

University Investigative Responsibilities

Version 2 (Current Version)

 Print

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Contact	Chief of Staff - (252) 328-9094
Related Policies	<p>REG 01.15.03 Regulation on Conflicts of Interest, Commitment, and External Professional Activities for Pay (https://policy.ecu.edu/01/15/03)</p> <p>POL 05.25.02 Notice of Nondiscrimination and Affirmative Action Policy (https://policy.ecu.edu/05/25/02)</p> <p>REG 06.40.03 Regulation on Sexual and Gender-Based Harassment and Other Forms of Interpersonal Violence (https://policy.ecu.edu/06/40/03)</p> <p>REG 06.35.03 Resolving Allegations of Discrimination (https://policy.ecu.edu/06/35/03)</p> <p>ECU Faculty Manual, Part XII, Faculty Grievance Policies and Procedures (pdf) (https://www.ecu.edu/cs-acad/fsonline/customcf/currentfacultymanual/part12section4.pdf)</p> <p>ECU Faculty Manual, Part VI, Section IV, Student Privacy, Conduct, and Complaints (pdf) (https://www.ecu.edu/cs-acad/fsonline/customcf/currentfacultymanual/part6.pdf)</p> <p>REG 05.10.01 Safety Hazard Investigation (https://policy.ecu.edu/05/10/01)</p> <p>REG 05.20.01 University Behavioral Concerns Team (https://policy.ecu.edu/05/20/01)</p> <p>REG 10.45.01 Regulation on Research Conduct (https://policy.ecu.edu/10/45/01)</p> <p>REG 10.45.02 Objectivity in Research Under Public Health Service Grants, Cooperative Agreements, or Contracts (https://policy.ecu.edu/10/45/02)</p> <p>REG 11.30.01 Student Conduct Process Regulation (https://policy.ecu.edu/11/30/01)</p> <p>REG 11.35.01 Student Grievance Regulation (https://policy.ecu.edu/11/35/01)</p> <p>REG05.25.04 Regulation on Reports of Prohibited Interpersonal Violence and Related Misconduct (https://policy.ecu.edu/05/25/04)</p> <p>REG12.60.26 East Carolina University HIPAA Regulation (https://policy.ecu.edu/12/60/26)</p>

**Additional
References**

Institutional Complaints Standard Operating Procedure (pdf) (<https://chancellor.ecu.edu/wp-content/pv-uploads/sites/322/2020/01/Institutional-Complaints-Procedure.pdf>)

ECU Internal Audit Charter (<https://audit.ecu.edu/internal-audit-and-management-advisory-services/charters/>)

ECU Faculty Manual (pdf) (<https://www.ecu.edu/cs-acad/fsonline/customcf/currentfacultymanual/currentcompletefacultymanual.pdf>)

ECU Athletics Compliance Manual (pdf) (<https://ecupirates.com/documents/2018/10/3/ComplinceManual2018.pdf>)

ECU Employee Expectations (pdf) (https://humanresources.ecu.edu/wp-content/pv-uploads/sites/21/2019/09/ECU_Employee_Expectations_Final.pdf)

ECU Institutional Animal Care and Use Committee (<https://iacuc.ecu.edu/>)

N.C. General Statute § 143-749 Obstruction of Audit (pdf) (https://www.ncleg.gov/EnactedLegislation/Statutes/HTML/BySection/Chapter_143/GS_143-749.html)

N.C. General Statute § 143B-930 Department heads to report possible violations of criminal statutes involving misuse of State property to State Bureau of Investigation (pdf) (https://www.ncleg.gov/EnactedLegislation/Statutes/HTML/BySection/Chapter_143B/GS_143B-930.html)

N.C. Office of State Human Resources Employee Grievance Policy (pdf) (https://files.nc.gov/ncoshr/documents/files/Employee_Grievance_Policy-Agency_1.pdf)

1. Introduction1.1. Purpose

The purpose of this regulation is to identify the University offices that have responsibilities for responding to and investigating complaints or allegations of improper behavior, violations of applicable laws, policies, or regulations, and other similar circumstances. To the extent that other existing University procedures apply to the handling of a specific situation, those procedures are not displaced by this regulation.

This regulation also defines a process by which these offices may determine how to handle situations for which the jurisdiction is unclear, includes multiple offices, or involves a conflict of interest on the part of the usual investigative office. Mere failure to follow this regulation will not invalidate any investigation or the results thereof. No person or entity has a right to expect that investigations will be conducted solely in compliance with this regulation. This regulation shall not limit the power of the University to conduct investigations in some manner or through some process other than those described herein.

1.2. Authority

The offices listed in this regulation have the authority and expertise to respond to and investigate complaints and allegations as outlined herein, as outlined in other applicable policies, regulations, and laws, and as otherwise assigned by the Chancellor or his/her designee in special circumstances. These offices will periodically coordinate a review of this regulation and the practices of the offices as they relate to this regulation. With few exceptions, members of management should promptly provide any complaints or allegations received to the applicable University office or official for handling, and should not undertake investigations on their own.

In allegations involving potential criminal investigations, investigating offices shall coordinate with one another

and with the ECU Police Department or applicable law enforcement agency so that review by other campus offices does not affect evidence or compromise witnesses.

1.3. Information Sharing

The offices with response and/or investigative responsibilities will promptly share information with other applicable office(s) when a complaint is received or information is learned regarding alleged activities that fall outside of the typical jurisdiction of the office that received or learned the information. For example, if the Office of Internal Audit receives an allegation that includes misuse of University resources, and also includes information about alleged disparate treatment on the basis of a person's protected class, the protected class information will be promptly shared with the Office for Equity and Diversity.

2. Offices with Typical Investigative Jurisdiction

2.1. Office of Internal Audit and Management Advisory Services ("Internal Audit")

Responds to a variety of issues including all allegations of fraud, misuse or waste of University resources, conflicts of interest (in consultation with other offices), and violation of University policies and regulations that do not fall under the purview of other investigative offices. For example, violations of research or athletic policies that also involve theft or misuse of University resources are also within the responsibility of Internal Audit. Responds to all complaints and allegations that are forwarded to the University by the North Carolina Office of the State Auditor (NC OSA) or by the UNC System Office Vice President for Compliance and Audit Services. With some exceptions as noted elsewhere in this regulation, serves as the University's primary contact with external financial and regulatory auditors, and coordinates and vets the institution's responses to external auditors.

2.2. Office for Equity and Diversity ("OED")

Responds to alleged violations of the University's Notice of Nondiscrimination and Affirmative Action Policy, as well as "Prohibited Conduct" as defined in the University's Regulation on Sexual and Gender Based Harassment and Other Forms of Interpersonal Violence. OED also responds to external allegations related to individuals' protected class status, such as complaints from the US Equal Employment Opportunity Commission (EEOC), the the U.S. Department of Education Office for Civil Rights, and other agencies.

2.3. Athletics Compliance

Responds to alleged violations of the National Collegiate Athletics Association (NCAA) bylaws, alleged violations of the American Athletics Conference (AAC) policies, and alleged violations of ECU Athletics Department policies.

2.4. Office of Institutional Integrity ("OI")

Responds to allegations and complaints pertaining to healthcare coding and billing, the privacy and security rules of the Health Insurance Portability and Accountability Act (HIPAA), and other healthcare compliance matters. Serves as the University's typical primary contact with external parties performing healthcare billing audits or HIPAA compliance reviews.

2.5. Office of Research Integrity and Compliance ("ORIC")

Responds to conflicts of interest disclosures, non-compliance with disclosure requirements, and allegations of research misconduct made against faculty, staff, and students engaged in research activities.

2.6. Office of Research Administration (“ORA”)

Responds to sponsors’ requests to monitor, audit, or investigate activities related to sponsored programs, including but not limited to federal, state, foundation, and industry sponsors.

2.7. Institutional Review Board (“IRB”)

Responds to protocol deviations associated with research studies involving human subjects. Collaborates with the OII on disclosures and allegations of HIPAA violations associated with research studies involving human subjects.

2.8. Institutional Animal Care and use Committee (“IACUC”)

Responds to disclosures and allegations of animal welfare and abuse, and protocol deviations associated with research studies involving animal subjects.

2.9. Human Resources (“HR”)

Conducts initial review of employee disclosures of related parties pursuant to the Employment of Related Persons (Anti-Nepotism) Policy. Responds to complaints regarding workplace behavior by employees and supervisors and/or the work environment that do not fall under the purview of OED or other applicable offices. Conducts climate surveys in departments across the University. Depending on the category of employee(s) involved, the Department of Human Resources will engage with others such as Academic Affairs Personnel Administration, Health Sciences Human Resources and/or other respective Division leadership.

2.10. Office of Student Rights and Responsibilities (“OSRR”)

Administers the student conduct process, which includes responding to alleged violations of the Student Code of Conduct.

2.11. Dean of Students Office

Responds to student grievances and inquiries pursuant to the Student Grievance Regulation. Responsible for the University Behavioral Concerns Team (UBCT) and Threat Assessment.

2.12. Office of Environmental Health and Safety (“OEHS”)

Responds to safety and/or health-related requests and complaints pursuant to the Safety Hazard Investigation Regulation.

2.13. Chancellor’s Office

Manages formal institutional complaints against East Carolina University that are received by the Chancellor or the Chancellor’s office. Pursuant to the Institutional Complaints Standard Operating Procedure, the Chancellor’s office typically refers the complaint to the appropriate University office or administrator for review and response.

2.14. ECU Police Department

Serves as the University’s law enforcement agency. Responds to and investigates alleged criminal conduct. Is the responding agency when complaints or allegations involve threats to public safety.

2.15. Office of University Counsel (“OUC”)

Does not typically have jurisdiction as the lead investigator of allegations or complaints, but may do so at the specific direction of the Chancellor or other authority. Advises the other investigative offices in the fulfillment of their responsibilities as warranted by the specific situation.

2.16. Academic Unit Heads or Other Administrators

Pursuant to the ECU Faculty Manual, part VI, Section IV, these officials investigate complaints by students that are not otherwise addressed in this regulation or covered in other specific institutional policies. In general, the

types of complaints handled by these administrators relate to violations of the reasonable expectation of students for a respectful, organized, and productive learning experience.

3. Conflicts of Interest or Unclear Jurisdiction

3.1. When a report of alleged or apparent misconduct or material failure to comply with applicable policy is received or discovered by any of the offices listed in section 2 of this regulation, it will be assessed for any actual or perceived conflicts of interest. For example, if a complaint alleges violations of the University's Notice of Nondiscrimination and Affirmative Action Policy, but includes complaints about or statements questioning the actions and decisions of the OED, then the OED may have a conflict in responding to the complaint, even though the response/investigation is in their customary authorized purview.

3.2. Any office that has an actual conflict or situation that could reasonably be perceived as a conflict in responding to a matter that is normally within its jurisdiction will promptly notify the Office of University Counsel.

3.3. Any office that receives a matter in which the response or investigative jurisdiction is identified by the receiving office as unclear will promptly notify the Office of University Counsel.

3.4. In the case of actual or potential conflict and/or identified unclear jurisdiction and when time and circumstances allow, an Assessment Team will be formed to review the situation and determine which office(s) can most appropriately respond/investigate the complaint. The Assessment Team will be comprised of the following:

- Office of University Counsel
- The office that originally received the complaint or allegation
- Any additional office(s) whose jurisdiction is clearly implicated
- Any additional office(s) identified by the Office of University Counsel, the office that originally received the complaint/allegation, or any additional office with clear jurisdiction as one that should be considered for handling or assisting with the complaint
- The Chancellor's Chief of Staff (at the Chief of Staff and Chancellor's discretion)

3.5. The Assessment Team will determine the office(s) which appear to be in the best position to respond to/investigate the complaint. The Assessment Team will document its decision and will seek the confirmation of the Chancellor or his/her designee or the Chancellor's Chief of Staff prior to making the formal referral to another internal office for response and/or investigation or as soon thereafter as possible.

3.6. The office that is assigned responsibility for completing the investigation will follow its own internal protocols for investigating, documenting, and reporting on the issues.

3.7. Regardless of how ultimately investigated, if the nature of any complaint requires immediate investigation and/or action, any member(s) of the Assessment Team may take initial steps to begin an investigation before convening the full Assessment Team to determine an investigation plan. In such cases, proceeding with investigative steps prior to convening the Assessment Team shall not constitute a violation of this regulation.

4. Joint Investigation Teams

4.1. Some cases involve alleged or apparent behavior or misconduct that falls within the purview of multiple offices. For example, an allegation may be received that an employee misused University funds, violated the Notice of Nondiscrimination, and violated NCAA bylaws. In these cases, a joint investigation team will most often be established. There may be some situations in which a joint investigation team may not be the best course of action, and the University has the latitude to take the approach that is the most prudent in the specific scenario.

4.2. In cases involving multiple jurisdictions, and when time and circumstances allow, an Assessment Team will be formed to review the particulars and make a determination as to the appropriate course of action. The Assessment Team will be comprised of the following:

- Office of University Counsel
- The office that originally received the complaint or allegation
- Any additional office(s) whose jurisdiction is clearly implicated
- Any additional office(s) identified by the Office of University Counsel, the office that originally received the complaint/allegation, or any additional office with clear jurisdiction as one that should be considered for handling or assisting with the complaint
- The Chancellor's Chief of Staff (at the Chief of Staff and Chancellor's discretion)

4.3. The Assessment Team will determine the office(s) which appear to be in the best position to respond to/investigate the complaint. The Assessment Team will document its decision and will seek the confirmation of the Chancellor or his/her designee or the Chancellor's Chief of Staff prior to the formal commencement of the investigation.

4.4. Once identified and confirmed by the Chancellor or his/her designee or the Chancellor's Chief of Staff, the joint investigation team will determine which office, if any, should be designated as the lead office. Designation of a lead office is not required but may be appropriate, especially in cases where the majority of the allegations being reviewed fall under the purview of one office, or where the allegations that fall under the purview of one office are of significantly higher risk than the other allegations.

4.5. The joint investigation team will create an investigation plan, which will accommodate potential investigative and reporting requirements that may differ between offices. For example, audio recordings of interviews are typically required for NCAA compliance investigations, but may not be required for other offices.

4.6. When multiple ECU offices are assigned to a joint investigation team, they may share information and documentation among themselves as if they were working within the same ECU office, but care should be taken to ensure that information is not shared in a manner prohibited by law. Each office will be responsible for ensuring confidentiality within the investigation of information it receives and retaining whatever documentation is required to comply with their specific protocols and professional standards.

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