



**Complaints of Discrimination & Harassment
Campus Policies & Procedures 480.1.1
Chancellor's Office**

UAEACCP 480.1.1 COMPLAINTS OF DISCRIMINATION & HARASSMENT

I. Policy Statement

The University of Arkansas- East Arkansas Community College is committed to providing an environment that emphasizes the dignity and worth of each member of its community and that is free from harassment and discrimination. Such an environment is necessary to a healthy learning and working atmosphere. UA-EACC expects students, applicants for admission, employees, applicants for employment, affiliates, subcontractors, on-site contractual staff, community members, and visitors to uphold the institution's commitment to nondiscrimination and harassment by conducting themselves in a manner that is appropriate and consistent with this policy. Accordingly, all acts of discrimination, harassment, and retaliation are prohibited. UA-EACC will take prompt and equitable action in response to complaints about such conduct.

II. Policy Scope and Relationship to Title IX

1. **Definitions:**

- a. "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, age, pregnancy, physical or mental disability, gender identity, sexual orientation, or genetic information and (2) adversely affects a term, condition of an individual's employment, education, working environment, or participation in a program or activity.
- b. "Harassment" under this policy means unwelcome conduct that is based on one of the foregoing categories and that is subjectively and/or objectively offensive and so severe and/or pervasive that it denies or limits a person's ability to participate in or benefit from the college's programs, services, opportunities, or activities or when such conduct has the purpose or effect of unreasonably interfering with an individual's employment.

2. **Sex-based complaints:**

- a. Reports and complaints regarding sexual harassment, sexual assault, relationship violence, stalking, and similar conduct should first be made to the Title IX Coordinator under UA-EACC's separate policy (UAEACCP 500.1.1) on sexual assault and harassment (see employee portal or the UA-EACC website for more information).
- b. However, this document, UAEACCP 480.1.1 Policies and Procedures on Complaints of Discrimination and Harassment, 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 appropriate office will have discretion on whether to commence an investigation under this policy.

3. **Complaints based on other conduct:** Other forms of discrimination and harassment may be the subject of an initial complaint under the policies and procedures contained in this document, UAEACCP 480.1.1 Policies and Procedures on Complaints of Discrimination and Harassment.

4. **Administrative discretion regarding inappropriate conduct:** UA-EACC reserves discretion on whether to commence an investigation under this policy or alternatively address conduct, as an



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administrative matter, that does not constitute a violation of this policy but nevertheless is inappropriate in a professional work or educational environment.

III. Offices Hearing Complaints

1. **Complaints against employees:** The UA-EACC Office of Human Resources is responsible for investigating complaints of discrimination and harassment against faculty, staff, and administrative employees.
2. **Complaints against students:** The Office of the Vice Chancellor for Student Services is responsible for investigating complaints of harassment and discrimination against students in accordance with procedures used for cases of student misconduct or, if no applicable procedures exist, as set out in this Policy.
3. **Procedure:** A complaint to the appropriate office, using the appropriate form, should be made within two (2) calendar weeks or 10 business days in the event that a holiday intervenes in the two calendar weeks of the act of discrimination or harassment. The time limit may be waived or extended by the Office of Human Resources or the Office of the Vice Chancellor for Student Services if good cause is demonstrated. For complaints against employees, the Complaint Form may be obtained from the Office of Human Resources. For complaints against students, the appropriate form may be obtained from the Office of the Vice Chancellor for Student Services.

IV. Investigation Procedures

1. After receiving the complaint, the appropriate office 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.
2. If the complaint cannot be resolved informally, 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 from the investigator.
3. The investigator will then investigate the complaint promptly.
4. At the conclusion of the investigation, the investigating office will issue a written determination of responsibility and provide the decision to the complainant and respondent.
5. The determination of the investigating office shall 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 Chancellor or the appropriate campus administrator as designated by the Chancellor.
6. Laws governing complaints of discrimination and/or harassment may vary depending upon the parties involved and the type discrimination or harassment alleged. UA-EACC will comply



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with all laws in good faith as applicable to individual situations regarding informal/formal processes, sanctions, and records that are kept on file.

7. In general, if a complaint of discrimination and/or harassment results in a disciplinary measure against an employee, documentation of that event should be kept in the employee's personnel file, unless prohibited by law.

V. Appeal

1. **Student-respondent appeal:**

- a. If a student-respondent is dissatisfied with the decision, the respondent may request that Office of the Vice Chancellor for Student Services request an appeals hearing.
- b. The request for a hearing must be made within 5 working days of the decision. After receiving the request, the Office of the Vice Chancellor for Student Services will promptly consult with the Chancellor as to time, manner, and place, and, if appropriate, will schedule a hearing.

2. **Employee-respondent appeal:**

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

VI. 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. Acts of retaliation will not be tolerated, and consequences include disciplinary action up to and including termination of employment or expulsion.

VII. Confidentiality

UA-EACC 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,



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information provided to administration 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. Outside of these circumstances, all parties in the matter should maintain confidentiality. A failure to do so may result in disciplinary action.

VIII. False Reports

Willfully making a false report of discrimination (including discriminatory harassment) is a violation of UA-EACC 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 of employment or expulsion.

IX. 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 be offered and engage in refresher training at least every two years.

X. 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)

2415 Eisenhower Ave.
Alexandria, VA 22314
Telephone: 703-292-8020
Fax: 703-292-9072
Email: programcomplaints@nsf.gov

XI. Free Speech or Expression Activity

This policy is not intended to inhibit or restrict free speech or expression protected by the First Amendment, state law, or any University policy.

Other applicable documents:

UA BOTP 275.1 Title IX Compliance
UAEACCP 500.1.1 Title IX, Sexual Assault & Harassment
UAEACCP 501.1.1 Student Code of Conduct

Revision History:

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UAEACC Chancellor, UAEACC Student Services, UAEACC Human
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