

**UA System—Cammack Campus**  
**Policy and Procedure on Complaints of Discrimination and Harassment**

**I. Policy Statement**

The University of Arkansas System—Cammack Campus (“Cammack Campus” or “the University”) is committed to providing an environment that emphasizes the dignity and worth of every member of its community and that is free from unlawful harassment and discrimination. Such an environment is necessary to a healthy learning, working, and living atmosphere. The University expects students, applicants for admission, employees, applicants for employment, affiliates, subcontractors, on-site contractual staff, community members, and visitors to uphold the University’s commitment to nondiscrimination and harassment by conducting themselves in manner that is appropriate and consistent with this policy. Accordingly, all acts of discrimination, harassment, and retaliation are prohibited. The University will take prompt and equitable action in response to complaints about such conduct.

**II. Policy Scope and Relationship to Title IX**

“Discrimination” under this policy refers to action or conduct that (1) is based on race, color, sex, religion, national origin, service in the uniformed services (as defined in state and federal law), veteran status, sex, age, pregnancy, physical or mental disability, gender identity, sexual orientation, or genetic information and (2) materially affects a term or condition of an individual’s employment, education, living environment, or participation in a program or activity.

“Harassment” under this policy means detrimental action or a course of conduct that is based on one of the foregoing categories and that is sufficiently serious (*i.e.*, severe and/or pervasive) and objectively offensive to deny or limit a person’s ability to participate in or benefit from the University’s programs, services, opportunities, or activities or when such conduct has the purpose or effect of unreasonably interfering with an individual’s employment.

Reports and complaints regarding sexual harassment, sexual assault, relationship violence, stalking, and similar conduct should first be made to the Title IX Coordinator under the University’s separate policy on sexual assault and harassment. Other forms of unlawful discrimination or harassment may be the subject of an initial complaint under this policy, in addition to acts of retaliation (as set forth below). In addition, this policy may be used to address complaints of sexual harassment or assault that may negatively affect the campus community but are dismissed by the Title IX Coordinator based on lack of jurisdiction. In such situations, the EEO Coordinator will have discretion on whether to commence an investigation under this policy.

**III. Offices Hearing Complaints**

The Cammack Campus EEO Coordinator is responsible for investigating complaints of discrimination and harassment against faculty, staff, and administrative employees. A complaint to the EEO Coordinator, using the **Complaint Form**, should be made within 30 days of the act of discrimination, harassment, or retaliation. The time limit may be waived or extended by the EEO Coordinator if good cause is demonstrated.

#### **IV. Investigation**

After receiving the complaint, the EEO Coordinator will explore whether the matter can be resolved informally, without disciplinary action or a finding that discrimination or harassment has occurred. If the issue can be resolved informally, no further action will be taken.

If the complaining party chooses to proceed with a formal complaint, the individual against whom the complaint is filed (*i.e.*, the “respondent”) will be instructed to provide a written response to the allegations within 5 working days of the request. The matter will then be investigated promptly.

At the conclusion of the investigation, the EEO Coordinator will issue a written determination of responsibility and provide the decision to the complaint and respondent. The determination shall also identify any sanctions or remedies that the investigator believes should be imposed. In the case of employee-respondents, the proposed sanctions and remedies shall serve as a nonbinding recommendation to the appropriate campus administrator.

The institution reserves the right to address, as an administrative matter, conduct that does not constitute a violation of this policy, but nevertheless is inappropriate in a professional work or educational environment.

#### **V. Appeal**

If a complainant or respondent is dissatisfied with the decision, he or she may appeal the matter to the President or his/her designee. A party who chooses to appeal must, within 5 working days of receiving the decision, deliver a written statement to the President or designee that concisely explains why the decision should be overturned or modified. The President or his/her designee may elect to convene a committee to review the allegations, consider the evidence, and make a recommendation; alternatively, the President or designee may decide the matter in the absence of a committee. The final decision shall be rendered as soon as practicable and ordinarily no later than 10 working days after receiving the written appeal.

#### **VI. Administrative leave**

Nothing in this policy precludes the University from placing an employee respondent on administrative leave during the pendency of the grievance process.

#### **VII. Retaliation**

It is a violation of this policy to take an action against an individual because that person has opposed any practices forbidden by this policy or because that person has filed a complaint, testified, assisted, or participated in an investigation or proceeding under this policy. Retaliation includes intimidating, threatening, coercing, or in any way discriminating against an individual because of the individual’s opposition, complaint, or participation. Adverse action is retaliatory if it would deter a reasonable person in the same circumstances from opposing practices prohibited by this policy.

## **VIII. Confidentiality**

The University requests confidentiality from all parties and witnesses involved in an investigation. During an investigation, it may be necessary for the investigator to provide details to individuals with a legitimate need to know about the allegations. This may include: (1) information provided to respondents to allow them to fully respond to the allegations, (2) information provided to witnesses or other people with whom investigators communicate in order to obtain or verify information; (3) where appropriate, information provided to management during or following an investigation to allow any necessary actions to be taken. In addition, the identity of the investigation participants and the details of the investigation may become known for reasons outside the control of the investigator.

## **VIII. False Reports**

Willfully making a false report of discrimination (including discriminatory harassment) is a violation of University policy and is a serious offense. Any person who willfully makes or participates in making a false report under this policy may be subject to disciplinary action up to and including termination or expulsion.

## **IX. Construction**

This policy shall be construed and applied in a flexible manner so that its fundamental goals can be accomplished. The President or EEO Coordinator may modify or dispense with any procedures set forth in this policy as circumstances may require, including for the avoidance of conflicts of interest. The filing of a complaint under this policy will not necessarily stop or delay any personnel actions which are the subject of the complaint.

## **X. Training**

All new employees should receive training on preventing, reporting, and addressing discrimination (including discriminatory harassment) within 30 days of beginning employment or enrollment. Employees must receive refresher training at least every two years.

## **XI. EEOC and NSF Reporting**

Although complainants are encouraged to resolve their grievances related to discrimination by utilizing this policy, they may have the right to file a complaint directly with the appropriate agency. The contact information for the EEOC and NSF are as follows:

### **Equal Employment Opportunity Commission (EEOC)**

820 Louisiana St., Suite 200

Little Rock, AR 72201

Toll Free: 1-800-669-4000

Telephone: 501-324-5060

TTY: 800-669-6820

Fax: 501-324-5991

**National Science Foundation (NSF)**

Office of Diversity and Inclusion

2415 Eisenhower Ave.

Alexandria, VA 22314

Telephone: 703-292-8020

Fax: 703-292-9072

Email: [programcomplaints@nsf.gov](mailto:programcomplaints@nsf.gov)

**Exhibit A**

**UA SYSTEM (CAMMACK CAMPUS)  
DISCRIMINATION, RETALIATION AND SEXUAL MISCONDUCT POLICY AND  
PROCEDURES  
COMPLAINT FORM**

Today's date: \_\_\_\_\_

**INFORMATION REGARDING THE COMPLAINANT:**

**Name of the Complainant:**

\_\_\_\_\_

**Complainant's Phone Number:**

\_\_\_\_\_

**The Complainant is** (please check one):

a faculty member     a student     a staff member     not affiliated with UA  
System

**For faculty, staff and students, indicate whether:**         current    or     former

**INFORMATION REGARDING THE VICTIM (IF HE OR SHE IS NOT THE  
COMPLAINANT):**

**Name of the victim:**

\_\_\_\_\_

**The victim is** (please check one):

a faculty member    a student    a staff member    not affiliated with  
Cammack Campus

**For faculty, staff and students, indicate whether:**       current   or    former

**INFORMATION REGARDING THE RESPONDENT:**

**Name of the Respondent:**

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**The Respondent is** (please check one):

a faculty member    a student    a staff member    not affiliated with  
Cammack Campus

**For faculty, staff and students, indicate whether:**       current   or    former

**INFORMATION REGARDING THE ALLEGED POLICY VIOLATION:**

**Alleged policy violation(s):**

discrimination       harassment       retaliation       sexual misconduct

**If discrimination/harassment, please check all that apply:**

race    color       religion    national origin       military service/veteran  
status

sex    age    pregnancy    disability    gender identity       genetic information

**If retaliation, please state the activity you engaged in that resulted in the alleged  
retaliation:**

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**Time and date of each alleged policy violation:**

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**Location of alleged policy violations:**

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**Witnesses or third parties who may have information regarding the alleged policy violation(s):**

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**Please provide a brief description of the alleged policy violation(s):**

*You may wish to consider including, among other things, some or all the following information in your description: the gender of the parties, the relationship between the parties, whether one or more of the parties were under the influence of alcohol or drugs at the time of the alleged policy violation, whether the Respondent used pressure or force (physical or otherwise) in the course of any alleged sexual misconduct, and the frequency (if applicable) of the alleged policy violation.*

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