

**NORTH CAROLINA AGRICULTURAL AND TECHNICAL STATE UNIVERSITY  
AGGIE ACADEMY**

**Procedures for Addressing Discrimination, Harassment & Bullying for  
Policy Code: 1710/4020/7230 Prohibition against Discrimination, Harassment, and Bullying**

**A. Definitions**

- (1) “Alleged Offender” means the individual alleged to have discriminated against, harassed, or bullied the complainant.
- (2) “Complaint” means an oral or written notification made by a person who believes he or she is the victim of discrimination, harassment, or bullying.
- (3) “Complainant” means the individual complaining of being discriminated against, harassed, or bullied.
- (4) “Days” mean working days, exclusive of Saturdays, Sundays, vacation days, or holidays, as set forth in the school calendar. In counting days, the first day will be the first full working day following receipt of the complaint. When a complaint is submitted on or after May 1, time limits will consist of all weekdays (Monday–Friday) so that the matter may be resolved before the close of the school term or as soon thereafter as possible.
- (5) “Investigative Report” means the written account of the findings of an investigation conducted in response to a complaint.
- (6) “Investigator” means the designated individual responsible for investigating and providing a written investigative report to the complaint.
- (7) “Report” means an oral or written notification that an individual, other than the reporter, is a suspected offender or victim of discrimination, harassment, or bullying.

**B. Reporting by Employees or Other Third Parties**

(1) Mandatory Reporting by Employees

Any NC A&T or Aggie Academy employee who witnessed or who reasonably believes that a student or other individual may have been subjected to discrimination, harassment, or bullying in violation of school or University policies, or that an employee violated policy the Student-Staff Relations policy, must immediately report the suspected violation to the Principal or Chief Human Resources Officer in the Division of Human Resources. Any employee who does not promptly report possible discrimination, harassment, or bullying may be subject to removal or disciplinary action as appropriate.

(2) Reporting by Other Third Parties

Members of the school community, including students, parents, volunteers, and visitors are encouraged to report any act that may constitute an incident of discrimination, harassment, or bullying. Reports should be made to the Principal if the alleged act

occurred in a location under the jurisdiction of the Principal, such as at the school or other location of a school-related activity. If the alleged act occurred elsewhere, the incident should be reported to the Chief Human Resources Officer.

(3) Electronic Reporting

Reports that a student may have been subjected to discrimination, harassment, or bullying may be made electronically through a portal on the Aggie Academy web site at <https://www.ncat.edu/aggieacademy/index.php>.

(4) Anonymous Reporting

Generally, reports of discrimination, harassment, or bullying may be made anonymously. Signed reports are preferable because formal disciplinary action may not be taken solely on the basis of an anonymous report unless the allegations are substantiated after an investigation. Aggie Academy employees shall not make anonymous reports.

**C. Complaints by Alleged Victims of Discrimination, Harassment, or Bullying**

(1) Filing a Complaint

(a) Students

Students who believe they were subject to discrimination, harassment, or bullying by a school employee or another student should notify a teacher, counselor, the principal, or other school administrator. If a student complains to a teacher or counselor, the teacher or counselor shall immediately notify the Principal. Alternatively, students or their parents or legal guardians may file a complaint electronically on the Aggie Academy website at <https://www.ncat.edu/aggieacademy/index.php>.

(b) Employees

Employees who believe that they were subject to discrimination, harassment, or bullying at the worksite or because of employment with NC A&T or Aggie Academy should file a written complaint that includes the specific facts of the each alleged incident and the names of alleged offenders. Employees may complain to their immediate supervisor, second-level supervisor, or the Division of Human Resources in accordance with University Policy \_\_\_\_\_.

(c) Students and Employees

A complaint of discrimination in violation of state or federal laws may be filed with the Chief Human Resources Officer. Individuals may also contact the Office for Civil Rights at the U.S. Department of Education.

(2) Format of Complaint

Complaints may be oral or written. When a complaint is made orally, the employee receiving the complaint should assist the complainant in completing a report form. If the complainant is unable to complete the report form, the employee shall complete the form on the complainant's behalf using detailed information provided by the complainant and request that the complainant sign it. The employee completing the form must also sign it. Written complaints should be made in writing on the designated reporting form available on the Division of Human Resources' website at <https://hub.ncat.edu/administration/human-resources/forms/index.php> or Title IX Office at [https://cm.maxient.com/reportingform.php?NorthCarolinaAT&layout\\_id=1](https://cm.maxient.com/reportingform.php?NorthCarolinaAT&layout_id=1). An electronic version of the reporting form is available on the Aggie Academy website for incidents in which the alleged victim is a student.

### (3) Period for Filing a Complaint

Complaints should be filed as soon as possible but no later than 30 days after disclosure or discovery of the facts giving rise to the complaint. Aggie Academy may investigate complaints submitted after the 30-day period; however, delays in reporting may significantly impair the ability of school officials to investigate and adequately respond to a complaint.

### (4) Informal Resolution

Complaints may be addressed informally through conferences or mediation if appropriate; however, mediation or other informal procedures will not be used to resolve complaints alleging sexual assault or sexual violence, complaints by a student of sexual harassment by an employee or adult, or when otherwise inappropriate. Informal procedures may be used only if the parties involved voluntarily agree.

If an informal process is used, the principal or other designated official must (1) notify the complainant that the complainant may end the informal process, begin formal procedures at any time, and (2) make a copy of this complaint procedure and any relevant policies available to the complainant. Informal processes should be completed within a reasonable period, not to exceed 30 days from commencement of the informal process unless special circumstances necessitate more time (in which case, the parties involved will be notified in writing). If the informal process fails to resolve the matter or is inappropriate, or if the complainant requests formal procedures, the complaint will be investigated promptly, impartially, and thoroughly.

## **D. Process for Addressing Complaints of Discrimination, Harassment, or Bullying**

### (1) Investigation of Reports

Reports of discrimination, harassment, or bullying will be investigated to determine whether additional action is necessary, and if so, the appropriate action under the circumstances. Investigation will occur regardless of the complainant's or alleged

victim's willingness to cooperate. At the option of the alleged victim, the report may be treated as a complaint by the alleged victim under this procedure.

## (2) Initiating the Investigation

- (i) Complaints of discrimination, harassment, or bullying shall be submitted to the appropriate office or administrator for investigation. When a complaint involves allegations made against an employee, the principal or relevant supervisor shall promptly consult with the Employee Relations Manager in the Division of Human Resources to provide notice of the complaint and to determine the appropriate investigator. The investigator of a complaint is:
  - The Principal, when the alleged offender is a student and the alleged conduct does not fall within the jurisdiction of the Title IX Office;
  - The Chief Human Resources Officer or designee when the alleged offender is an employee other than the Chief Human Resources Officer, and the alleged conduct does not fall within the jurisdiction of the Title IX Office;
  - The Vice Chancellor for Business and Finance when the alleged offender is the Chief Human Resources Officer, and the alleged conduct does not fall within the jurisdiction of the Title IX Office. Whoever receives the report of discrimination, harassment, or bullying shall immediately notify the General Counsel; and
  - The Chief Human Resources Officer or designee when the alleged offender is a volunteer, visitor, or other third party and the alleged conduct does not fall within the jurisdiction of the Title IX Office.
- (ii) The investigator shall explain the investigation process to the complainant and inquire as to whether the complainant has a recommended course of corrective action. The investigator shall also determine whether steps to support and/or protect the complainant from further discrimination, harassment, or bullying are necessary pending the investigation's outcome.
- (iii) Documentation of all reports and complaints, as well as the response and outcome must be maintained in accordance with the Prohibition Against Discrimination, Harassment, and Bullying policy.
- (iv) Failure to investigate and/or address claims of discrimination, harassment, or bullying shall result in disciplinary action.

## (3) Conducting the Investigation

- (i) The investigator shall impartially, promptly, and thoroughly investigate the complaint to determine whether the alleged conduct violates University or Aggie Academy policies.
- (ii) The investigator shall interview all individuals who may have relevant information, including, the complainant; the alleged offender(s); individuals identified as witnesses by the complainant or alleged offender(s); and any other individuals, including other possible victims, who may have relevant information. The alleged offender shall be notified of the general nature of the

allegations and be allowed to respond. The investigation will include a review of all evidence presented, if any, by the complainant and alleged offender.

- (iii) If the investigator, after receipt of the complaint, interview with the complainant, and consultation with the Office of Legal Affairs determines that the allegations submitted, even if factual, do not constitute discrimination, harassment, or bullying as defined in Aggie Academy policies, the matter will be treated outside the scope of this procedure. The investigator must provide a written explanation of the investigator's determination and the process for addressing the complaint to the complainant.
- (iv) The investigator shall review the factual information gathered through the investigation to determine whether, based on a preponderance of the evidence, the alleged conduct occurred and constitutes discrimination, harassment, or bullying, considering all factual information, the context in which the alleged incidents occurred, the age, and maturity of the complainant and alleged offender(s), and any other relevant circumstances. The investigator shall submit a written investigative report to the Principal and to the General Counsel.

#### (4) Notice to Complainant and Alleged Offender

- (i) The investigator shall meet separately with the complainant and alleged offender and provide a written summary of the results of the investigation within 30 days of receiving the complaint, unless additional time is necessary due to informal resolution or to conduct an impartial, thorough investigation. The investigator's report shall state whether the investigation substantiated the complaint and, if so:
  - Whether there was any violation of relevant law, University, or Aggie Academy policies by the reported conduct;
  - The reasonable, timely, age-appropriate, corrective action needed to end the discrimination, harassment, or bullying, and prevent it from recurring;
  - The reasonable steps, if any, to address the effects of the discrimination, harassment, or bullying on the complainant; and
  - The reasonable steps, if any, to protect the complainant from retaliation because of communicating the complaint.
- (ii) The investigator must inquire of the complainant whether any discrimination, harassment, or bullying continues to occur, and the complainant must advise the investigator within a reasonable period so that school officials can take appropriate steps to address it.
- (iii) If required by federal law, information regarding specific disciplinary action imposed on the alleged offender(s) will be given to the complainant, such as when the information relates directly to the complainant (e.g., an order requiring the offender not to have contact with the complainant). School

officials must consult with the [Office of University Relations](#) and Office of Legal Affairs before releasing such information.

- (iv) If the investigator determines that the complaint was substantiated, the offender(s) shall be subject to discipline or other corrective. The Principal or designee must implement corrective action.
- (v) In addition to a written summary, each alleged offender will be provided with what, if any, disciplinary actions or consequences will be imposed upon the offender. The offender may appeal any disciplinary action or consequence in accordance with Aggie Academy policy and law. However, an appeal by the offender of disciplinary action does not preclude school officials from taking appropriate action to address the discrimination, harassment, or bullying.

#### (5) Confidentiality

The complaint and investigation will be kept confidential to the extent possible within the context of a thorough investigation and the need to initiate appropriate disciplinary or remedial action. Information shall only be shared with individuals who need the information to investigate and address the complaint appropriately and those with a legal right to access the information. Any requests by the complainant for further confidentiality will be evaluated within the context of the school's legal responsibilities. Any complaints withdrawn to protect confidentiality must be recorded in accordance with the Prohibition against Discrimination, Harassment, and Bullying policy.

#### (6) Appeal

A complainant who is dissatisfied with the results of an investigation may file a grievance using the procedure set forth in the Student and Parent Grievance Policy or in accordance with employee grievance procedures. Grievances must be submitted in writing within ten (10) days of receiving notice of the results of the investigation.

### **E. Timeliness of Process**

- (1) The number of days indicated at each step of the process indicates a maximum, and every effort should be made to expedite the process.
- (2) If an official charged with investigating, reviewing an investigation result, or implementing remedial measures fails at any step in the process to communicate a decision within the specified time, the complainant may appeal the complaint to the next step unless the official provided written notice of the delay and the reason for the delay to the complainant (e.g., complexity of the investigation, review, or report). The school official shall make reasonable efforts to keep the complainant informed of progress during any period of delay. Delays that interfere with the exercise of any legal rights are prohibited.

- (3) Failure by the complainant at any step in the process to appeal a complaint to the next step within the specified time limit will be considered acceptance of the decision at that step, unless the complainant notified the investigator of a delay, the reason for the delay, and the investigator consented to the delay in writing.

#### **F. General Requirements**

- (1) No Aggie Academy employee, NC A&T employee, or volunteer may retaliate against a complainant or other individual for filing a complaint or report, or participating in an investigation unless the person knew or had reason to believe that the complaint or report was false, or knowingly provided false information.
- (2) Meetings and hearings conducted pursuant to this complaint procedure are private, and not open to the public.
- (3) School officials may consider requests to hear complaints from a group, but must maintain required confidentiality and retain the right to hear and respond to complainants individually.
- (4) Except in the case of employees where another University policy applies, complainants may be represented by an advocate or advisor, including an attorney, at any meeting with school officials. Complainants represented by an attorney should notify school officials in advance so that an attorney for the school may also be present.
- (5) Employee absences will be excused without loss of pay or benefits if the Principal or designee determines that investigation of a complaint requires the employee's absence from regular work assignments. This will not prevent the Principal or designee from suspending the alleged offender without pay during the course of the investigation.

#### **G. Records**

The principal shall maintain appropriate records in accordance with state and federal law and the Prohibition against Discrimination, Harassment, and Bullying policy. Any parent or student with questions about the options for proceeding with a formal grievance may contact the principal for more information and copies of all applicable policies.