

**Complaint Resolution Procedure for Faculty or Staff Respondents and
Certain Non-University Community Members
(pursuant to [University Policy 501, Nondiscrimination](#))**

I. Overview and Purpose

This Complaint Resolution Procedure for Faculty or Staff Respondents and Certain Non-University Community Members (“**Procedure**”) applies to all University faculty and staff, as well as certain non-University community members, including contractors, affiliates, and visitors.

In responding to reports of Discrimination and Discriminatory Harassment, the University complies with Titles VI and VII of the Civil Rights Act of 1964, the Americans with Disabilities Act, the Age Discrimination in Employment Act, the United States Constitution, and other applicable state and federal laws.

When necessary, and in consultation with the Office of Legal Affairs, the Director of Civil Rights and Title IX may alter this Procedure to protect the University community, property, and resources.

The Procedure outlined here differs from the criminal justice system in scope, purpose, procedure, and outcome, and is not designed to replace state or federal criminal laws or procedures. Individuals may be accountable to both civil authorities and to the University for acts that constitute violations of law and policy. The Procedure outlined here will normally proceed during the pendency of criminal proceedings and will not be subject to challenge on the ground that criminal charges involving the same incident(s) have not been filed or have been dismissed or reduced.

Employees subject to the State Human Resources Act (SHRA employees) who need to report an alleged violation of this Policy must also submit the SHRA Grievance Initial Filing Form to the Human Resources Department within 15 calendar days of the alleged Discrimination or Discriminatory Harassment. Complaints by SHRA employees are processed pursuant to the UNC System SHRA Grievance Policy rather than this Procedure.

Employees exempt from the State Human Resources Act (EHRA employees) who need to report an alleged violation of this Policy based on an adverse employment action must also submit the EHRA Review and Appeal Form to the Department of Human Resources no more than 30 calendar days after the adverse employment action that caused the alleged violation. Complaints by EHRA employees are processed pursuant to [University Policy 102.7, Personnel Policies for Designated Employment Exempt from the State Human Resources Act](#), rather than this Procedure.

II. Definitions

Appropriate University Official is the Provost and Vice Chancellor for Academic Affairs for cases involving faculty Respondents. For SHRA staff and EHRA non-faculty Respondents, the Associate Vice Chancellor for Human Resources is the Appropriate University Official.

Director is the Director of Civil Rights and Title IX/Title IX Coordinator.

Discrimination occurs when any University employee, acting on behalf of the University, engaging in unlawful distinction, preference, or detriment to an individual as compared to others that is based on

an individual's Protected Status and that is sufficiently serious to unreasonably interfere with or limit:

- An employee's or applicant for employment's access to terms or conditions and benefits of employment (e.g., hiring, advancement, assignment);
- A student's or applicant for admission's ability to participate in, access, or benefit from educational programs, services, or activities (e.g., admission, academic standing, grades, assignment, campus housing);
- An authorized volunteer's ability to participate in a volunteer activity; or
- A guest's or visitor's ability to participate in, access, or benefit from the University's programs.

Discrimination includes failing to provide a Reasonable Accommodation, consistent with state and federal law, to a qualified person with a disability, for pregnancy or related medical conditions, and to a qualified person who has a sincerely held religious belief. Disagreements regarding disability related Reasonable Accommodation requests must first utilize the processes outlined in [University Policy 501.1, Nondiscrimination on the Basis of Disability Regulation](#) before engaging this Procedure.

Discriminatory Harassment is unwelcome conduct directed toward a particular individual or identifiable group of individuals based upon the target individual's actual or perceived Protected Status through any action, method, device, or means that is so severe or pervasive, and objectively offensive, that it unreasonably interferes with the target individual's employment, academic performance, or participation in institutional programs or activities, effectively denying equal access to institutional resources and opportunities (*i.e.*, creates a hostile environment). **Complaints of Discriminatory Harassment based on an individual's sex, sexual orientation, or gender identity are processed pursuant [University Policy 504, Title IX Grievance Policy](#) or procedures under [University Policy 502, Sexual Misconduct and Interpersonal Violence](#).**

Impacted Party is the individual or individuals targeted by the alleged conduct constituting Discrimination, Discrimination Harassment or Retaliation in violation of this Policy.

Policy is [University Policy 501, Nondiscrimination](#).

Protected Status is race; color; religion, including belief and non-belief; sex, including but not limited to pregnancy, childbirth, or related medical condition, and parenting; sexual orientation; gender identity; age; national origin; physical or mental disability; veteran status; and genetic information.

Reasonable Accommodation is a necessary and appropriate modification or adjustment to the educational or work environment that enables a qualified individual to participate in the educational or application process or to perform essential job functions to the extent that the modification or adjustment does not result in a fundamental alteration of an academic program or of the essential functions of a job or otherwise impose an undue burden on the University.

Respondent is the individual who allegedly committed Discrimination or Discriminatory Harassment, or related Retaliation.

Retaliation includes threatening, intimidating, or coercive behaviors and other adverse actions that would deter a reasonable person in the same or similar circumstances from reporting Discrimination or Discriminatory Harassment or cooperating in the University's investigation of any such report,

even if the behaviors do not ultimately have that effect.

III. University Response to Reports of Discrimination or Discriminatory Harassment

The University's response to reports of Discrimination and Discriminatory Harassment or related Retaliation is managed by the Office of Civil Rights and Title IX. Depending on the nature of the report, the Director may utilize informal response options, such as support and accommodations for the Impacted Party, increased monitoring of certain University areas, or educational opportunities for a Respondent or larger group of individuals, or the Director may utilize more formal response options, such as a negotiated resolution process or an investigation. Both formal processes are described in more detail in Sections III.B. and III.C. below. If a Respondent separates from University employment prior to completion of a formal process, the University may decide to discontinue that process. Even if it discontinues the formal process, the University will take appropriate action to rectify and prevent the recurrence of any alleged Discrimination or Discriminatory Harassment or related Retaliation.

A. Preliminary Response to Reported Violations

Following receipt of a report, the Office of Civil Rights and Title IX will offer to meet with the Impacted Party to discuss support options.

The Director will first assess whether the reported behaviors, if true, would violate the Policy or other related policies, and determine which policy or procedure applies. In order to make this assessment, the Director or designee may seek additional clarification from the individual who submitted the report and/or the Impacted Party.

Upon receiving the report, the Director is also authorized to work with appropriate administrators to take immediate action, where such action appears necessary, to protect the interests of the Impacted Party, the Respondent, or others impacted by the reported behaviors. Such actions may include, but are not limited to, temporary adjustment of schedules, temporary adjustment of supervisory relationships, or other appropriate interim measures.

If the Director determines that the report, following clarification, would not violate the Policy or other related policies, the Director may close the case without further investigation. The Director or designee will notify the Impacted Party of a decision to close the case and provide any appropriate follow-up information. Regardless of the closure of a case, the Director may still determine that increased monitoring, additional education, or other informal actions are appropriate based on the circumstances.

If the Director determines that the reported behaviors would, if substantiated, violate the Policy or other related policies, the Director or designee will decide whether to proceed with an informal response, a negotiated resolution, or an investigation. The University may be compelled to proceed with an investigation even if the Impacted Party does not elect to participate. The Respondent will be notified in writing of the alleged violations of the Policy or related policies.

The Office of Civil Rights and Title IX will review the matter discreetly, sharing information on a need-to-know basis only, ensuring that all individuals who may be the subject of the investigation are advised regarding the University's policy prohibiting Retaliation against individuals who report violations of the Policy or who cooperate in the University's investigation of any reported

violations.

B. Negotiated Resolution of Reported Violations

The University encourages negotiated resolution of reported Discrimination or Discriminatory Harassment or related Retaliation when such resolution is deemed appropriate by the Director. Such resolutions may or may not include the imposition of disciplinary sanctions. The Director, or a University official designated by that officer, is authorized to assist the Appropriate University Official and the Respondent in achieving such resolution. While resolution is not contingent on the approval of the Impacted Party, the University will seek input from that person prior to finalizing such negotiated agreement. No such negotiated agreement is effective on behalf of the University unless it has been approved by the Chancellor.

C. Investigation

A neutral investigator, designated by the Director, will have responsibility for conducting the investigation of alleged Discrimination or Discriminatory Harassment. The purpose of the investigation is to advise the Appropriate University Official regarding whether there is sufficient evidence of a violation of the Policy or other related policy to justify further administrative review and potential remedial action.

If a report is made against a supervisor or administrator who would otherwise play a role in responding to and attempting to resolve the reported violations, or who may have a relationship with the Respondent or the Impacted Party that undermines the supervisor's or administrator's neutrality, the function assigned to that person by this Procedure may be assigned to another person. Concerns regarding the neutrality of the designated decision-maker should be brought promptly to the Director's attention. If the Director determines that the neutrality of the decision-maker is reasonably in question, the Director will request that the Chancellor designate another decision maker.

The scope of the investigation will be determined by the Director according to the charge and the allegations in the report. The method of investigation is within the discretion of the Director and/or the investigator. However, the following requirements will be observed:

1. All evidence collected during the investigation will be preserved per the University's applicable records retention schedule.
2. Party and witness interviews may be audio recorded by the University on a case-by-case basis as determined by the Director; however, individual parties and witnesses may not record the interview. Notice will be provided to each interviewee if the interview will be recorded.
3. The Impacted Party and Respondent may be accompanied by an advisor throughout the investigation. The advisor may provide support and advice, but may not unduly delay, disrupt, or otherwise interfere with the investigation. A person serving as an advisor may not also serve as a witness.
4. The Impacted Party and Respondent will be provided an opportunity to present relevant information or evidence and identify potential witnesses. As to any evidence collected during the investigation, the investigator may ask questions or request additional information and may refuse to consider any evidence submitted which the

investigator concludes is repetitious, irrelevant, or otherwise without sufficient value to the investigation.

5. Multiple interviews may be conducted with the Impacted Party, the Respondent, or any other person if necessary to aid the investigation. Likewise, the investigator may obtain any University information reasonably deemed relevant to the investigation and may request from the Impacted Party the Respondent, witnesses, or other sources, any relevant documents or other information.
6. After gathering relevant information and interviewing relevant individuals, the investigator will prepare a Final Investigation Report, which will include:
 - a. a list of witnesses interviewed and evidence reviewed,
 - b. a summary of relevant information from interviews,
 - c. an assessment of the Respondent's and witnesses' credibility,
 - d. a summary of established facts, and
 - e. a recommendation regarding whether there is sufficient evidence to substantiate the allegations.
7. The Final Investigation Report will be provided to the Appropriate University Official.
8. The Appropriate University Official will review the Final Investigation Report, including the facts gathered as well as the recommendations. If the Appropriate University Official determines that the facts support that the Respondent has violated the Policy or other related policies, the Appropriate University Official will obtain from the relevant University administrator or administrators a confidential statement summarizing past instances, if any, in which the Respondent has been found responsible for or otherwise admitted to other violations of University policy, including but not limited to the Policy. Subject to the limitations imposed by applicable disciplinary policy, the Appropriate University Official will consider such records in any recommendation to impose discipline on the person found to have violated the Policy.
9. Following a review of the Final Investigation Report, and in consultation with the Director, the Appropriate University Official will prepare a memorandum summarizing the conclusions of the investigation. If the Appropriate University Official's memorandum concludes that the Respondent has violated this or any other related University policy, the memorandum will also include, in consultation with the Director, a decision regarding whether the Respondent will be subject to discipline.
10. The Appropriate University Official will notify the Respondent when the memorandum and the Final Investigation Report are available and provide the Respondent with an opportunity to review the documents. The Respondent will receive information regarding appeal rights, as applicable. The University's Associate Vice Chancellor of Human Resources will receive a copy of the memorandum.
11. Disciplinary actions will depend on the severity of the incident and be in accordance with applicable University policy. In accordance with [University Policy 102.13, Tenure Policies, Regulations, and Procedures of the University of North Carolina at Charlotte](#), if the Respondent is a covered faculty member, a decision to implement serious sanctions, as defined by Section 8 of that policy, must be supported by "clear and convincing evidence."

12. At any time prior to implementation of a disciplinary action against a Respondent, the University may, after consultation with the Director, negotiate an agreement with the Respondent to resolve the disciplinary charge against the Respondent. While resolution is not contingent on the approval of the Impacted Party, the University will seek input from that person prior to finalizing such negotiated agreement. No such negotiated agreement is effective on behalf of the University unless it has been approved by the Chancellor or the Chancellor's designee.
13. The Director or designee will notify any student or employee who was individually targeted by the Respondent's alleged behavior regarding the outcome of the investigation and/or disciplinary action that directly relates to that student or employee. Personnel information concerning other employees, including the Respondent, is confidential and will not be disclosed except as otherwise required by law.

D. Appeals

Decisions that implicate [Section 8 of University Policy 102.13, Tenure Policies, Regulations, and Procedures of the University of North Carolina at Charlotte](#) may be challenged according to the process outlined in [Section 8 of University Policy 102.13](#).

Decisions that do not implicate [Section 8 of University Policy 102.13, Tenure Policies, Regulations, and Procedures of the University of North Carolina at Charlotte](#) may be appealed by the Respondent to the Chancellor within fourteen (14) calendar days following the date of issuance of the Appropriate University Official's memorandum and Final Investigation Report.

The appeal must be submitted in writing to chanoff@charlotte.edu and provide the procedural basis for the appeal. The basis for appeal is limited to procedural irregularities that affected the outcome of the matter. In response to an appeal, the Chancellor may:

- Affirm the decision in the memorandum in its entirety;
- Affirm the decision in the memorandum and reduce but not eliminate the sanction(s); or
- Remand the matter to the Appropriate University Official or a different decision-maker, as appropriate, for reconsideration of the decision in the memorandum.

The Chancellor's decision is final. The Respondent will be notified regarding any changes to previously reported results of the investigation as a result of the appeal.

E. Resolution

The Director and/or Appropriate University Official will implement any sanctions included in a negotiated resolution or final decision. For any sanctions under the purview of the Appropriate University Official, the Appropriate University Official will notify the Director when such sanctions have been implemented and the Director is authorized to request updates related to the status of any pending sanctions.

IV. Recordkeeping

The University will maintain pertinent records related to each case processed under this Procedure in

accordance with the UNC System Records Retention Schedule and applicable law. Access to these records are governed by applicable state and federal laws, including but not limited to the SHRA and FERPA.

V. Non-University Community Members

The University will consider reports by or against non-University community members on a case-by-case basis, when the reported concerns impact access to University programs or activities or affect the University work environment. Although the University has limited jurisdiction to impose discipline against, or to extend supportive measures to, non-University community members, the University may pursue corrective actions within its discretion, following an appropriate investigation or in collaboration with University or local law enforcement officials. Non-University community member reports against University community members may result in disciplinary action against University community members consistent with applicable policy. When reports involve non-University community members, the University may be restricted regarding what information it can share with those individuals.

History:

- Initially enacted July 14, 2022
- Revised August 18, 2022
- Revised August 7, 2023