



REG - 80.04.1 - RESOLUTION PROCEDURES FOR COMPLAINTS OF DISCRIMINATION, HARASSMENT AND RETALIATION REGULATION

Authority: Chancellor

Responsible Office: Human Resources

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History: Effective Date: August 30, 1999; Revised August 19, 2011; Reformatted/Updated: February 27, 2017

Related Policies/Sources: [NCCU Non-Discrimination Policy Statement](#), [The University of North Carolina System SHRA Employee Grievance Policy](#), [2017 NCCU Faculty Handbook](#), [Office of State Human Resources Manual - Equal Employment Opportunity Policy](#), [NCGS 126-4 Powers and duties of the State Human Resources Commission](#), [NCCU Grievance Packet for SHRA Employees](#), [NCCU Equal Employment Opportunity Policy Statement](#), [NCCU University SHRA Employee Grievance Policy](#),

Contact Info: Department of Human Resources, 919-530-6334

1. Purpose

These procedures are to be used to resolve complaints of discrimination, harassment and retaliation based on an individual's protected status, including race, color, religion, sex, sexual orientation, gender identity, national origin, age, disability, genetic information, veteran status or political affiliation. This regulation covers behavior on the part of faculty, staff, students and others affiliated with North Carolina Central University ("NCCU") that constitutes prohibited discrimination, harassment or retaliation, and that takes place within the scope of their work, academic or other campus related activities and/or university responsibilities.

2. Scope

This regulation covers prohibited discrimination, harassment and retaliation based on an individual's protected status. These regulations apply to all members of the NCCU community including:

2.1 All individuals employed by NCCU.

2.2 All individuals enrolled as students at NCCU.

2.3 Individuals who are visitors or otherwise affiliated or involved with activities at NCCU.

3. Definitions

3.1 Complainant: A complainant is an individual who complains of discrimination, harassment or retaliation as defined by the Equal Opportunity and Non-Discrimination Policy.

3.2 Respondent: A respondent is the individual (or individuals, unit, or agency) named by the complainant as the person (or persons) engaging in alleged discriminatory, harassing or retaliatory conduct.

3.3 Discrimination: Unfavorable treatment with regard to a term or condition of employment, or participation in an academic program or activity based on a protected status.

3.4 Harassment: Any unwelcome conduct based on a protected status that either creates an intimidating hostile or offensive working or academic environment.

3.5 Witness: A witness is a participant in an investigation of discrimination, harassment or retaliation.

3.6 Complaint: Allegations of discriminating, harassing, or retaliatory conduct submitted to EEO/AA.

3.7 Grievance: A grievance submitted by an employee pursuant to the SHRA, EHRA non-faculty or faculty grievance procedures.

3.8 Retaliation: Any adverse action including intimidation, threats or coercion against an individual who files a complaint or participates in an investigation.

3.9 Investigator: A university administrator appointed by the EEO Office to investigate a complaint.

4. Confidentiality

All complaints and proceedings related to discrimination, harassment or retaliation will be subject to the university's legal obligations to assure resolution and normally will be kept confidential to the extent permitted by law. However, information about discrimination, harassment and retaliation complaints may be shared where necessary to investigate, prevent or remedy the prohibited conduct.

5. Departments to Contact for Complaint Submission

5.1 EEO/AA: EEO/AA works to address concerns of discrimination, harassment and retaliation. EEO/AA accepts complaints from students, staff, faculty and others associated with the campus community.

5.2 Human Resources-Employee Relations ("HR-ER"): HR-ER assists NCCU employees in resolving a variety of workplace concerns and houses the SHRA employee and EHRA non-faculty grievance processes. HR-ER accepts complaints and grievances alleging discrimination, harassment or retaliation and forwards them to EEO for investigation.

5.3 Faculty Grievance Committee: Faculty grievances must be submitted to the chair of the Faculty Grievance Committee pursuant to Section 3.10.2 of the Faculty Handbook.

6. Procedural Requirements

6.1 Complaints under this regulation must be initiated with EEO/AA (directly or through HR-ER) within 30 calendar days of the most recently alleged discriminatory, harassing or retaliatory action.

6.2 An SHRA employee must complete an "SHRA Grievance Form" within 30 days of the alleged incident of discrimination, harassment or retaliation to preserve his or her right to file an appeal to the State Personnel Commission.

6.3 Filing a complaint pursuant to these procedures does not bar an individual from filing a claim of discrimination, harassment or retaliation with a state or federal agency.

7. Preliminary Review of a Complaint

7.1 Once a complaint or grievance has been initiated with EEO, the investigator shall determine within a reasonable amount of time whether the complaint alleges facts that, if true, may demonstrate discrimination, harassment or retaliation in violation of NCCU's Equal Opportunity and Non-Discrimination Policy. The complainant is responsible for providing reasons for the basis of his or her complaint to the investigator.

7.2 When the preliminary review of the complaint indicates the allegations within the complaint do not constitute a violation of NCCU's Equal Opportunity and Non-Discrimination Policy, the investigator shall terminate the complaint resolution process. Termination of the complaint resolution process following a preliminary review bars the issue from other university complaint/grievance resolution processes.

8. Investigation of a Complaint

8.1 When a preliminary review indicates that the complaint has brought forth allegations that, if true, might demonstrate a violation of NCCU's Equal Opportunity and Non-Discrimination Policy, the investigator shall initiate a thorough review of the situation.

8.2 The respondent named in a complaint shall be contacted within a reasonable time by the investigator, informed that an investigation has been initiated, and given the opportunity to respond.

8.3 The investigation shall be completed within 60 days of filing the complaint pursuant to these procedures, but the investigation period may be extended when the investigator believes it necessary for an equitable resolution of the situation.

8.4 At the conclusion of the investigation, the investigator will prepare a report. The investigator will submit the report to the unit head of the respondent and notify the parties that the report has been submitted. A summary report of the investigation findings will be provided to the appropriate dean or vice chancellor.

9. Administrative Action

9.1 The unit head (the "generic term for department chairman, deans of professional schools and any other heads of academic units to which faculty appointments are made) will determine what action, if any, is appropriate after reviewing the report and any additional information the unit head considers relevant. The unit head shall consult with university offices (Office of General Counsel, EEO, and HR-ER, or Academic Affairs) for guidance in taking appropriate action.

9.2 If the report indicates there has been a policy violation or other improper conduct by the respondent, the unit head will inform the respondent that a decision has been made and notify the respondent of any administrative action taken.

9.3 An investigation report shall be treated as confidential to the extent that it contains student information protected under federal privacy law or employee information protected under state law. Violation of this confidentiality requirement may result in disciplinary action (this applies to complainants, respondents and witnesses). Confidential student and employee information includes information that can identify persons who are complainants, respondents or witnesses.

9.4 The EEO office will inform both the complainant and the respondent in writing that a decision has been made, whether or not a policy violation was found, and if a policy violation was found, that appropriate action is being taken to address the violation.

9.5 As required by privacy laws, complainants will not be told what disciplinary action, if any, is being taken, unless release of such information is deemed by the unit head to be essential to maintaining the integrity of the department or

to maintaining the level or quality of services provided by the department.

9.6 The unit head will inform EEO of any corrective or disciplinary action(s) taken to address the policy violation(s) or concerns identified in the investigation report.

10. Informal Resolution

10.1 At any time from the filing of the complaint to the conclusion of the university investigation, a complaint may be resolved informally provided (1) the complainant(s) and respondent(s) mutually agree to the terms and conditions of the proposed settlement, and (2) EEO approves the proposed settlement.

10.2 At any time from the filing of the complaint to the conclusion of the university investigation, either party or the university may suggest a confidential, non-binding mediation of the dispute. Both parties must agree to participate in the mediation and agree to the resolution that arises from the mediation. In addition, EEO must approve the proposed agreement.

10.3 Depending on the circumstances, and even when complaints have been informally resolved, NCCU retains the right to investigate and address a complaint involving alleged discrimination, harassment or retaliation.