

21 NCAC 68 .0603 INVESTIGATION OF COMPLAINT

(a) The Ethics Committee chairperson, in consultation with the executive director or their designee and legal counsel, shall investigate the allegations in the complaint. The chairperson may appoint any person(s) or name a subcommittee to serve as the investigating entity to prepare an investigative report.

(b) The investigating entity may contact the complainant and person against whom the complaint is made.

(c) Upon completion of the investigation, the ethics committee chairperson in consultation with the investigating entity may determine that:

- (1) the complaint is without merit. The chairperson shall notify the complainant that the complaint is dismissed and shall notify the respondent of the dismissal; and
- (2) upon completion of an investigation wherein the complaint is not dismissed, the Ethics Committee chairperson may:
 - (A) offer an informal resolution pursuant to G.S. 150B-22;
 - (B) schedule a meeting with the respondent;
 - (C) refer the report to the ethics committee or its hearing panel;
 - (D) schedule a hearing before the Board; or
 - (E) the chairperson may take a voluntary dismissal of the case where the respondent relinquishes his or her credential for an agreed upon period of time.

(d) The Ethics Committee members or its subcommittees shall review a report referred by the Ethics Committee chairperson and may take any of the following actions:

- (1) dismiss the complaint;
- (2) remand the matter to the investigating entity in order to obtain additional evidence sufficient upon which to base a decision;
- (3) make a written offer of informal resolution;
- (4) schedule a meeting with the respondent whereby the dispute may be settled through informal procedures; or
- (5) schedule a disciplinary hearing before the Board.

*History Note: Authority G.S. 90-113.33; 90-113.34; 90-113.44;
Temporary Adoption Eff. October 23, 1995 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
Eff. February 1, 1996;
Amended Eff. April 1, 2011; August 1, 1998;
Readopted Eff. October 1, 2020.*