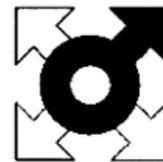


NATIONAL COALITION FOR MEN CAROLINAS (NCFMC)



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Why are universities denying due process to their students?

Colleges and universities across the country are failing to afford students due process and fundamental fairness in Title IX related disciplinary proceedings. A recent report by the Foundation for Individual Rights in Education (FIRE):

- Nearly three quarters (73.6%) of America's top 53 universities do not guarantee students that they will be presumed innocent until proven guilty.
- Only slightly more than half of schools (52.8%) require that fact-finders—the institution's version of judge and/or jury—be impartial.
- Fewer than one third of institutions (30.2%) guarantee a meaningful hearing, where each party may see and hear the evidence being presented to fact-finders by the opposing party.¹

How did UNC-Chapel Hill rate for due process safeguards?

Points were awarded for the following safeguards:

1. A clearly stated presumption of innocence – 0 points for UNC-CH
2. Timely & adequate written notice of allegations - 0 points for UNC-CH
3. Adequate time to prepare for a hearing - 0 points for UNC-CH
4. The right to impartial fact-finders - 2 points for UNC-CH
5. The right to a meaningful hearing process - 2 points for UNC-CH
6. The right to present all evidence directly - 2 points for UNC-CH
7. The ability to question witnesses (incl. complainant) - 2 points for UNC-CH
8. The active participation of an advisor of choice - 2 points for UNC-CH
9. Right of the accused to appeal a finding - 1 point for UNC-CH
10. Requirement that disciplinary findings leading to expulsion be agreed upon by a unanimous panel or determined by clear and convincing evidence – 0 points for UNC-CH

UNC-Chapel Hill rated a C for Due Process!



We are the Carolinas chapter of the National Coalition For Men (NCFM), a 501(c)(3) registered non-profit organization. Founded in 1977, NCFM is the oldest men's human rights organization in America. NCFMC is dedicated to ending harmful discrimination of men and boys.

¹ [FIRE Spotlight on Due Process 2018](#)

LITTLE KNOWN FACTS ABOUT NC SCHOOLS

- K-12 students have more due process rights under state law than college students do as per state statute § 115C-390.8
- University administrators can lie and mislead in order to coerce a confession from a student.
- Cheating on a test requires a higher standard of evidence (clear and convincing) used to determine guilt at a disciplinary hearing than sexual assault does at UNC-Chapel Hill (which uses a 50.1% preponderance of the evidence standard)

FALSELY ACCUSED OF SEXUAL ASSAULT?

Based on an allegation of sexual misconduct or harassment, a college student can be:

- Suspended without a hearing
- Removed from campus
- Threatened with trespassing charges
- The target of a criminal investigation
- The target of a university Title IX investigation
- Denied the right to obtain or make a copy of the Title IX investigator's report
- Denied the right to have an attorney *meaningfully* participate in his/her hearing
- Denied the right to present exculpatory evidence
- Denied the right to have witnesses appear
- Denied the right to question or cross-examine his/her accuser
- Denied a presumption of innocence (often referred to as "perpetrator" prior to any finding of responsibility)
- Summarily expelled or long-term suspended
- Denied the ability to transfer
- Denied entrance into another university
- Denied a diploma
- Denied a future career
- Branded a rapist for life
- Irreparably harmed
- DESTROYED!

WHAT IS TITLE IX?

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance."

– Title IX, Education Amendments of 1972

"OCR has forced thousands of universities to change their procedures in sex cases, in each case increasing the chances of a guilty finding. These procedures include the lowest possible burden of proof (a 50.01% probability); a virtual ban on meaningful cross-examination, long seen by the Supreme Court as the law's best truth-finding tool; letting accusers appeal not guilty findings, a form of double jeopardy; a process so rushed that many accused students lack time to prepare a defense; and "interim" punishments before any investigation."

(Source: *DeVos will Restore Due Process on Campus Assault, USA Today, 1/31/17*)

See additional information at www.ncfmcarolinas.com