**Resolution Options**

The University provides two options for reporting and resolving matters involving discrimination: an informal resolution process and a formal complaint process. An individual who believes that he or she has been subjected discrimination and seeks to take action may use the informal resolution process, the formal complaint process, or both. First use of the informal resolution process will, in most cases, be consistent with fairness and correcting an undesired circumstance with a minimum of emotional and professional damage. The informal resolution process and formal complaint resolution process are not mutually exclusive and neither is required as a pre-condition for choosing the other; however, they cannot both be used at the same time.

**Informal Resolution**

An individual who believes that he or she has been subjected to discrimination should contact the Affirmative Action Officer who will review the facts presented. The individual, if they are a faculty member, may additionally contact the Faculty Welfare Committee representative*.* No person shall be subject to restraints, interference or reprisal for action taken in good faith to report or to seek advice in matters of discrimination.

Informal resolution may be appropriate when the conduct complained of is not of a serious or repetitive nature and disciplinary action is not required to remedy the situation. As there is no formal investigation involved in the informal resolution process, there is no imposition of discipline. University methods for resolving complaint informally include, but are not limited to:

* Mediating between the victim and the individual who is engaging in the offensive conduct;
* Aiding in the modification of the situation in which the offensive conduct occurred;
* Assisting a department or division with the resolution of a real or perceived problem; or
* Arranging for a documented meeting between the person(s) allegedly engaged in the offensive conduct and a University official that involves, at a minimum, a discussion of the requirements of the Non-Discrimination policy.

The University will document any informal resolution. The documentation will be retained by the Affirmative Action Officer and, if a faculty member is involved, and so requests, the Faculty Welfare Committee representative. The documentationwill be kept confidential to the extent permitted by law. If a complaint is filed in a faculty or staff’s permanent record, the faculty or staff member must be notified. An informal resolution meeting is not a precondition for filing a formal written complaint.

**Formal Complaint**

An individual who believes that he or she has been subjected to discrimination may submit a written formal complaint setting forth all pertinent facts to the Affirmative Action Officer who will review and investigate the facts presented. The individual, if they are a faculty member, may also request that a copy of the complaint be sent to the Faculty Welfare Committee representative. No person shall be subject to restraints, interference or reprisal for action taken in good faith to report or to seek advice in matters of discrimination.

**Investigation**

A formal investigation will be initiated if the complaint articulates sufficient specific facts which, if determined to be true, would support a finding that the University’s policy was violated. The Affirmative Action Officer will give the alleged offender a copy of the complaint. The alleged offender is also provided with an opportunity to respond to it within five (5) working days (ten working days if school is not in session*)* of receipt by the alleged offender. The letter will include a statement advising the alleged offender that retaliation against the individual who filed the complaint is prohibited and will subject the alleged offender to appropriate disciplinary action if retaliation occurs.

Both the individual submitting the complaint and the alleged offender will be individually interviewed as a part of the official investigation as will any witnesses or persons who have information related to the complaint. Documents relevant to the complaint will also be examined. Facts will be considered on the basis of what is reasonable to persons of ordinary sensitivity and not on the particular sensitivity or reaction of an individual. In the course of a complaint investigation, the University will attempt to maintain confidentiality for all parties involved. However, there can be no guarantee of confidentiality and anonymity based upon the course and scope of the complaint investigation.

Findings will be based on the totality of the circumstances surrounding the conduct complained of, including, but not limited to:

* the context of the conduct;
* the severity;
* the frequency; or
* whether the conduct was physically threatening, humiliating, or was simply offensive in nature.

**Representation**

During the complaint process, the individual making the complaint and the alleged offender may designate and thereafter be accompanied by an advisor of his or her choosing at meetings and interviews at which he or she is present; however, no representative may examine witnesses or otherwise actively participate in a meeting or interview.

1. **Report of Findings and Recommendation – Complaints Against Non-Students**

The Affirmative Action Officer will provide a proposed statement of findings, copies of relevant documents, and any physical evidence considered to the appropriate vice president within ten (10) working days (twenty working days if school is not in session)of receipt of the statement from the person whose conduct was complained about.

The appropriate vice president will promptly notify the individual bringing the complaint and the alleged offender that the investigation has been completed and attach a copy of the proposed statement of findings. A student’s identifiable information, if any, which is confidential by law, will be redacted. Within five (5) working days (ten working days if school is not in session) from the date of notification, the individual bringing the complaint and the alleged offender may each submit, for consideration by the appropriate vice president, such comments and corrections as they may have. Within ten (10)working days (twenty working days if school is not in session*)* from the date of notification, the Vice President shall take one of the following actions:

* Dismiss the complaint if the result of the completed investigation is inconclusive or there is insufficient reasonable, credible evidence to support the allegation(s); or
* Find that the Non-Discrimination policy was violated.

If the Vice President determines that this policy was violated, he or she shall determine a disciplinary action that is appropriate for the severity of the conduct. The Vice President shall inform the individual bringing the complaint, accused individual and the appropriate dean or department head of his or her decision, and shall attach a copy of the final statement of final statement of findings. Copies of the Vice President’s letter, the attached statement of findings, and relevant documents shall also be sent to the Affirmative Action Officer*.*

Disciplinary action may be appealed by the employee who is disciplined. Appeals for faculty shall be made, pursuant to the Faculty Handbook, to the Faculty Welfare Committee. Appeals for non-faculty shall be made, pursuant to Classified Employee Handbook, in the form of a formal grievance hearing.

1. **Report of Findings and Recommendation – Complaints Against Students**

The Affirmative Action Officer will provide a proposed statement of findings, copies of relevant documents, and any physical evidence considered to the Vice President for Student Services for a determination pursuant to Article IV of the Arkansas Tech University Student Code of Conduct.

**Filing of a False Complaint**

Individuals whose complaint is found to be both false and have been made with malicious intent will be subject to disciplinary action, which may include, but is not limited to, demotion, transfer, suspension, expulsion or termination of employment.