

# Fayetteville Policies and Procedures 214.1

## Discrimination (Including Discriminatory Harassment) – Employment, Education, Programs and Services

### I. Discrimination

The University of Arkansas (University) is committed to the principle of equal opportunity in education and employment. The University prohibits discrimination (including discriminatory harassment, and sexual harassment) against any student, applicant for admission, employee, applicant for employment, affiliate, subcontractor, on-site contractual staff, agency employee, third party or community member, visitors to campus and others participating in campus programs or receiving campus services. The University prohibits discrimination when it comes to any aspect of employment, including hiring, firing, pay, job assignments, promotions, layoff, training, fringe benefits, and any other term or condition of employment. Discrimination is prohibited.

Discriminatory actions are prohibited based on an individual's actual or perceived association with the following categories, herein called "protected class": race/color; national or ethnic origin; age; religion; disability; sex; sexual orientation; gender; gender identity and expression; marital or parental status; military or veteran status; genetic information; and any other characteristic protected under applicable United States, state or federal law, executive order, or applicable policy.

Discrimination is prohibited.

The University expects any student, applicant for admission, employee, applicant for employment, affiliate, subcontractor, on-site contractual staff, agency employee, third party or community member, visitors to campus and others participating in campus programs or receiving campus services to join with and uphold this commitment by conducting themselves in an appropriate manner. It is the responsibility of all departments and all personnel, supervisory and non-supervisory to promptly report all potential violations of this policy to the Office of Equal Opportunity and Compliance (OEOC).

The University's staff



University's educational programs or services or an individual's employment. The unwelcome behavior may be based on power differentials, the creation of a hostile environment or retaliation.

1. For the purpose of this Policy, sexual harassment includes following, harassing, threatening, or intimidating another by telephone, mail, electronic communication, social media, or any other action, device or method that purposely or knowingly causes substantial emotional distress or reasonable fear of bodily injury or death. Sexual harassment includes, but is not limited to sexual assault, relationship violence and stalking. Sexual harassment also includes quid pro quo sexual harassment which exists when there are unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature and submission to or rejection of such conduct results in adverse educational or employment action.
2. Sexual harassment is distinguished from voluntary sexual relationships in that it introduces such

constitute sexual h ua

or frivolous[1] report under this policy may be subject to disciplinary action up to and including termination.

VIII. A Ubu Yfg G dYfj JgcfgUbXAXa JbJghUrcfgFYgdcbgjV JhYg

Managers, supervisors and administrators are responsible for fostering and maintaining a work environment free of discrimination (including discriminatory harassment). A manager, supervisor or administrator who tolerates offensive conduct or comments based on the protected factors in the workplace, even in the absence of the individual who would be offended by the conduct, may serve to further encourage subordinates to engage in more of the same, and possibly worse, conduct and may be responsible for fostering a hostile and/or offensive work environment.

Managers, supervisors and administrators who witness or are informed of an employee engaging in discrimination (including discriminatory harassment) should make reasonable efforts to stop the behavior and are obligated to report the incident to the Office of Equal Opportunity and Compliance as soon as possible.

IX. 7ca d`UJbhFYgc`i hJcb

*This section describes the general process used in reviewing and resolving complaints. Note that specific steps, such as the timing of interviews, may vary somewhat based on the facts and circumstances of the matter.*

A. FYdcfhJb[ DfcWgg Allegations cazlcaczm rtolasecrnv

- D. **U 7ci bgy**. It is the complainant's and respondent's decision whether to seek the advice of an attorney, at their own expense, if they feel they need legal advice. Although anyone may seek legal advice, OEOC communicates and interacts with the parties and any witnesses, not with their attorneys.
- E. **ahYf]a A YUj fYg** As appropriate, OEOC will put in place measures for the purpose of protecting the safety and well-being of the complainant, the respondent, and/or the community; deterring retaliation; and preserving the integrity of the investigation and resolution process.
- F. **DUfhVdUhb[ ]b H Y dfcWgg** Complainants are not required to participate in the investigation process; however, not participating may limit the University's ability to respond fully to the incident, including pursuing appropriate disciplinary action. Additionally, if University officials know about possible conduct that would constitute a complaint, the University will investigate, to the fullest extent possible, to determine what occurred and take appropriate actions to resolve the matter.
- G. **hVr 7Mh]e] H Y fYgcbXYbh** After OEOC understands the nature and scope of the complaint, the complainant, the respondent, and the parties to the investigation will be asked about the alleged incident. The parties to the investigation will be asked about the incident and the alleged incident.

XII. FYdcfhlb[ G g dVWtX < UH 7f]a Yg

If an individual believes that they have been a victim of a hate crime[3], they should immediately report the crime to either campus, city, or state police. The Office of Equal Opportunity and Compliance may also investigate the action under this policy as an act of discrimination (including discriminatory harassment) based on a protected class. n]o cr

If a crime occurs on the University of Fy ofF r s



F 9@AH98 : AY9HH9J -@9DC @7 -9G

- Policy 418.1

Sexual Assault and Sexual Harassment (/fayetteville-policies-procedures/oec/4181.php)

F 9@AH98 DC @7Y 8C 7I A 9BH

- 214.1 Appendix (/fayetteville-policies-procedures/oec/2141\_Appendix.pdf)

Complaints of Sexual Harassment or Sexual Assault (/fayetteville-policies-procedures/oec/2141R4181.php)