

# Nondiscrimination Policies

## Laws Affecting Operating Policies

The following federal laws and executive orders apply to the operation of all units of the University:

**Title VI of the Civil Rights Act of 1964** prohibits discrimination on the basis of race, color, or national origin by educational programs receiving federal funds.

**Title VII of the Civil Rights Act of 1964**, as amended by the Equal Employment Opportunity Act of 1972, prohibits discrimination in employment (including hiring, upgrading, salaries, fringe benefits, training, and other conditions of employment) on the basis of race, color, religion, national origin, or sex.

**Executive Order 11246**, as amended by Executive Order 11375, prohibits discrimination in employment on the basis of race, color, religion, national origin, or sex by institutions with federal contracts of more than \$10,000.

**Equal Pay Act of 1963**, as amended by Education Amendments of 1972 (Higher Education Act), prohibits discrimination in salaries on the basis of sex.

**Title IX of the Education Amendments of 1972 (Higher Education Act)** prohibits discrimination against students or others in educational programs or activities on the basis of sex.

**Title VII (Section 799A) and Title VII (Section 845) of the Public Health Service Act**, as amended by the Comprehensive Health Manpower Training Act and the Nurse Training Amendment Act of 1971, prohibits discriminatory admission of students to federally assisted health personnel training programs and discriminatory employment practices in these programs based on sex.

The **Age Discrimination in Employment Act** applies to people age 40 and over and forbids discrimination on the basis of age unless age is a bona fide occupational qualification. The University may not advertise to indicate a preference or limitation on age, discriminate in hiring on the basis of age, or deny career opportunities on the basis of age.

**Title VII and Title VIII of the Public Health Service Act**, as amended, prohibits discrimination on the basis of sex in admitting students and against employees who work directly with students in health personnel training programs.

The **Vietnam Era Veterans' Readjustment Act of 1974** requires all institutions with federal contracts of \$10,000 or more for procurement of personal property and nonpersonal services (including construction) to take affirmative action to employ and promote qualified disabled veterans and veterans of the Vietnam era. That period is defined as the time between August 5, 1964, through May 7, 1975.

The **Rehabilitation Act of 1973 (Section 503/504)** prohibits discrimination against qualified individuals with disabilities in educational programs, activities, and employment when the institution receives federal funding.

The **Immigration Reform and Control Act of 1986** requires employers to verify the citizenship status of all new employees.

The **Americans with Disabilities Act of 1990** prohibits discrimination against and requires accommodations for persons with disabilities in employment, public accommodations, public services, transportation, and telecommunications.

Inquiries concerning the application of any federal law or regulation may be referred to the Office of Human Relations.

## UALR Academic Adjustment Policy for Students with Disabilities

### Introduction and Rationale for a Course Substitution Policy

The regulations for Section 504 of the Rehabilitation Act of 1973 (see below) specifically address the issue of discrimination based on disability in the event that fulfilling a course requirement puts a student with a disability at a disadvantage. While the law does not require waiving a requirement and strongly encourages substituting a course or courses that provide the student with a similar experience, course waiver is also an option under the law.

One clear example is the requirement for a music appreciation course when the individual is deaf or hard of hearing. Another obvious example is art appreciation for students who are blind or have low vision. It is appropriate to continue to allow the academic departments involved, Disability Support Services, and the student to determine an appropriate substitute in instances such as these whenever possible. The form used for course substitutions and waivers should be completed and signed, and documentation of the disability should be kept in the student's file at Disability Support Services. If an agreement cannot be reached, the following policy and procedures will apply.

Examples that are less clear are those involving students with learning disabilities. The most common course substitutions for these students across the country are for math and foreign languages. However, there may be other requests based on individual circumstances (e.g., history courses are very difficult for a student whose learning disability involves serious organizational and sequencing deficits). Complicating factors are: the wide range in types and severity of the disability; the diagnosis of the disability, which is much more complex, and often leaves some room for interpretation; and the ability in some cases to remediate through accommodations such as extended time on exams, tutoring, oral testing, extra take-home assignments, etc. Due to the complex nature of such requests, the policy and procedures outlined in this document were developed by an ad hoc committee, and based on the Rehabilitation Act of 1973.

### **Section 504 of the Rehabilitation Act**

"No otherwise qualified person with a disability in the United States...shall, solely on the basis of disability, be denied access to, or the benefits of, or be subjected to discrimination under any program or activity provided by any institution receiving federal financial assistance."

### **Regulations - Academic Adjustments:**

"A recipient to which this subpart applies shall make modifications to its academic requirements as are necessary to ensure that such requirements do not discriminate or have the effect of discriminating on the basis of disability, against a qualified disabled applicant or student. Academic requirements that the recipient can demonstrate are essential to the program of instruction being pursued by such a student or to any directly related licensing requirement will not be regarded as discriminatory within the meaning of this section. Modifications

may include changes in the length of time permitted for the completion of degree requirements, substitution of specific courses required for the completion of degree requirements, and adaptation of the manner in which specific courses are conducted."

### **Analysis of Final Regulations (provided by DOE)**

"This requirement does not obligate an institution to waive courses or other academic requirements. But such institutions must accommodate those requirements to the needs of individual students with disabilities. For example, an institution might permit an otherwise qualified disabled student who is deaf to substitute an art appreciation or music history course for a required course in music appreciation or could modify the manner in which the music appreciation course is conducted for the deaf student. It should be stressed that academic requirements that can be demonstrated by the recipient to be essential to its program of instruction or to particular degrees need not be changed."

### **Policy**

In compliance with federal regulations, it is the policy of UALR to respond to student requests for course substitution that are based on discrimination due to disability on an individual basis and in a manner that does not result in discrimination. Where requests are complex and not easily handled through the regular course substitution procedures, an established committee will review the case and make a determination.

### **Procedures**

The following procedures are guidelines, and the committee will recognize that individual circumstances may alter them somewhat. For example, in the case of a student who is diagnosed with a learning disability *after* attempting a course twice or more, who has made good faith efforts to complete the course requirements, the committee may determine that the student need not attempt the course another time with accommodations.

I. In most cases the student should attempt the course, requesting accommodations.

A. If the student believes accommodations are necessary, the student should request a meeting with the instructor to discuss these accommodations. It is the student's responsibility to make this request. Students are urged to inform instructors of accommodation needs as early as possible in the semester. They may choose to use a letter from

Disability Support Services (DSS) documenting the disability and outlining necessary accommodations (see below). Any student who is unsure of potential accommodations should make an appointment with a staff person in DSS.

B. On request from the student or instructor, a letter from DSS will confirm that the disability is documented and will outline the specific accommodations that are necessary for that student. The student must give Disability Support Services permission to release this information.

C. The instructor and student will work out the details of implementing accommodations. They may choose to use the Accommodation Plan Checklist in the back of the *Faculty Handbook: Teaching Students with Learning Differences and Accommodation Needs* available through Disability Support Services.

D. The student and instructor should continue to meet periodically for feedback on how the accommodations are working, making revisions as needed.

II. If a good faith effort has been made on the part of the instructor and the student to accommodate for the disability, and the student still believes the required course has the effect of discrimination based on the disability, the student may request that a substitution be made. However, in some instances, because the accommodation would be so involved or time consuming that it would significantly alter the course, the student may make the request before attempting the course.

III. Requesting a substitution:

A. The student should make a written request to:

1. the chair of the department offering the required course, with the college dean also signing off, and if not resolved to
2. the chair of the 504 policy committee.

B. The request should include:

1. the course in question;
2. the nature of the disability and the reason for the request (the reason that taking the required course would amount to discrimination based on the disability);
3. the student's history with the course or subject matter, including any attempts to pass the class, whether accommodations were requested, and what accommodations were available;
4. the student should attach documentation of the disability from a qualified diagnostician, and may attach letters or other documents supporting the request. Docu-

mentation refers to a diagnosis made by medical, psychological, education, rehabilitation, or other professionals qualified to make the particular diagnosis.

C. At the department chair and dean level, the chair or dean will meet individually with the student within ten (10) days following receipt of the request. Any substitutions that are made at the department or dean level, and a summary of the specific circumstances, should be reported by the chair or dean to the chair of the 504 policy committee and the provost.

D. If the case continues to the 504 policy committee level, the committee chair will review the request and documentation, and will set a meeting to occur no later than thirty (30) days following receipt of the request. The committee chair will invite representatives from the affected academic departments.

E. The student will be given a minimum of ten (10) days advance notice of the meeting date. The student will be informed at this time that he or she may bring representatives knowledgeable about the disability. These representatives might be staff from UALR Disability Support Services or the Office of Human Relations, Rehabilitation Counselors, members of an advocacy group such as Advocacy Services, faculty members who specialize in the disability, or persons qualified in the diagnosis/treatment of the disability.

F. The committee chair will schedule additional meetings if needed, and the committee will reach a decision based on the individual circumstances and the law.

G. The committee chair will inform the student in writing within ten (10) days of the decision.

H. The committee decision may be appealed to the provost within ten (10) days of notification. The provost's decision may be appealed to the chancellor within ten (10) days of notification.

I. Information on how to file a formal 504 complaint is available through the designated Human Relations Officer in the Office of Human Relations. Students may seek this information at any time.

### **In the Event the Student Has Taken or is Required by the Committee to Take the Course**

If the student has not attempted the class in question, or has not attempted the class with modifications made to accommodate the disability, the committee may decide on a case-by-case basis that the student should attempt the class with

modifications before the committee will proceed further with a decision on course substitution.

If the committee requires the student to attempt the class, or if the student has already attempted the class, and the committee later determines that a substitution is appropriate, the student may be retroactively withdrawn from the course, and grades will be deleted from the transcript.

### **Composition of the committee**

A committee whose members are trained and knowledgeable about current disability law, including the Rehabilitation Act of 1973, Section 504, Subpart E - Postsecondary Education, (and who do not object to the concept of course substitution on principle) should be established to handle substitution requests on a case-by-case basis.

The committee shall be a standing subcommittee of the Faculty Senate, and shall consist of five (5) members appointed by the Faculty Senate president, to include a staff person from Disability Support Services and a student representative from the Disability Support Services Advisory Council. Committee members will serve for a period of 2 years (the staff person from Disability Support Services may continue to be the same staff person beyond this term because of the small number of staff).

### **Committee responsibilities**

Committee members will be responsible for having an understanding of the law regarding course substitutions and its purpose.

Committee members will be responsible for looking at each request on a case-by-case basis. The assumption is that each student is uniquely individual. Students within a common disability category shall not be assumed to have the same needs and circumstances as do others in that category (e.g., the issues will not be identical for two people who are visually impaired).

Committee members will be responsible for taking a fact-finding, problem-solving approach. The committee chair will be responsible for determining which persons from the academic departments in question, who are not members of the committee, should be involved in the individual case (e.g., chairs from academic departments in the student's major field and the department responsible for the course in question). Those asked to be present in an individual case will not be voting members of the committee, but rather representatives of their departments providing information to the committee. The committee chair will also coordinate the scheduling of the meeting(s) and

inform the student of the committee's decision. All participants will be responsible for ensuring all records and discussions are kept confidential (refer to the section on confidentiality below).

### **Student responsibilities**

The student, in most cases, will be required to make a good-faith attempt to take the course. If the student is required by the committee to take the course, the student will be responsible both for exploring possible accommodations that could improve the likelihood of success in the course and for requesting these accommodations from the instructor.

The student will be responsible for making substitution requests in writing to the chair of the department, the dean of the college offering the required course, and the chair of the 504 policy committee, in that order, progressing to the next level only if the request is not granted at the previous level. It is not necessary for the student to have a specific course in mind as an appropriate substitute for the required course prior to making the request.

The student will be responsible for providing documentation of disability and other materials pertaining to the request that the committee deems necessary.

### **Faculty responsibilities**

Any time a student with a disability requests instructional classroom or testing accommodations in a course, and those accommodations are determined by Disability Support Services to be necessary in order to equalize opportunity for success, the instructor is responsible for implementing these accommodations.

The instructor will use as resources information from the student, from Disability Support Services staff, and from UALR's *Faculty Handbook: Accommodating Students with Learning Differences and Accommodation Needs*, available at Disability Support Services.

If the instructor questions the need for an accommodation, or is unclear after talking to the student as to how it should be implemented, the next step is to call Disability Support Services (569-3143). The instructor should also call if concerned about whether the student has a disability that would require the accommodation.

### **Confidentiality and procedures for handling confidential information**

Information about a student's disability is confidential. When the student provides documentation of disability at the department, college, and

committee levels, the student will sign a form indicating consent to release the specific information to the necessary department, college, and committee members. This information may not be shared, either orally or in writing, with any parties beyond those directly involved in the proceedings and decision making. The student may request that all documents be returned to the student or to Disability Support Services at the conclusion of the case. It is suggested that documents be passed out at the beginning of committee meetings and returned to the committee chair at the conclusion of each meeting, making the chair the only person responsible for ensuring they are kept in a manner in keeping with the legal right of the student to confidentiality. Faculty who are making accommodations in the classroom, whether written documentation is provided or not, must also be aware that the student's signature indicating consent to release confidential information, and to whom, is needed.

### **Publication of procedures**

Procedures will be publicized in appropriate student handbooks, in the *Undergraduate Catalog*, and through offices such as Disability Support Services, the Office of Campus Life, the Office of Human Relations, the Provost's Office, and other appropriate offices.

*The Academic Adjustment Policy was approved by Faculty Senate on March 15, 1996.*

## **UALR Policy on Discriminatory Harassment and Equal Opportunity**

UALR adheres to a policy that enables all individuals, regardless of race, color, gender, national origin, age, religion, sexual orientation, veteran's status, or disability to work and study in an environment unfettered by discriminatory behavior or acts. Harassment of an individual or group will not be condoned, and any person—student, faculty, or staff member—who violates this policy will be subject to disciplinary action.

Harassment which is considered discriminatory includes actions or conduct (verbal, graphic, gestural, or written) directed against any person or group with the intent to demean or create a hostile or threatening environment.

It is not the intent of this policy to infringe upon or limit educational, scholarly, or artistic expression.

Any person who believes he or she has been discriminated against should contact the Human Relations Officer to obtain assistance and information concerning the filing of complaints.

At the same time the University prohibits discriminatory practices, it promotes equal opportunity through affirmative action. Nondiscriminatory affirmative action equal opportunity policies apply to recruitment, hiring, job classification and placement, work conditions, promotional opportunities, demotions/transfers, terminations, training, compensation, choice of contractors and suppliers of goods and services, educational opportunities, disciplinary action, recreational and social activities, use of facilities, housing, and University sponsored programs.

## **University of Arkansas at Little Rock Sexual Harassment Policy**

### **I. Policy**

#### **A. Statement of Policy**

The University of Arkansas at Little Rock explicitly condemns sexual harassment as a violation of an individual's human rights and dignity and as a form of discrimination based upon sex.

Therefore, the policy of the University of Arkansas at Little Rock is that members of the University community neither commit nor condone sexual harassment in any form. This prohibition applies equally to male and female staff, faculty, and students, to all other persons on premises subject to University control, and to those engaged to further the interests of the University.

Employees and students who engage in sexual harassment will be subject to applicable disciplinary processes. Sexual harassment is unlawful and may also subject those who engage in it to civil and criminal penalties.

The University is committed to providing an environment free from sexual harassment. Therefore, the University administration strongly encourages all University of Arkansas at Little Rock community members to report incidents of sexual harassment. To that end, reporting and investigating procedures are supportive of and sensitive to the alleged victim. At the same time, they adequately safeguard the rights of the alleged offender.

#### **B. Policy Rationale**

Sexual harassment is reprehensible. It subverts the mission of the University by threatening the

careers, educational experience, and general well-being of every member of the University community. In both obvious and subtle ways, sexual harassment destroys an individual's ability to function at his or her highest level and has a harmful effect on one's ability to study, work, or engage in leisure activities within the University community. Although sexual harassment often takes place when the people involved have unequal power (as between a supervisor and employee or between a teacher and student), sexual harassment also occurs between people who have equal power and status in the University community (as between students or between co-workers). The purpose of the University of Arkansas at Little Rock's sexual harassment policy is to educate members of the University community about the harms caused by sexual harassment and about behaviors which constitute harassment based on an individual's sex or gender. Finally, and most importantly, the purpose of this policy is to eradicate sexual harassment within the University community.

## **II. Sexual Harassment Defined**

Sexual harassment is defined as unwanted, unwelcome, inappropriate or irrelevant sexual or gender-based activities or comments when:

1. submission to such conduct is either explicitly or implicitly made a term or condition of an individual's employment with the University or a factor in the educational program or University-related activities of a student; or
2. submission to or rejection of such conduct by an individual is used as a basis for an employment or educational decision affecting such individual; or
3. such conduct has the purpose or effect of interfering with an individual's work or educational performance; or
4. such conduct creates an intimidating, hostile, offensive or demeaning environment.

## **III. Examples of Sexual Harassment**

The University takes the broadest possible view consistent with law and reason regarding conduct encompassed by the phrase "sexual harassment." The inclusion of examples and descriptions in this policy statement is not intended to exclude other conduct from being deemed sexual harassment. They are provided to inform the University community of expected standards of professional and responsible conduct. A determination of the

occurrence of sexual harassment is based upon the nature and context of the conduct.

All members of the University community have a responsibility to behave in such a manner that their words or actions cannot reasonably be perceived by the recipient of those words or actions as coercive, abusive, or exploitive. Regardless of the specific intent of the alleged harasser, conduct having the characteristics or effect of sexual harassment will be treated as sexual harassment. Where there is a rational connection with University functions, processes, and operations, off-campus conduct is subject to this policy.

1. Sexual harassment creates a hostile, abusive, demeaning, offensive, or intimidating environment. It is manifested by verbal and/or physical actions, including gestures and other symbolic conduct which may be, but are not necessarily, aimed at a particular individual. Examples include verbal harassment and abuse of a sexual or genderspecific nature, such as sexually explicit statements, questions, jokes, or anecdotes; display of sexually demeaning objects or pictures; and remarks about sexual activity or speculations about previous or future sexual experience. Sexual harassment includes unnecessary or unwelcome touching, patting, hugging, or brushing against a person's body; staring at or ogling of a person's body; and inappropriate comments about one's body or clothing. It includes unwanted sexual activities, sexual advances or requests for sexual favors, and physical assault.
2. Sexual harassment also includes slurs about one's gender, contrived work or study assignments, and assigning more onerous or unpleasant tasks predominately to employees or students of one gender.

## **IV. Consensual Relationships**

Incidents of sexual harassment may involve persons having unequal power, authority, or influence. Threats of adverse consequences or promises of reward may be implied solely by circumstances of unequal power. Therefore, the University recognizes an inherent conflict of interest when an individual exercises supervisory, educational, or other institutional authority over an individual and makes sexual overtures toward that individual.

For this reason, no faculty member shall begin an amorous relationship with a student who is enrolled in a course taught by the faculty member

or whose academic work (including work as a teaching assistant) is supervised by the faculty member. Furthermore, a faculty member who has had or is currently involved in an amorous relationship with a student shall, to the extent possible, withdraw from participation in instructional activities, or decisions which may reward or penalize that student. Finally, the University strongly recommends that no faculty or staff member participate in an amorous relationship with a student or an employee of the University who is being supervised by that faculty or staff member.

Decisions affecting employees and students should be made solely on the basis of merit. This includes, but is not limited to, decisions affecting an employee's job responsibilities, promotion, pay, benefits, or other terms or conditions of employment; a student's grades, academic progress, benefits, or other terms or conditions of academic evaluation or student status; and recommendations, references, referrals, and opportunities for further study, employment, or career advancement.

## **V. Grievance Procedures**

### **A. Introduction**

The University of Arkansas at Little Rock seeks to eliminate sexual harassment on campus by encouraging students, faculty, and all employees promptly to report problems or complaints about sexual harassment. No individual should be deterred from reporting allegations of sexual harassment because of fear of retaliation.

This complaint procedure is internal to the University, and individuals with complaints are encouraged to follow it first. However, an aggrieved party also has the right to file a complaint of sexual harassment with the appropriate state or federal agency or a suit in a court with jurisdiction.

### **B. Offices with Responsibility of Discrimination Issues**

The Office of Human Relations has overall responsibility for assuring University compliance with nondiscrimination laws and regulations. The Human Relations Officer receives both informal and formal complaints lodged against faculty, staff, and administration.

The Office of the Dean of Students has responsibility for student-to-student allegations of sexual harassment incidents. The Dean of Students or his/her designee is responsible for investigating harassment claims and for initiating disciplinary proceedings against students which may arise from a formal complaint. The Dean of Students may con-

sult with other appropriate University officials if deemed necessary. Disciplinary files are maintained in the Dean of Students Office.

In addition to the offices officially designated to deal with grievances, problems, and questions regarding sexual harassment, the complainant may discuss these issues with anyone in a supervisory position and/or the person against whom the complaint is made. For example, faculty members, department chairs, supervisors, deans, or vice chancellors may be consulted.

## **VI. Responsibility to Report**

It is the responsibility of all University faculty, administrators, managers, and supervisors to inform the Human Relations Officer of all allegations of sexual harassment they receive and/or discriminatory situations of which they become aware.

## **VII. Retaliation Prohibited**

Retaliation against a student or employee for bringing a sexual harassment complaint is prohibited. In addition, retaliation against those persons who participate in such investigations and disciplinary procedures is also prohibited. Retaliation is, itself, a violation of University policy and the law, and is a serious separate offense. Complaints of retaliation for bringing a sexual harassment complaint may be brought through the informal or the formal sexual harassment complaint process.

## **VIII. Incident Reporting Requirements**

For both the Formal and Informal Grievance Procedures outlined in this document, incidents should normally be reported within 30 days. (For example, student incidents occurring prior to the Christmas holidays could be reported after the resumption of class activities in the new year. It is the intent of this document that a reasonable degree of discretion be granted to appropriate University officials in order to achieve the goal of eliminating sexual harassment incidents.) The reporting requirement is presumed to have been met if the complainant has communicated with any of the persons enumerated in the "Responsibility to Report" section of this document. Such a contact satisfies all reporting time limits. If extenuating circumstances exist, the time limit may be waived by the appropriate University official. Written justification for the waiver will be placed in the file.

## **IX. Informal Complaint Procedure**

The goal of the informal complaint procedure is to resolve problems. No disciplinary action will be taken as a result of the informal complaint procedure.

Under the informal complaint procedure, complainants may consult with the Human Relations Officer EXCEPT THAT complaints by students against other students about conduct in University-related activities outside of an employment or teaching situation should be made to the Office of the Dean of Students.

Informal complaints may have several outcomes. The person raising the issue may only want to discuss the matter with a neutral party in order to clarify whether discrimination may be occurring and to determine his or her options, including the pursuit of more formal action. In such a situation, the Human Relations Officer will give assistance and offer suggestions as to how the issue might be resolved, without drawing a conclusion as to whether discrimination has occurred. In other cases, the Officer may be asked to serve as a mediator, to talk to the other person(s) to see whether an informal resolution of the issue can be reached. The supervisor or department chairperson of the other person(s) in the dispute may be notified that an informal complaint has been received, but that no investigation has taken place. A written record of this complaint will be made and maintained by the Human Relations Officer. If a written record is made and/or the supervisor is notified that an informal complaint has been made, the subject of the complaint must be notified and given the opportunity to provide a response for the written record. If resolution is reached by this process, no further action(s) will be taken and the matter will be considered closed. Issues not so resolved may require that further inquiries be made and/or that supervisors or department chairs take a more active role in finding a solution to the problem. Whenever possible complaints will be handled at the lowest level possible.

## **X. Formal Complaint Procedures**

### **A. General Procedures**

Formal complaints against faculty, staff, and administration should usually be submitted to the Human Relations Officer within 30 calendar days of the most recent alleged discriminatory act. Formal complaints against students should usually be submitted to the Office of the Dean of Students within 30 days of the most recent alleged discriminatory act. Complaints by a student about the conduct of another student outside of an employment or teaching situation should be made to the Office of the Dean of Students.

The Chancellor, Provost, Vice Chancellors, or Deans, may request that the Human Relations

Officer conduct an investigation without a formal complaint from any one individual.

Formal stages of procedure commences with the filing of a signed, written complaint to the appropriate authority.

### **B. Procedures of the Human Relations Office**

The investigation will begin by providing a copy of the formal written complaint to the individual against whom the complaint is lodged, together with a copy of these procedures. A written response will be required within 7 calendar days.

Within 10 calendar days after receipt of a complaint, the Human Relations Officer will consult with the complainant, the alleged offender, and his/her supervisor/department chair, in an attempt to resolve the matter and/or determine whether further investigation is warranted. Should no resolution be reached and/or further investigation be warranted, the Officer will report the investigative finding within 30 calendar days of receipt of the written complaint. If, for any reason, an extension is necessary, the complainant will be informed of the reasons for the extension, the status of the investigation, and the probable date of completion.

The Human Relations Officer may at any point dismiss a formal complaint if it is found to be clearly without merit.

If, in the course of the investigation, the Human Relations Officer determines that corrective action is needed, that office will initiate discussions with the appropriate administrator to attempt to resolve the complaint. A formal investigation can be terminated at any time, e.g., if a satisfactory resolution is agreed to before a written finding is made or if an appropriate resolution is implemented without an agreement.

Upon completion of the investigation, the Human Relations Officer will notify the complainant and respondent(s), if any, and the Chancellor, appropriate dean, vice chancellor or provost, department head or chair, or supervisor, in writing, of the findings and recommendations. Based on this information, the appropriate University official will determine the action he/she deems necessary to resolve the complaint and will communicate that decision to the involved individuals.

A complainant or respondent dissatisfied with the findings or recommendations may file a rebuttal statement with the Human Relations Officer, for inclusion in the investigation file. Such statements must be filed within 30 calendar days of the date the decision is received and will become part of the investigation file.

Should the resolution of a complaint result in a disciplinary action, the faculty member, staff member, administrator, or student can seek review of such action using the appropriate University procedures. Appeals Procedures for faculty, students, and staff will follow the procedures required in the appropriate sections of the *Classified Handbook*, *Faculty Handbook*, or *Student Handbook*.

### **C. Student Sexual Offenses**

Student sexual offenses are to be processed through the procedures set forth in Section VII of the *UALR Student Handbook*. Appeals will be made through the normal procedures set forth in the *Student Handbook*.

## **XI. Confidentiality Protection and its Limitations**

### **A. Informal Complaints and Disclosure**

Every possible effort shall be made to ensure the confidentiality of information received as part of the University's informal complaint procedure. The names of the parties involved will not be a part of the Informal Report about the situation. The Human Relations Officer, and the Dean of Students Office will disclose the name of the individual in their review/mediation of the complaint only if the complainant has given permission to disclose his/her name. If, due to the circumstances of the alleged harassment, it is not possible to conduct a review or resolve the complaint and yet maintain confidentiality, the Human Relations Officer will discuss this with the complainant.

Although a complainant requests confidentiality, it may be possible to attempt some mediation or resolution of the complaint, to address the situation in some other manner, or to take corrective action as appropriate for the situation. The Human Relations Officer, therefore, should explore these alternatives rather than failing to take action because of the request for confidentiality. Action requiring disclosure of the complainant in some manner would not take place without consent of the complainant.

In the interests of fairness and problem resolution, disclosure of complaints and substance, except as compelled by law, will be limited to the immediate parties and other appropriate administration officials.

### **XII. Complaints of False Charges**

Because of the nature of the problem, complaints of sexual harassment cannot always be substantiated. Lack of corroborating evidence should

not discourage complainants from seeking relief through the formal procedures delineated in this document. However, charges found to have been intentionally dishonest or made maliciously without regard for truth will subject complainants to disciplinary action.

Individuals who believe they have been the target of willfully false or maliciously reckless formal charges should file a written complaint no later than 30 calendar days after they learn the nature of the allegations against them. If, for any reason, any extension is necessary, the time limits may be modified by the consent of both parties. They should submit their complaint to the Human Relations Office. The Human Relations Officer will make this complaint part of the formal investigation process. If the Officer finds sufficient grounds for the false-charge complaint, he/she must recommend to the Chancellor that disciplinary action be taken against the person who filed the false charges. If the evidence does not support the false-charge complaint, they will so inform both parties. Disciplinary action will be taken against the person(s) filing false charges.

### **XIII. Final Disposition and Follow-Up**

The facts about individual complaints and their dispositions are confidential. An employee's supervisor will, however, inform the complainant and respondent, in confidence, of the result and/or sanctions associated with a formal case. Students will be similarly informed by the Office of the Dean of Students.

A permanent written record of the formal complaint process and its outcome is ordinarily retained by the Human Relations Office.

An annual report will be prepared for the Chancellor, the Faculty Senate, and the UALR Assembly on the number and types of complaints. The Office of the Dean of Students will prepare and submit a report to the Human Relations Officer who will compile the record of both formal and informal complaints for submission to the above parties.

### **XIV. Complaints Filed with Outside Agencies**

When any member of the University community or persons denied admission, employment, or services files a complaint of discrimination with an outside federal or state agency, that agency will, as part of its investigation, request a response from the University to the charges in the complaint. The Human Relations Officer will prepare this response, usually after conducting an internal investigation

of the complaint. Such investigations will not conform to the procedures for internal complaints, but instead to those of the outside agency.

Complaints from outside agencies sent directly to departments should be referred to the Human Relations Officer for response.

## **Grievance Procedures - Complaints of Discrimination**

### **I. Introduction**

#### **A. UALR Goal to Eliminate Discrimination**

It is the goal of UALR to eliminate discriminatory harassment and to promote equal opportunity regardless of race, gender, color, national origin, sexual orientation, age, veteran's status, or disability. Any individual who believes he/she has been discriminated against should not be deterred from reporting his/her allegations.

The procedure for filing a complaint described below is internal to the University and everyone is encouraged to follow it first. Any individual, however, also has the right to file a formal complaint with the appropriate state or federal agency.

#### **B. Offices Hearing Complaints**

The Human Relations Officer has the responsibility for UALR's compliance with non-discriminatory laws and regulations. The Officer receives informal or formal complaints lodged against faculty, staff, and administration.

The Office of the Dean of Students has responsibility to hear grievances brought by one student against another student. The Dean of Students may consult with the Human Relations Officer for assistance in negotiating or resolving complaints.

Additionally, complaints may be referred to one's supervisor.

#### **C. Employee Responsibilities**

All employees or inhabitants of the University have the responsibility to inform the Human Relations Officer of all allegations of discrimination which have been reported to them or of which they are aware.

#### **D. Retaliation is Illegal**

It is expressly forbidden, and illegal, for anyone to retaliate against an individual for bringing a complaint of discrimination or denial of equal opportunity.

### **E. Reporting Guidelines**

Complaints of discrimination, either formal or informal, should be filed within 30 working days of the event. Filing a complaint with one's supervisor, the Dean of Students, or the Human Relations Officer satisfies the requirements for reporting. In extenuating circumstances, the time limit may be waived by the Human Relations Officer or the Dean of Students. The written request with a copy of notification of approval will be placed in the file.

### **II. Informal Complaint Procedures**

#### **A. The Informal Complaint**

An informal complaint does not result in disciplinary action. Informal complaints may be discussed with the Human Relations Officer or the Dean of Students.

If the goal is merely to seek advice, the University official will attempt to assist with the resolution of the problem but will refrain from drawing a conclusion as to whether discrimination has occurred. The hearing official may talk to the "other" person in an effort to resolve the problem. A written record of the complaint will be made and will be filed with the Human Relations Officer. The supervisors of the individual filing the complaint and the person against whom the complaint is filed will be notified. The subject of the complaint will be given the opportunity to enter a response into the file. If the issue is resolved, no further action will be taken, and all parties previously informed will be notified of the outcome.

Unresolved informal complaints might require the greater involvement of supervisors or the Human Relations Officer.

The fundamental goal of the informal complaint procedure is to involve the fewest number of people needed to resolve an issue at the lowest level.

### **III. Formal Complaint Procedures**

#### **A. Formal Complaint Procedures**

Formal complaints of discrimination or denial of equal opportunity should be submitted to the Human Relations Officer within 30 days of the alleged act. Complaints involving students are submitted to the Dean of Students.

The Human Relations Officer may be requested by the Chancellor, Provost, Vice Chancellors, or Deans to conduct an investigation without formal charges being brought.

## **B. Human Relations Investigatory Procedures**

A copy of the complaint together with a copy of these procedures will be presented to the individual against whom the complaint is filed. The individual will have 7 calendar days from the time of receipt of the complaint to respond.

The Human Relations Officer will convene an initial hearing involving the complainant, the alleged offender, and the alleged offender's supervisor/chair to discuss the charges and attempt to informally mediate a resolution. A record of the meeting will be kept. If the issue is resolved, the Human Relations Officer will present a report to the Chancellor.

If the issue is not resolved, the Human Relations Officer will conduct an investigation. If the formal review process exceeds 30 calendar days, the complainant will be informed of the need for additional time, the status of the investigation, and revised deadline for completion of the investigation.

If, during the course of its investigation, the hearing committee determines the charges are frivolous or without merit, it may dismiss the complaint, notify all parties in writing of its action, and notify the Chancellor.

If corrective action is required, the Human Relations Officer will notify the offender and the offender's supervisor/chair of the findings and enter into discussions about appropriate ways to resolve the conflict. If resolution satisfactory to all parties is reached before the findings are officially recorded, the formal proceedings can be terminated and, if requested by either party, be monitored on an informal basis by the Human Relations Officer.

If a formal complaint results in an investigation with findings, sanctions, or recommendations for other disciplinary actions, the Human Relations Officer will present the findings of the investigative committee to the complainant, offender, supervisor/chair, appropriate Dean, Vice Chancellor, and Chancellor.

The complainant or alleged offender, dissatisfied with the findings, may file a rebuttal statement for inclusion in the file and investigatory report.

Appeals shall follow normal University appeals procedures found in the appropriate sections of the *Student Handbook*, *Staff Handbook*, or *Faculty Handbook*.

## **IV. Confidentiality**

### **A. Informal Complaints**

All persons involved in informal hearings are obliged to make every reasonable effort to preserve the confidentiality of the information presented. The names of the complainant and alleged offender will remain anonymous. The complainant's name will be disclosed to the alleged offender only if the complainant has given permission. If it is impossible to conduct an informal review without disclosure of names, the Human Relations Officer will discuss this with the complainant.

### **B. Preserving Confidentiality**

Every effort must be made to restrict the information pertaining to an informal complaint to those immediately charged with conducting the informal investigation and appropriate administrative officials.

### **C. Formal Hearings and the Final Disposition**

All facts in a case are confidential. The employee's supervisor together with the Human Relations Officer will inform both parties, in confidence, of the results of the investigation and sanctions or disciplinary actions recommended by the hearing panels. Students will be informed by the Dean of Students.

A permanent record of the case and the findings will be maintained by the Human Relations Officer.

The Human Relations Officer will prepare an annual report for the Chancellor on the number of cases heard and types of cases presented in which discrimination or denial of equal opportunity were alleged. Further, the Human Relations Officer will assess the significance of the data and include recommendations for specific actions that can be taken to ameliorate further occurrences of a similar nature.

