



## Grievance Procedures – Complaints of Discrimination

Policy Number– 401.6

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| <b>University of Arkansas at Little Rock</b>                            |
| <b>Policy Name:</b> Grievance Procedures – Complaints of Discrimination |
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| <b>Effective Date:</b> May 26, 2006                                     |

## Policy

### I. Introduction

#### A. UA Little Rock Goal to Eliminate Discrimination

It is the goal of UA Little Rock 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 or she has been discriminated against should not be deterred from reporting his or 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 resources officer has the responsibility for UA Little Rock’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 the 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 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 resource officer satisfies the requirements for reporting. In extenuating circumstances, the time limit may be waived by the human resource officer or dean of students. The written request with a copy of notification of approval will be placed in the file.

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## **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 resource 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 resource 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 formal complaints might require the greater involvement of supervisors or the human resource 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.

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### **III. FORMAL COMPLAINT PROCEDURES**

#### **A. Formal Complaint procedures**

Formal complaints of discrimination or denial of equal opportunity should be submitted to the human resource officer within 30 days of the alleged act. Complaints involving students are submitted to the dean of students. The human resource officer may be requested by the chancellor, provost, vice chancellor, or deans to conduct an investigation without formal charges being brought.

#### **B. Human Relations Investigator 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 resource 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 resource officer will present a report to the chancellor.

If the issue is not resolved, the human resource officer will conduct an investigation or convene a hearing committee to investigate and review the facts. 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.

#### **C. Responsibilities of the Hearing Committee**

1. Hear and review the facts of the complaint.
2. Meet to discuss the issues and determine whether university policies and procedures have been followed.
3. Interview the complainant, charged party(ies), and other individuals who might provide relevant information concerning any aspect of the problem or complaint upon which the issue is based.
4. Meet to discuss the facts and prepare findings and recommendations to submit in writing to the human resource officer.

5. If the complaint is found to have merit, the hearing committee may impose sanctions or make recommendations for other disciplinary actions. 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 resource 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 resource officer. If a formal complaint results in an investigation with findings, sanctions, or recommendations for other disciplinary actions, the human resource officer will present the findings of the investigative committee to the complainant, offender, supervisor/chair, appropriate dean, vice chancellor, and chancellor. The complainant or the 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***, ***Classified Staff Handbook***, or ***Faculty Handbook***.

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## **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 resource 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 resource officer will inform both parties, in confidence, of the results of the investigation and sanctions of 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 resource officer.

The human resource 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 resource officer will assess the significance of the data and include recommendations for specifications that can be taken to ameliorate further occurrences of a similar nature.

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Source: Human Resources Policy

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