



U.S. DEPARTMENT OF
ENERGY

TITLE IX COMPLIANCE REVIEW

NORTH CAROLINA STATE UNIVERSITY

**Department of Electrical and Computer
Engineering**

Fiscal Year 2009

TITLE IX COMPLIANCE REVIEW REPORT

North Carolina State University
Department of Electrical and Computer Engineering

TABLE OF CONTENTS

I. INTRODUCTION	1
A. BACKGROUND.....	1
B. OBJECTIVE	2
C. SCOPE	2
II. UNDERGRADUATE AND GRADUATE ECE PROGRAMS	2
A. STUDENT ENROLLMENT.....	2
1. Undergraduate Enrollment	2
2. Graduate Student Enrollment.....	3
B. ECE FACULTY, STAFF, AND ADMINISTRATORS	4
C. RECRUITMENT AND OUTREACH.....	4
1. Undergraduate Recruitment and Outreach.....	4
2. Graduate Recruitment and Outreach	6
D. ADMISSIONS PROCESSES	6
1. Undergraduate Admissions	6
a. Background	6
b. Undergraduate Admissions Process.....	7
c. Undergraduate Admissions Statistics	7
d. Administrator Evaluation of the Undergraduate Admissions Process.....	8
e. Student Evaluation of the Undergraduate Admissions Process	8
2. Graduate Admissions.....	8
a. Background	8
b. Graduate Admissions Process.....	9
c. Graduate Admissions Statistics	10
d. Administrator Evaluation of the Graduate Admissions Process.....	11
e. Faculty and Student Evaluation of the Graduate Admissions Process.....	12
E. LEAVE OF ABSENCE AND RE-ADMISSION POLICIES.....	13
1. Undergraduate Students.....	13
2. Graduate Students.....	13
F. STUDENT FINANCIAL ASSISTANCE.....	14
1. Graduate Financial Assistance.....	15
a. Teaching Assistantships and Research Assistantships	15
i. Teaching Assistantships	15
ii. Research Assistantships	15
iii. Faculty and Administrator Evaluation of the TA/RA Process	15

b. University Fellowships.....	16
i. Dean’s Fellowship.....	16
ii. Diversity Fellowship.....	16
c. Distribution of Teaching Assistantships, Research Assistantships, and Fellowships	17
2. Undergraduate Financial Assistance.....	18
G. GRADUATE EXAMINATIONS AND WRITING/RESEARCH REQUIREMENTS	19
1. Master’s Degree with Thesis Option: Examination and Thesis.....	19
a. Background	19
b. Master’s Degree—Final Oral Examination.....	20
c. Master’s Degree—Thesis.....	21
d. Evaluation of Master’s Degree Examination and Thesis Requirements	21
2. PhD Degree: Examinations and Dissertation	21
a. Background	21
b. PhD Degree—Qualifying Review	22
c. PhD Degree—Preliminary Written and Oral Examination	23
d. PhD Degree—Final Oral Examination	24
e. PhD Degree—Dissertation	25
f. Evaluation of PhD Degree Examination and Dissertation Requirements	25
H. THE ENVIRONMENT: ACADEMIC CLIMATE AND CAMPUS SAFETY	26
1. Academic Climate	26
2. Campus Safety.....	27
III. TITLE IX REQUIREMENTS.....	29
A. DESIGNATION OF A TITLE IX COORDINATOR AND TITLE IX NOTIFICATION REQUIREMENTS.....	29
1. Designation of a Title IX Coordinator.....	29
2. Notification Requirements of Title IX.....	29
3. Student and Faculty Awareness of Title IX and the Title IX Coordinator.....	31
B. TITLE IX COMPLAINT PROCEDURES AND PROCESSES.....	34
1. Background Information on the University’s Title IX-Related Complaint Procedures.....	34
2. Proposed Title IX-Related Complaint Procedures.....	35
3. Code of Student Conduct Procedures	37
4. Coordinated Efforts Among OEO, OSC, the Office of Human Resources and Employee Relations (HR-ER), and the Office of Legal Affairs (OLA)	40
5. Title IX-Related Concerns/Complaints	40
6. Student and Faculty Awareness of Title IX-Related Grievance Procedures.....	41
IV. CONCLUSION	44

TITLE IX COMPLIANCE REVIEW REPORT

North Carolina State University

Department of Electrical and Computer Engineering

I. Introduction

During Fiscal Year 2009, the Office of Civil Rights and Diversity (OCRD) of the United States Department of Energy (the Department or DOE) conducted a Title IX compliance review of the Department of Electrical and Computer Engineering (ECE) at North Carolina State University. The compliance review was conducted pursuant to Title IX of the Education Amendments of 1972 (Title IX), as amended, 20 U.S.C. Section 1681, *et seq.*, and the Department's Title IX implementing regulations, 10 C.F.R. Parts 1042 and 1040. During the course of the compliance review, the Department requested and obtained data from the University and gathered data from the University's website. In March 2009, members of the Department's compliance review team held on-campus interviews with University administrators, including the University's Title IX Coordinator, and with students, faculty, and staff of the ECE Department. The facts, findings, and recommendations contained in this report are based on a review and an analysis of the data obtained from the University, including the University's website, as well as information obtained from the interviews held with students, faculty, staff, and administrators.

A. Background

The Department supports a diverse portfolio of research at colleges, universities, and research institutions across the United States, providing funding to more than 300 such institutions every year. The funding provided by the Department for research at universities and colleges supports thousands of principal investigators, graduate students, and post-doctoral researchers.

Title IX and DOE Title IX implementing regulations prohibit recipients of federal financial assistance, such as universities and colleges, from discriminating on the basis of sex in any of their educational programs or activities. 20 U.S.C. § 1681(a); 10 C.F.R. § 1042.100. In addition, DOE Title IX implementing regulations require the Department to periodically conduct compliance reviews of recipients of DOE financial assistance to ensure compliance with the nondiscrimination requirements of Title IX. *See* 10 C.F.R. §§ 1042.605, 1040.101(a).

In July 2004, the Government Accountability Office (GAO) issued a report (GAO-04-639) entitled, "GENDER ISSUES: Women's Participation in the Sciences has Increased, but Agencies Need to do More to Ensure Compliance with Title IX." The purpose of the report was two-fold: (1) to report on the status of women in the sciences; and (2) to evaluate the Title IX compliance activities of the four federal science agencies—the Department of Energy, Department of Education, National Aeronautics and Space Administration, and National Science Foundation. With respect to the status of women in the sciences, the GAO reported that the participation of women in the sciences at the undergraduate and graduate levels had increased over the past 30 years; however, the GAO reported that "[w]omen continue to major in the sciences and earn degrees in the sciences to a lesser extent than men." The GAO also noted that some studies suggest that sex discrimination may still affect women's choices and professional progress in the sciences. With respect to the Title IX compliance activities of the four federal science agencies, the GAO found that the agencies had taken steps, through the conduct of

complaint investigations and the provision of technical assistance, to ensure that the institutions to which they provide financial assistance are in compliance with Title IX. However, the GAO noted that “[g]iven the general lack of knowledge and familiarity with the reach of Title IX and the disincentives for filing complaints against superiors,” the agencies needed to do more to judge whether sex discrimination exists in the sciences. To that end, the GAO made recommendations specific to each of the four federal science agencies. With respect to the Department, the GAO recommended that the Secretary of Energy ensure that compliance reviews of grantees are periodically conducted.

In August 2007, Congress passed, and the President signed into law, the America COMPETES Act, Pub. L. No. 110-69, § 5010, 121 Stat. 572, 620 (2007), which provided additional impetus for the Department to conduct compliance reviews. The Act states that the Department should (1) implement the recommendations contained in the GAO report, and (2) conduct at least two Title IX compliance reviews annually of recipients of DOE financial assistance.

In Fiscal Year 2009, the Department conducted Title IX compliance reviews of engineering programs at three universities to which it provides financial assistance, including the ECE Department at North Carolina State University.

B. Objective

The objective of the Title IX compliance review at NC State University was three-fold: (1) to determine whether male and female applicants and students had equal access to the opportunities and benefits offered by the Department of Electrical and Computer Engineering; (2) to determine whether the University was in compliance with the requirements of Title IX and DOE Title IX implementing regulations; and (3) to identify and report on any promising practices instituted by the University for promoting gender equity.

C. Scope

At NC State University, the OCRD elected to review both the undergraduate and graduate components of the ECE Department. To determine whether undergraduate and graduate applicants and students, regardless of their sex, had equal access to the opportunities and benefits offered by the ECE Department, the OCRD evaluated the following areas and/or practices of the ECE Department: (1) student enrollment; (2) recruitment and outreach efforts; (3) admissions policies; (4) leave of absence and re-admission policies; (5) financial assistance opportunities; (6) graduate examination and writing requirements; (7) the academic climate; and (8) student safety. To determine whether the University was in compliance with the requirements of Title IX and DOE Title IX implementing regulations, the OCRD evaluated the following: (1) whether the University has designated a Title IX Coordinator; (2) whether the University has taken continuing steps to notify the campus community about its nondiscrimination policies related to Title IX; and (3) whether the University has adopted and published grievance procedures providing for the prompt and equitable resolution of Title IX-related complaints, including sex discrimination and sexual harassment complaints.

II. Undergraduate and Graduate ECE Programs

A. Student Enrollment

1. Undergraduate Enrollment

During the 2008-2009 academic year (AY), 915 undergraduate students (758 full-time and 157 part-time) were enrolled in the ECE program. Of those students, 844 were male (695 full-time and 149 part-time) and 71 were female (63 full-time and 8 part-time). The compliance review team interviewed 39 undergraduate ECE students, including 21 male students and 18 female students, during its on-campus visit.

Table 1, below, shows the number and percentage of undergraduate male and female students enrolled, either full-time or part-time, in the ECE program for AY 2004-2005 to AY 2008-2009.

Table 1: ECE Undergraduate Student Enrollment¹

Undergraduate Students						
2004-2005	Full Time	1014	915	90%	99	10%
	Part Time	164	147	90%	17	10%
2005-2006	Full Time	929	855	92%	74	8%
	Part Time	157	147	94%	10	6%
2006-2007	Full Time	853	791	93%	62	7%
	Part Time	159	146	92%	13	8%
2007-2008	Full Time	796	745	94%	51	6%
	Part Time	125	116	93%	9	7%
2008-2009	Full Time	758	695	92%	63	8%
	Part Time	157	149	95%	8	5%

2. Graduate Student Enrollment

During the 2008-2009 academic year, 549 graduate students (484 full-time and 65 part-time) were enrolled in the ECE program. Of those students, 463 were male (407 full-time and 56 part-time) and 86 were female (77 full-time and 9 part-time). The compliance review team interviewed 37 graduate ECE students, including 19 male students and 18 female students, during its on-campus visit.

Table 2, below, shows the number and percentage of graduate male and female students enrolled, either full-time or part-time, in the ECE program for AY 2004-2005 to AY 2008-2009.

Table 2: ECE Graduate Student Enrollment²

Graduate Students		Total	Male		Female	
2004-2005	Full Time	416	354	85%	62	15%
	Part Time	53	45	85%	8	15%
2005-2006	Full Time	405	357	88%	48	12%

¹ The enrollment numbers are based on student enrollment for the fall semester of each academic year represented in the table. Full-time students are those students who are enrolled in 12 or more credit hours. Part-time students are those who are enrolled in fewer than 12 credit hours.

² The enrollment numbers are based on student enrollment for the fall semester of each academic year represented in the table. Full-time students are those students who are enrolled in 9 or more credit hours. Part-time students are those who are enrolled in fewer than 9 credit hours.

	Part Time	64	52	81%	12	19%
2006-2007	Full Time	439	376	86%	63	14%
	Part Time	54	46	85%	8	15%
2007-2008	Full Time	452	387	86%	65	14%
	Part Time	68	55	81%	13	19%
2008-2009	Full Time	484	407	84%	77	16%
	Part Time	65	56	86%	9	14%

B. ECE Faculty, Staff, and Administrators

During the 2008-2009 academic year, the ECE Department had 40 faculty members, of whom 36 were male and 4 were female. The compliance review team interviewed 12 of those faculty members (9 males and 3 females), including the Interim Head of the ECE Department. The compliance review team also interviewed the Associate Department Head, one male assistant professor, one female lecturer, and one female teaching associate professor from the ECE Department.³

In addition, the review team interviewed the Associate Dean of the College of Engineering, the Assistant Dean for Engineering Student Services/Director of Minority Engineering Programs, the Director of K-12 Outreach/Director of Women in Engineering, as well as the ECE Business Officer and the ECE Contracts and Grants Manager.

C. Recruitment and Outreach

DOE Title IX implementing regulations prohibit recipients of financial assistance from discriminating on the basis of sex in the recruitment of students. 10 C.F.R. § 1042.310. To determine whether the ECE Department was in compliance with this provision, the OCRD reviewed the recruitment and outreach activities of the ECE Department.

1. Undergraduate Recruitment and Outreach

The College of Engineering (COE)—rather than its individual engineering departments, such as the ECE Department—is primarily responsible for conducting recruitment and outreach for the undergraduate engineering programs at the University. The COE sponsors numerous recruitment and outreach efforts, as described below:

(a) Information Sessions: These sessions, which are led by academic affairs personnel, are held every Monday, Wednesday, and Friday for prospective students and their parents. The sessions are used to provide participants an overview of all engineering majors, the admissions requirements for engineering programs, available scholarships, the common freshman year for engineering students, and extracurricular and professional opportunities. Approximately 1,500-2,000 prospective students and their parents participate in these sessions each year.

(b) Engineering Open House: The Engineering Open House is an annual spring-time event that targets high school sophomores and juniors with an interest in engineering, as well as high school seniors who have been offered freshman admission for the upcoming fall semester. All engineering departments, including the ECE Department, participate in the event and offer departmental tours and demonstrations. Other University departments are present at the event to provide information about admissions requirements, financial aid,

³ These four individuals were not included in the list of faculty members for the 2008-2009 academic year.

housing, and the opportunities available at the University. Approximately 4,000-5,000 high school students and their parents attend this event each year.

(c) Engineering Summer Programs: The COE sponsors three week-long Engineering Summer Programs (summer camps) every year for rising high school juniors and seniors. The summer camps provide students an opportunity to participate in engineering, science, and technology workshops, and to learn about engineering as a potential college major and career choice. Approximately 300-400 students participate in the camps each year.

(d) Spend-A-Day Events: Spend-A-Day events are held every spring for prospective students who have applied and who have been admitted to engineering programs at the University. The events allow prospective students to learn more about the engineering programs and to speak with current engineering students and faculty. More than 300 prospective students and their parents participate in these events.

(e) Minority Engineering Program (MEP) Overnight Recruitment Stay: The MEP Office invites approximately 40 minority high school seniors who have applied and been accepted to an engineering program at the University to participate in the MEP Overnight Recruitment Stay. The participants stay overnight in on-campus housing and are able to observe classes. Presentations are held during the event to provide the participants with additional information about the University's engineering programs and the University, itself. During their stay, participants are paired with enrolled minority engineering students.

(f) Regional Recruiting Events: Every fall semester, the COE invites high school seniors to attend regional recruiting events held at different locations throughout the State of North Carolina. The events include a presentation about the COE, and provide students an overview of all engineering majors, the admissions requirements for engineering programs, available scholarships, the common freshman year for engineering students, and extracurricular and professional opportunities.

(g) Recruiting Compact Disc (CD): A recruiting CD that highlights all undergraduate engineering programs, including the ECE undergraduate program, is sent to prospective students who inquire about engineering programs at the University. The CD is also widely distributed to high schools and at all COE recruitment events.

The University's Office of Undergraduate Admissions sponsors and participates in recruitment activities on behalf of the entire University, including college fairs, events on campus, and receptions throughout the State of North Carolina. Information pertaining to undergraduate engineering programs, including the ECE undergraduate program, is made available at these events.

The COE's Director of K-12 Outreach and Director of Women in Engineering stated that the COE is using a more holistic approach to outreach than before, in that it is "looking at *all* high-achieving students," with high SAT and PSAT scores. She stated that at outreach activities, there is no special session for female students, and that the University tries to ensure that it utilizes both male and female presenters. As the Director of Women in Engineering, one of her functions is to focus on methods to increase the number of females enrolling in the COE. She stated that based on their efforts, the overall freshman engineering class is now approximately 20% female. She said that although she resists female-only outreach activities, the University sponsors an on-campus program every year for female middle school students.

Many undergraduate ECE students who were interviewed indicated that they were not specifically recruited by the University. A few undergraduate students stated that they had participated in at least one recruitment/outreach activity sponsored by the University/COE.

2. Graduate Recruitment and Outreach

The ECE Department, rather than the COE, is responsible for conducting recruitment and outreach for the ECE graduate program. According to the University, most recruiting for the ECE graduate program is done via the ECE graduate program webpage, which highlights various aspects of the program. As another means of recruitment, the ECE Department participates in the general recruitment activities of the Graduate School, such as Visit NCSU Day. In addition, the ECE Department participates in the exchange of lists of potential graduate students with other universities. The ECE Department also provides flyers with information about its graduate program to University representatives who attend national recruitment fairs.

Many graduate ECE students who were interviewed indicated that they were not specifically recruited by the University. A few graduate students stated that they had participated in at least one recruitment/outreach activity sponsored by the University/ECE Department. When the compliance review team asked students whether their gender had affected any aspect of their study at the University, a female graduate ECE student responded by saying that the University might have been more interested in recruiting her because of her sex. However, the student did not expound on this statement or explain why she believed that might be the case.

Finding

Undergraduate and Graduate Recruitment and Outreach

The Department has found no evidence of discrimination based on sex in the recruitment and outreach efforts of the ECE Department and the COE, as described above. Therefore, the Department finds that the recruitment and outreach efforts outlined above comply with the nondiscrimination requirements of Title IX and DOE Title IX implementing regulations.

D. Admissions Processes

DOE Title IX implementing regulations prohibit recipients of financial assistance from discriminating on the basis of sex in the admission of applicants. 10 C.F.R. § 1042.300. In determining whether a person satisfies a criterion for admission, or in making any offer of admission, recipients are prohibited from the following: giving preference to one person over another on the basis of sex; applying numerical limitations upon the number or proportion of persons of either sex who may be admitted; or otherwise treating one individual differently from another on the basis of sex. *Id.*

1. Undergraduate Admissions

a. Background

NC State University has a centralized undergraduate admissions process. As a result, individuals interested in pursuing an undergraduate ECE degree do not apply for admission directly to the ECE Department. Instead, they apply for admission through the Office of Undergraduate Admissions (OUA) and designate “engineering” as a potential major on their admissions application. If they are offered admission and enroll at NC State, they are automatically enrolled in the First Year Engineering Program (FYEP), which is designed for all first-year undergraduate engineering students, regardless of their discipline. During the FYEP, all first-year engineering

students must take and successfully complete a common curriculum and maintain a minimum overall grade point average (GPA) of 2.90 or better. Only students who successfully complete the common curriculum and who maintain the required GPA are able to move on (matriculate) to their specific engineering program, such as ECE.

b. Undergraduate Admissions Process

Every year, the Office of Undergraduate Admissions meets with administrators from the COE to set the criteria (i.e., GPA, SAT/ACT test scores, and class rank) for that year’s pool of applicants to engineering programs. The OUA reviews the applications it receives and then makes preliminary admissions decisions based on the established criteria. At this stage in the process, applicants are divided into four categories: yes, no, maybe, pending.

Applicants in the “yes” category are offered admission, while the applicants in the “no” category are denied admission. Applicants who are placed in the “maybe” category are further reviewed by the COE’s Director of Enrollment Management and the Assistant Dean for Engineering Student Services/Director of MEP. During this second round of review, the reviewers evaluate the applicants’ essays and participation in extracurricular and leadership development activities. After reviewing this second level of data, the reviewers make a recommendation to the OUA as to whether to admit the applicants. While the COE makes recommendations to the OUA regarding this group of applicants, the final decision on whether to admit the applicants rests with the OUA. For those applicants who are placed in the “pending” category, additional information is sought from the applicants so that the OUA can make a determination as to whether to admit them.

c. Undergraduate Admissions Statistics

Table 3, below, shows the number and percentage of students, by sex, who applied to the undergraduate ECE program for AY 2004-2005 to AY 2008-2009. The table also shows the number and percentage of male and female applicants who were admitted, as well as the number and percentage of male and female applicants who enrolled in the program for the same time period.

Table 3: Undergraduate Applicants, Admissions, and New Enrollment per Academic Year⁴

AY	Applicants					Admitted ⁵				Enrolled ⁶			
	Total	Male		Female		Male		Female		Male		Female	
2004-2005	593	528	89%	65	11%	310	59%	36	55%	188	61%	18	50%
2005-2006	562	513	91%	49	9%	312	61%	28	57%	189	61%	10	36%
2006-2007	620	544	88%	76	12%	278	51%	40	53%	176	63%	14	35%
2007-2008	569	507	89%	62	11%	259	51%	29	47%	166	64%	12	41%

⁴ Table 3 includes data related to first-time, first-year (freshman) applicants to the undergraduate ECE program. The table does not include data related to transfer applicants to the undergraduate ECE program.

⁵ The percentages in this section of the table relate to the percent of male and female applicants, respectively, who were accepted into the undergraduate ECE program for the specified academic year.

⁶ The percentages in this section of the table relate to the percent of accepted male and female applicants, respectively, who enrolled in the undergraduate ECE program for the specified academic year.

2008-2009	626	543	87%	83	13%	245	45%	41	49%	144	59%	20	49%
------------------	-----	-----	-----	----	-----	-----	-----	----	-----	-----	-----	----	-----

The admission rate of male applicants for the five-year period represented in the table ranged from a low of 45% for AY 2008-2009 to a high of 61% for AY 2005-2006. The admission rate of female applicants for the same time period ranged from a low of 47% for AY 2007-2008 to a high of 57% for AY 2005-2006. The average admission rate for male applicants over the five-year period was 53%, while the average admission rate for female applicants over the same period was 52%, a difference of only 1%.

The enrollment rate (yield rate) of male applicants during the period under review ranged from a low of 59% for AY 2008-2009 to a high of 64% for AY 2007-2008, while the enrollment rate of female applicants ranged from a low of 35% for AY 2006-2007 to a high of 50% for AY 2004-2005. The average enrollment rate for male applicants over the five-year period was 62%, while the average enrollment rate for female applicants over the same period was 42%, a difference of 20%.

d. Administrator Evaluation of the Undergraduate Admissions Process

The OCRD team asked the Director of the OUA whether different factors/criteria are ever applied to applicants to the undergraduate ECE program based on their sex. The Director stated that the OUA applies a holistic review to the applications before it. In that sense, he said the University looks at a number of factors in reviewing applicants to get an overall view of an applicant: academic background, extracurricular activities, whether they are a first-generation applicant, whether they come from a low-income background, their geographic location, and their gender, among other things. He stated that “gender can be a factor along with everything else,” particularly where one gender has not had large representation, “but gender is not a tipping factor.” He stated that an admissions decision would not come down to a decision about an applicant’s gender.

The OCRD team also asked the Associate Dean of the COE whether different factors/criteria are ever applied to applicants to the undergraduate ECE program based on their sex. He stated that the COE does not bring students to NC State who cannot be successful. He also stated that the COE administrators who conduct the second round of review of applicants placed in the “maybe” category try to use a gender-blind approach when reviewing applicants.

e. Student Evaluation of the Undergraduate Admissions Process

A majority of the undergraduate students interviewed described the process for admission to the undergraduate ECE program as a standard on-line process. A majority of the undergraduate ECE students also said they did not believe anything in their admissions experience was unfair.

When the OCRD team asked students whether they had ever experienced or observed gender bias in the ECE Department, a female undergraduate ECE student stated, “if there is gender bias, it would be in favor of females by permitting them to enter the program if they have a lower GPA than what is required.” However, the student did not expound on this statement or identify any specific instances when this might have occurred.

2. Graduate Admissions

a. Background

NC State University also has a centralized graduate admissions process. Therefore, individuals interested in pursuing a graduate ECE degree apply for admission through the Graduate School,

rather than through the ECE Department, itself. Applicants interested in enrolling in the graduate ECE program are required to complete an Area of Interest form to identify their interest in pursuing a graduate ECE degree and to identify the specialty(ies) within ECE that they are interested in pursuing.

b. Graduate Admissions Process

The University has two types of admission to its graduate programs: full graduate standing admission and provisional admission. In order to obtain full graduate standing admission to the graduate ECE program, an applicant must satisfy the minimum graduate admissions requirements⁷ of the ECE Department, which include:

- (1) a bachelor's degree in electrical engineering or computer engineering from an accredited college or university;⁸
- (2) an overall GPA of at least 3.25;
- (3) as a guideline, minimum GRE percentile scores that are: 70 percentile-verbal, 90 percentile-quantitative, and 50 percentile-analytical or writing;⁹
- (4) three strong recommendations from persons able to comment on the applicant's qualifications for graduate study; and
- (5) for international students or U.S. applicants whose principal language of instruction has not been English, a minimum TOEFL score of 80 (minimum score for listening-18, reading-18, writing-18, speaking-20) or IELTS score of 6.5 on each section.

Applicants who do not satisfy the minimum graduate admissions requirements may be granted provisional admission. A student who has provisional admission will be granted full graduate standing admission upon completing nine credit hours with a minimum GPA of 3.25, while receiving no grade lower than a B.

The Graduate School forwards the applications it receives from individuals seeking admission to the graduate ECE program to the ECE Director of Graduate Programs (the DGP) for review. The DGP, in turn, distributes the applications to members of the ECE Admissions Committee for review and for a recommendation as to whether to grant or to deny admission to the applicants. The DGP stated that applications for the PhD program are generally reviewed by two members of the ECE Admissions Committee, while applications for the master's degree program may be reviewed by three Committee members. The DGP stated that Committee members evaluate and rank the applicants based on the admissions requirements and the strength of their letters of recommendation. For international students, the Committee members also consider the strength of the institution from which an applicant is coming.

After reviewing and ranking the applications, the members of the Admissions Committee make recommendations to the DGP on whether to admit, either fully or provisionally, or to deny

⁷ Although an applicant may satisfy the minimum requirements for admission to an ECE graduate program, he/she is not guaranteed admission to a program.

⁸ Students who do not have a bachelor's degree in electrical engineering or computer engineering must have completed certain electrical engineering or computer engineering courses to be considered for full graduate standing admission.

⁹ GRE scores for applicants who are graduates of NC State University may be waived.

applicants. The DGP may accept or modify the recommendations of the Committee members. The DGP then, on behalf of the ECE Department, makes an official recommendation to the Graduate School on the admission or denial of each applicant. The Dean of the Graduate School stated that in most instances, the Graduate School will follow the recommendation of the DGP on the admission or denial of applicants.

c. Graduate Admissions Statistics

Table 4, below, shows the number and percentage of students, by sex, who applied to the graduate ECE program for AY 2004-2005 to AY 2008-2009. The table also shows the number and percentage of male and female applicants who were admitted to the graduate ECE program, as well as the number and percentage of male and female applicants who enrolled in the program for the same time period.

Table 4: Graduate Applicants, Admissions, and New Enrollment per Academic Year

Graduate Students			Total	Male		Female	
2004-2005	No. of Applicants		829	669	81%	160	19%
	No. Admitted	Full Status	253	216	32%	37	23%
		Provisional Status	14	14	2%	0	0%
	No. Enrolled		167	144	63%	23	62%
2005-2006	No. of Applicants		734	580	79%	154	21%
	No. Admitted	Full Status	247	210	36%	37	24%
		Provisional Status	4	3	0.52%	1	0.65%
	No. Enrolled		148	126	59%	22	58%
2006-2007	No. of Applicants		1007	822	82%	185	18%
	No. Admitted	Full Status	357	284	35%	73	39%
		Provisional Status	3	3	0.36%	0	0%
	No. Enrolled		214	177	62%	37	51%
2007-2008	No. of Applicants		1390	1093	79%	297	21%
	No. Admitted	Full Status	309	257	24%	52	18%
		Provisional Status	3	3	0.27%	0	0%
	No. Enrolled		175	145	56%	30	58%
2008-2009	No. of Applicants		1488	1200	81%	288	19%
	No. Admitted	Full Status	398	327	27%	71	25%
		Provisional Status	9	8	0.67%	1	0.35%
	No. Enrolled		252	208	62%	44	61%

As noted above, applicants to the graduate ECE program may be admitted with either full graduate standing admission or with provisional standing admission. The full-status admission rate of male applicants for the five-year period represented in the table ranged from a low of 24% for AY 2007-2008 to a high of 36% for AY 2005-2006. The full-status admission rate of female applicants for the same time period ranged from a low of 18% for AY 2007-2008 to a high of 39% for AY 2006-2007. The average full-status admission rate for male applicants over the five-year period was 30%, while the average full-status admission rate for female applicants over the same period was 25%, a difference of 5%. During the five-year period represented in the table, a total of 31 male applicants to the graduate ECE program were admitted with provisional

status. During the same time period, a total of 2 female applicants were admitted with provisional status. The average provisional-status admission rate for male applicants over the five-year period was 0.71%, while the average provisional-status admission rate for female applicants over the same period was 0.18%, a difference of 0.53%.

During the five-year period under review, the enrollment rate for male students ranged from a low of 56% for AY 2007-2008 to a high of 63% for AY 2004-2005. The enrollment rate for female students during the same period ranged from a low of 51% for AY 2006-2007 to a high of 62% for AY 2004-2005. The average enrollment rate for male students over the five-year period was 60%, while the average enrollment rate for female students over the same period was 57%, a difference of 3%.

d. Administrator Evaluation of the Graduate Admissions Process

The Dean of the Graduate School stated that he does not believe there is a conscious decision to look at the gender of applicants when reviewing applications for admission to the graduate ECE program. He also stated that the goal of recruitment is to increase the overall diversity of an applicant pool, and that once there is a pool of applicants, the Admissions Committee is charged with looking at the credentials of the applicants to determine whether they satisfy the admissions requirements. He stated further that the ECE Department does not place numerical limitations on the number or proportion of persons of either sex admitted to the ECE graduate program.

The Interim ECE Department Head/DGP stated that the graduate ECE admissions process is gender neutral. However, he also stated that at the PhD level, the ECE Department may “cut some slack” to female applicants on their GPA to attract them to the program, but that once the female applicants were admitted, the ECE Department would not cut them slack on the program requirements or on their quality of work. The Interim ECE Department Head/DGP later qualified this statement and said that they “cut some slack” to both male and female applicants on their GPA at times. He went on to say the following about the graduate ECE admissions process:

There is a gray area in the admissions process for borderline applicants. The gray area arises in making the determination of when to admit an applicant completely versus when to admit an applicant provisionally versus when to not admit an applicant. I am inclined to be far more lenient with female and minority applicants in that I am more likely to admit completely a borderline applicant who is a female or a minority, while I am more likely to admit provisionally a borderline applicant who is a white male.

Based on this statement, the Department requested supplemental information from the University to determine: (1) whether this principle had been applied in graduate ECE admissions decisions; and (2) whether male and female applicants to the graduate ECE program had been treated differently based on their sex.¹⁰ The University indicated that some graduate ECE admissions decisions had been made applying this principle during the five-year period under review. However, the supplemental data provided by the University and reviewed by the Department was inconclusive as to the issue of whether, through the application of this principle, male and female applicants to the graduate ECE program had been treated differently based on their sex.

¹⁰ The Department notes that it does not evaluate in this report whether the statement made by the Interim ECE Department Head/DGP implicates Title VI.

e. Faculty and Student Evaluation of the Graduate Admissions Process

The faculty members who were interviewed were asked whether they had observed any differences in the way male and female students are treated within the ECE Department. One female faculty member who has served as a member of the Admissions Committee stated: “No, but the University is seemingly more generous to female students, particularly those from the U.S., who are more likely to get into ECE because there are so few of them. The priority is U.S. females; they will receive funding. [The ECE Department] hardly rejects any female students.” In a follow-up conversation with the faculty member, she stated that the graduate ECE program “wants female students as a priority, but they have to meet the qualifications.” She stated that no female applicant is taken automatically, and that they “look at everything” in the application before making an admissions decision.

In response to a question about the admissions process, one male faculty member who has served on the Admissions Committee stated that females are encouraged to apply for admission to the graduate ECE program, but that gender is not considered in the admissions process.

A majority of the graduate ECE students who were interviewed described the ECE graduate admissions process as a standard process. A majority of the graduate students also stated that they did not believe anything in their admissions experience was unfair.

One graduate male student stated that he believed that the ECE Department considered an applicant’s potential to succeed in the program, not his/her gender, when making admissions decisions. However, one graduate female student stated that although there was nothing unfair about the admissions process, “if anything, [she] believed [she] may have been given more consideration or opportunities because of [her] gender.” Another graduate female student stated that she applied to the graduate ECE program late. She stated that after explaining the reason for her late application to the Director of the ECE program, she was allowed to apply late. She indicated she was offered provisional admission, but she “did not have to use it.”

Finding

Undergraduate Admissions

Although the number and percentage of undergraduate female students enrolled in the ECE Department is considerably lower than the number and percentage of undergraduate male students enrolled in the ECE Department, the Department has found no evidence of discrimination based on sex in the undergraduate admissions process of the ECE Department, as described above. The Department has found no evidence that the ECE Department, in making its undergraduate admissions decisions, gives preference to one person over another based on sex, applies numerical limitations upon the number or proportion of persons of either sex who may be admitted, or otherwise treats one individual differently from another on the basis of sex. Therefore, the Department finds that the undergraduate admissions process outlined above for the ECE Department complies with the nondiscrimination requirements of Title IX and DOE Title IX implementing regulations.

Graduate Admissions

As noted above, the University reported that some graduate ECE admissions decisions had been made applying the principle identified in Section II.D.2.d of the report. The Department finds, however, that the supplemental data provided by the University is inconclusive as to the issue of whether, through the application of this principle, male and female applicants to the graduate

ECE program had been treated differently based on their sex. Nevertheless, the Department cautions the University that to treat male and female applicants to the graduate ECE program differently on the basis of their sex would violate Title IX and DOE Title IX implementing regulations.

E. Leave of Absence and Re-Admission Policies

DOE Title IX implementing regulations state that “no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any academic . . . or other education program or activity operated by a recipient” of financial assistance. 10 C.F.R. § 1042.400. The Department evaluated the ECE Department’s leave of absence and re-admission policies to determine whether they comply with this general provision of nondiscrimination on the basis of sex.

1. Undergraduate Students

Based on University policy, an undergraduate student who fails to enroll during any regular semester (fall/spring semester) is considered a “former degree student.” Such students must apply for re-admission to the University before being allowed to re-enroll in classes.

“Former degree students” who were eligible to continue at NC State at the time of leaving, and who have a GPA of at least 2.0 based on courses taken at NC State, are eligible to be re-admitted to their former program, provided the program has the capacity to accept additional students. The University stated that the re-admission process for students who leave in good academic standing (those with at least a 2.0 GPA based on courses taken at NC State) is a matter of protocol, and those students are generally re-admitted.

“Former degree students” who have completed coursework at other institutions since leaving NC State, and who have earned less than a C- average on such coursework, must also write a letter of petition for re-admission to the Undergraduate Admissions Committee. A former degree student whose GPA is below a 2.0 (based on courses taken at NC State) is considered for re-admission on either academic warning or academic probation status.

The University does not have an official leave of absence policy for undergraduate students. However, students may take an unofficial/informal leave of absence by not maintaining continuous enrollment at NC State. If a student chooses to take such an unofficial/informal leave of absence, he/she must apply for re-admission, as described above. The University stated that faculty may not support the courses/curriculum on a student’s academic plan if a student chooses to remain un-enrolled for extreme intervals of time, and if the courses/curriculum have changed during a student’s absence. Nevertheless, the University noted that such a student would be given the option of re-joining the University under the current curriculum standards.

2. Graduate Students

According to University and ECE Department policies, once a graduate student has been admitted and has enrolled for the first time, he/she is required to maintain continuous enrollment at the University, except for summer sessions.¹¹ A student who fails to maintain continuous enrollment, who is not on an approved leave of absence, will be terminated from his/her ECE graduate program. Such a student must apply for re-admission to the Graduate School and

¹¹ There are some exceptions to this University/ECE Department policy based on the timing of the completion of certain ECE graduate program requirements.

submit all application materials as if applying for the first-time.¹² The ECE DGP reviews applications for re-admission to the ECE graduate program. If the DGP approves an application for re-admission, the DGP must submit a letter of justification and a completed on-line DGP Decision Recommendation Form to the Graduate School on behalf of the student applying for re-admission. The Graduate School makes the final decision on all applications for re-admission.

A graduate student who is in good academic standing, and who must interrupt his/her graduate program for good reason, may request a leave of absence for a definite period of time. The leave may not exceed one year within a given graduate degree program. A graduate student should initiate a request for a leave of absence with the chair of his/her Advisory Committee and have it approved by the DGP. If it is approved by the DGP, the DGP submits the request to the Graduate School. The request should be received by the Graduate School at least one month prior to the first day of the semester that the leave is to take effect. The overall amount of time a student is allowed for the completion of his/her degree requirements (six years for master's degrees and ten years for PhD degrees) is not extended by the amount of time used for a leave of absence. Graduate students who have taken an approved leave of absence do not need to apply for re-admission to their graduate program; they only need to enroll in courses for the semester following their time of leave.

From AY 2004-2005 to AY 2008-2009, 24 male graduate ECE students and 1 female graduate ECE student were allowed to re-enter/re-enroll in their programs following a leave of absence. During the same time frame, no graduate ECE student was denied re-entry following a leave of absence.

Finding

Undergraduate Leave of Absence and Re-Admission Policies

Although there is not a formal leave of absence policy for undergraduate ECE students, students may take an informal leave of absence and apply for re-admission to their programs. The Department has found no evidence of discrimination on the basis of sex in the re-admission process for undergraduate ECE students. Therefore, the Department finds that the re-admission policy outlined above for undergraduate ECE students complies with the nondiscrimination requirements of Title IX and DOE Title IX implementing regulations.

Graduate Leave of Absence and Re-Admission Policies

The Department has found no evidence of discrimination on the basis of sex in the administration of the leave of absence policy for graduate ECE students. The Department has also found no evidence of discrimination on the basis of sex in the administration of the re-admission process for graduate ECE students. Therefore, the Department finds that the leave of absence and re-admission policies outlined above for graduate ECE students comply with the nondiscrimination requirements of Title IX and DOE Title IX implementing regulations.

F. Student Financial Assistance

DOE Title IX implementing regulations state that in providing financial assistance to any of its students, a recipient shall not, on the basis of sex, provide different amounts or types of such assistance, limit eligibility for such assistance, apply different criteria, or otherwise discriminate.

¹² Letters of recommendation and GRE scores less than five years old that are on file with the Graduate School or the ECE Department may be transferred to the application for re-admission, and do not have to be re-submitted.

10 C.F.R. § 1042.430. The OCRD evaluated the different types of financial assistance made available by the ECE Department to its students, including financial recruitment incentives, to determine compliance with this provision.

1. Graduate Financial Assistance

a. Teaching Assistantships and Research Assistantships

The ECE Department offers financial assistance to its graduate students in the form of teaching assistantship (TA) positions and research assistantship (RA) positions. As noted in Subsection b, below, additional financial assistance for graduate ECE students may be provided by the Graduate School or by the COE in the form of fellowships.

i. Teaching Assistantships

TAs are generally selected by the ECE Department Head based on the recommendations of faculty members. Prospective graduate ECE students are automatically considered for TA positions during the admissions process. Admitted students who have been selected for a TA position are generally informed of their selection as a TA with their offer of admission. Master's degree students are eligible to hold a TA position for a total of four semesters. PhD degree students are eligible to hold a TA position for a total of four semesters if they have a master's degree, and for a total of six semesters if they have only a bachelor's degree.

The University stated that the ECE Department has a standard policy regarding TA stipends, and it currently uses a single rate of pay for TAs. Therefore, male and female TAs are compensated at the same rate of pay.

ii. Research Assistantships

RAs are generally selected by the ECE faculty members who serve as principal investigators on research grants. The University stated that the methods of selecting RAs may differ among principal investigators, but they generally fall into two categories. First, a principal investigator (PI) may select prospective students as RAs during the admissions process, using the financial assistance to attract students to enroll at NC State. In that respect, PIs evaluate the admissions applications of prospective students, placing special emphasis on a student's identified area(s) of interest, academic and research background, and statement of purpose. In addition, before offering a prospective student an RA position, PIs often conduct interviews with them, by telephone for international students, and in-person, preferably, for domestic students. Second, and more common, PIs select RAs from among currently enrolled graduate ECE students. The University stated that this method has an advantage in that the PI or a faculty colleague has had an opportunity to evaluate a student's performance in a course taken at NC State before the student is offered an RA position.

RAs are usually offered twelve-month appointments. The University stated that there is no ECE Department policy regarding RA stipends, and each principal investigator determines the rate of compensation for his/her RAs based on the resources available to the PI. Since a single-rate-of-pay-system is not used for RA positions, it is not known whether individual PIs pay male and female RAs at the same rate of pay. However, the University stated that neither the graduate office nor the ECE DGP has received complaints about RAs receiving unequal pay based on sex.

iii. Faculty and Administrator Evaluation of the TA/RA Process

As stated in the graduate admissions section of the report, a female faculty member stated, “The priority is U.S. females; they will receive funding.” This same faculty member later stated, “I am aware that [NC] State has used money, as well as RA [positions] and TA [positions] to increase the number of females [in ECE programs].” In a follow-up conversation with the faculty member, she stated that RA and TA positions are used as an incentive to recruit female students. In addition, she stated that many faculty will recommend or hire female students for TA and RA positions because they perform well. She said that in that respect, they “don’t use a different standard” towards female students. She also stated that if her lab had one TA/RA opportunity, and she received three applications for the position, she would not automatically hire a female student to fill the position merely because she is female—even though there might be an inclination to hire a female student. Instead, she said she still looks at a student’s GPA, recommendation letters, and other supporting materials before deciding on who to hire.

A male faculty member, who is a PI on a DOE-funded grant, stated that some students approach him through classes about potential RA positions. He said he looks at a student’s grades and GPA in the area of interest, as well as a student’s undergraduate education background when considering students for RA positions. He said students go through a probationary period to ensure the student is, in fact, interested in his research area and so that he can evaluate the student’s research work. He said he encourages female students to apply, but that gender is not a factor in the selection process.

The Interim ECE Department Head/DGP stated that the number of TA positions offered each year depends on the amount of funding available. He indicated that TA positions are usually given to students seeking a PhD degree or a master’s (with thesis) degree. He stated that there is an effort to increase the number of female TAs and RAs within the ECE Department. However, he also stated that opportunities for male and female students were the same, and that all graduate ECE TAs get paid the same amount. In addition, he noted that female faculty members do not have a propensity to hire female TAs based on their sex. He indicated that he has not heard any comments about female students not being offered TA or RA positions.

b. University Fellowships

The ECE Department utilizes financial resources provided by the Graduate School, such as the Diversity Fellowship, and financial resources provided by the COE, such as the Dean’s Fellowship, to increase the amount of financial assistance it can offer to incoming graduate ECE students who have already been awarded a teaching assistantship or research assistantship.

i. Dean’s Fellowship

The COE offers the Dean’s Fellowship, in varying amounts, to graduate engineering students. In order to be considered for the Dean’s Fellowship, a student must have a minimum GPA of 3.5 and must hold at least a 1/4-time assistantship (TA or RA). The ECE DGP nominates graduate ECE students to the COE for consideration for an award. The COE then selects the award recipients.

The Interim ECE Department Head/DGP stated that the Dean’s Fellowship supplements the financial assistance provided to graduate students through TA and RA positions, and the Fellowship is used to attract good students. He stated that the Dean’s Fellowships are awarded competitively, based, in part, on a student’s GPA and GRE scores. As a result, he stated, the gender of a student is not considered a factor in the selection of recipients.

ii. Diversity Fellowship

The Graduate School offers the Diversity Fellowship, which is available in varying amounts to graduate students of all disciplines, including graduate engineering students. The University stated, in its original written response to DOE's Data and Document Request, that if a "student is female or a minority, the ECE [D]epartment automatically offers the diversity fellowship." In a request for supplemental information sent to the University, the OCRD asked whether female students in the ECE Department are "automatically offered" a Diversity Fellowship based on their sex, as implied by the University's original statement noted above. The University responded by stating the following:

To be eligible for funding, students must submit an application. The selection criteria for the award are as follows: academic record, character, creativity, educational and economic background, race and ethnicity, gender, exceptional personal talents, unique work or service experience, and leadership potential. Applicants must add to the goal of increasing diversity in graduate education at North Carolina State University.

Grant awards are based on financial need

Although the Interim ECE Department Head/DGP did not identify the Diversity Fellowship by name, he stated during his initial interview with the OCRD compliance review team that the University had supplemental funding available for female and minority students. During a follow up conversation, he stated that the Graduate School had a pool of funding available for diversity enhancement. He stated also that on one occasion, he was trying to recruit a female applicant to the graduate ECE program, and that he was in a "bidding war" with another university that was also trying to recruit the student. He said he was not certain, but he thought "he might have gotten \$2,000 from there [the diversity enhancement fund] for her." He did not recount any other times when he might have sought money from the diversity enhancement fund to supplement a recruitment offer to a prospective student. However, he stated that he receives all the graduate ECE applications, and he is aware of the scarcity of highly qualified female and minority applicants. Nevertheless, he said he would not try to "twist [an applicant's] arm" (by offering financial incentives) if the applicant was not qualified.

c. Distribution of Teaching Assistantships, Research Assistantships, and Fellowships

Table 5, below, shows the distribution of teaching assistantships, research assistantships, and fellowships among male and female graduate ECE students from AY 2004-2005 to AY 2008-2009. Over the five-year period, males comprised 85% of the overall graduate ECE student population, while females comprised 15% of the overall graduate ECE student population. During the same time period, teaching assistantships, research assistantships, and fellowships were generally awarded to male and female graduate ECE students in proportion to their population size. For instance, from AY 2004-2005 to AY 2008-2009, male graduate ECE students were awarded 86% of teaching assistantships¹³ and female graduate ECE students were awarded 14% of teaching assistantships. Over the same five-year period, male graduate ECE

¹³ These percentages are based on the total number of students who were awarded a teaching assistantship, either as their sole source of financial assistance from the ECE Department, or in combination with other forms of financial assistance, such as a research assistantship or fellowship.

students were awarded 89% of research assistantships,¹⁴ while female graduate ECE students were awarded 11% of research assistantships. In addition, during the same time frame, male graduate ECE students were awarded 86% of fellowships,¹⁵ while female graduate ECE students were awarded 14% of fellowships.

Table 5: Teaching Assistantships, Research Assistantships, and Fellowships¹⁶

		TA		TA/F		RA		RA/F		RA/TA		RA/TA/F		F		Total	
2004-2005	M	77	88%	10	100%	98	84%	0	---	2	67%	0	---	3	60%	190	86%
	F	11	13%	0	0%	18	16%	0	---	1	33%	0	---	2	40%	32	14%
2005-2006	M	62	87%	3	100%	131	90%	2	100%	12	100%	0	---	5	71%	215	89%
	F	9	13%	0	0%	15	10%	0	0%	0	0%	0	---	2	29%	26	11%
2006-2007	M	51	77%	6	75%	123	90%	4	100%	15	100%	0	---	6	86%	205	87%
	F	15	23%	2	25%	13	10%	0	0%	0	0%	0	---	1	14%	31	13%
2007-2008	M	62	84%	6	100%	114	90%	3	75%	8	100%	0	0%	8	80%	201	88%
	F	12	16%	0	0%	12	10%	1	25%	0	0%	1	100%	2	20%	28	12%
2008-2009	M	46	87%	7	100%	120	91%	8	89%	6	75%	0	---	3	100%	190	90%
	F	7	13%	0	0%	12	9%	1	11%	2	25%	0	---	0	0%	22	10%

2. Undergraduate Financial Assistance

The ECE Department does not offer financial assistance to prospective first-year undergraduate students. This is due, in part, to the fact that first-year undergraduate engineering students participate in the FYEP and do not matriculate into their specific programs (e.g., ECE) until their second year. In addition, although undergraduate students may be selected as TAs and RAs, those positions are not considered “financial assistance” in the manner that graduate TA and RA positions are. As a result, the OCRD has not evaluated the criteria and selection process for undergraduate TAs and RAs as financial assistance. Thus, the Department will not issue a finding on undergraduate financial assistance provided by the ECE Department.

Finding

Graduate Financial Assistance

Teaching Assistantships and Research Assistantships

Over the five-year period under review, TA and RA positions were generally awarded to male and female graduate ECE students in proportion to their population size. In addition, the ECE Department uses a single rate of pay for all graduate TAs, and, therefore, male and female graduate TAs are compensated at the same rate of pay. The Department has found no evidence that the ECE Department, in selecting graduate TAs and RAs over the five-year period, provided different types of such assistance, limited eligibility for such assistance, applied different criteria

¹⁴ These percentages are based on the total number of students who were awarded a research assistantship, either as their sole source of financial assistance from the ECE Department, or in combination with other forms of financial assistance, such as a teaching assistantship or fellowship.

¹⁵ These percentages are based on the total number of students who were awarded a fellowship, either as their sole source of financial assistance, or in combination with other forms of financial assistance, such as a teaching assistantship or research assistantship.

¹⁶ In Table 5, teaching assistantships are denoted as “TA,” research assistantships are denoted as “RA,” and fellowships are denoted as “F.”

for such assistance, or otherwise discriminated on the basis of sex in providing such assistance. Therefore, the Department finds that the ECE Department's graduate TA and RA selection processes described above comply with the nondiscrimination requirements of Title IX and DOE Title IX implementing regulations.

Fellowships

The COE offers the Dean's Fellowship to graduate engineering students, including graduate ECE students. As noted above, the COE has set forth neutral criteria for the selection of recipients of the Dean's Fellowship. The Department has found no evidence that the COE, in awarding the Dean's Fellowship, limited eligibility for such assistance or applied different criteria for such assistance on the basis of sex. Therefore, the Department finds that the COE's selection process and criteria for the Dean's Fellowship described above comply with the nondiscrimination requirements of Title IX and DOE Title IX implementing regulations.

The Graduate School offers the Diversity Fellowship to graduate students of all disciplines, including graduate ECE students. While the University, in a supplemental response, set forth the criteria for the Diversity Fellowship, the Department cannot ignore the University's original written statement that if a "student is female or a minority, the ECE [D]epartment automatically offers the diversity fellowship." Therefore, the Department cautions the University that to offer a fellowship to a student based on his/her sex would violate Title IX and DOE Title IX implementing regulations.

Recommendation

The Department recommends that the ECE Department implement a single-rate-of-pay system for RA positions, to ensure that male and female RAs are compensated at the same rate of pay. The Department also recommends that the University inform and remind officials involved in the awarding of financial assistance, such as the Diversity Fellowship, of the nondiscrimination requirements of Title IX and DOE Title IX implementing regulations.

G. Graduate Examinations and Writing/Research Requirements

DOE Title IX implementing regulations state that "no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any academic, extracurricular, research, occupational training, or other education program or activity operated by a recipient" of financial assistance. 10 C.F.R. § 1042.400. The Department evaluated the ECE Department's graduate examination and writing/research requirements to determine whether the administration of the examination and writing/research requirements complies with this general provision of nondiscrimination on the basis of sex.

1. Master's Degree with Thesis Option: Examination and Thesis

a. Background

ECE master's degree students can choose to enroll in the thesis option program or in the non-thesis option program. Those students who enroll in the thesis option program are required to form an advisory committee, take and pass a final oral examination, and submit a thesis to the Graduate School that is approved by their advisory committee. The advisory committee is comprised of two graduate faculty members from a student's elected major (electrical engineering, computer engineering, or computer networking) and one graduate faculty member from outside a student's major.

b. Master’s Degree—Final Oral Examination

The purpose of the final oral examination is to give a student the opportunity to demonstrate that he/she possesses a reasonable mastery of the subject matter of his/her major (and minor, if applicable), and that his/her knowledge can be used with promptness and accuracy. The examination is conducted by a student’s advisory committee, and takes the form of a traditional thesis defense—that is, the student is expected to defend the methodology used and the conclusions reached in his/her research as reported in his/her thesis.

During the examination, members of the advisory committee may ask questions of the student. In addition, the chair of the committee may decide whether to allow any visitors in attendance to ask questions of the student. Following the examination, graduate faculty members who are present must be allowed to express their opinions on the student’s performance and PhD candidacy to the committee, in the absence of the student. After such comments have been received, the advisory committee meets in private for final deliberations and a vote.

A student can be given one of the following designations after the completion of the exam: pass, conditional pass, fail, or re-examination. In order to pass the exam, a student must receive the unanimous approval of his/her advisory committee. An advisory committee may grant a “conditional pass,” which is contingent on a student’s satisfactory completion of additional work. If a student is given a “conditional pass,” the ECE DGP must notify the Graduate School when the conditions of the pass have been removed. A student who fails the examination is terminated from his/her program, unless his/her advisory committee unanimously recommends a re-examination. Only one re-examination is permitted. If an advisory committee recommends a re-examination, the ECE DGP must submit a request to the Graduate School for approval of a re-examination. If the Graduate School denies the request for a re-examination, the student is terminated from his/her program. A student may appeal all advisory committee actions by written application to the Dean of the Graduate School.

Table 6, below, shows the pass rate for ECE master’s degree students who took the final oral examination for the first time during AY 2004-2005 to AY 2007-2008.

Table 6: Master’s Degree Final Oral Examination Pass Rates per Academic Year

Academic Year	Number of Takers			Male Students Passing		Female Students Passing	
	Total	Male	Female	No.	Percent	No.	Percent
2004-2005	10	7	3	7	100%	3	100%
2005-2006	41	34	7	34	100%	7	100%
2006-2007	24	21	3	20	95%	3	100%
2007-2008	27	23	4	23	100%	4	100%

As the table illustrates, the pass rate for male and female students who took the exam for the first time in AY 2004-2005, AY 2005-2006, and AY 2007-2008 was 100%. In AY 2006-2007, the pass rate for female students who took the exam for the first time was 100%, while the pass rate for male students was 95%.¹⁷ The average pass rate for male students who took the exam for the first time over the four-year period was 99%, while the average pass rate for female students was 100%, a difference of only 1%.

¹⁷ In AY 2006-2007, one male student received a conditional pass. It is not clear from the data provided by the University whether the student ultimately passed the examination.

c. Master's Degree—Thesis

A student is generally required to distribute a copy of his/her thesis to each member of his/her advisory committee at least two weeks prior to the final oral examination. The members of a student's advisory committee are responsible for: (1) approval of the subject matter and methodology of the thesis research; (2) approval of the organization, content, and format of the thesis; (3) review of and comment on drafts of various sections of the thesis, including the quality of data and evidence and logical reasoning; and (4) evaluation of the thesis as a basis for certification that the student has fulfilled the requirements of the degree for which he/she is a candidate.

Once a student has passed the final oral examination, he/she must have the thesis officially approved by each member of his/her advisory committee. After receiving the approvals of his/her committee members, the student is responsible for submitting the thesis to the Graduate School.

Table 7, below, shows the number of ECE master's degree students who submitted their theses for approval from AY 2004-2005 to AY 2007-2008, as well as the number and percentage of those theses that were approved. As Table 7 illustrates, the thesis approval rate for both male and female students over the four-year period was 100%.

Table 7: Master's Degree Thesis Approval Rates per Academic Year

Academic Year	Number of Theses Submitted			Male Students: Approved		Female Students: Approved	
	Total	Male	Female	No.	Percent	No.	Percent
2004-2005	6	3	3	3	100%	3	100%
2005-2006	41	34	7	34	100%	7	100%
2006-2007	26	23	3	23	100%	3	100%
2007-2008	29	24	5	24	100%	5	100%

d. Evaluation of Master's Degree Examination and Thesis Requirements

The Interim ECE Department Head/DGP was asked whether he was aware of any situation in which the sex of a master's degree student affected the grading of his/her final oral examination or the approval of his/her thesis. He responded by stating that male and female students are held to the same standards in all aspects of their programs, including the final oral examination and the thesis. He also stated that the grading of the examination and the thesis is gender-neutral.

Master's degree students who were interviewed during the on-campus visit were asked whether they had experienced any sex bias in the administration of the final oral examination or in the thesis approval process. None of the students stated that they had experienced sex bias in relation to the examination or the thesis.

2. PhD Degree: Examinations and Dissertation

a. Background

PhD students enrolled in the graduate ECE program must also form an advisory committee. In addition, PhD students must take and pass a qualifying review, a preliminary written examination, a preliminary oral examination, and a final oral examination, and submit a dissertation to the Graduate School that is approved by their advisory committee.

An advisory committee for a PhD student may take one of two forms. A committee may be comprised of a chair and at least two other graduate ECE faculty members and a graduate faculty member from outside the ECE Department. Alternatively, a committee may have a chair, at least three graduate ECE faculty members, and a representative from the Graduate School.¹⁸

b. PhD Degree—Qualifying Review

Each PhD student must request a qualifying review from his/her advisory committee no later than the third semester of enrollment in the PhD program. The purpose of the qualifying review is to determine a student’s in-depth knowledge of his/her chosen specialty and to determine his/her ability to succeed in the ECE PhD program.

Although a student’s advisory committee determines the exact nature of the student’s qualifying review, the qualifying review must have both an oral and a written component for the student to complete. In addition, as part of the qualifying review, a student’s advisory committee meets in private to consider the following key factors related to the student: the student’s academic performance while enrolled in the PhD program, the student’s potential to perform at a high academic level throughout the remainder of his/her study, the student’s potential to conduct high-quality research, and the student’s ability to communicate both verbally and in writing.

At the conclusion of the qualifying review, a student’s advisory committee must recommend, by majority vote, for or against allowing the student to continue in the PhD program. A student who fails to obtain a majority recommendation to continue in the PhD program will be asked to withdraw from the program after his/her third semester; no PhD student is allowed to enroll for a fourth semester without a favorable qualifying review. A student in good standing who fails the qualifying review, and who entered the PhD program without a master’s degree, may elect to transfer to the master’s degree program to obtain a terminal master’s degree.¹⁹

Table 8, below, shows the pass rate for ECE PhD degree students who took the qualifying review for the first time during AY 2004-2005 to AY 2007-2008.

Table 8: PhD Degree Qualifying Review Pass Rates per Academic Year

Academic Year	Number of Takers			Male Students Passing		Female Students Passing	
	Total	Male	Female	No.	Percent	No.	Percent
2004-2005	17	17	0	16	94%	0	100%
2005-2006	27	25	2	25	100%	2	100%
2006-2007	52	44	8	44	100%	8	100%
2007-2008	45	37	8	37	100%	8	100%

As the table illustrates, the pass rate for male and female students who took the exam for the first time in AY 2005-2006, AY 2006-2007, and AY 2007-2008 was 100%. In AY 2004-2005, the pass rate for female students who took the exam for the first time was 100%, while the pass rate

¹⁸ The Graduate School representative is generally appointed by the Graduate School at the time of the preliminary oral examination.

¹⁹ This option is only available to PhD students who have completed fewer than six semesters at NC State University.

for male students was 94%.²⁰ The average pass rate for male students who took the exam for the first time over the four-year period was 99%, while the average pass rate for female students was 100%, a difference of only 1%.

c. PhD Degree—Preliminary Written and Oral Examination

After passing the qualifying review, each PhD student must take and pass the preliminary written examination. Each PhD student must pass the preliminary written examination before he/she is allowed to take a preliminary oral examination.²¹

A student's advisory committee is responsible for the content of the preliminary written examination, and each committee member is responsible for preparing a set of questions for the student's response. Once the student completes the examination, he/she is required to submit each answer set for grading to the faculty member who prepared the question set.

Advisory committee members must notify the ECE DGP when a student has completed and passed a preliminary written examination. If a student fails the examination, he/she is terminated from the ECE PhD program, unless the committee members recommend a re-examination.

A student who has passed the preliminary written examination must submit to a preliminary oral examination conducted by his/her advisory committee. During the preliminary oral examination, the student is expected to defend the preliminary methodology used and the preliminary conclusions reached in his/her research as reported in his/her dissertation.

During the oral examination, members of the advisory committee may ask questions of the student. In addition, the chair of the committee may decide whether to allow any visitors in attendance to ask questions of the student. Following the examination, graduate faculty members who are present must be allowed to express their opinions on the student's performance and PhD candidacy to the committee, in the absence of the student. After such comments have been received, the advisory committee meets in private for final deliberations and a vote.

A student can be given one of the following designations after the completion of the oral exam: pass, conditional pass, fail, or re-examination. In order to pass the exam, a student must receive the unanimous approval of his/her advisory committee. An advisory committee may grant a "conditional pass" which is contingent on a student's satisfactory completion of additional work. A student who fails the examination is terminated from his program, unless his/her advisory committee unanimously recommends a re-examination. Only one re-examination is permitted.

A student may appeal actions taken by his/her advisory committee by written application to the ECE Department Head or DGP.

Table 9, below, shows the pass rate for ECE PhD degree students who took the preliminary written and oral examinations for the first time during AY 2004-2005 to AY 2007-2008.²² As

²⁰ In AY 2004-2005, one male student received a conditional pass. The male student did not satisfy the conditions imposed by his advisory committee. The University stated that it is "not usual for a student to fail this exam," as it is common for a student's advisor to recommend that a student not take the exam until he/she is fully prepared for the exam.

²¹ A student is not officially admitted to candidacy for a PhD degree until he/she passes the preliminary oral examination.

Table 9 illustrates, the pass rate for both male and female students who took the preliminary written and oral examinations for the first time over the four-year period was 100%.

Table 9: PhD Degree Preliminary Written and Oral Examination Pass Rates per Academic Year

Academic Year	Number of Takers			Male Students Passing ²³		Female Students Passing	
	Total	Male	Female	No.	Percent	No.	Percent
2004-2005	44	36	8	36	100%	8	100%
2005-2006	51	44	7	44	100%	7	100%
2006-2007	28	25	3	25	100%	3	100%
2007-2008	31	26	5	26	100%	5	100%

d. PhD Degree—Final Oral Examination

After passing the preliminary oral examination, each PhD student must take and pass the final oral examination, which is conducted by his/her advisory committee. During the final oral examination, the student is expected to defend the final methodology used and the final conclusions reached in his/her research as reported in his/her dissertation.

During the examination, members of the advisory committee may ask questions of the student. In addition, the chair of the committee may decide whether to allow any visitors in attendance to ask questions of the student. Following the examination, graduate faculty members who are present must be allowed to express their opinions on the student’s performance and PhD candidacy to the committee, in the absence of the student. After such comments have been received, the advisory committee meets in private for final deliberations and a vote.

A student can be given one of the following designations after the completion of the exam: pass, conditional pass, fail, or re-examination. In order to pass the exam, a student must receive the unanimous approval of his/her advisory committee. An advisory committee may grant a “conditional pass,” which is contingent on a student’s satisfactory completion of additional work. A student who fails the examination is terminated from his program, unless his/her advisory committee unanimously recommends a re-examination. Only one re-examination is permitted.

Table 10, below, shows the pass rate for ECE PhD degree students who took the final oral examination for the first time during AY 2004-2005 to AY 2007-2008.

Table 10: PhD Degree Final Oral Examination Pass Rates per Academic Year

Academic Year	Number of Takers			Male Students Passing		Female Students Passing	
	Total	Male	Female	No.	Percent	No.	Percent
2004-2005	14	13	1	13	100%	1	100%

²² The ECE Department does not separately track passage rates for the preliminary written examination and the preliminary oral examination. Therefore, the ECE Department provided one set of data for these two exams. The combined data provided by the ECE Department was used to create Table 9.

²³ In AY 2004-2005, one male student received a conditional pass, which was changed later that year to a full pass. Therefore, it is reflected as a pass in the table.

2005-2006	47	37	10	37	100%	10	100%
2006-2007	40	35	5	34	97%	5	100%
2007-2008	27	24	3	22	92%	3	100%

As the table illustrates, the pass rate for male and female students who took the exam for the first time in AY 2004-2005 and AY 2005-2006 was 100%. For AY 2006-2007 and AY 2007-2008, the pass rate for female students who took the exam for the first time was 100%, while the pass rate for male students was 97% and 92%, respectively.²⁴ The average pass rate for male students who took the exam for the first time over the four-year period was 97%, while the average pass rate for female students was 100%, a difference of only 3%.

e. PhD Degree—Dissertation

A student is generally required to distribute a copy of his/her dissertation to each member of his/her advisory committee at least three weeks prior to the final oral examination. The members of a student's advisory committee are responsible for: (1) approval of the subject matter and methodology of the dissertation research; (2) approval of the organization, content, and format of the dissertation; (3) review of and comment on drafts of various sections of the dissertation, including the quality of data and evidence and logical reasoning; and (4) evaluation of the dissertation as a basis for certification that the student has fulfilled the requirements of the degree for which he/she is a candidate.

Once a student has passed the final oral examination, he/she must have the dissertation officially approved by each member of his/her advisory committee. After receiving the approvals of his/her committee members, the student is responsible for submitting the dissertation to the Graduate School.

Table 11, below, shows the number of ECE PhD degree students who submitted their dissertations for approval from AY 2004-2005 to AY 2007-2008, as well as the number and percentage of those dissertations that were approved. As Table 11 illustrates, the dissertation approval rate for both male and female students over the four-year period was 100%.²⁵

Table 11: PhD Degree Dissertation Approval Rates per Academic Year

Academic Year	Number of Takers			Male Students Passing		Female Students Passing	
	Total	Male	Female	No.	Percent	No.	Percent
2004-2005	14	13	1	13	100%	1	100%
2005-2006	45	35	10	35	100%	10	100%
2006-2007	40	35	5	35	100%	5	100%
2007-2008	28	25	3	25	100%	3	100%

f. Evaluation of PhD Degree Examination and Dissertation Requirements

The Interim ECE Department Head/DGP was asked whether he was aware of any situation in which the sex of a PhD degree student affected the grading of his/her final oral examination or

²⁴ In AY 2006-2007, one male student received a conditional pass, and in AY 2007-2008, two male students received a conditional pass. It is not clear from the data provided by the University whether the students ultimately passed the exam.

²⁵ Two dissertations that were submitted by male PhD students in AY 2005-2006 were approved in AY 2006-2007. Since the dissertations were submitted in AY 2005-2006, they are counted as "passes" for AY 2005-2006.

the approval of his/her dissertation. He said he was not aware of any instances where the sex of a student affected the grading of his/her examination or the approval of his/her dissertation.

PhD degree students who were interviewed during the on-campus visit were asked whether they had experienced any sex bias in the administration of the qualifying review, preliminary written and oral examinations, or the final oral examination, or in the dissertation approval process. None of the students stated that they had experienced sex bias in relation to any of the examinations or the dissertation.

Finding

Master's Degree with Thesis Option

The Department has found no evidence of discrimination on the basis of sex in the ECE Department's administration of the final oral examination or of the thesis approval process for master's thesis students, as described above. Therefore, the Department finds that the ECE Department's administration of the final oral examination and of the thesis approval process for master's thesis students complies with the nondiscrimination requirements of Title IX and DOE Title IX implementing regulations.

PhD Degree

The Department has found no evidence of discrimination on the basis of sex in the ECE Department's administration of the qualifying review, the preliminary written and oral examinations, and the final oral examination, or of the dissertation approval process for PhD students, as described above. Therefore, the Department finds that the ECE Department's administration of the examinations and of the dissertation approval process for PhD students complies with the nondiscrimination requirements of Title IX and DOE Title IX implementing regulations.

H. The Environment: Academic Climate and Campus Safety

As noted previously, DOE Title IX implementing regulations state that "no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any academic, extracurricular, research, occupational training, or other education program or activity operated by a recipient" of financial assistance. 10 C.F.R. § 1042.400. Consistent with this provision, the Department evaluated the academic climate within the ECE Department, as well as campus safety, to determine whether either of these environmental aspects had the effect of excluding ECE students from participation in ECE programs or activities on the basis of their sex.

1. Academic Climate

The OCRD review team asked undergraduate and graduate ECE students whether their sex had affected any aspect of their study at the University. A majority of the students interviewed stated that their sex had not affected their studies at the University. A female undergraduate student said, "probably, but not purposely," while another female undergraduate student stated she needed to work harder to prove herself. A third female undergraduate student said, "no, basically, fellow students try to help you out." One female graduate student stated that students are judged solely on how they perform. A male graduate student made a similar comment, stating that the gender of a student is not a factor and that grades and academic performance are what is key. A graduate female student responded by saying she would "be more comfortable if

[she] were a male,” and she described a situation where she felt she was “put down” by a male student.

When ECE undergraduate and graduate students were asked whether the sex of a student affected the dynamics between male and female students in the classroom, a majority of them said, “no.” Similarly, when undergraduate and graduate ECE students were asked whether one’s sex affected the dynamics between professors and students in the classroom, a majority of them said, “no.” Many of the students stated that faculty members treat students the same, regardless of the sex of the student.

When the OCRD review team asked undergraduate and graduate ECE students whether the low number of female faculty in the ECE Department impacts the learning climate, many of them stated that the low number of female faculty does not impact the learning climate. A number of them stated that what matters is the quality of a professor, rather than his/her sex. A female graduate student stated it would be helpful to have more female faculty to serve as role models and to provide a balance in the management of the ECE Department. A female undergraduate student stated that the low number of female faculty in the ECE Department “makes you feel like you have something to prove,” and a male undergraduate student stated that “if there were more women professors, it would encourage more women to pursue degrees in computer and electrical engineering.”

The OCRD review team asked ECE faculty members and administrators about the climate for students, and whether they had observed any differences in the way male and female students are treated. An administrator who was interviewed stated that to her knowledge, male and female students are almost always treated equally. The administrator noted, however, that some students have complained to her informally about their treatment. A female faculty member stated that female students have to work twice as hard to prove they are good. The same faculty member stated that there is an assumption, for example, that a female student who has a fellowship received it because she is female and not because she is good at what she does.

The OCRD review team also asked undergraduate and graduate students whether the University and/or the ECE Department had any programs in place to address gender equity within the ECE Department. Many undergraduate and graduate ECE students who were interviewed indicated that they were aware of the Women in Science and Engineering (WISE), Women in Computer Science (WICS), and/or Society of Women Engineers (SWE) organizations—groups for University students, faculty, and staff that are aimed at promoting gender equity in the sciences at the University. A number of the students interviewed also indicated that they were aware of the NC State University Women’s Center. The Women’s Center provides crisis response assistance related to sexual violence and assault. The Women’s Center also strives to “support women through educational programs, mentoring, and leadership development,” and to “create a safe . . . space for women to explore, learn, and reach their maximum potential in a more equitable society.”²⁶

2. Campus Safety

The OCRD review team asked undergraduate and graduate ECE students whether they believed the campus and surrounding environment were safe. A majority of them said they felt the campus and surrounding area were safe. However, many students noted that they were aware of

²⁶ The Department notes that the NC State University Women’s Center provides services to both male and female students, faculty, and staff.

robberies/muggings that had occurred on campus. Some students stated they felt the campus was safe during the day, but not at night. A female graduate student stated she did not feel the Engineering Building was safe; however, she did not elaborate as to why she felt that way. An undergraduate and a graduate student noted that one has to have a key pass to gain access to the Engineering Building after hours and to gain access to the labs.

Many students were aware of, and spoke positively about, the University's police escort service, which is available to students and employees in the evenings. Many students were also aware of the emergency blue lights that are positioned throughout the campus that can be used to communicate with the University Police Department. A number of students stated that the University Police Department is responsive to calls from the emergency blue lights and to requests for escorts. Several students noted that the University Police Department sends e-mail alerts to students to inform them of crimes that occur on campus. Several students also noted that the University provides a free bus service to transport students around campus. Two students, however, expressed concerns about non-students being allowed to use the University bus service.

Several faculty members who were interviewed stated they felt the campus and surrounding environment were safe. However, a number of faculty members indicated that there had been robberies and muggings on campus. A female faculty member spoke about having her purse stolen from her office. Another female faculty member spoke about having equipment stolen from the Engineering Building; she noted that, although some buildings are equipped with security cameras, the Engineering Building does not have security cameras. The same faculty member stated that the number of campus police officers was reduced, and that an adequate number of campus police officers was not available. Two female faculty members stated that they do not work at night. A female ECE administrator stated that she tells residential students not to go out alone at night. Some faculty noted that the University Police Department sends e-mail alerts about campus crimes, and some faculty indicated they were aware of the police escort service. The Interim ECE Department Head/DGP stated that Centennial Campus (the area of campus where a number of engineering departments are located) is quite safe. He also noted that a graduate student survey that was conducted included a question about campus safety, and that students did not indicate in their responses that campus safety was a problem.

Finding

None of the undergraduate or graduate students who were interviewed stated that the academic climate had the effect of excluding them from participation in ECE programs or activities. In addition, although some students expressed concerns about the safety of the campus and surrounding environment, none of the students complained that their safety concerns had the effect of excluding them from participation in ECE programs or activities. Therefore, the Department finds that these environmental aspects (academic climate and campus safety) have not had the effect of excluding ECE students from participation in ECE programs or activities.

Recommendation

As noted above, many students and faculty commented on muggings and robberies that had occurred on campus. Therefore, the Department recommends that the University continue to identify methods for combating campus crime. The Department recommends also that the University continue to find creative ways for improving safety programs, and that the University

regularly remind students and faculty of the safety programs available to them.

Promising Practice

The Department finds the University's provision of safety programs, specifically the escort service, blue light system, and safe ride service, to be a promising practice. Many students were aware of these programs, and several students had utilized at least one of the services. Safety programs such as these help to deter campus crime and to provide a support service for students, particularly those who may be on campus during the evening and at night.

The Department finds also that the promotion of gender equity at the University through organizations/programs, such as the Women's Center, WISE, WICS, and SWE, is a promising practice. Many students indicated that they were aware of one or more of these organizations/programs. Entities such as these may serve as an additional resource to students, faculty, and staff regarding (1) the applicability of Title IX to academic programs at the University, including ECE programs; (2) the right to file a Title IX-related complaint; and (3) the Title IX-related complaint process.

III. Title IX Requirements

A. Designation of a Title IX Coordinator and Title IX Notification Requirements

1. Designation of a Title IX Coordinator

DOE Title IX implementing regulations require each recipient of financial assistance to designate at least one employee to coordinate its efforts to comply with and to carry out its responsibilities under Title IX and DOE Title IX implementing regulations. 10 C.F.R.

§ 1042.135(a).

The University has designated the Vice Provost for Equal Opportunity and Equity (VPEOE) as its Title IX Coordinator. The VPEOE oversees the University's Office for Equal Opportunity (OEO), which is responsible for (among other functions): monitoring compliance with federal equal opportunity and affirmative action regulations, including Title IX; receiving, investigating, and resolving complaints of discrimination and harassment, including Title IX-related complaints; implementing, publicizing, and monitoring the University's equal opportunity and affirmative action policies and procedures; and educating students, staff, and faculty about their rights and responsibilities under federal equal opportunity regulations, such as Title IX.

2. Notification Requirements of Title IX

DOE Title IX implementing regulations require each recipient of financial assistance to notify all of its students and employees of the name, office address, and telephone number of the individual it has designated as the Title IX coordinator. 10 C.F.R. § 1042.135(a). DOE Title IX implementing regulations also require each recipient of financial assistance to implement specific and continuing steps to notify applicants for admission, students, and employees "that it does not discriminate on the basis of sex in the educational programs or activities that it operates, and that it is required by Title IX and [DOE] Title IX regulations not to discriminate in such a manner." 10 C.F.R. § 1042.140(a)(1). In addition, each recipient is required to prominently include a statement of its nondiscrimination policy on the basis of sex in each announcement, bulletin, catalog, or application form that it makes available to applicants for admission, students, and employees, or which is otherwise used in connection with the recruitment of students or employees. 10 C.F.R. § 1042.140(b)(1).

In its original written response to the DOE Data and Document Request, the University indicated that it informs students, faculty, and staff of the requirements of Title IX (including the right of an individual to file a Title IX complaint and the complaint process) through various methods. The University stated that the OEO provides information to students about Title IX at New Student Orientation, which all incoming students must attend, and to faculty and staff at New Employee Orientation, which all new employees must attend. The University stated also that information about Title IX is posted on the OEO website, and information about workplace harassment and discrimination is posted on the Office of Human Resources webpage. The University further stated that posters containing information about non-discrimination, equal employment opportunity, and harassment prevention are posted throughout the campus. Additionally, the University indicated that the OEO provides information on Title IX through its Equal Opportunity Institute and its Protected Class Series Workshop, which are voluntary training seminars open to students, faculty, and staff who wish to enroll in them. The University also noted that it informs faculty and staff about Title IX through its Discrimination and Harassment Prevention and Response Workshop that all employees are required to attend; the policy requiring that all employees attend this training was instituted in 2007.

During an interview with the VPEOE, she stated that the OEO tries to conduct a lot of outreach regarding the rights and responsibilities of individuals under Title IX and other civil rights laws. She stated that at New Student Orientation, the OEO has shown a video containing vignettes about discrimination and harassment, as well as sexual harassment, in an effort to raise awareness among students about discrimination and harassment prevention at NC State. She stated that the OEO also provides Title IX-related training for graduate student teaching assistants and research assistants, student organizations, sororities and fraternities, resident assistants, and orientation counselors. She stated that the OEO was researching the possibility of incorporating a discrimination and harassment prevention training module with student registration, where students would be required to complete the training before they could register for courses. The VPEOE also stated that under the policy instituted by the University in 2007, Title IX-related training is mandatory for faculty and staff, and that they must complete a Title IX-related training every five years. She stated that the University was in the process of implementing a new e-learning system that would track faculty and staff compliance with the training requirement. The new system would also be designed to send a notice to faculty and staff every five years reminding them that it was time for them to complete a new training.

The OCRD compliance review team also met with the Assistant Vice Provost/Director of Harassment Prevention and Equity Programs. The Assistant Vice Provost works in the OEO and under the direction of the VPEOE. Her responsibilities include outreach and training, investigation of complaints, and policy development related to Title IX and other civil rights laws. During her interview, she stated that the Chancellor of NC State University sends an annual letter to all employees regarding the University's unlawful harassment policy statement. She stated that the letter from the Chancellor is also published in a full-page advertisement every year in the student newspaper. She further stated that from time to time, the OEO publishes articles about discrimination and harassment prevention and notices regarding equal opportunity and harassment prevention training opportunities in the *Bulletin*, the University's official publication.

The Assistant Vice Provost also stated that the OEO generally has a speaking role at Graduate Student Orientation, but that during AY 2008-2009, the OEO was not given a speaking role at the orientation. However, she said that information sheets about discrimination and harassment

prevention were distributed to students who attended the orientation. She also indicated that teaching assistants and research assistants are required to participate in Title IX-related training.

3. Student and Faculty Awareness of Title IX and the Title IX Coordinator

A majority of undergraduate and graduate ECE students who were interviewed stated that they were not familiar with Title IX, and that they did not know whether the University had a Title IX Coordinator. However, a few students recalled someone speaking to them at orientation about the University's anti-discrimination and anti-harassment policies. Many graduate students who were interviewed indicated that they did not know whether teaching assistants and research assistants receive anti-harassment (Title IX-related) training.

Several of the ECE faculty members who were interviewed stated they were not aware that the University had a Title IX Coordinator. Many of the faculty who were interviewed, including the Interim ECE Department Head/DGP and the Associate Department Head, stated they had not attended Title IX-related training. The Interim ECE Department Head/DGP stated he was not aware of any Title IX-related training offered for ECE students. However, he stated that at orientation, he informs students that they can raise issues of harassment, although he does not specifically mention "Title IX." The Associate ECE Department Head stated that to his knowledge, the ECE Department does not offer Title IX-related training to ECE faculty, staff, or students.

The OCRD compliance review team asked the Associate Dean of the COE whether the COE offers Title IX-related training to its students, faculty, and staff. He stated that no such training is offered specifically within the COE. He stated also that prior to the DOE Title IX compliance review, the COE made no explicit references to Title IX regulations. He stated that his personal knowledge of Title IX mostly related to equity in college athletics. However, he said he would expect an award of federal funds to come with the requirement that the funds be expended in a manner that is gender-neutral. He also stated that the COE encourages its faculty and staff to comply with the mandatory training requirement mentioned by the VPEOE.

Preliminary Observations Announced During the On-campus Visit

At the conclusion of the on-campus visit, the OCRD staff conducted an exit meeting with University administrators, including the Vice Provost for Equal Opportunity and Equity. During the exit meeting, the OCRD made three preliminary observations and requested that the University submit a plan for addressing the preliminary observations within sixty days of the exit meeting.²⁷

The first preliminary observation related to the requirement that each recipient notify all of its students and employees of the name, office address, and telephone number of the individual it has designated as the Title IX coordinator. 10 C.F.R. § 1042.135(a). The OCRD informed the University that many of the students and faculty who were interviewed were not aware that the University had a Title IX Coordinator. Therefore, the OCRD requested that the University identify methods for increasing awareness about the existence of the University's Title IX Coordinator and for informing students and employees of the Title IX Coordinator's name, office address, and telephone number.

²⁷ The first two preliminary observations are discussed in this subsection of the report. The third preliminary observation is discussed below in Subsection B "Title IX Complaint Procedures and Processes."

The second preliminary observation related to the requirement that the University implement specific and continuing steps for notifying applicants for admission, students, and employees, among others, about Title IX's prohibition against sex discrimination. 10 C.F.R. §§ 1042.140(a)(1), 1042.140(b)(1). The OCRD informed the University that many of the students and faculty who were interviewed were not familiar with Title IX. Therefore, the OCRD requested that the University enhance its methods for notifying students and faculty about Title IX and its prohibition against sex discrimination.

The University timely submitted an implementation plan addressing the OCRD's preliminary observations. To address the first and second preliminary observations, the University stated that it would take the following actions:²⁸

(a) Compliance Brochures and Posters: The University indicated that it would update its compliance brochures and posters to include specific information about Title IX, as well as the Title IX Coordinator's name, office location, and telephone number. The University has provided the Department with a copy of the updated posters. The posters make specific reference to Title IX and provide the Title IX Coordinator's name, office location, and telephone number. The posters also include the OEO web address, where individuals can find information on Title IX, on the discrimination and harassment complaint processes, and on discrimination and harassment prevention training.

The University also indicated that the posters would be distributed to building liaisons for posting in all campus buildings. The University stated that random follow-up visits would be made to various buildings throughout AY 2009-2010 to verify that the posters have been posted. The projected implementation date for this action was September 2009.²⁹

(b) Training Presentations and Outreach Efforts: The University indicated that it would enhance its training presentations and outreach efforts to include explicit information on Title IX. In May 2009, the OEO updated its training presentations to include slides that specifically address Title IX and that identify the Title IX Coordinator's name, office location, and telephone number. The presentations also include the OEO web address, where additional information on Title IX can be found. In addition, in May 2009, the OEO included an article on Title IX, entitled "Title IX: Protecting Students and Employees from Sex Discrimination," in its *Equal_Op* newsletter.

(c) Title IX Publication: The University indicated that it would publish an article on Title IX in the *Bulletin* that would include the Title IX Coordinator's name, office location, and telephone number. The projected implementation date for this action was August 2009.

²⁸ The University has informed the Department of four additional actions it has taken since the on-site review, including: (1) providing information about Title IX on WolfBytes, the University's television station; (2) presenting information about the Department's preliminary observations to various University groups, such as the Equal Employment Opportunity Advisory Committee, the Diversity Advisory Committee, and the Athletics Gender Equity Committee; (3) publishing a full-page advertisement of the University's Title IX poster in the *Technician* in March 2010; and (4) sharing information about the Title IX compliance review with representatives from universities and colleges throughout the State of North Carolina at the University's Diversity Partners Meeting on September 18, 2009.

²⁹ The University has informed the Department that the Title IX posters were distributed to all building liaisons, personnel representatives, and residence hall staff during AY 2009-2010 with instructions that they be posted in conspicuous places within their departments and/or divisions.

(d) Title IX Training: The University indicated that it would develop a 3-hour class on Title IX and offer it as part of its Equal Opportunity Institute, a voluntary certification program that is available to students, faculty, and staff. The projected implementation date for this action was August 2009.³⁰

(e) Chancellor's Letter: The University indicated that it would revise the Chancellor's letter that is distributed to all students and employees annually. The letter currently includes information about the University's nondiscrimination policy statement and on how to report unlawful discrimination and harassment. The University stated the letter would be revised to include an explicit reference to Title IX. The University also stated that it will publish the Chancellor's letter in the student newspaper twice each academic year. The projected implementation dates for these actions were September 2009 (revision, distribution, and first publication) and January 2010 (second publication).³¹

(f) Policies, Regulations, and Rules (PRRs): The University indicated that it would disseminate Title IX-related PRRs on diversity-related listservs, such as the NC State Women's Center, NCSU Women, and Diversity listservs. The projected implementation date for this action is ongoing, beginning in May 2009.³²

(g) Campus Personnel Representatives: The Office of Human Resources has assigned Campus Personnel Representatives to all offices at the University. The University stated that it would speak to all campus personnel representatives at one of their monthly meetings about NC State's nondiscrimination policies as they relate to Title IX. The projected implementation date for this action was September 2009.³³

(h) Student Calendar: The University indicated that it would include information on Title IX in calendars that are distributed to incoming students. The projected implementation date for this action was August 2009.³⁴

Finding

The Department finds that the University has taken some steps since the on-site visit, and proposes to take additional steps, to better inform students, faculty, and staff about: (1) the

³⁰ The University has reported to the Department that it developed the 3-hour course on Title IX as part of its Equal Opportunity Institute and presented the course on February 4, 2010.

³¹ The University has informed the Department that during AY 2009-2010, it revised the Chancellor's letter to include a specific reference to Title IX. The University also informed the Department that it published the letter in the *Technician* (NC State's student newspaper) two times during the academic year.

³² The University has reported to the Department that it disseminated the revised Title IX-related policies (referenced in Section III.B.2 of the report) on diversity-related listservs. The University also reported that the OEO published an article in *Equal_Op* in February 2010 that outlined changes made to the University's Title IX-related policies.

³³ The University has informed the Department that the OEO met with campus personnel representatives on March 11, 2010 to discuss the University's revised Title IX-related policies (referenced in Section III.B.2 of the report) and to inform them about the Title IX poster that the OEO distributed to all building liaisons.

³⁴ The University has reported to the Department that it included information about Title IX in calendars it distributed to incoming students in August 2009.

existence of the University's Title IX Coordinator; (2) the Title IX Coordinator's name, office address, and telephone number; and (3) Title IX and its prohibition against sex discrimination.

The Department also finds that although the VPEOE and Assistant Vice Provost stated that training is required for teaching assistants and research assistants, many of the graduate ECE students who were interviewed were not aware whether there was such a training requirement. In addition, the Department finds that although the University instituted a mandatory harassment prevention training course for faculty and staff in 2007, many of the ECE faculty who were interviewed stated they had not attended harassment and discrimination prevention (Title IX-related) training.

Recommendation

The Department recommends that the University ensure that teaching assistants and research assistants in the ECE Department attend the required discrimination and harassment prevention (Title IX-related) training. The Department also recommends that the University ensure that faculty and staff in the ECE Department timely complete the mandatory discrimination and harassment prevention (Title IX-related) training. The Department further recommends that the OEO be given a speaking role at both undergraduate and graduate student orientations.³⁵

Promising Practice

The OEO is researching the possibility of incorporating a discrimination and harassment prevention training module into its student registration process, so that students would be required to complete the training before they register for courses. The Department considers such a mandatory training module for students a promising practice.

B. Title IX Complaint Procedures and Processes

DOE Title IX implementing regulations require recipients of financial assistance to adopt and publish grievance procedures providing for the prompt and equitable resolution of student and employee complaints related to Title IX. *See* 10 C.F.R. § 1042.135(b). Since Title IX prohibits sex discrimination and sexual harassment, such grievance procedures must provide for the prompt and equitable resolution of sex discrimination and sexual harassment complaints. *See id.*; *see also* CIVIL RIGHTS DIV., U.S. DEP'T OF JUSTICE, TITLE IX LEGAL MANUAL (2001) (stating that Title IX also prohibits sexual harassment, and that this prohibition is derived from Title IX's general prohibition against sex discrimination).

1. Background Information on the University's Title IX-Related Complaint Procedures

At the time of the on-site visit, the University had separate resolution procedures in place for the processing of Title IX-related harassment, discrimination, and retaliation complaints filed by students and employees. To streamline the complaint resolution process, and to make it easier for students and employees to utilize the process, the University developed a proposed policy that combined the various complaint procedures into one comprehensive policy entitled "Resolution Procedures for Discrimination, Harassment and Retaliation Complaints."³⁶ Under

³⁵ The University has informed the Department that the Graduate School is considering incorporating Title IX-related training into new student orientation for graduate students, so that all incoming graduate students are exposed to Title IX-related messages during orientation. The University also informed the Department that the OEO met with New Student Orientation staff members in April 2010 to discuss the format of the training.

³⁶ At the time of the on-site visit, the University also had separate nondiscrimination policies/policy statements related to various civil rights laws, including Title IX. In conjunction with modifying its complaint resolution

the proposed policy, the University would permit students and employees to file a Title IX-related harassment, discrimination, and/or retaliation complaint using a single set of procedures. The proposed policy would also allow students who have a Title IX-related complaint against a fellow student to utilize the complaint procedures identified in either the proposed policy or the Code of Student Conduct (the Code).

The procedures set forth in both the proposed policy and the Code are evaluated below to determine whether they provide for the prompt and equitable resolution of Title IX-related complaints.³⁷

2. Proposed Title IX-Related Complaint Procedures

The OEO oversees the University's complaint resolution process for Title IX-related harassment, discrimination, and retaliation complaints. In addition, the OEO is responsible for receiving and investigating, when applicable, Title IX-related complaints.

The proposed policy, described below, provides both a formal and an informal mechanism for the resolution of harassment, discrimination, and/or retaliation complaints. The formal complaint process includes the filing of a complaint, a preliminary review of the complaint, an investigation of the complaint, and administrative action by the respondent's unit head (when applicable). Under the informal complaint process, a complainant may seek to resolve a complaint using an alternative process (*i.e.*, through a settlement agreement or alternative dispute resolution) at any point from the filing of his/her complaint to the conclusion of the investigation of the complaint.

Filing of a Complaint

Section 6.1 of the proposed policy states that complaints filed pursuant to the policy must be initiated with the "OEO (directly or through HR-ER) within 30 calendar days of the most recently alleged discriminatory, harassing, or retaliatory action."

The OEO webpage contains an on-line complaint form that students may use to file a complaint. However, the University does not require that students use the on-line form.

Preliminary Review of a Complaint

Once a harassment, discrimination, and/or retaliation complaint has been initiated with the OEO, an investigator is assigned to the complaint. Section 7.1 of the proposed policy states that the "investigator shall determine within a reasonable amount of time" whether the complaint alleges

process, the University developed a proposed nondiscrimination policy that combined the various policies/policy statements into one comprehensive policy entitled "Equal Opportunity and Non-Discrimination Policy." The proposed policy prohibits discrimination and harassment based on sex and retaliation. It states that an individual with a grievance or complaint of discrimination, harassment, or retaliation should follow the procedures outlined in the proposed "Resolution Procedures for Discrimination, Harassment and Retaliation Complaints."

³⁷ The University has informed the Department that the NC State Board of Trustees approved the proposed "Resolution Procedures for Discrimination, Harassment and Retaliation Complaints" and the proposed "Equal Opportunity and Non-Discrimination Policy" on November 19, 2009. The University also informed the Department that the updated policies can be found on the University's official Policies, Regulations, and Rules website. The Department notes that this report is based on the status of policies and practices in place at the time of the review. Because the proposed policies were approved after the time of the review, they will be referred to as "proposed" policies in the report.

facts that, if true, may demonstrate harassment, discrimination, or retaliation. Section 7.1 also states that a complainant is responsible for providing reasons for the basis of his/her complaint to the investigator.

Pursuant to Section 7.1.1 of the proposed policy, the investigator shall terminate the complaint resolution process when the preliminary review of the complaint indicates that the allegations do not constitute a violation of the University's Equal Opportunity and Non-Discrimination Policy.

Investigation of a Complaint

Section 8.1 of the proposed policy states that when a preliminary review indicates that the complaint has brought forth allegations that, if true, might demonstrate a violation of the University's Equal Opportunity and Non-Discrimination Policy, the investigator shall initiate a thorough review. Pursuant to Section 8.2, the "respondent named in the complaint shall be contacted within a reasonable time" by the investigator and informed that an investigation has been initiated. Section 8.2 also provides that a respondent shall be given the opportunity to respond to the allegations in the complaint.

Section 8.3 of the proposed policy states that an investigation shall be completed within 60 days of the filing of the complaint, but the investigation period "may be extended when the investigator believes it necessary for an equitable resolution of the situation." Pursuant to Section 8.4 of the proposed policy, at the conclusion of the investigation, the investigator is to prepare a report, submit the report to the unit head of the respondent, and notify the parties that the report has been submitted to the unit head.

Administrative Action

Section 9.1 of the proposed policy states that the respondent's unit head will determine what action, if any, to take after reviewing the report and any additional information the unit head considers to be relevant. It states further that the unit head "shall consult with university offices (Office of Legal Affairs, OEO, and HR-ER, OSC, or Academic Affairs) for guidance in taking appropriate action."

Pursuant to Section 9.2, if the report indicates there has been a policy violation or other improper conduct by the respondent, the unit head is to notify the respondent of any administrative action to be taken against him/her. In addition, Section 9.4 states that the unit head will inform the complainant in writing: (1) that a decision has been made; (2) whether a policy violation was found; and (3) if a policy violation was found, that appropriate action would be taken to address the violation.

Informal Resolution

There are two ways in which a complaint of harassment, discrimination, and/or retaliation can be resolved informally. First, pursuant to Section 10.1 of the proposed policy, at any time from the filing of the complaint to the conclusion of the investigation of the complaint, a complaint may be resolved informally through a settlement agreement, provided that: (1) the complainant and respondent mutually agree to the terms and conditions of a proposed settlement; and (2) the OEO approves the proposed settlement. Second, at any time from the filing of the complaint to the conclusion of the investigation of the complaint, either party or the University may suggest a confidential, non-binding mediation of the dispute. In the latter situation, both parties must agree to participate in the mediation and agree to the resolution that arises from the mediation. In addition, the OEO must approve the proposed resolution.

3. Code of Student Conduct Procedures

The Office of Student Conduct (OSC) oversees the processing of complaints filed under the Code against students. When a complaint against a student involves an allegation of Title IX-related harassment, discrimination, and/or retaliation, the OSC generally informs the OEO of the allegation(s). The OSC may also refer a Title IX-related complaint to the OEO for processing.

The Code identifies harassment and sexual harassment as non-academic misconduct. A student who engages in the harassment or sexual harassment of another student is subject to disciplinary action under the Code. Pursuant to Section 15.9.4 of the Code, any violation “that has been committed at least in part because of the victim’s . . . sex . . . shall be considered as aggravated misconduct and result in a stronger sanction.”

When the OSC receives a complaint of student harassment or sexual harassment, the OSC determines which student judicial process identified in the Code is the most appropriate for addressing the complaint. If appropriate, the OSC may choose to process the complaint itself through a disciplinary conference, which is an informal process designed to resolve charges that do not include the possibility of suspension or expulsion. Otherwise, the OSC may refer the complaint to the Student Faculty Hearing Board,³⁸ the Office of the Dean of the Graduate School (if the allegations are against a graduate student), or a trained mediator (or other alternative dispute resolution (ADR) facilitator)³⁹ for processing. In addition, “[s]tudents referred for a hearing before . . . the Student Faculty Hearing Board . . . may choose instead to have their cases resolved [through an administrative hearing] before a single trained staff member in the [OSC].” Students who wish to have their case referred for an administrative hearing must submit a request in writing.⁴⁰ The OSC generally makes referrals within 30 calendar days of receiving a complaint; however, the University’s Student Discipline Procedures (SDP) (the procedures used in conjunction with the Code) allow for reasonable extensions of time.

Disciplinary Conference

A disciplinary conference generally takes the form of an informal, non-adversarial meeting between the respondent and a University administrator, or a trained student, designated by the Director of the OSC. Pursuant to Section 4.1.1 of the SDP, a respondent shall receive written notice of the specific charge(s) against him/her at least five University business days prior to the scheduled disciplinary conference. A respondent who wishes to expedite his/her conference may waive the five-day notice rule in writing.

Sections 4.1.2 to 4.1.4 provide that respondents shall have the following rights: reasonable access to the case file prior to and during the conference; an opportunity to respond to the evidence and to call appropriate and relevant witnesses; and an opportunity to be accompanied by an observer.

³⁸ The Board reviews non-academic misconduct charges that are serious enough to result in sanctions that include suspension or expulsion. The Board is comprised of one faculty member, three full-time students, and one presiding officer (normally the Student Chief Justice).

³⁹ Mediation, or any other form of ADR, is only available if both parties agree to participate.

⁴⁰ It is not clear from the SDP whether the request for an administrative hearing referral may be made by only one party or whether both parties must agree to the referral.

Pursuant to Section 4.1.5, the University administrator or student who conducted the conference will determine whether to “hold a respondent accountable for alleged acts” based on whether the evidence suggests that it is “more likely than not” that the respondent engaged in the alleged misconduct. If the evidence suggests that a respondent more likely than not engaged in the alleged misconduct, the same University administrator or student will determine an appropriate sanction. Section 4.1.6 provides that the decision in the matter and the sanction, if any, is to be issued by the University administrator or student. This section further provides that an oral decision shall be given to the respondent within 45 days of the conference, and that a written decision shall be provided to the respondent no later than ten days from the date of the oral decision. Under Section 4.1.7, if a respondent fails to appear for a disciplinary conference after proper notice, the evidence against the respondent will be considered and a decision will be made based on that evidence.

Student Faculty Hearing Board

Section 4.3.1 of the SDP provides that when the OSC refers a complaint to a Student Faculty Hearing Board, a respondent shall be given notice of the hearing date and the specific charges against him/her at least ten University business days before the hearing. In addition, a respondent shall be accorded reasonable access to the case file. A respondent who wishes to expedite his/her hearing may waive the ten-day notice rule in writing.

Pursuant to Section 4.3.5, if a respondent fails to appear at a hearing after proper notice, the complainant will still be required to present his/her evidence at the hearing. In situations where the respondent does not appear, the disciplinary case against the respondent is decided on the basis of the evidence presented by the complainant at the hearing.

In accordance with Section 4.3.12, the complainant has the burden of proof at a hearing, and the complainant must establish the guilt of the respondent by clear and convincing evidence. However, when a respondent’s case has been adjudicated in criminal court for the same charges, and the respondent has either pled guilty or been found guilty, guilt for a corresponding violation of the Code is deemed to be established. In such a circumstance, a hearing may be held to determine the appropriate sanction only.

Section 4.3.18 provides that the presiding officer shall read the charges against the respondent at the hearing and accept a plea from the respondent. After the respondent enters a plea, the complainant presents his/her case and any witnesses. The respondent then presents his/her case and any witnesses. The Board may question the complainant and the respondent, as well as their witnesses, during their presentations. After they have made their presentations, both the complainant and the respondent will be given an opportunity to rebut the other’s evidence and to ask questions of the other and the other’s witnesses. Once each party has been given the opportunity for rebuttal, each of them will be allowed to make a closing argument.

Pursuant to 4.3.18(i), once the parties have delivered their closing arguments, the Board enters into a period of deliberation. The Board may find the respondent guilty or not guilty, or may conclude that there is insufficient evidence in the case to reach a decision. The Board’s decision must be based on a majority vote. If the Board finds the respondent guilty of the allegations, Section 4.3.18(k) provides that the determination “shall be followed immediately by a supplemental proceeding in which either party may submit evidence or make statements concerning the appropriate sanction to be imposed.” At the conclusion of the supplemental proceeding, the Board enters into a period of deliberation to determine the appropriate

sanction(s) to impose on the respondent. The Board's decision on what sanction(s) to impose must also be based on a majority vote.⁴¹

Section 4.3.18(n) provides that any determination of guilt and sanctions is to be provided to the respondent in writing at the conclusion of the hearing. In addition, "a fuller written explanation of the findings and the reasoning supporting the Board's decision" is to be delivered to the respondent. The time limit for a respondent to file an appeal begins when the fuller written explanation is delivered to him/her.

Administrative Hearing

As noted above, "[s]tudents referred for a hearing before . . . the Student Faculty Hearing Board . . . may choose instead to have their cases resolved [through an administrative hearing] before a single trained staff member in the [OSC]." Pursuant to Section 4.4 of the SDP, all the rights, responsibilities, and procedures applicable to a hearing before the Student Faculty Hearing Board apply to an administrative hearing, except that an OSC staff member takes the place of the Board.

Appeals

Only a respondent who has been found guilty of a Code violation may appeal a disciplinary decision. The appeals process varies depending upon the severity of the sanction imposed on a respondent, and the grounds for an appeal are limited to the following: (1) the decision violates due process rights; and/or (2) there has been a material deviation from the substantive and procedural standards adopted by the UNC Board of Governors.

Pursuant to Section 4.7.1(a) of the SDP, any disciplinary decision that results in a sanction *less than suspension* may be appealed to the Associate Vice Chancellor for Student Affairs or the Associate Dean of the Graduate School (for graduate students), or their designees. Their decision is final.

Section 4.7.1(b) provides that a respondent may appeal a sanction of *suspension* to the Vice Chancellor for Student Affairs or the Dean of the Graduate School (for graduate students), or their designees. A respondent may appeal the Vice Chancellor's or Dean's decision to the Student and Campus Affairs Committee of the Board of Trustees. If the Committee reverses the decision of the Vice Chancellor or the Dean, or their designees, the Committee's decision must be approved by the full Board of Trustees. No further appeal is permitted beyond this step.

In accordance with Section 4.7.1(d), a respondent may appeal a sanction of *expulsion* to the Student and Campus Affairs Committee of the Board of Trustees. A respondent may appeal the Committee's decision to the UNC Board of Governors.

Section 4.8.2 provides that a respondent's appeal must be received within ten University business days from the date that the respondent received the written decision on sanctions. If a respondent fails to submit written notice of appeal within this time limit, the original decision will be considered final and conclusive. A respondent may request an extension of time within the 10-day time limit; however, it is within the discretion of the person deciding the appeal to grant or to deny such a request. A notice of appeal is not complete unless it contains the following: (1) a copy of the decision being appealed; (2) a statement of the grounds for appeal;

⁴¹ The Board has the authority to impose sanctions up to and including suspension from the University. If the Board concludes that expulsion from the University is the appropriate sanction, it must submit a recommendation for expulsion to the Vice Chancellor for Student Affairs.

(3) the remedy requested; and (4) the signature of the appellant and the date the appeal is submitted to the University.

4. Coordinated Efforts Among OEO, OSC, the Office of Human Resources and Employee Relations (HR-ER), and the Office of Legal Affairs (OLA)

As reflected in the procedures above, students may contact the OEO or the OSC to file a Title IX-related complaint, while employees may contact the OEO or the HR-ER to file a Title IX-related complaint. The Assistant Vice Provost informed the Department during the on-site visit that the OEO, OSC, HR-ER, and OLA meet on a regular basis so that the OEO is kept up-to-date on pending matters related to Title IX and to discuss Title IX-related issues. Representatives from the OSC and HR-ER also related to the Department that they maintain communication with the OEO outside of those meetings to inform the OEO of the receipt of Title IX-related complaints and to seek advice when necessary on the processing of Title IX matters.

5. Title IX-Related Concerns/Complaints

A majority of the undergraduate and graduate ECE students who were interviewed stated they had never filed a discrimination complaint at NC State. However, one graduate student reported that a fellow graduate student had been allegedly harassed by a faculty member in the ECE Department. The OCRD staff spoke with the graduate student who was allegedly harassed by the ECE faculty member. The student described the alleged conduct of the faculty member, which involved repeated telephone calls and e-mails from the faculty member to the student and the faculty member touching the student's face. The student indicated that, at the time, she did not want to file a formal complaint either with the University or with the Department about the matter.

Many of the ECE faculty members who were interviewed stated they were not aware of any ECE students who had filed a discrimination complaint.⁴² However, one faculty member noted that a graduate student had told him that an ECE faculty member had a sexual interest in her. The faculty member stated that the student, without going into details, informed him that something had occurred at a meeting with the faculty member that she thought was inappropriate. The faculty member stated that the student had come to him for advice on how to handle the matter, and he noted that the student did not want to file a formal complaint about the matter. The faculty member stated, "maybe all of us need to be made more aware of how things can be perceived/taken."

The Interim ECE Department Head/DGP noted that in the past six years, one case of alleged sexual harassment had come to his attention involving an ECE faculty member.⁴³ He explained the alleged student victim did not speak directly with him about the situation. However, the Interim ECE Department Head/DGP stated that he spoke with a faculty member and a student

⁴² One faculty member stated he had investigated two sexual harassment complaints against engineering faculty members. However, it is not clear if the complaints were against faculty members in the ECE Department.

⁴³ The Interim ECE Department Head/DGP reported to the Department that a different student had come to him to discuss an incident that had allegedly occurred involving the same faculty member. He stated that the student was not explicit about what the faculty member had allegedly done. Therefore, it was not clear whether the alleged incident involved any type of sexual harassment or sex discrimination. Nevertheless, the Interim ECE Department Head/DGP indicated that the student was close to graduating and did not feel there would be sufficient protection for her if she were to file a formal complaint. He stated the student "definitely had a fear of retaliation," and the student had related to him that she needed a recommendation from the faculty member in question to get a job.

who were aware of the matter. He said he was informed that the faculty member in question had allegedly touched the student. He stated also that the student did not file a formal complaint, but that she took some precautions by ensuring that other students were always around when she was with the faculty member in question. The Interim ECE Department Head/DGP noted that the faculty member in question was the student's faculty advisor and the chair of her advisory committee. The Interim ECE Department Head/DGP stated that the Associate Dean of the COE and an individual from the OEO spoke with the faculty member about the alleged incident, and the faculty member denied the allegations.

6. Student and Faculty Awareness of Title IX-Related Grievance Procedures

Many of the undergraduate and graduate ECE students who were interviewed were unfamiliar with the procedures for filing a discrimination complaint, and did not know where specifically to go to file a discrimination complaint. Many of the students stated they would consult an advisor, a department head, or on-line resources for guidance on how and where to file a discrimination complaint if they had a need to do so.

Many of the ECE faculty members who were interviewed indicated that they were not familiar with the procedures for filing a discrimination complaint. Some faculty members stated that they would refer a student with a discrimination complaint to the counseling center, or that they would consult the department head.

Preliminary Observation Announced During the On-campus Visit

As noted above, the OCRD made three preliminary observations, which were discussed at the exit meeting. The first two preliminary observations were discussed above in Subsection A. The third preliminary observation relates to the requirement that the University adopt and publish grievance procedures providing for the prompt and equitable resolution of student and employee complaints related to Title IX. *See* 10 C.F.R. § 1042.135(b). The OCRD informed the University that many of the students and faculty who were interviewed were not aware of the procedures for filing a Title IX-related complaint or where to file such a complaint. Therefore, the OCRD requested that the University identify methods for increasing awareness among students and employees about the University's Title IX-related grievance procedures and about where such complaints may be filed.

To address the third preliminary observation, the University stated that it would take the following actions:

(a) Revise its Nondiscrimination Policies: The University indicated that it would revise relevant nondiscrimination policies, regulations, and rules to include specific references to Title IX. The University also stated that once the policies were revised, they would be posted on the University's website. The projected implementation date for this action was December 2009.⁴⁴

(b) Create a Title IX Flyer: The University created a Title IX flyer that is to be included in all New Student Orientation and New Employee Orientation packets. The flyer includes information about Title IX and the University's obligation to establish grievance procedures

⁴⁴ As noted previously, the University has informed the Department that the NC State Board of Trustees approved the proposed/revised policies on November 19, 2009. In addition, the University informed the Department that the approved policies can be found on its official Policies, Regulations, and Rules website.

to resolve student and employee Title IX complaints. The projected implementation date for this action was Summer 2009.⁴⁵

(c) Remind Students About Title IX Grievance Procedures: The University indicated that it would remind students about its Title IX complaint procedures after New Student Orientation by: (1) developing a mandatory on-line training course for incoming students; and (2) collaborating with the NC State University Women's Center to apply for funds from the American Association of University Women for a project dedicated to Title IX awareness. The projected implementation date for this action was November 2009 – January 2010.⁴⁶

(d) Advertise Title IX-Related Policies: The University indicated that once the Title IX-related policies had been revised, it would advertise the policies on an on-going basis through workshops and various media, including the *Bulletin*, *Equal_Op*, the *Technician* (NC State's student newspaper), and public service announcements on NC State's radio and television stations.⁴⁷

(e) Provide Title IX Information to Faculty and Staff: The University indicated that it would provide Title IX information to faculty and staff at college faculty orientations and at regularly scheduled departmental meetings. The University stated that it would notify the college deans and academic department heads of their Title IX obligations, and that it would pilot Title IX training for faculty, beginning with the COE. The University noted that these actions would be taken on an on-going basis, beginning in August 2009.⁴⁸

Finding

The Department finds that the University has taken some steps since the on-site visit, and proposes to take additional steps, to better inform students, faculty, and staff about the

⁴⁵ The University has notified the Department that during AY 2009-2010, the Title IX flyer was distributed to all incoming students at New Student Orientation and to all new employees at New Employee Orientation.

⁴⁶ The University has reported to the Department that it is still in the process of developing a mandatory on-line training course for incoming students that addresses Title IX-related complaint procedures. The University also reported to the Department that although it applied for a grant for a project dedicated to Title IX awareness from the American Association of University Women, it was not awarded a grant.

⁴⁷ The University has informed the Department that it has advertised its newly revised Title IX-related policies on an on-going basis throughout AY 2009-2010 using various media, including: the *Technician*, the *Bulletin*, public service announcements, and e-mail notices. The University also advertised the policies on an on-going basis during the academic year through workshops and through various groups, including the Harassment Prevention Advisory Group, the Council on the Status of Women, and the Alliance on Sexual Assault Prevention.

⁴⁸ The University has reported to the Department that it has undertaken efforts throughout AY 2009-2010 to educate administrators, faculty, and staff about Title IX. The University also reported that in December 2009, the OEO conducted two refresher discrimination and harassment prevention workshops for employees in the College of Engineering (including the Executive Committee of the Dean, department heads, assistant deans, directors, and business officers) that highlighted the requirements and prohibitions of Title IX.

University's Title IX-related complaint procedures and about where such complaints may be filed.⁴⁹

Title IX-Related Concerns/Complaints

Based on information provided by a student, a faculty member, and the Interim ECE Department Head/DGP, the Department finds that there have been three separate allegations of Title IX-related harassment against ECE faculty members made by ECE graduate students.

Proposed Title IX-Related Complaint Procedures

The Department finds that the University's proposed policy provides for the equitable resolution of Title IX-related complaints, in that it provides for: (1) relief for a complainant who has a Title IX-related complaint; (2) a respondent to have an opportunity to respond to the allegations in a complaint; and (3) the impartial investigation of Title IX-related complaints.

With respect to the requirement that Title IX complaint procedures provide for the prompt resolution of complaints, however, the Department finds that the proposed policy does not set out definite time limits for completing various stages of the complaint process, including: (1) the time limit in Section 7.1.1 for the investigator to terminate the complaint resolution process; (2) the amount of time that an investigation may be extended under Section 8.3; (3) the time limit allowed in Section 8.4 for the investigator to complete the report of investigation, submit the report to a respondent's unit head, and to notify the parties that the report has been submitted; (4) the time allowed for a respondent's unit head to review the report under Section 9.1; (5) the time allowed for a unit head to notify a respondent of any administrative action taken against him/her under Section 9.2; and (6) the time allotted for a unit head to inform a complainant of the disposition of his/her complaint under Section 9.4.

Code of Student Conduct

The Department finds that the University's Student Discipline Procedures provide for the equitable resolution of Title IX-related complaints, in that each process identified in the SDP provides for: (1) relief for a complainant who has a Title IX-related complaint; (2) a respondent to have an opportunity to respond to the allegations in a complaint; and (3) the collection and evaluation of evidence pertaining to Title IX-related complaints.

With respect to the requirement that Title IX complaint procedures provide for the prompt resolution of complaints, however, the Department finds that the SDP does not set out definite time limits for completing various stages of the complaint process, including the time limits for: (1) a complainant to file a complaint under the Code; (2) issuing a decision under Section 4.1.7; (3) providing a respondent with "a fuller written explanation" of the findings under Section 4.3.18(n); (4) the NC State Board of Trustees to act on the Committee's decision to reverse the decision of the Vice Chancellor or the Dean under Section 4.7.1.(b); (5) a respondent to appeal the Committee's decision to the UNC Board of Governors under Section 4.7.1(d) and for the Board of Governors to issue a decision on the matter; and (6) the appropriate individual to decide whether to grant or to deny a respondent's request for an extension of time to file an appeal under Section 4.8.2.

Recommendation

⁴⁹ The University has informed the Department that it has taken steps to ensure that information regarding Title IX-related complaint procedures and other relevant information can be easily accessed on its website using search terms such as "discrimination," "harassment," and "Title IX."

Title IX-Related Concerns/Complaints

Based on the number of Title IX-related allegations reported during the on-site visit, the Department re-emphasizes the recommendation it made in the previous section that the University ensure that faculty and staff in the ECE Department timely complete the mandatory discrimination and harassment prevention (Title IX-related) training, so that they might be better informed about Title IX and its prohibition against sex discrimination. The Department also recommends that the University notify and remind ECE faculty members of the requirements and prohibitions of Title IX, including the prohibition against retaliation for the filing of a Title IX-related complaint.

Proposed Title IX-Related Complaint Procedures

The Department recommends that the University, in order to satisfy Title IX's requirement for the prompt resolution of complaints, identify time limits for each stage of the complaint resolution process, as noted above, in its proposed policy.

The Department recognizes that the proposed policy prohibits harassment based on sex. However, the proposed policy does not explicitly state that it prohibits sexual harassment or that harassment based on sex may encompass sexual harassment. In order to avoid any potential confusion on the part of students (and/or employees) as to whether they can bring a sexual harassment complaint under the proposed policy, the Department recommends that the proposed policy include a statement that sexual harassment is prohibited or that harassment based on sex may encompass sexual harassment. In addition, the Department recommends that any such change also be reflected in the proposed "Equal Opportunity and Non-Discrimination Policy."

The Department notes that the proposed policy states that "[f]iling a complaint pursuant to these procedures does not bar an individual from filing a claim . . . with a . . . federal agency." However, the proposed policy does not identify any federal agencies where such complaints may be filed. Therefore, the Department recommends that the proposed policy specifically identify federal agencies where students (and/or employees) may file complaints of discrimination, harassment, and retaliation.

Code of Student Conduct

The Department recommends that the University, in order to satisfy Title IX's requirement for the prompt resolution of complaints, identify time limits for each stage of the complaint resolution process, as noted above, in its Student Discipline Procedures.

Promising Practice

As noted above, the OEO, OSC, HR-ER, and OLA meet on a regular basis to update the OEO on pending Title IX-related matters and to discuss Title IX-related issues. Representatives from the OSC and HR-ER maintain communication with the OEO outside of those meetings to inform the OEO of the receipt of Title IX-related complaints and to seek advice on the processing of Title IX matters. The Department informed the University at the exit meeting that it considers the coordinated efforts among the OEO, OSC, HR-ER, and OLA to address Title IX matters a promising practice. Coordinating efforts among University offices that may receive Title IX-related complaints, and maintaining communication about pending Title IX matters, help to ensure that Title IX-related complaints are handled promptly, equitably, and in accordance with University procedures.

IV. Conclusion

The Department finds that the following areas/practices comply with the nondiscrimination provisions of Title IX and DOE Title IX implementing regulations: (1) the undergraduate and graduate outreach and recruitment efforts of the ECE Department and the COE; (2) the undergraduate admissions process for ECE students; (3) the re-admission policy for undergraduate ECE students and the leave of absence and re-admission policies for graduate ECE students; (4) the ECE Department's selection process for graduate TAs and RAs and the COE's selection process/criteria for the Dean's Fellowship; (5) the ECE Department's administration of the final oral examination and the thesis approval process for master's thesis students; (6) the ECE Department's administration of examinations and the dissertation approval process for PhD students; and (7) the environmental aspects for ECE students, including the academic climate and campus safety. The Department also finds that the University has satisfied the requirement under Title IX and DOE Title IX implementing regulations that it designate a Title IX Coordinator. The Department commends the University for its compliance with Title IX and DOE Title IX implementing regulations in these areas/practices.

The Department recognizes that the University has taken a number of meaningful steps since the on-site visit to notify students and employees of: (1) Title IX and its prohibition against sex discrimination; (2) the University's Title IX-related complaint procedures and where such complaints may be filed; and (3) the name, office address, and telephone number of the University's Title IX Coordinator. The Department commends the University for its efforts in this regard.

The Department recognizes further that the University has adopted and published Title IX-related grievance procedures, and at the time of the on-site visit, the University was in the process of revising those procedures. As noted above, the Department finds that the proposed procedures provide for the equitable resolution of Title IX-related complaints. However, the Department recommends that the University modify the proposed procedures to include time limits for completing the various stages of the complaint process, in order to satisfy the promptness requirement of Title IX and DOE Title IX implementing regulations. The Department also finds that the Code of Student Conduct provides for the equitable resolution of Title IX-related complaints. However, the Department also recommends that the University modify the Code to include time limits for completing the various stages of the complaint process, in order to satisfy the promptness requirement of Title IX and DOE Title IX implementing regulations.

As noted previously, the Department cautions the University regarding two areas of compliance: (1) the manner in which it awards the Diversity Fellowship to graduate ECE students; and (2) the application of the admissions principle identified by the Interim ECE Department Head/DGP related to the "gray area in the [graduate] admissions process for borderline applicants."

The Department has made additional recommendations to the University, which are more fully set out above, regarding the following: (1) financial assistance; (2) campus safety; (3) Title IX-related training for ECE faculty and graduate TAs and RAs; (4) OEO's speaking role at student orientations; (5) notifying ECE faculty members regarding the requirements and prohibitions of Title IX, including the prohibition against retaliation for filing a Title IX-related complaint; and (6) the proposed Title IX-related complaint procedures.

The Department has also identified promising practices that the University has implemented or proposes to implement, including: (1) the promotion of gender equity at the University through organizations/programs, such as the NC State University Women's Center, WISE, WICS, and

SWE; (2) the University's provision of safety programs for students and faculty, specifically the escort service, blue light system, and safe ride service; (3) the proposed plan to require all students to participate in a mandatory discrimination and harassment prevention and response training; and (4) the coordinated efforts among the OEO, OSC, HR-ER, and OLA to address Title IX-related matters. The Department commends the University for implementing/proposing to implement these practices.