

# Complainant and Respondent Rights Title IX Sexual Harassment

Office of Equal Opportunity

When a Report is filed, the Office of Equal Opportunity (OEO) will ensure equitable treatment of all parties involved, provide supportive measures, and ensure understanding of Complaint Resolution Processes per [NC State University Policy 04.25.05: Equal Opportunity and Nondiscrimination](#) and its companion [Regulation 04.25.08: Title IX Sexual Harassment Complaint Procedures](#):

## 1. OEO is committed to fundamental fairness and will:

- treat Complainants and Respondents equitably
- presume that the Respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the Complaint Resolution Process, including when the Respondent declines to participate in such process
- require that any person designated as a Title IX Coordinator, investigator, decision-maker, or other person authorized to facilitate an informal resolution not have a conflict of interest or bias for or against Complainants or Respondents either generally or in particular and be trained per requirements established by federal law
- follow the Complaint Resolution Process described in this regulation before imposing any disciplinary sanctions or other actions that are not Supportive Measures against a Respondent
- provide an objective evaluation of all relevant evidence and not base any credibility decisions on a person's status as a Complainant, Respondent or Witness
- not base determinations based on the refusal of a Party or Witness to respond to questions

## 2. OEO is committed to offering and coordinating supportive measures which:

- enable the Parties to equitably participate in University Programs and Activities
- permit the Parties to have, at their choosing and expense, an Advisor who may be, but is not required to be, an attorney, and a Support Person
- protect the privacy of Parties and Witnesses during the Complaint Resolution Process

## 3. During the Complaint Resolution Process, OEO will:

- take appropriate, prompt, and effective steps reasonably designed to prevent the occurrence or recurrence of Title IX Sexual Harassment
- establish a reasonable time frame for the completion of the Complaint Resolution Process and any appeals and provide for delays or extensions of time for good cause
- notify individuals of grievance procedures where applicable
- describe the range of possible disciplinary actions or remedies that may be implemented following a determination of responsibility
- not require, allow, rely upon or otherwise use questions or evidence that would elicit information protected under a legally recognized privilege, unless the person holding the privilege has waived it
- not allow, rely upon or otherwise use questions or evidence about a Complainant's prior sexual behavior, unless such questions or evidence are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if they concern specific incidents of the Complainant's prior sexual behavior with the Respondent, are offered to prove consent
- allow the Hearing Officer to exercise discretion in determining the weight, if any, to place on any statement provided by the Witness as part of the investigation
- use the preponderance of the evidence ("more likely than not") standard to determine whether there is a violation of NCSU POL 04.25.05 (Equal Opportunity and Nondiscrimination Policy)
- provide remedies, if any, to the Complainant where a determination of responsibility for Title IX Sexual Harassment has been made against the Respondent
- provide an appeal process