History of POL 04.25.05

Student Sexual Misconduct Policy

**Authority:** Chancellor

**History:**

**First Issued:**

Prior to 2015 **Archived version:**

**Revisions:**

December 1, 2015 **Archived version** – Originally entitled the Sexual Assault policy, the Student Sexual Misconduct Policy underwent format and substantive content changes to reflect compliance with Title IX of the Education Amendments of 1972 and the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, as amended. The policy was also revised in accordance with the Department of Education’s Office of Civil Rights (OCR) Dear Colleague letters. The original policy has been revised and broadened to cover sex/gender-based discrimination and harassment, to include sexual violence (dating violence, domestic violence, sexual assault, and stalking).

The revision process began in April 2015, with review of other UNC system schools’ sexual misconduct policies and the policies of other colleges and universities who have been investigated by the OCR and have executed Resolution Agreements that resulted in policies that comply with OCR directives. The revised policy has been extensively vetted by the UNCP Sexual Misconduct Advocacy and Resource Team (SMART), whose membership is composed of both faculty and staff, and has also been vetted by various divisions within the Department of Student Affairs (Student Conduct, Counseling and Psychological Services, and Police and Public Safety). The policy was also provided to the campus community for a ten-day review and comment period.

June 1, 2016 **Archived version (Effective June 1, 2016 through August 25, 2016)** – The Non-Discrimination Statement (para. 1.1) was edited by eliminating the words “qualified individuals” with reference to protected veterans, as well as eliminating the words “creed” and “genetic expression.”

August 26, 2016 **Archived version (Effective August 26, 2016 through October 29, 2018)** – A hyperlink to the Sexual Misconduct Investigation Flowchart was added under “Additional References.”

October 30, 2018 **Current version** – The definition of Bullying was revised, deleting the word “diminish” in para. 3.2, and replacing “comments” with “conduct” in para. 3.2.1.

**Related Policies:**

* [UNC Policy Manual, The Code – Section 502 D.(3): Relation of the Chancellor to the Constituent Institution (pg. 21)](http://www.northcarolina.edu/apps/policy/index.php?pg=vs&id=10866&added=1)
* [UNCP POL 04.10.01 - Campus Crime Reporting Policy](http://www.uncp.edu/about-uncp/administration/policies-and-regulations/all-policies/pol-041001-campus-crime-reporting-policy)
* [UNCP Policy - Prohibiting Illegal Harassment and Discrimination Policy](http://www.uncp.edu/about-uncp/administration/policies-and-regulations/all-policies/prohibiting-illegal-harassment-and-discrimination-policy)
* [UNC Policy Manual 700.4.1.1[R] - Right to an Attorney or Non-Attorney Advocate for Student and Student Organizations](http://www.northcarolina.edu/apps/policy/index.php?pg=vs&id=16246&added=1)
* [Family Educational Rights and Privacy Act (FERPA)](http://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html)
* [US Department of Education - Office for Civil Rights: Dear Colleague Letter](http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.html)

**Additional References:**

* [University of North Carolina - Campus Security Initiative](https://www.northcarolina.edu/?q=campus-security-initiative)
* [UNC Pembroke Student Handbook](http://studentaffairs.uncp.edu/flips/StudentHandbook/)
* [20 U.S. Code § 1681 - Sex](https://www.law.cornell.edu/uscode/text/20/1681)
* [U.S. Department of Education - Office for Civil Rights: Title IX and Sex Discrimination](http://www2.ed.gov/about/offices/list/ocr/docs/tix_dis.html)
* [20 U.S. Code § 1092(f) - Disclosure of campus security policy and campus crime statistics](https://www.law.cornell.edu/uscode/text/20/1092#f)
* [Office for Civil Rights' Dear Colleague Letter, April 2015](http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201504-title-ix-coordinators.pdf)
* [Office for Civil Rights' Title IX Resource Guide, April 2015](http://www2.ed.gov/about/offices/list/ocr/docs/dcl-title-ix-coordinators-guide-201504.pdf)
* [Office for Civil Rights' Q and A on Title IX and Sexual Violence, April 2014](http://www2.ed.gov/about/offices/list/ocr/docs/qa-201404-title-ix.pdf)
* [Office for Civil Rights' Know Your Rights, April 2014](http://www2.ed.gov/about/offices/list/ocr/docs/know-rights-201404-title-ix.pdf)
* [Office for Civil Rights' Dear Colleague Letter, April 2011](http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201104.html)
* [Office for Civil Rights' Dear Colleague Letter's Fact Sheet, April 2011](http://www2.ed.gov/about/offices/list/ocr/docs/dcl-factsheet-201104.html)
* [Office for Civil Rights' Know Your Rights](http://www2.ed.gov/about/offices/list/ocr/docs/title-ix-rights-201104.html)
* [Office for Civil Rights' Dear Colleague Letter, October 2010 (Bullying)](http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.html)
* [Know Your IX](http://knowyourix.org/)
* [Summary of the Jeanne Clery Act](http://clerycenter.org/summary-jeanne-clery-act)
* [Campus Clarity](https://home.campusclarity.com/)
* [North Carolina Coalition Against Sexual Assaults - NC Rape Crisis Centers](http://www.nccasa.org/need-help/nc-rape-crisis-centers)
* [Rape Crisis Center of Robeson County](http://www.angelfire.com/nc/rccrc/)
* [Domestic Violence and Rape Crisis Center of Scotland County](http://www.dvrcc.org/)
* [Rape Crisis Volunteers of Cumberland County](http://www.rapecrisisonline.org/)
* [Friend to Friend of Moore County](http://friendtofriend.me/)
* Sexual Misconduct Investigation Flowchart

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