



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

400 MARYLAND AVENUE, SW
WASHINGTON, DC 20202-1473

REGION XI
NORTH CAROLINA
SOUTH CAROLINA
VIRGINIA
WASHINGTON, DC

March 1, 2013

Dr. Holden Thorp
Chancellor
University of North Carolina
103 South Building
Campus Box 9100
Chapel Hill, North Carolina 27599

Re: OCR Complaint No. 11-13-2051
Notification and Data Request Letter

Dear Dr. Thorp:

This letter is in reference to a January 17, 2013 discrimination complaint that was filed with the District of Columbia Office for Civil Rights (OCR), within the U.S. Department of Education (the Department) against the University of North Carolina (the University). The Complainants allege the University failed to (1) appropriately respond to concerns of sexual harassment, including sexual assault/sexual violence; (2) provide appropriate grievance procedures regarding sexual harassment, including sexual assault/sexual violence; (3) provide adequate and impartial investigations of sexual harassment, including sexual assault/sexual violence; and (4) provide appropriate training, including to hearing committee members and residential life staff, regarding sexual harassment, including sexual assault/sexual violence, in accordance with Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681, *et seq.*, and its implementing regulation at 34 C.F.R. 106.

During the evaluation of the complaint and our review of the extensive supplemental documentation, OCR determined – based on the information the Complainants submitted – that there were also individual allegations of disability discrimination and retaliation. OCR will issue notification and data request letters separately for these complaints.

OCR is responsible for enforcing, among other civil rights statutes, Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681 *et seq.* (Title IX) and its implementing regulation at 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex in any education program or activity receiving Federal financial assistance (FFA) from the Department. Because the University receives FFA from the Department, it is subject to the provisions of the above law.

Because OCR has determined that it has jurisdiction and that the complaint was filed timely, OCR is opening the above allegation for investigation. Please note that opening the allegation for

The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

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investigation in no way implies that OCR has made a determination with regard to the merits of the complaint. During the investigation, OCR is a neutral fact-finder, collecting and analyzing relevant evidence from the complainant, the recipient, and other sources, as appropriate. OCR will ensure that its investigation is legally sufficient and is dispositive of the allegation in accordance with the provisions of the *Case Processing Manual*, available at <http://www.ed.gov/about/offices/list/ocr/docs/ocrcpm.html>.

Our goal is the prompt, appropriate resolution of the allegation contained in the complaint. Attached is a request for data and documents necessary to pursue resolution of this complaint. OCR's authority for obtaining information is provided in the Department's regulation implementing Title VI, at 34 C.F.R. § 100.6(c), which is incorporated by reference in the Title IX regulation at 34 C.F.R. § 106.71. OCR is requesting that the University submit this information within 20 days of the date of this letter (i.e., by, **Thursday, March 21, 2013**). If any item in our request is unclear, please contact us at the telephone number provided below. If you experience any difficulty complying with this request, you should notify us prior to the expiration of the 20-day period. Please be aware that it might be necessary for us to make additional requests for information in the future. If we find it necessary to conduct an on-site investigation of the complaint, we will notify you in advance of our proposed plans to visit the University.

We have advised the Complainants that the University may not harass, coerce, intimidate, or discriminate against any of them because they filed a complaint or participated in the complaint resolution process. If this happens, they may file another complaint alleging such treatment. Also, under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. If OCR receives such a request, we will seek to protect, to the extent provided by law, personal information that, if released, could constitute an unwarranted invasion of privacy.

We look forward to your cooperation during the resolution of this complaint. If you have any questions, feel free to contact the OCR attorneys assigned to this case, Christa Cothrel at 202-453-5926 or via e-mail at Christa.Cothrel@ed.gov and Alessandro Terenzoni at 202-453-5921 or via e-mail at Alessandro.Terenzoni@ed.gov or Selena Fox, Senior Attorney, at 202-453-5910 or via e-mail at Selena.Fox@ed.gov.

Sincerely,



Robin Murphy
Team Leader, Team III
District of Columbia Office
Office for Civil Rights

Enclosure

Data Request

Please provide the following for the 2011-2012 and 2012-2013 school years (SYs) unless otherwise noted:

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; and
 - 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, discipline and other student reporting avenues.
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.
3. Identify the University's Title IX coordinator (or coordinators) and provide the person's name and job title. Also identify any other persons, by name and job title, who are designated to investigate complaints sexual harassment, including sexual assault/sexual violence, or other discrimination based on sex.
4. Indicate how the University's policies 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.
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.

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 their affiliations and titles.
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 services, 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.
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.
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

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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.

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