

Title IX Q&A for Registered Student Organizations at Carolina

What rights and responsibilities do student organizations have under Title IX?

Student organizations have the same rights and responsibilities as individual students: They have the right to report sex and gender-based discrimination, harassment and violence to the Equal Opportunity and Compliance (EOC) Office, as well as a responsibility to help maintain a safe, respectful and inclusive campus by complying with all University policies, including the Policy on Prohibited Discrimination, Harassment and Related Misconduct. Student organizations do not have any rights or responsibilities related to sanctioning or disciplining students in response to allegations of sex and gender-based discrimination, harassment or violence.

Why can't we just remove a person from our organization if we learn that they've been accused of sexual misconduct?

In addition to prohibiting discrimination and harassment based on any protected status, sexual assault or sexual violence, sexual exploitation, interpersonal (relationship) violence, stalking, and complicity for knowingly aiding in acts of prohibited conduct, the Policy also prohibits retaliation (meaning, any adverse action) against a complainant, respondent, Title IX Officer, administrator, faculty member, employee, student, witness, or any individual involved in any aspect of the complaint or investigative process. This includes taking adverse action against someone for reporting misconduct, for reasonably opposing harassment or discrimination, or because that person has been accused or suspected of misconduct, whether or not a report has been made to the EOC Office. For example, expelling a member from a Registered Student Organization because they have been accused of sexual misconduct could be retaliation under our Policy, especially if the allegation has not been reported to the EOC Office and the accused student has not been provided the opportunity for a fair and equitable Title IX review process (potentially including a formal investigation). Note that this could lead to a formal complaint of retaliation, an investigation and possible discipline for anyone found responsible for engaging in retaliation.

Can a student ever be removed or barred from a Registered Student Organization based on allegations of sexual misconduct?

A student cannot be barred from participating in student organizations based solely on allegations. However, a student can be barred from participation if (1) a Title IX review process results in the student being found responsible for the misconduct and sanctions are issued, such as suspension or disciplinary probation, that would prohibit the student from participating in certain University activities; (2) a no contact order is issued that would restrict the student's ability to participate; or (3) a safety and risk analysis conducted by the EOC Office, in consultation with Campus Police, identifies an immediate threat to someone's physical health or safety and determines that emergency removal of a student from University programs or activities is warranted. The sanctions or removal actions are then enforced by the Office of Student Conduct, not student organizations.

What if we have concerns about the safety of our members or disruptive behavior (e.g., retaliation or harassment) from someone who has been accused or who has made accusations against someone?

You can report any incidents of discrimination and harassment based on any protected status, sexual assault or sexual violence, sexual exploitation, interpersonal (relationship) violence, stalking, and complicity for knowingly aiding in acts of prohibited conduct to the Equal Opportunity and Compliance (EOC) Office at eoc@unc.edu or 919.966.3576. You should also encourage anyone in need of assistance to seek help from one or more of the available resources, on or off-campus, for support, counseling, medical care, and/or reporting. These resources can be found at <https://safe.unc.edu>.

If you believe there is an imminent safety threat, you should contact campus or local law enforcement.

If you have concerns about the potential impact on the group or any of its members, arising from or related to any allegations or incidents, you should consult with your advisor and/or Student Life & Leadership (SLL) before taking any action as an organization. SLL can engage campus partners such as The University Ombuds Office to help facilitate or mediate group conversations around moving forward together as an organization.

This document has been adapted from Howard University's Title IX Q&A: Student Organizations