

# **Employees as Respondents**

### **Definitions**

POL 04.25.05: Equal Opportunity and Nondiscrimination Policy REG 04.25.08: Title IX Sexual Harassment Complaint Resolution Procedures Individual files a report. Supportive measures may be provided as appropriate. Report is assigned to an Equal Opportunity Officer. EO Officer reaches out to complainant. Supportive measures may be provided as appropriate. Complainant agrees to meet Complainant does not respond to EO with EO Officer. Officer's outreach or declines to meet. Complainant meets with EO Officer and Complainant does not want to reviews supportive measures, institutional move forward with a university processes and resolution options. process at this time. Complainant files formal complaint. Preliminary review does not Respondent is provided notice. Preliminary review\* of formal complaint conducted. pass. Preliminary review passes. Case closed. Parties have the right to withdraw Investigation begins. Respondent and from the informal resolution process and Informal resolution\* begins. witnesses contacted. resume the investigative process. Report drafted. Seek and implement resolution. Protocol\* followed. Report sent to hearing officer. Case closed.

### **Formal Complaint:**

Under NC State REG 04.25.08, a document filed by a complainant or signed by the Title IX coordinator alleging Title IX Sexual Harassment against a respondent and requesting that the university investigate the allegation(s) of Title IX Sexual Harassment.

### **Preliminary Review:**

Under NC State REG 04.25.08, 0E0 will conduct a preliminary review of the formal complaint to determine whether: (a) the conduct is alleged to have occurred in the United States; (b) the conduct is alleged to have occurred in an education program or activity; and (c) the formal complaint alleges facts that, if true, may constitute a violation of the Title IX Sexual Harassment Policy. If the preliminary review indicates the allegations would not constitute Title IX Sexual Harassment, the formal complaint is dismissed.

#### **Informal Resolution:**

Informal Resolution: Under NC State REG 04.25.08, Except for matters asserted by a student Complainant against an employee Respondent, at any time after the filing of a Formal Complaint but before a determination regarding responsibility is reached, the Parties may choose to participate in an informal resolution process. An informal resolution is an informed, signed, voluntary agreement between the Parties and NC State to resolve a Formal Complaint utilizing strategies such as facilitations, educational interventions, or other restorative principles to address the concern, prevent its recurrence, and/or restore the community.

## **Investigative Process:**

Under NC State REG 04.25.08, if the report passes preliminary review, an investigation will be initiated by 0EO and an opportunity will be provided for both the complainant(s) and respondent(s) to respond.

#### **Protocol:**

Prior to the investigative report being finalized, a draft will be made available to the complainant(s) and respondent(s) for their review and written response. The draft investigative report will summarize the relevant evidence and policies at issue. The draft investigative report will not include an analysis of the facts. The complainant(s) and respondent(s) will have ten (10) days from receipt of the draft to provide a written response to the University to consider prior to the conclusion of the investigation.

#### Questions?

Contact the Office for Equal Opportunity at: equalopportunity@ncsu.edu or 919.513.0574