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I. PURPOSE

The University of North Carolina System Office (UNC System Office) is committed to addressing allegations of workplace misconduct in a consistent, timely, impartial, and fair manner and to providing appropriate safeguards and resources to employees affected by or participating in a workplace investigation.

II. COVERAGE

- A. **Types of Investigations.** These investigation procedures apply to:
 - 1. Allegations of prohibited discrimination and/or harassment based on a protected status;
 - 2. Allegations of workplace violence;
 - 3. Allegations of improper government activities as defined in N.C.G.S. § 126-84;
 - 4. Allegations of other inappropriate conduct in the workplace (e.g., falsification of time records);
 - 5. Allegations of retaliation in violation of N.C.G.S. § 126-85; and
 - 6. Allegations of retaliation for reporting prohibited discrimination and/or harassment, workplace violence, and/or for having participated in any way in an investigation of such issues.
- B. **Coverage.** These procedures apply to investigations in which the accused (the “Respondent”) is an employee of the UNC System Office, regardless of the employment relationship of the accuser (the “Complainant”) to the UNC System Office.
- C. **Internal Audit Investigations.** UNC System Office Human Resources may consult with UNC System Office Internal Audit to address certain workplace issues. In some cases, Internal Audit may conduct the investigation in accordance with its protocols and procedures.
- D. **External Investigations.** The nature of some workplace incidents may require involvement of local, state, or federal law enforcement or may be subject to external litigation. The existence of an external investigation or litigation does not preclude the University from conducting its own internal investigation of the alleged misconduct, and Human Resources will determine if an internal investigation is warranted in these situations.

III. CONFIDENTIALITY

- A. **Notice of Confidentiality.** All parties to a complaint will be advised of the necessity of confidentiality during an investigation and will be advised that any breach of this confidentiality may be treated as unacceptable personal conduct.
- B. **Sharing of Investigation Records.** Information about complaints may be shared when necessary to investigate, prevent, or remedy any prohibited conduct. All complaint-related information will be maintained on a confidential basis to the greatest extent possible by law and regulation. The maintenance



of records and any disclosures of information from those records shall be in compliance with University policies and North Carolina law.

- C. **Cooperation.** All employees contacted as part of any investigation, including the complainant, respondent, and other necessary parties, are required to be truthful and are expected to be forthcoming and cooperative with the complaint investigation.

IV. PAID ADMINISTRATIVE LEAVE

- A. **Purpose.** Depending on the nature of a complaint, employees may be placed on paid administrative leave (also known as investigatory status with pay) without charge to the employee's accrued leave. The purpose of this paid administrative leave is to remove an employee from the workplace in order to give Human Resources an opportunity to investigate issues with minimal disruption to the workplace and/or to address safety concerns during an investigation.
- B. **While on Paid Administrative Leave:**
1. Employees are instructed not come to the workplace, perform any work, access University work email or systems, or be in contact in any way with any department employees or other persons involved in the issue being investigated unless they are instructed or approved to do so in advance by their management.
 2. Employees may be required to return work items, such as ID cards, keys, laptops, etc. until the investigation has been completed. This generally includes limiting or suspending employee access to email and/or other secured systems.
 3. Employees are required to remain available during the hours of their normal work schedule, or as otherwise required by their management, so that they can meet with their management or with other University representatives involved in the investigation.
 4. Employees receive regular pay with no charge to available leave (coded as "Administrative Leave" in the TIM system).
- C. **Written Notification.** Division management must issue written notification of placement on administrative leave to the affected employee within two business days of the actual placement on leave. This allows for immediate removal of an employee from the workplace, if necessary, for safety concerns and/or to ensure relevant data are not compromised. Human Resources must review and approve the written notification before it is issued to the employee.
- D. **Duration of Paid Administrative Leave.** By State policy, SHRA employees are limited to no more than 30 calendar days of administrative leave. The Office of State Human Resources may allow short extensions due to extenuating circumstances (see the SHRA Disciplinary Action Policy for more information). There is no similar limitation for EHRA employees.

V. TIMEFRAME FOR COMPLETING INVESTIGATIONS

Human Resources will endeavor to complete the investigation within (60) calendar days from receipt of a complaint. The time for completion of the investigation may be extended, at the discretion of the Vice President for Human Resources, if there are significant extenuating circumstances that would interfere with meeting this timeframe. Any extension will be communicated in writing to the parties. Investigations conducted as part of a grievance process may be subject to other deadlines and/or procedures if required by the applicable grievance policy.



VI. INVESTIGATION PROCESS

A. Filing a Complaint

1. **Filing a Complaint within the Grievance Process.** Complaints regarding certain issues covered by this procedure may be filed through the applicable grievance policy for the Complainant. Please refer to the University SHRA Employee Grievance Policy and the EHRA Non-Faculty Grievance Policy for a list of grievable issues.
 - a. **For SHRA Employees.** To retain eligibility under the grievance policy, SHRA employees must submit a completed Grievance Filing Form to Human Resources within fifteen (15) calendar days of the last alleged action that forms the basis of the complaint.
 - b. **For EHRA Employees.** To retain eligibility under the grievance policy, EHRA employees must submit a completed Grievance Filing Form to Human Resources within thirty (30) calendar days of the last alleged action that forms the basis of the complaint.
2. **Filing a Complaint outside the Grievance Process.** If an issue is not grievable or falls outside a grievance eligibility deadline, the Complainant may file a complaint directly with Human Resources.
3. **Additional Filing Options for Complaints of Discrimination, Harassment or Retaliation.**
 - a. **File a Complaint with the Equal Employment Opportunity Commission.** In accordance with Federal Regulations, any employee may file a complaint with the U.S. Equal Employment Opportunity Commission (EEOC) within 180 calendar days of the last incident of alleged harassment or retaliation. An employee may file a complaint with the EEOC either concurrently with an internal review or grievance process or may file a complaint with the EEOC without an internal review or grievance.
 - b. **Direct Notification to Management.** The employee may bring the complaint to the attention of:
 - (1) their supervisor (if the supervisor is not the alleged perpetrator);
 - (2) the Employee Relations and Equal Opportunity Programs Manager;
 - (3) the Associate Vice President for Employee Engagement and University Equal Opportunity Officer;
 - (4) the Vice President for Human Resources; or
 - (5) any member of the UNC System Office senior management.
 - c. **Submit a Written Complaint to UNC System Office Human Resources.** The employee may hand deliver, mail, or fax the complaint to UNC System Office Human Resources, Attn: Employee Engagement & Equal Opportunity Unit, 140 Friday Center Drive, Chapel Hill, NC, 27517. Fax: (919) 843-2318.
4. **Anonymous Complaints.** Complaints received anonymously will be assessed to determine if sufficient information has been provided to initiate an investigation. If there is insufficient information to move forward with an investigation, the complaint will be recorded and the issue closed.

B. Initial Assessment

1. **Assessment.** Human Resources will review the information provided by the Complainant and may contact the Complainant for more information.



2. **Sufficient Information and Designation of an Investigator.** If there is sufficient information to suggest that a violation may have occurred, then Human Resources will designate an “Investigator” (typically the Employee Relations & Equal Opportunity Programs Manager, or designee) to conduct the investigation.
3. **Insufficient Information.** If there is insufficient information to suggest that a violation may have occurred, then Human Resources will notify the Complainant in writing of that determination, to include notice of any applicable appeal rights. In some cases, Human Resources may be able to address some or all of the concerns raised through means that would not require an investigation.

C. Investigating the Complaint

1. **Notice to Parties.** Human Resources will notify the person(s) accused of the violation (the “Respondent”), advise them of the need for confidentiality, and remind them to refrain from any behavior that could in any way be construed as retaliatory. Human Resources will determine and communicate if any party should be placed on paid administrative leave during all or part of the investigation period. Human Resources will provide both the Complainant and Respondent the name of the Investigator, an overview of the investigation process, and upon request, a copy of any relevant policy and procedure.
2. **Notice to Management.** Human Resources will notify the supervisors of the parties to the complaint and discuss any intermediary steps that may be necessary, including but not limited to temporary reassignments, adjustment to work hours/locations, and/or placement of one or more parties on paid administrative leave.
3. **Charge to the Investigator.** In determining whether the alleged conduct violates policy and what, if any, corrective action should be taken, the Investigator must consider the record as a whole, impartially and fairly, including the nature of the alleged violation and the context in which it occurred, in order to determine whether a preponderance of the evidence shows that any applicable policy has been violated.
4. **Information Gathering.** The Investigator will interview both the Complainant and Respondent, and based on the specifics of the case, may interview other relevant parties as needed. Both the Complainant and Respondent may provide the Investigator additional information relevant to the complaint, including the names of any witnesses.

D. Report and Documentation

1. **Investigation Report.** At the conclusion of an investigation, the Investigator will prepare a written report (“Investigation Report”) that includes, subject to confidentiality protections provided by state law:
 - a. A description of the complaint;
 - b. A timeline of the investigation;
 - c. The findings of fact;
 - d. A summary of witness statements;
 - e. A determination of any policy violations;
 - f. Any recommendations for addressing any violations or related issues; and
 - g. A summary of actions taken to address the investigation findings.



2. **Review with Management.** Human Resources and/or the Investigator will meet with the applicable management group(s) to review preliminary findings and recommendations to determine what actions, if any, will be taken to address the issue.
3. **Recordkeeping.** Human Resources will maintain a record of the complaint, investigation report, and a summary of subsequent actions taken as a result of the investigation findings.

E. Addressing Report Findings

1. **Finding of No Policy Violation.** If an investigation results in a finding of no violation of policy, Human Resources may still be able to address some or all of the Complainant's concerns through other means and may take corrective action to address other inappropriate practices or behaviors that were uncovered by the investigation.
2. **Sanctions for Findings of Policy Violation.** If the investigation determines that a violation of policy has occurred, then the applicable management group will consult with Human Resources to take appropriate corrective action.
 - a. Corrective action may include counseling about the behavior; mandatory training or coaching; a written warning or other disciplinary action, up to and including dismissal; or discontinuation of employment, as applicable by policy for the affected employee's appointment type.
 - b. The University may also take measures to assist the Complainant, including but not limited to addressing any adverse employment action that may have resulted from the determined violation of policy. Human Resources may also provide the Complainant information on other University resources that may be helpful, such as the Employee Assistance Program.
3. **Sanctions for False Reports.** Deliberately false or misleading claims that appear to have been filed with the intention to harass, that appear to be frivolous, or that appear to be an abuse of the reporting process, will be considered instances of unacceptable personal conduct and subject to appropriate disciplinary or related administrative action, up to and including dismissal.
4. **Sanctions for Retaliation.** This policy prohibits retaliation against any employee who in good faith reports a possible policy violation or participates in an investigation. Any action of retaliation will be considered an instance of unacceptable personal conduct and subject to appropriate disciplinary or related administrative action, up to and including dismissal.

VII. NOTIFICATION OF OUTCOMES TO PARTIES AND ELIGIBILITY FOR FURTHER APPEAL

1. **Notification to Parties.** Within ten (10) calendar days of the completion of the investigation report and to the extent permitted by law, Human Resources will notify the Complainant and the Respondent of the investigation results and efforts taken to resolve the complaint. Human Resources may inform the Complainant that appropriate corrective action has been taken, but may not be able to reveal the specifics of the actions taken, subject to state law and policy on the confidentiality of personnel records.
2. **Appeals of Investigation Findings.**
 - a. **For Adverse Employment Actions.** Adverse employment actions taken as a result of an investigation, including but not limited to dismissal or other disciplinary action, may be grievable through the employee's applicable grievance policy. Refer to the University SHRA Employee Grievance Policy and the EHRA Non-faculty Grievance Policy for a list of grievable issues.



- (1) **For SHRA Employees.** To retain eligibility under the grievance policy, eligible SHRA employees must submit a completed Grievance Filing Form to UNC System Human Resources within 15 calendar days of the grievable event.
 - (2) **For EHRA Employees.** To retain eligibility under the grievance policy, eligible EHRA employees must submit a completed Grievance Filing Form to UNC System Human Resources within 30 calendar days of the grievable event.
- b. **For Determinations of No Violation.** If the Complainant does not agree with an investigation finding of no policy violation, then the Complainant may be able to grieve that determination through the employee's applicable grievance policy. Refer to the University SHRA Employee Grievance Policy and the EHRA Non-faculty Grievance Policy for a list of grievable issues.
- (1) **For SHRA Employees.** To retain eligibility under the grievance policy, SHRA employees must have submitted a completed Grievance Filing Form to UNC System Human Resources within fifteen (15) calendar days of the last alleged action that formed the basis of the complaint and must submit a completed Grievance Filing Form to UNC System Human Resources within fifteen (15) calendar days of receiving the written notification of the outcome of the investigation.
 - (2) **For EHRA Employees.** To retain eligibility under the grievance policy, EHRA employees must have submitted a completed Grievance Filing Form to UNC System Human Resources within thirty (30) calendar days of the last alleged action that formed the basis of the complaint and must submit a completed Grievance Filing Form to UNC System Human Resources within ten (10) calendar days of receiving the written notification of the outcome of the investigation.
- c. **Waiver of Grievance Rights.** If a party to the complaint fails to meet the deadlines as described above and in the applicable employee grievance policy, then the party to the complaint will be considered to have waived the complainant's right to appeal for the issue.
- d. **Alternative Remedies.** If the subsequent action taken is not grievable, or if the party to the complaint is not eligible for grievance coverage due to the nature of the action, due to their particular employment appointment or applicant status with the UNC System Office, or due to failing to meet any required grievance submission deadline, then no other formal internal recourse may be available on the issue. When possible, Human Resources may pursue alternative remedies for some or all subsequent concerns through other means, such as mediation, facilitated conversations, or training opportunities.