exhibit 27.

On January 31, 2013, Ms. Penn conducted a training session for the members of the Student Affairs Council, which includes the following individuals:

- Priscilla Alden, Associate Vice Chancellor, Information Technology Services;
- Tiffany Bailey, Assistant Director of Accessibility Resources & Service;

- Katie Bartholomew, Assistant Director, Department of Housing and Residential Education;
- Rick Bradley, Assistant Director, Department of Housing and Residential Education;
- John Brodeur, Associate Director of Leadership Development;
- Mario Ciocca, Director of Sports Medicine;
- Kerrenda Crandol, Communications and Events Coordinator, Office of the Vice Chancellor for Student Affairs;
- Danny DePuy, Assistant Director of the LGBTQ Center;
- Debra Eatman, Executive Assistant to the Vice Chancellor for Student Affairs;
- Annice Fisher, Assistant Director, Academic Collaboration and Assessment
- Shanna Fleenor, Administrative Officer, Campus Health Services;
- Lisa Freeman, Assistant Director, Department of Housing and Residential Education;
- Amy Gauthier, Associate Director, Department of Housing and Residential Education;
- Daniel Hooker, Associate Director of Sports Medicine;
- Shandol Hoover, Associate Director of New Student and Carolina Parent Programs;
- Scott Hudson, Associate Director of the Carolina Union;
- Megan Johnson, Assistant Director of the Carolina Union;
- Lucy Lewis, Assistant Director of the Campus Y;
- Steven Lofgren, Assistant Director, Department of Housing and Residential Education;
- Lauren Magili, Associate Director of Campus Recreation;
- Tony Patterson, Senior Associate Director of Student Life and Activities;
- Kenneth Pittman, Director of Administration, Campus Health Services;
- Joseph Singer, Associate Director of the Carolina Union;
- Jeffrey Sackaroff, Associate Director of University Career Services;
- Audra Slavin, Senior Finance Administrator, Department of Housing and Residential Education;
- Lamonte Stamps, Assistant Director of New Student and Carolina Parent Programs;
- Timothy Stiles, Associate Director of University Career Services; and
- Maureen Windle, Associate Director, Counseling and Psychological Services.

This training session addressed topics including but not limited to:

- What constitutes sexual harassment, including sexual assault/violence, and discrimination based upon sex;
- The University's policies and procedures for responding to complaints of sexual harassment, including sexual assault/violence, and discrimination based upon sex;
- The obligation of University administrators to share information regarding reports of sexual harassment, including sexual assault/sexual violence, and discrimination based upon sex with Ms. Penn; and
- The limitations upon the University's ability to keep information regarding sexual harassment, including sexual assault/sexual violence, and discrimination based upon sex confidential.

A copy of the Power Point slides Ms. Penn used for this training session is enclosed as Exhibit 28.

On January 3, 2013, Rudolph Jones, Associate Director of the Equal Opportunity/ADA Office, conducted a training session for the members of the University's Department of Sports Medicine. This training session addressed topics including but not limited to:

- What constitutes sexual harassment, including sexual assault/sexual violence, and discrimination based upon sex;
- The University's policies and procedures for responding to complaints of sexual harassment, including sexual assault/ sexual violence, and discrimination based upon sex;
- The obligation of University administrators to share information regarding reports of sexual harassment, including sexual assault/ sexual violence, and discrimination based upon sex with Ms. Penn; and
- The limitations upon the University's ability to keep information regarding sexual harassment, including sexual assault/ sexual violence, and discrimination based upon sex confidential.

A copy of the Power Point slides Mr. Jones used for this training session is enclosed as Exhibit 29.

On numerous dates in December 2012, January 2013, and February 2013, Ms. Brooks conducted a training session for members of the University's Department of Public Safety. Lists of the attendees for these training sessions and a copy of the Power Point slides Ms. Brooks used for these training sessions are enclosed as Exhibit 30. These training sessions addressed a number of topics, including but not limited to:

- What constitutes sexual harassment;
- University policies and procedures for responding to reports of harassment and discrimination;
- The University's obligation to investigate all reports of harassment and discrimination;
- The obligation of University employees to share information regarding reports of harassment or discrimination with the Equal Opportunity/ADA Office;
- The fact that most University employees cannot promise to keep information regarding reports of harassment or discrimination confidential; and
- The campus departments where students can share information about harassment or discrimination confidentially.

On November 13, 2012, Ms. Penn and Ms. Cleveland conducted a training session for the University's Department of Athletics. This training session addressed the following topics:

- The University's policies and procedures for responding to reports of discrimination and harassment, including sexual harassment and sexual assault/violence;
- The University's obligation to investigate all complaints of harassment and discrimination;
- The requirement that University employees share information regarding all reports of harassment and discrimination;
- The fact that most University employees cannot promise to keep information regarding reports of harassment and discrimination confidential; and
- The campus departments where students can share information about harassment and discrimination confidentially.

The following individuals were present for this meeting:

- Joe Breschi, Head Coach, Men's Lacrosse;
- Lissa Broome, Faculty Athletics Representative and Professor, School of Law
- Bubba Cunningham, Director of Athletics;

- Karlton Creech, Senior Associate Director of Athletics;
- Rich DeSelm, Head Coach, Swimming and Diving;
- Mike Fox, Head Coach, Men's Baseball;
- Derek Galvin, Head Coach, Women's Gymnastics;
- Clint Gwaltney, Associate Athletics Director;
- Sarah Haney, Head Coach, Women's Rowing;
- Sylvia Hatchell, Head Coach, Women's Basketball;
- Joe Holladay, Assistant Coach, Men's Basketball;
- Vince Ille, Senior Associate Athletic Director;
- Brian Kalbas, Head Coach, Women's Tennis;
- Jennifer Levy, Head Coach, Women's Lacrosse;
- Beth Miller, Senior Associate Director of Athletics
- C.D. Mock, Head Coach, Wrestling;
- Sam Paul, Head Coach, Men's Tennis;
- Andrew Sapp, Head Coach, Men's Golf;
- Karen Shelton, Head Coach, Women's Field Hockey;
- Carlos Somoano, Head Coach, Men's Soccer; and
- Rick Steinbacher, Associate Athletics Director.

A copy of the Power Point slides that were used for this training session is attached as Exhibit 31.

On several dates in September 2012 and February 2013, Ms. Brooks conducted a training session for the University's Housekeeping staff members. The topics addressed during this training included the following:

- What constitutes sexual harassment;
- The University's policies and procedures for responding to and investigating claims of sexual harassment;
- The University's obligation to investigate all complaints of harassment and discrimination;
- The requirement that University employees share information regarding all reports of harassment and discrimination; and
- The fact that most University employees cannot promise to keep information regarding reports of harassment and discrimination confidential.

Lists of the attendees who participated in these training sessions and copies of the Power Point slides that Ms. Brooks used for these training sessions are enclosed as Exhibit 32. These Power Point slides were produced in the three languages that members of the Housekeeping staff commonly speak: English, Spanish, and Karen (a language spoken by individuals of Burmese descent). Translators were also present at these training sessions.

On August 23, 2012, Ms. Penn conducted a training session for the following individuals regarding recent revisions to the University's PPHISMD:

- Nadia Alamo, former Case Manager, Office of the Dean of Students;
- Dean Blackburn, Associate Dean of Students and Director of Student Wellness and Prevention Initiatives;
- Camille Brooks, Equal Opportunity Specialist;
- Winston Crisp, Vice Chancellor for Student Affairs;
- Lynne Deitch, former Investigator with the Equal Opportunity/ADA Office;

- Rudolph Jones, Associate Director of the Equal Opportunity/ADA Office;
- Melinda Manning, former Assistant Dean of Students;
- Desiree Rieckenberg, Senior Associate Dean of Students and interim Student Complaint Coordinator/Deputy Title IX Officer;
- Jonathan Sauls, Dean of Students; and
- Bettina Shuford, Associate Vice Chancellor for Student Affairs

During the training session, Ms. Penn addressed the following topics:

- What constitutes sexual harassment, including sexual assault/ sexual violence, and discrimination based upon sex;
- The University's policies and procedures for responding to complaints of sexual harassment, including sexual assault/sexual violence, and discrimination based upon sex;
- The obligation of University administrators to share information regarding reports of sexual harassment, including sexual assault/sexual violence, and discrimination based upon sex with Ms. Penn; and
- The limitations upon the University's ability to keep information regarding sexual harassment, including sexual assault/sexual violence, and discrimination based upon sex confidential.

A copy of the Power Point slides Ms. Penn used for this training session is enclosed as Exhibit 33.

In addition to the specific training sessions described above, the University requires managers, supervisors, and department chairs to complete online sexual harassment training within thirty days of the date on which their tenure commences. This online training module is available at <http://training.newmedialearning.com/psh/uncchapelhill/index.htm>. The module addresses topics including but not limited to:

- What is sexual harassment;
- The obligation to share information regarding reports of sexual harassment;
- The obligation to respond to all reports of sexual harassment; and
- The fact that reports of sexual harassment cannot be kept confidential.

Rosters of the individuals who completed this online training module during the 2012-13 academic year are enclosed as Exhibit 34.

Further, the University, in partnership with Duke University, has developed the HAVEN Program, a campus initiative that offers training to faculty and staff members and students about responding to and preventing interpersonal violence, including sexual assault. Information regarding HAVEN is available at the following website: <http://safe.unc.edu/get-involved/haven-training/>. Handouts from these training sessions are enclosed as Exhibit 35. Lists of the individuals who participated in HAVEN training during the 2012-13 academic year are enclosed as Exhibit 36.

Finally, as a complement to the University training sessions detailed above, University administrators participated in numerous webinars and conferences sponsored by organizations including but not limited to the National Association of College and University Attorneys, the Association for Student Conduct Administration, and the North Carolina Diversity & Inclusion Partners during the 2012-13 academic year.

### **2011-12 Academic Year**

During the 2011-12 academic year, members of the University community participated in numerous training sessions regarding sexual harassment, including sexual assault/sexual violence, and discrimination based upon sex.

In May 2012, Ms. Brooks conducted a training session with members of the University's Office of Human Resources. This training session addressed a number of topics, including but not limited to:

- What constitutes sexual harassment;
- University policies and procedures for responding to reports of harassment and discrimination;
- The University's obligation to investigate all reports of harassment or discrimination;
- The obligation of University employees to share information regarding reports of harassment or discrimination with the Equal Opportunity/ADA Office;
- The fact that most University employees cannot promise to keep information regarding reports of harassment or discrimination confidential; and
- The campus departments where students can share information about harassment or discrimination confidentially.

A copy of the Power Point slides Ms. Brooks used for this training session is enclosed as Exhibit 37.

In March and April 2012, Ms. Penn and Kara Simmons, Associate University Counsel, participated in a six-week Title IX Coordinator training program through the National Association of College and University Attorneys. This training program covered the following topics:

- The Key Responsibilities of Title IX Coordinators;
- Understanding Sexual Harassment and Sexual Violence and the Legal Responsibilities of the Institution;
- Overseeing or Conducting Investigations of Sexual Harassment and Sexual Assault Investigations;
- Institutional Policies;
- Compliance with Notice and Training Obligations; and
- Title IX Coordinator Best Practices in Athletics.

This training program was conducted by Melinda Grier, Amy Foerster, and Janet Judge. Ms. Grier has worked in higher education for more than 30 years and recently served as General Counsel for the University of Oregon. Ms. Grier frequently publishes and presents on issues related to higher education and civil rights. Ms. Foerster is a partner with the law firm of Saul Ewing, where she is co-chair of the firm's Higher Education Practice Group. Previously, she served as primary counsel to the Office of Postsecondary and Higher Education at the Pennsylvania Department of Education. Ms. Judge is a sports law and employment counseling consultant who advises colleges and universities on a variety of issues, including Title IX and harassment. Additional information regarding these individuals is enclosed as Exhibit 38 and is available online at

[http://www.nacua.org/onlinecourses/title\\_ix\\_coordinator\\_training\\_2012\\_fall/instructor.html](http://www.nacua.org/onlinecourses/title_ix_coordinator_training_2012_fall/instructor.html). A copy of the materials provided for this training session is enclosed as Exhibit 39.

On February 20, 2012, Ms. Penn conducted a training session for the members of the University's Psychology department. This training session addressed a number of topics, including but not limited to:

- What constitutes sexual harassment;
- University policies and procedures for responding to reports of harassment and discrimination;
- The University's obligation to investigate all reports of harassment or discrimination;
- The obligation of University employees to share information regarding reports of harassment or discrimination with the Equal Opportunity/ADA Office;
- The fact that most University employees cannot promise to keep information regarding reports of harassment or discrimination confidential; and
- The campus departments where students can share information about harassment or discrimination confidentially.

A copy of the Power Point slides Ms. Penn used for this training session is enclosed as Exhibit 40.

On December 5, 2011, March 19, 2012, and May 10, 2012, Ms. Brooks conducted a training session entitled, "Preventing Sexual Harassment in the Workplace." This training session addressed the following topics:

- What constitutes sexual harassment;
- The University's policies and procedures for responding to and investigating claims of sexual harassment;
- The University's obligation to investigate all complaints of harassment and discrimination;
- The requirement that University employees share information regarding all reports of harassment and discrimination; and
- The fact that most University employees cannot promise to keep information regarding reports of harassment and discrimination confidential.

Lists of the individuals who attended these training sessions and a copy of the Power Point slides Ms. Brooks used for the training sessions are enclosed as Exhibit 41.

On November 14, 2011, Ms. Penn conducted a training session for administrators in the School of Nursing. This training session addressed the following topics:

- What constitutes sexual harassment;
- The University policies and procedures for responding to reports of harassment and discrimination;
- The University's obligation to investigate all reports of harassment or discrimination; and
- The obligation of University employees to share information regarding reports of harassment or discrimination with the Equal Opportunity/ADA Office;

A copy of the Power Point slides Ms. Penn used for this training session is enclosed as Exhibit 42.

On October 18, 2011, Ms. Penn and Ms. Cleveland conducted a training session for the University's athletic coaching staff. This training session addressed the following topics:

- The University's policies and procedures for responding to reports of discrimination and harassment, including sexual harassment and sexual assault/sexual violence;
- The University's obligation to investigate all complaints of harassment and discrimination;

- The requirement that University employees share information regarding all reports of harassment and discrimination;
- The fact that most University employees cannot promise to keep information regarding reports of harassment and discrimination confidential; and
- The campus departments where students can share information about harassment and discrimination confidentially.

A copy of the Power Point slides that were used for this training session is attached as Exhibit 43.

On August 25, 2011 and August 29, 2011, Ms. Penn and Ms. Cleveland conducted a training session regarding revisions that had been made to the PPHISMD (then referred to as the “Policy on Prohibited Harassment and Discrimination”) in response to the feedback the University received from Samantha Shofar at OCR. As previously noted, Ms. Shofar provided this feedback to the University during the resolution of OCR complaint number 11-10-2125. A list of the individuals who attended these training sessions, handouts, and agendas from these sessions are attached as Exhibit 44.

As previously noted, the University, in partnership with Duke University, has developed the HAVEN Program, a campus initiative that offers training to faculty and staff members and students about responding to and preventing interpersonal violence, including sexual assault. Information regarding HAVEN is available at the following website: <http://safe.unc.edu/get-involved/haven-training/>. Handouts from these training sessions are enclosed as Exhibit 35. Lists of the individuals who participated in HAVEN training during the 2011-12 academic year are enclosed as Exhibit 45.

In addition to the specific training sessions described above, in 2011-12, the University required managers, supervisors, and department chairs to complete online sexual harassment training within thirty days of the date on which their tenure commenced. This online training module is available at <http://training.newmedialearning.com/psh/uncchapelhill/index.htm>. The module addresses topics including but not limited to:

- What is sexual harassment;
- The obligation to share information regarding reports of sexual harassment;
- The obligation to respond to all reports of sexual harassment; and
- The fact that reports of sexual harassment cannot be kept confidential.

Rosters of the individuals who completed this online training module during the 2011-12 academic year are enclosed as Exhibit 46.

Finally, as a complement to the University training sessions detailed above, University administrators participated in numerous webinars and conferences sponsored by organizations including but not limited to the National Association of College and University Attorneys, the North Carolina Coalition Against Sexual Assault, the Association for Student Conduct Administration, and the North Carolina Diversity & Inclusion Partners during the 2011-12 academic year.

- 6. A detailed description of training provided to hearing committee members on sexual harassment, including sexual assault/sexual violence, or other discrimination based on sex. Include the most recent date(s) provided and the names, titles, and qualifications of the person(s) who provided the training(s). Also, copies of any material provided during the training including power point slides and lists of attendees and the affiliations and titles.**

### **2012-13 Academic Year**

During the 2012-13 academic year, the University provided training to the members of the Student Grievance Committee, as well as to the advisors who provide support to complainants and respondents in cases of sexual harassment, including sexual assault/sexual violence, and discrimination based upon sex. These training sessions were conducted by several individuals, including Gina Maisto Smith, Leslie Gomez, and Ann Penn.

Members of the Student Grievance Committee and the advisors who support the parties during the hearing process received training on February 22, 2013, February 27, 2013, and March 8, 2013. Ms. Smith, Ms. Gomez, and Ms. Penn delivered the training sessions on February 22, 2013 and on March 8, 2013. Ms. Penn provided the February 27, 2013 training session. The individuals who attended each training session are noted on the sign-in sheets enclosed as Exhibit 47. Copies of the Power Point slides that were used for these training sessions are enclosed as Exhibit 48. During these training sessions, participants were provided with a copy of the PPHISMD.

On August 24, 2012, Ms. Penn conducted a training session for several members of the Student Grievance Committee. Ms. Penn discussed with the members of the Student Grievance Committee the following topics:

- Applicable laws and University policy;
- What constitutes sexual harassment; and
- Information regarding the processes and procedures employed by the Student Grievance Committee.

A copy of the Power Point slides Ms. Penn used for this training session and a list of the participants who attended are enclosed as Exhibit 49.

### **2011-12 Academic Year**

During the 2011-12 academic year, members of the University's Honor System participated in several training sessions regarding sexual harassment, including sexual assault/sexual violence, and discrimination based upon sex.

On February 12, 2012, a training session entitled, "Honor System Sexual Misconduct Training" was delivered by Jonathan Sauls, Dean of Students; Erik Hunter, the Director of Student Conduct; Melinda Manning, a former Assistant Dean of Students, and Valerie Glassman, Assistant Dean of Students for Student Conduct at Duke University.

Dean Sauls has been with the University since 2005, beginning his tenure as Assistant Dean of Students and Judicial Programs Officer before becoming Dean of Students. Prior to joining the University, Dean Sauls was a partner with the Durham, North Carolina law firm of Faison & Gillespie, where he represented clients in civil matters before state and federal courts. Dean Sauls's curriculum vitae is enclosed as Exhibit 50.

Mr. Hunter joined the University in 2011 and, as Director of Student Conduct, is responsible for coordinating the Honor System process and for overseeing matters of student discipline. Prior to joining the University, Mr. Hunter served as Director of Student Services for Argosy University in Washington,

DC and as Associate Director for Student Conduct at Georgetown University. Mr. Hunter holds a Master's degree in Counseling. Mr. Hunter's curriculum vitae is enclosed as Exhibit 51.

Former Dean Manning served as Assistant Dean of Students from 2001 until her resignation in 2012. She also was an adjunct instructor in the School of Education, where she taught a course entitled, "Navigating the Research University," and in the Department of Public Policy, where she taught a course entitled, "Higher Education Policy."

Topics discussed during this training session included:

- What constitutes sexual harassment, including sexual assault/sexual violence, and discrimination based upon sex;
- Information about the sensitive nature of these cases (e.g., the need for compassion, the need to ask appropriate questions, the need to be fair and respectful to both parties);
- The University's policies and procedures for addressing sexual harassment, including sexual assault/sexual violence, and discrimination based upon sex;
- The revisions that were made to those policies to assure compliance with the April 4, 2011 Dear Colleague Letter; and
- The importance of confidentiality.

All members of the Honor System, including members of the Student Attorney General's staff and Honor Court panel members, were required to attend this training. Emails from the Student Attorney General and the Chair of the Honor Court mandating that members of the Honor System attend this training session are enclosed as Exhibit 52. An agenda and handouts from this training session are enclosed as Exhibit 53. A list of the members of the Student Attorney General's staff who attended this meeting is enclosed as Exhibit 54.

An additional training session for new members of the Honor System was held on March 17 and March 18, 2012. This training session was required for new members of the Student Attorney General's staff and new members of the Honor Court. This training session was conducted by student members of the Honor System as well as by Dean Sauls; Demi Brown, a former Assistant Dean of Students; Mr. Hunter; and former Dean Manning. The qualifications of Dean Sauls, former Dean Manning, and Mr. Hunter are described above.

Former Dean Brown joined the University in 2005 as Assistant Director of Residential Education and was promoted to Assistant Dean of Students in 2007. Prior to his tenure at UNC-Chapel Hill, Mr. Brown was the Residence Life Coordinator at Florida International University. Presently, Mr. Brown is the Executive Director of Housing and Residential Education at the University of Denver. Mr. Brown holds a Master of Science in Higher Education.

Similar to the training session held in February 2012, this training included a discussion of:

- The University's policies and procedures for addressing sexual harassment, including sexual assault/sexual violence, and discrimination based upon sex;
- The revisions that were made to those policies to assure compliance with the Dear Colleague Letter; and
- The importance of confidentiality.

An agenda from this training session is enclosed as Exhibit 55.

- 7. Provide a spreadsheet of all student complaints of sexual harassment, including sexual assault/sexual violence, brought to the University's attention (formally or informally). For each complaint identified, please provide the following and the dates at each step of the process:**
- a. The name, or unique identifier, and sex of the student.**
  - b. The type of complaint filed, i.e., formal or informal, whether the instance of sexual harassment involved sexual assault/sexual violence, etc.**
  - c. With which University office or staff the complaint was filed (campus police, student service, etc.). If the complaint was transferred to another University office after receipt, indicate which office and explain the reason for the transfer.**
  - d. The name and title of the University official or staff member who received the complaint and the date the complaint was received.**
  - e. Indicate whether the incident occurred on or off campus. If off campus, indicate whether the location hosted or sponsored a University event or if the location is leased by the University.**
  - f. Indicate whether the complaint was investigated. If yes, provide the name and title of the University official or staff member who investigated the complaint. If no, indicate why not.**
  - g. Indicate whether the student requested a hearing and whether a hearing was conducted. If a hearing was conducted, indicate which process was used (honor court, etc.) and the findings.**
  - h. Indicate whether corrective action was taken and include any remedial action provided to students such as counseling.**
  - i. Indicate whether an appeal was filed. If yes, by which party and provide the appeal outcome.**

Please see the spreadsheet enclosed as Exhibit 56, which provides the requested information regarding student complaints of sexual harassment, including sexual assault/sexual violence, involving other students that were filed through March 4, 2013, the date of the University's receipt of OCR's letter.

- 8. For each grievance or complaint process offered to students and used by the University to address sexual harassment, including sexual assault/sexual violence, or other sex discrimination complaints, identify the name and title of each individual, including University police, administrators, staff and student that comprise the membership of the adjudicative body or hearing committee.**

**2012-13 Academic Year**

As previously noted, student complaints of sexual harassment, including sexual assault/sexual violence, and discrimination based upon sex involving other students are addressed under the PPHISMD, which has been in effect throughout the 2012-13 academic year. Pursuant to Appendix C of the PPHISMD, complaints of student-on-student sexual harassment, including sexual assault/violence, and discrimination based upon sex are investigated by the University’s Equal Opportunity/ADA Office. Should a complaint proceed to the Formal Resolution process, it is adjudicated by the Student Grievance Committee. Section V.A. of Appendix C to the PPHISMD provides that the Student Grievance Committee shall be composed of six faculty members, six staff members, six student members and one Committee Chair. The Student Grievance Committee membership is as follows:

<b>2012-13 STUDENT GRIEVANCE COMMITTEE</b>	
<b>Name</b>	<b>Title</b>
Susanna Black	Undergraduate Student
Anne Bryan	Director of Student Affairs, School of Education
Bernie Burk	Assistant Professor, School of Law
Kia Caldwell	Adjunct Associate Professor, Department of African & African-American Studies
Mimi Chapman	Associate Professor, School of Social Work
Paige Comparato	Undergraduate Student
Wendy Cox	Assistant Dean, School of Pharmacy
Lisa Freeman	Assistant Director, Department of Housing & Residential Education
Amy Hertel	Director, American Indian Center
Mark Janko	Graduate Student
Robert Joyce (Chair)	Professor, School of Government
John Kasprzak	Assistant Dean for Student Services, School of Law
Abigail Panter	Professor, Department of Psychology
Paul Pogge	Associate Athletic Director, Department of Athletics
Charletta Sims-Evans	Assistant Dean of Student Affairs, School of Public Health
Mia Thompson	Undergraduate Student
Anthony Viera	Associate Professor, Department of Family Medicine
Kate Winterbottom	Graduate Student
Zachary Williams	Undergraduate Student

**2011-12 Academic Year**

During the Fall 2011 semester, student complaints of sexual harassment, including sexual assault/sexual violence, and discrimination based upon sex involving other students were adjudicated through the University’s Honor System in accordance with the Instrument. Pursuant to Section E(1)(a) of Appendix C to the Instrument, Honor System cases were heard by five-person panels, each of which included a Presiding Officer (randomly selected from a pool of the Honor Court Chair and Vice Chairs) and four additional individuals (randomly selected from a pool of the remaining members of the Honor Court). The 2011-2012 Undergraduate Honor Court staff members, comprised exclusively of undergraduate students, are listed below.

<b>2011-12 UNDERGRADUATE HONOR COURT</b>	
<b>Name</b>	<b>Title</b>
Michelle Healy	Chair
Morgan Abbott	Vice Chair
John Danello	Vice Chair
Elizabeth Littauer	Vice Chair
Logan Mauney	Vice Chair
Michael Parrish	Vice Chair
Patrick Spaugh	Vice Chair
Shannon Spain	Vice Chair
Troy Smith	Vice Chair
Taylor Mercado	Docket Manager
Andrew Adams	Honor Court Member
Shriram Alapaty	Honor Court Member
Margaret Anderson	Honor Court Member
Bess Asimos	Honor Court Member
Priya Balagopal	Honor Court Member
Ranjan Banerjee	Honor Court Member
Morgan Bolling	Honor Court Member
Benjamin Booker	Honor Court Member
Kelly Boyd	Honor Court Member
Betty Brown	Honor Court Member
Hanna Bustillo	Honor Court Member
Everette Byers	Honor Court Member
Kaylan Chester	Honor Court Member
Alexis Cribbs	Honor Court Member
Joseph Daniels	Honor Court Member
Steven Demeraski	Honor Court Member
Alexander Earnhardt	Honor Court Member
Johnathan Flynn	Honor Court Member
Taylor Fulton	Honor Court Member
Lauren Fussell	Honor Court Member
John Hamilton	Honor Court Member
Reid Hamilton	Honor Court Member
Nathaniel Harris	Honor Court Member
Bradley Harrison	Honor Court Member
Katelyn Halldorson	Honor Court Member
Valerie Hansen	Honor Court Member
Quetrell Heyward	Honor Court Member
Laura Hiersteiner	Honor Court Member
Joe Holthaus	Honor Court Member
Allison Hoover	Honor Court Member
Benjamin Jackson	Honor Court Member
Michael Jacobs	Honor Court Member
Robert Jones	Honor Court Member
David Khrakovsky	Honor Court Member
Holly King	Honor Court Member

<b>2011-12 UNDERGRADUATE HONOR COURT</b>	
<b>Name</b>	<b>Title</b>
Laura Kirchhofer	Honor Court Member
Emily Kulenkamp	Honor Court Member
Shiwani Kumar	Honor Court Member
Steven Kupres	Honor Court Member
Cameron Lee	Honor Court Member
Charlotte Lindemanis	Honor Court Member
Jessica Little	Honor Court Member
Thomas Low	Honor Court Member
Meghan Lyons	Honor Court Member
Brent Macon	Honor Court Member
Harry Masters	Honor Court Member
Mack McCaul	Honor Court Member
Kelcy McKinley	Honor Court Member
Max Morrill	Honor Court Member
Thomas Myrick	Honor Court Member
Sarah Osborne	Honor Court Member
Timothy Palmer	Honor Court Member
Jagir Patel	Honor Court Member
Kamal Patel	Honor Court Member
Michael Patrone	Honor Court Member
Nicholas Perks	Honor Court Member
Helen Powell	Honor Court Member
Amelia Serrat	Honor Court Member
Austin Shaw	Honor Court Member
Emily Sheppard	Honor Court Member
Turner-Marie Stemple	Honor Court Member
Lindsey Stephens	Honor Court Member
Maximilliam Sunik	Honor Court Member
Nathan Tilley	Honor Court Member
Avani Uppalapati	Honor Court Member
Hudson Vincent	Honor Court Member
Kim Vuong	Honor Court Member
James Wallace	Honor Court Member
Nicholas Webster	Honor Court Member
Carroll Wesley Wollard	Honor Court Member
Everette Young	Honor Court Member

During the 2011-12 academic year, there were also separate honor courts for the Graduate School and various professional programs at the University. These courts, however, did not investigate or adjudicate any cases of sexual harassment, including sexual assault/sexual violence, or discrimination based upon sex during the 2011-12 academic year.

As previously discussed, the University enacted Interim Procedures for investigating and adjudicating student complaints of sexual harassment, including sexual assault/sexual violence, and discrimination based upon sex at the beginning of the Spring 2012 semester. Under the Interim

Procedures, student complaints of sexual harassment, including sexual assault/sexual violence, and discrimination based upon sex involving other students were adjudicated by the University Hearings Board (“UHB”). As noted in Section E(1)(b) of Appendix C of the Instrument, each UHB panel is composed of two faculty members, one staff member, and two students. The faculty and staff members of the UHB are appointed by the Vice Chancellor for Student Affairs. The two student members are appointed from the appropriate Honor Court. The faculty and staff members of the 2011-12 UHB are provided below.

<b>2011-12 UNIVERSITY HEARINGS BOARD</b>	
<b>Name</b>	<b>Title</b>
Anne Bryan	Director of Student Affairs, School of Education
Justin Ford	Director of Intramural Sports, Department of Exercise & Sport Science
Bev Foster	Clinical Associate Professor, School of Nursing
Lisa Freeman	Assistant Community Director, Department of Housing & Residential Education
Ishna Hall	Associate Director of Capital Gifts, College of Arts and Sciences, Dean’s Office
Tom Hardiman	Community Director, Department of Housing and Residential Education
Sarah Hoffarth	Community Director, Department of Housing and Residential Education
Diane Horton	Masters in Accounting (MAC) Program Director, Kenan-Flagler Business School
Scott Iverson	Assistant Community Director, Department of Housing and Residential Education
John Kasprzak	Assistant Dean for Student Services, School of Law
Jim Kessler	Director, Office of Accessibility Resources & Service
Matt Knickman	Community Director, Department of Housing and Residential Education
Kate Kryder	Assistant Director, Carolina Leadership Development
Sylvia Novinsky	Assistant Dean of Public Service Programs, School of Law
Tony Patterson	Senior Associate Director, Carolina Student Union
Charlie Poole	Associate Professor, School of Public Health
Valerie Pruvost	Senior Lecturer, College of Arts and Sciences, Department of Romance Languages
Kelli Raker	Rape Prevention Coordinator, Campus Health Services
Kimberly Rempson	Vice Chair of Residency, Office of the University Registrar
Ennio Rao	Associate Professor and Assistant Department Chair, College of Arts & Sciences, Department of Romance Languages
Howard Reisner	Professor, School of Medicine
David Rubin	Professor, Kenan-Flagler Business School and College of Arts and Sciences, Department of Statistics and Operations Research
Ross Simpson	Professor, School of Medicine and School of Public Health
Vaida Thompson	Professor, College of Arts and Sciences, Department of Psychology
Stephen Weiss	Professor, College of Arts and Sciences, Department of Computer Science
Jan Yopp	Dean of Summer School and Professor, School of Journalism and Mass Communication

Please refer to the list of student Honor Court members, above, to identify those students who were eligible to serve on UHB panels during the 2011-12 academic year.

**9. For anonymous sexual harassment, including sexual assault/sexual violence, complaints submitted or brought to the University's attention, indicate who collects the campus wide complaints, who reviews the information collected and what, if any response or action is taken, and by whom, to address the matters raised in the anonymous complaints.**

The University provides several options to students who wish to anonymously report sexual harassment, including sexual assault/sexual violence. To the extent possible, depending upon the level of detail provided within these reports, the University investigates the anonymous complaints that it receives.

The Department of Public Safety accepts blind reports of sexual harassment, including sexual assault/sexual violence. These reports can be submitted in person or over the phone to the Department of Public Safety. Additionally, the Department of Public Safety maintains a "Silent Witness" reporting option which allows individuals to report information about a number of crimes, including assault and rape, on its website. The Silent Witness online form is available at <http://www.dps.unc.edu/Forms/Silent%20Witness/silentwitness.cfm>. The Department of Public Safety investigates any these reports to the best of its ability, based upon the information provided. The Department of Public Safety also partners with local police to provide a Crime Stoppers hotline. Students may call 919.942.7515 to anonymously report a crime or safety concern. The police agencies work together to determine the appropriate jurisdiction and response for each report.

The Office of the Dean of Students also offers students the option to anonymously share information about incidents of sexual harassment, including sexual assault/sexual violence. Students may complete paper forms that are located in the bathrooms of the Student Union. Once completed, students can deposit these forms in a locked drop box, which is checked regularly by staff members with the Office of the Dean of Students. Students may also access the anonymous form online (<http://deanofstudents.unc.edu/incident-reporting/prohibited-harassmentsexual-misconduct>) and mail, email, or deliver the completed form to the Office of the Dean of Students.

Students also have the option to make blind reports of sexual harassment, including sexual assault/sexual violence. Blind reports can be made to University faculty or staff members, who then complete a form that is submitted to the Office of the Dean of Students.

The Office of the Dean of Students reviews every anonymous and blind report that it receives. The response to each report depends upon how much information the student has provided. If the information is sufficient to determine that there is a threat or safety concern, the Office of the Dean of Students contacts the Department of Public Safety or a local police department, depending upon the location of the incident. To the extent it is possible to identify the complainant, the Office of the Dean of Students contacts the individual to discuss available resources, interim protective measures and accommodations, and reporting options, including the process for reporting to an appropriate law enforcement agency. The University also evaluates the information provided through these reporting processes to gain a sense of the campus climate. The Title IX Officer aggregates this information to assess patterns and trends to inform the University's education programs, policies, and responses to known incidents.

The LGBTQ Center also offers an anonymous online reporting website (<http://lgbtq.unc.edu/programs-services/report-harassment>) for LGBTQ issues, such as sexual harassment, including sexual assault/sexual violence. All anonymous reports that are submitted are reviewed by LGBTQ Center staff. The LGBTQ Center contacts the Office of the Dean of Students for assistance in responding to student concerns. The Title IX Officer compiles this information for the purpose of identifying patterns and trends to inform the University's education programs, policies, and responses to known incidents.

**10. Any additional information that the University believes will assist OCR in investigating this complaint.**

UNC-Chapel Hill believes that its current policies and procedures not only comply with governing law and agency guidance, but also meet the needs of the campus community. Since the introduction of the April 4, 2011 Dear Colleague Letter, UNC-Chapel Hill has striven to be a leader among colleges and universities in responding to, investigating, and adjudicating student complaints of sexual harassment, including sexual assault/sexual violence, and discrimination based upon sex. The University remains unwavering in this commitment.

Thank you for your time and attention to this matter. The University would be pleased to respond to any questions you may have or to provide further information that would be helpful to your review.

Very truly yours,

THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL

Enclosures