

Title IX/DHR: Formal Resolution at a glance

An incident is reported to the University

These processes and procedures are designed to provide a prompt and equitable resolution for both the Complainant and Respondent

OIED

Reviews, provides resources, & investigates. If a formal investigation occurs, OIED sends their report to OSC.



OSC

OSC assesses conduct charge(s) and notifies both parties.

Pre-Hearing Conference

Conduct staff meets with each party individually to prepare them for the hearing, discuss options, and answer questions. Both the Complainant and Respondent may have a support person and/or an Attorney/Non-Attorney Advocate or Advisor.

Administrative Hearing

The hearing officer's determination shall be made on the basis of preponderance of the evidence, that is, whether the information presented has shown that it is "more likely than not" that the Respondent violated the Code. In the event the Respondent is found responsible, a sanctioning portion of the hearing will follow.

Outcome & Appeal

The Complainant and Respondent are notified of the outcome of the hearing in writing simultaneously. Both parties may file an appeal.

Accommodations & Interim Measures

May be applied regardless of participation in a university process
No Contact Order | Academic Accommodations | Housing Accommodations

What happens in an Administrative Hearing



Introductions: The Administrative Hearing is led by a Hearing Officer from the Office of Student Conduct or external adjudicator who manages the proceeding and flow of information. There is no direct dialogue between parties. Hearings are digitally recorded, private, and protected by the Family Educational Rights and Privacy Act. All participants must be civil and respectful. Honesty is an expectation.



Fact Finding: This phase explores what occurred during the incident and all participants will have an opportunity to speak. All participants (except witnesses) have a copy of OIED's report. This phase will explore relevant and factual information regarding observable student behaviors which are not already highlighted in OIED's report. It's recommended that you create a statement or outline to guide you.



Deliberation: All parties will step out of the room and you will have a private space to wait. The Hearing Officer will determine responsibility, or lack thereof, for the charge(s) under review. The standard of proof is Preponderance of the Evidence, or, "more likely than not."



Sanctioning: Sanctioning only occurs if the Respondent is found responsible for a violation(s) of the Code. This phase explores insight, impact, and how the university should respond to the behavior. The Complainant may present an impact statement and the Respondent will have the opportunity to respond to the impact statement. Sanctioning examples include probation, suspension, expulsion and other educational outcomes.



Outcome: Both the Complainant and Respondent are notified of the results of the hearing in writing. The outcome letter will include a rationale for the findings and sanctions (if applicable). The Complainant and Respondent may both appeal the outcome of the hearing.

How to prepare for the Hearing

1

If you'd like, choose an Attorney/Non-Attorney Advocate or Advisor and/or Support Person to join you during meetings and the hearing: You may have an attorney/non-attorney advocate or advisor. You may also have a support person to support you and observe the hearing. The support person cannot speak or participate.

2

Meet with a staff member from the Office of Student Conduct: We will reach out to you to connect. Schedule a meeting with a staff member and attend any pre-hearing conferences or meetings to answer questions, discuss options, and help you know what to expect during the hearing. Contact us if you have ongoing questions.

3

Review the hearing documents prior to the hearing date. Potential documents include: The Code of Student Conduct, Student Discipline Procedures, and other relevant policies. OIED's Investigative Summary Report and attachments, including Complainant, Respondent, and Witness statements. For more information on Title IX, you can also visit the Office of Student Conduct's website.

4

For the fact-finding phase of the hearing, create your own statement or notes: It's normal to feel nervous. Preparing your statement ahead of time will be a reference point to guide you during the hearing. As the hearing officer will have OIED's Report, avoid repeating factual information already clarified therein. Your statement should be factual, clear, concise, and highlight any gaps not already summarized in the Report. You can also create a list of relevant and appropriate fact-based questions you'd like to be addressed during the hearing.

5

For the Complainant: Prepare your impact statement. If there is a sanctioning phase, you will have the opportunity to share how this incident has impacted you, your overall wellness, your academics, relationships, and safety on campus. You can also discuss potential sanctions you would like to recommend.

6

For the Respondent: In the event of a sanctioning phase, prepare to discuss your insight, what you've learned, who's been impacted by this incident and how. You may discuss steps you've taken to address this incident and/or provide character statements.

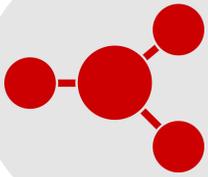
What to expect during the Hearing



Length of time: Hearing length is difficult to determine. Typical resolution time is anywhere from 4 to 6 hours. Please bring a drink, snack, or other materials that make you feel more comfortable. There will be a private space for you to wait during breaks and deliberations. Note that the use of electronic devices in the hearing room is not permitted other than those approved by the Office of Student Conduct.



Who's there? Typical participants may include the Hearing Officer, University Representative, Complainant, Respondent, Witnesses, and/or other university staff. Both the Complainant and Respondent can be represented by an attorney/non-attorney advocate or advisor and have a support person. Witnesses will participate as needed and are not present in the hearing room for the majority of the hearing.



Room layout: Hearings are usually held virtually or in 300 Clark Hall in our conference style room. Staff receive ongoing training to manage interpersonal violence cases. The Complainant can participate remotely or in the room. If the Complainant is in the room, the room will be arranged so that the Complainant and Respondent are not facing each other or are next to one another.



Questioning: The Hearing Officer will outline their expectations and manage the proceeding and flow of information during the hearing. There is no direct dialogue between participants and all questions are asked through the hearing officer. Questions should be relevant and appropriate. Participants are asked to answer questions honestly and to the best of their ability so that the Hearing Officer has complete and accurate information.



Your participation: If at any point during the hearing you feel overwhelmed, please let the Hearing Officer know so they can briefly stop the hearing and take a recess. You may opt not to share information or answer questions, but please understand that a decision will be made with the available information regardless of how you contribute to it.

Hearing Checklist

Before

- Review OIED's Investigative Summary Report. Print a copy if you'd like one at the hearing.
- Review the Code, Procedures, and other applicable policies.
- Consider whether an attorney/non-attorney advocate or advisor and/or support person will assist you. Fill out the appropriate notification or release forms for the Office of Student Conduct.
- Attend any pre-hearing meetings with the Office of Student Conduct. Discuss questions, concerns, participation preferences, resources, and/or accommodations you may need.
- Prepare a statement or outline of comments to present during the hearing, a factually based narrative that is clear and concise.
- Prepare statement or impact statement for sanctioning.
- Check your email regularly and read any correspondence from OSC thoroughly. Follow up with staff at any time if you have questions.

During

- Arrive to the hearing before or at the designated time.
- Bring a notebook, writing utensil, and/or other appropriate documents.
- Bring water, snacks, a stress ball, and/or other comfort items.
- Be an active listener without interrupting. Use your notebook to write down any notes as others are speaking.
- There will be a time for everyone to speak. Participate civilly and respectfully for the duration of the hearing.
- If you're feeling overwhelmed, let the Hearing Officer know.

After

- Breathe. You've made it through a challenging day and process.
- Address any remaining questions with OSC staff, your attorney, or support person.
- Go home, eat, and try to get a good night's rest.
- You will receive an outcome letter within 10 days of the hearing, which will include the findings and sanctions (if applicable).
- Consider whether you'd like to file an appeal.
- Continue with ongoing support, treatment, or self-care as necessary.

Resources

NC State Cares

919.515.4405 | prevention.dasa.ncsu.edu/nc-state-cares

Counseling Center

919.515.2423 | counseling.dasa.ncsu.edu

Disability Resources Office

919.515.7653 | dro.dasa.ncsu.edu

Financial Aid

919.515.2421 | studentservices.ncsu.edu

GLBT Center

919.513.9742 | diversity.ncsu.edu/glbtc

University Housing

919.515.2440 | housing.dasa.ncsu.edu

Office for Institutional Equity & Diversity

919.513.0574 | diversity.ncsu.edu

Office of International Services (OIS)

919.515.2961 | internationalservices.ncsu.edu

Multicultural Student Affairs

919.515.3835 | diversity.ncsu.edu/msa

NC State Wellness and Recreation

919.515.7529 | wellrec.dasa.ncsu.edu

University Police

919.515.3000 | police.ehps.ncsu.edu

Registration & Records

919.515.2572 | registrar.ncsu.edu

Student Legal Services

919.515.7091 | studentlegal.dasa.ncsu.edu

Women's Center

919.515.2012 | diversity.ncsu.edu/womens-center

Violence Prevention & Threat Management

919.513.4224 | vptm.ehps.ncsu.edu