



UNIVERSITY OF NORTH CAROLINA
SCHOOL OF THE ARTS

**SEXUAL
MISCONDUCT
& TITLE IX
FOR STUDENTS**

UNC SCHOOL OF THE ARTS STUDENT SEXUAL MISCONDUCT POLICY

**UNC School of the Arts is
committed to providing all
individuals with an environment
that is free of sexual harassment
and sexual violence.**



UNCSCA MISCONDUCT POLICY SPECIFICALLY COVERS:

- Sexual Misconduct
- Sexual Harassment
- Sexual Intimidation
- Effective Consent
- Reporting Options
- Limited Immunity
- Student Conduct Hearing Procedures

SEXUAL MISCONDUCT DEFINED

Any act of a **sexual nature** perpetrated against an individual **without effective consent** or when an individual is **unable** to **freely give consent**. Sexual misconduct includes, but is not limited to:

- Attempted or completed intercourse or penetration (anal, oral or vaginal)
- Sexual touching (including disrobing or exposure)
- Sexual exploitation (examples follow on the next slide)

EXAMPLES OF SEXUAL EXPLOITATION

Sexual exploitation encompasses a wide range of behaviors which may include, but are not limited to:

- Inducing incapacitation with the intent to rape or sexually assault another student
- Non-consensual video or audio-recording of sexual activity
- Allowing others to observe a personal act of consensual sex without knowledge or consent of the partner
- Engaging in Peeping Tommery (voyeurism)
- Knowingly transmitting a sexually transmitted disease, including HIV, to another student
- Prostituting another student (i.e. – personally gaining money, privilege, or power from the sexual activities of another student)

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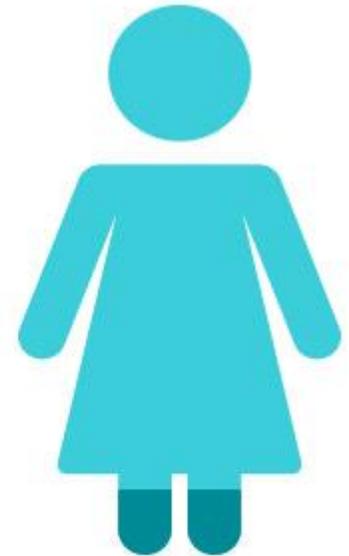
SEXUAL HARASSMENT

Sexual harassment is a form of discrimination that includes **verbal, written, or physical behavior of a sexual nature**, directed at someone (of the same or opposite sex), or against a particular group, because of that person's or group's sex, or based on gender stereotypes, when that behavior is **unwelcome** and creates a *quid pro quo* situation and/or a hostile environment.



20%

Of women are sexually assaulted on college campuses



12%

Of those women report it to universities or police

QUID PRO QUO MEANS:

- **Submission or consent to the behavior is reasonably believed to carry consequences for the student's education, employment, on-campus living environment, or participation in a University activity. Examples of this type of sexual harassment include:**
 - **Pressuring a student to engage in sexual behavior for some educational or employment benefit, or**
 - **Making a real or perceived threat that rejecting sexual behavior will carry a negative consequence for the student.**

HOSTILE ENVIRONMENT MEANS

- The behavior has the purpose or effect of substantially interfering with the student's work or educational performance by creating an intimidating, hostile, or demeaning environment for employment, education, on-campus living, or participation in a University activity. Examples of this type of sexual harassment can include:
 - Persistent unwelcome efforts to develop a romantic or sexual relationship
 - Unwelcome sexual advances or requests for sexual favors
 - Unwelcome commentary about an individual's body or sexual activities
 - Repeated and unwelcome sexually-oriented teasing, joking, or flirting
 - Verbal abuse of a sexual nature.

SEXUAL INTIMIDATION

Sexual intimidation involves but is not limited to:

- **Threatening to commit a sexual act upon another person**
- **Stalking**
- **Cyber-stalking**
- **Engaging in indecent exposure**



SEXUAL VIOLENCE AND/OR RAPE

- **Sexual Violence and/or Rape involves:**

- Sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the person's use of drugs or alcohol.
- An individual also may be unable to give consent due to an intellectual or other disability.
- A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, and sexual coercion.
- NOTE: Sexual Assault and Sexual Violence are forms of Sexual or Gender-Based Harassment that involve having or attempting to have Sexual Contact with

DOMESTIC VIOLENCE

- This includes violent misdemeanor and felony offenses committed by the victim's current or former spouse or partner; cohabitant, including a roommate; family member; or person similarly situated.

DATING VIOLENCE

- This means violence by a person who has been in a romantic or intimate relationship with the victim. Whether there was such relationship will be gauged by its length, type, and frequency of interaction.

STALKING

- This means repeated, unwanted attention; physical, verbal, or electronic contact; or any other course of conduct directed at an individual that is sufficiently serious to cause physical, emotional, or psychological fear or to create a hostile, intimidating, or abusive environment for a reasonable person in similar circumstances and with similar identities.



SEXUAL EXHIBITIONISM

- **Sexual Exhibitionism involves:**

- Engaging in a sexual activity or exposing one's intimate parts (including genitalia, groin, breast or buttocks) in the presence of others without their consent. .

- **SEXUAL CONTACT**

- **Sexual Contact involves:**

- The deliberate touching of a person's intimate parts (including genitalia, groin, breast or buttocks, or clothing covering any of those areas), touching another with one's intimate parts, or causing a person to touch their own or another person's intimate parts without their consent.

WHAT IS EFFECTIVE CONSENT?

Effective Consent is:

- Informed
- Freely and actively given
- Based on mutually understandable words or actions

Effective consent is **REQUIRED** before you engage in sex.

EFFECTIVE CONSENT?

It is your responsibility to make sure that you have consent your partner.



HYPOTHETICAL SCENARIO

A male student invites a female student back to his room. After they arrive, they begin kissing. He removes his shirt, then he removes her shirt, she tries to stop him by pushing away his hands and attempts to get up from the bed. Eventually they are both unclothed and on his bed. The female student has not said anything since they arrived at his room...

Does he have effective consent to have sex?

EFFECTIVE CONSENT

Answer: **No**

- Relying solely on non-verbal communication can lead to miscommunication.
- It is important not to make assumptions.
- If you are not sure - **ASK**

PARTY SCENARIO

Jane meets Jack at a party on campus, they are both drinking and having a good time and they have both consumed several cups of “punch.” Jane’s friends leave her because Jane insists that she is fine. Jane passes out on the couch and wakes up with Jack on top of her. Jane does not resist and does not say no.

Did Jane give effective consent?

PARTY SCENARIO RESPONSE

Answer: **No**

- You may not engage in sexual activity with another person you know, or should reasonably know, is incapacitated as a result of alcohol or other drugs.
- Alcohol and other drugs can lead to confusion over consent. It is **always** your responsibility to be sure your partner is able to give effective consent.
- **Being intoxicated or high yourself does not diminish your responsibility to obtain consent and is never a defense for sexual misconduct.**

ADDITIONAL INFORMATION ON CONSENT

- Consent may not be inferred from silence, passivity or lack of physical resistance alone.
- A current or previous dating or sexual relationship (or the existence of such a relationship with anyone else) may not, in itself, be taken to imply consent.
- Consent cannot be implied by attire, or inferred from the buying of dinner or the spending of money on a date.
- Consent to one type of sexual act may not, in itself, be taken to imply consent to another type of sexual act.
- Consent expires. Consent lasts for a reasonable time, and depends on the circumstances.
- Consent to sexual activity may be withdrawn at any time, as long as the withdrawal is communicated clearly; upon clear communication, all sexual activity must cease.
- Consent which is obtained through the use of fraud or force, whether that force is physical force, threats, intimidation, or coercion, is ineffective consent. Intimidation or coercion is determined by reference to the reasonable perception of a person found in the same or similar circumstances.

CONSENT MAY NEVER BE GIVEN BY:

- Minors under the age of 16 (in North Carolina)
- Mentally disabled persons
- Persons who are incapacitated as a result of alcohol or other drugs or who are unconscious or otherwise physically helpless. Incapacitation means being in a state where a person lacks the capacity to appreciate the nature of giving consent to participate in sexual activity.

WHAT SHOULD YOU DO WHEN SEXUAL MISCONDUCT OCCURS?

REPORT IT!

**IF
YOU SEE
SOMETHING,
SAY
SOMETHING!**

REPORTING MISCONDUCT

- You can call UNC School of the Arts Campus Police at extension 55! If the incident occurred off campus the University can help you contact the local police where the incident occurred.
- We recommend students contact Rape Crisis at Family Services: 336-722-4457, as someone is available 24 hours a day. Rape Crisis contacting police.
- Or us the 24 hours line for Health Link at 1-888-267-3675
- Students can also report sexual misconduct to the University's Title IX Coordinator, Deputy Coordinator, and/or contact the Student Affairs Office.
- The University will not wait for the conclusion of any criminal investigation or proceedings before commencing its own investigation; however, the University's investigation may be delayed temporarily while the criminal investigators are gathering evidence. In the event of such a delay, the University may take interim measures when necessary to protect the complainant and the University community.

REPORTING MISCONDUCT (RETALIATION)

- Retaliation against individuals involved in or providing information related to a sexual misconduct complaint (including, but not limited to, complainants, witnesses, investigators, and reporters) will not be tolerated.
- Appropriate action will be taken, including possible termination of employment, against individuals who engage in retaliation.
- Appropriate action will be taken, including possible expulsion from the University, against students who engage in retaliation.
- Individuals who are aware of, or believe retaliation has occurred in violation of this policy must report the information to the Title IX Coordinator or a Deputy Coordinator.

CONFIDENTIALITY

- Confidentiality will be maintained by **UNCSA** counselors and health care providers (physician, physicians assistants, athletic trainers etc.) in the **Wellness Center** consistent with state law, and **Rape Crisis Center (Family Services) Counselors** (in sexual assault cases); including those located on campus.
- The **Title IX Coordinator** will honor a complainant's request for confidentiality unless the safety of the **University** community would be compromised by the seriousness of the harassment and/or there are other complaints about the same individual, or to comply with the **Family Educational Rights and Privacy Act (FERPA)**. **NOTE:** If the student is a minor, confidentiality is handled differently.
- All conversations will be considered private as only individuals with a need to know will be informed to ensure that an appropriate and thorough investigation is conducted.
- In such cases the **University** will discuss the appropriate approach with the complainant and how it applies to their specific case.

LIMITED IMMUNITY

It is important that cases of sexual misconduct are reported. The University extends limited immunity from punitive sanctioning in the case of illegal alcohol use to victims, witnesses and to those reporting incidents and/or assisting the victims of sexual misconduct.

STUDENT CONDUCT HEARINGS

At UNC School of the Arts, the student conduct process has been established to address complaints of sexual misconduct when the accused student is a UNC School of the Arts Student.

- The complainant has the right to receive notification and assistance from the University's Title IX Coordinator or a Deputy Coordinator regarding interim actions, including assistance in changing academic and living situations, after an alleged incident of sexual misconduct.
- In addition, no-contact orders may also be issued to prevent any contact, whether in person or indirectly, between the accused student, acquaintances, witnesses, and/or the complaining party.

STUDENT CONDUCT HEARING BOARD

A Sexual Misconduct Hearing Board composed of students, faculty, and staff has been trained to handle cases of sexual misconduct, whether they occur on or off campus and even while studying abroad.

EVIDENTIARY STANDARD FOR STUDENT CONDUCT HEARINGS

Evidence will be evaluated under a “preponderance of the evidence standard,” meaning that the accused student will be found responsible if, based upon the entirety of the evidence presented during the hearing, it is determined that the accused student “more likely than not” committed the infraction in question.

PROMPT RESOLUTIONS

An investigation by the University and a decision by the Sexual Misconduct Hearing Board will, in most cases, be rendered within sixty (60) days of the filing of a complaint.

STUDENT CONDUCT APPEALS

Students have five (5) days to contact the Vice provost and Dean of Student Affairs, Associate Director for Student Conduct.

Grounds for an appeal are:

- Sufficiency of the evidence to support the decision;
- Appropriateness of the sanction;
- Germane new evidence not available at the time of the hearing that could significantly impact the outcome; and/or
- Procedural errors that significantly impact the outcome.

HOW TO HELP SURVIVOR OF SEXUAL VIOLENCE:

- Be a friend she/he can trust.
- Seek medical assistance from UNC School of the Arts Student Health Services or a local hospital.
- Seek support from Rape Crisis (Family Services) and Campus Support Services
- Report the situation to UNCSA Police or local police.
- Seek emotional support from UNCSA Counseling Services.
- Report to the Title IX Coordinator or a Deputy Coordinator.

RELATIONSHIPS WITH STUDENTS

- Any sexual relationship between an employee (faculty or staff) and a student, whether consensual or not, is a violation of University policy.
- Individuals with information about a possible violation of this policy should refer the information to the Title IX Coordinator.

TITLE IX COORDINATOR

- Delores Harris

Title IX Coordinator

Office of Human Resources

Office Phone: 336-414-7529

Email: harrisd@uncsa.edu

TITLE IX COORDINATOR

- James Lucas

Title IX Coordinator

Office of Human Resources

Office Phone: 336-770-3317

Email: lucasj@uncsa.edu

CAMPUS RESOURCES:

- **Ward Caldwell**
Vice Provost/Dean of Student Affairs
336-770-3283
caldwellw@unca.edu
- **Andrea Sell**
Associate Director of Student Conduct
336-631-1215
sella@unca.edu
- **Laurel Banks**
Clinical Case Manager
336-631-1223
banksl@unca.edu

COMMUNITY RESOURCES:

- **Winston-Salem Police Department or Forsyth County Sheriff Department** **911**
- **Health Link** **1-888-267-3675**
- **National Sexual Assault Crisis Line** **1-800-656-4673**
- **National Online Hotline** <https://ohl.rain.org/online/>
- **Counseling and Support Groups (Family Services of Forsyth County)** **336-723-4357**

PROHIBITED HARASSMENT AND TITLE IX POLICY #121

For the complete Sexual Misconduct Policy and explanation of the campus hearing process please visit:

[Prohibited Harassment and Title IX Policy #121](#)

Note: *If your browser does not open the link above, please copy and paste the link into your browser to read the policy.*

#TAKETHEPLEDGE

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