IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION

VASILII KHAMMAD **PLAINTIFF**

v. **NO. 4:26-CV-943-BSM**

THE BOARD OF TRUSTEES OF
THE UNIVERSITY OF ARKANSAS **DEFENDANT**

ANSWER

Comes now Defendant, the Board of Trustees of the University of Arkansas (Board), by and through the undersigned counsel, and for its Answer to the Complaint, states as follows:

1. Paragraphs 1 and 2 of the Complaint are jurisdictional in nature and do not require a response from the Board. To the extent that Plaintiff alleges that a claim is properly stated against the Board or that the Board took any unlawful action against Plaintiff, the allegations are denied.
2. With regard to paragraph 3 of the Complaint, the Board admits that Plaintiff is a physician of Russian national origin and a former resident physician at the University of Arkansas for Medical Sciences (UAMS). The Board is without information to admit or deny the remaining allegation in paragraph 3 and therefore denies the same.
3. The Board admits the allegations in paragraph 4 of the Complaint.
4. With regard to paragraph 5 of the Complaint, the Board admits that Plaintiff filed an EEOC charge on or about July 16, 2025 alleging discrimination and retaliation which was within 180 days of his dismissal from the UAMS Pediatric Residency Program and attached as Exhibit B

to the Complaint. The Board denies the remaining allegations contained in paragraph 5. To the extent that paragraph 5 alleges that the contents of the Charge of Discrimination are true or that the Board violated federal law in dismissing Plaintiff, the allegations are denied. The Board further denies that Plaintiff was subjected to discrimination on any basis or retaliation during his residency at UAMS.

5. With regard to paragraph 6 of the Complaint, the Board admits that the EEOC issued a Determination and Notice of Rights on July 15, 2026, and a copy of the notice is attached to the Complaint as Exhibit A. To the extent that paragraph 6 alleges the Dismissal and Notice of Rights letter indicates that the Board discriminated or retaliated against Plaintiff or that Plaintiff has a viable claim under federal law, the allegations are denied.
6. With regard to paragraph 7 of the Complaint, the Board admits that Plaintiff met the administrative exhaustion requirement of Title VII to raise a discrimination claim based on national origin. To the extent that Plaintiff alleges that the filing of the Complaint indicates that the Board discriminated against Plaintiff, that the Board took any unlawful action against Plaintiff, or that Plaintiff has a viable claim under federal law, the allegations are denied.
7. With regard to paragraph 8 of the Complaint, the Board admits that Plaintiff began orientation in the Pediatric Residency Program in June 2024 and began clinical time on July 1, 2024. The Board also admits that Plaintiff was the only Pediatric resident physician of Russian origin. The

Board affirmatively asserts that Plaintiff's expectation to continue to June 30, 2025 was contingent upon successful progress in the program and compliance with all policies and procedures.

8. The Board admits the allegations contained in paragraph 9 of the Complaint. The Board affirmatively asserts that regardless of Plaintiff's national origin or immigration status, his expectation to continue in the residency program was contingent upon successful progress in the program which required compliance with all policies and procedures.
9. With regard to paragraph 10 of the Complaint, the Board admits that Plaintiff states he is not alleging that his J-1 immigration status is itself a protected national origin. The Board denies that his J-1 immigration status led to different terms and circumstances being imposed on him during his Pediatric residency.
10. With regard to paragraph 11 of the Complaint, the Board admits that Plaintiff received both positive and negative evaluations during his almost 10 months of clinical rotations during the Pediatric residency. The Board denies the remaining allegations contained in paragraph 11. The Board affirmatively asserts that positive evaluations do not excuse the egregious unprofessional behavior and acts of gross misconduct that led to Plaintiff's dismissal from the Pediatric residency.
11. The Board admits the allegations contained in paragraph 12 of the Complaint. The Board affirmatively asserts that the Assistant Program Director addressed the "language barrier" comment with the faculty

group, explained that it was inappropriate, and sought further information. Faculty then reported that Plaintiff failed to follow through on patient-care decisions and planning and frequently overlooked multiple matters. These concerns were communicated to Plaintiff.

12. The Board denies the allegations contained in paragraphs 13-14 of the Complaint.

13. With regard to paragraph 15 of the Complaint, the Board admits that Plaintiff met with program leadership on April 14, 2025 where he was notified of allegations against him for unprofessional behavior and violations of UAMS and GMEC policies. He was also advised that he would be placed on administrative leave without pay. The Board denies the remaining allegations contained in paragraph 15.

14. The Board admits the allegations contained in paragraph 16 of the Complaint.

15. With regard to paragraph 17 of the Complaint, the Board admits that Plaintiff's badge was taken following his placement on administrative leave without pay during the April 14, 2025 meeting, and his institutional access was restricted as part of the administrative leave process while he was meeting with program leadership. The Board denies that Plaintiff was to continue his assigned clinical training after the meeting. The Board affirmatively asserts that program leadership advised Plaintiff during the meeting that he was being placed on administrative leave without pay, and that he would not be continuing his clinical duties at that time.

16. The Board denies the allegations contained in paragraph 18 of the Complaint.

17. With regard to paragraph 19 of the Complaint, the Board admits that Program Director Dr. Kas-Osoka issued Plaintiff a dismissal letter on April 15, 2025. The Board further admits that the letter lists multiple policy violations constituting "egregious acts of unprofessionalism and gross misconduct." See Exhibit A, Dismissal letter dated April 15, 2025. The Board denies the remaining allegations contained in paragraph 19.

18. The Board admits the allegations contained in paragraph 20 of the Complaint.

19. With regard to the allegations contained in paragraph 21 of the Complaint, the Board admits that Plaintiff was placed on administrative leave without pay during the April 14, 2025 meeting prior to his formally invoking the grievance process. The Board also admits that because of an administrative failure internally at UAMS, Plaintiff was paid through the end of April 2025. When the administrative error was discovered, Plaintiff's pay ended for the remainder of the grievance process because he had already been placed on administrative leave without pay prior to submitting his grievance. The Board affirmatively asserts that Plaintiff was not entitled to continue his clinical duties and receive pay during the administrative leave period.

20. The Board denies the allegations contained in paragraph 22 of the Complaint.

21. The Board admits the allegations contained in paragraph 23 of the Complaint.

22. With regard to paragraph 24 of the Complaint, the Board admits that Dr. Kas-Osoka's April 15, 2025 letter notified Plaintiff that his dismissal was effective April 16, 2025. The Board is without knowledge to admit or deny communications between Plaintiff and the ECFMG and therefore denies the same. The Board affirmatively asserts that it placed Plaintiff on administrative leave without pay for the purpose of allowing him to fully pursue his grievance rights prior to UAMS being required to notify ECFMG of Plaintiff's dismissal.

23. The Board admits the allegations contained in paragraph 25 of the Complaint.

24. With regard to paragraph 26 of the Complaint, the Board admits that Plaintiff was dismissed from the Pediatric Residency Program effective April 16, 2026 and placed on administrative leave without pay to preserve his immigration status while he grieved the dismissal. The Board further admits that once the grievance process concluded on June 6, 2026 and Plaintiff's dismissal was upheld, the administrative process to terminate his employment in Workday, the system that all campuses within the University of Arkansas System uses for its human capital management system, was fully completed on June 11, 2025. The Board denies the remaining allegations contained in paragraph 26.

25. The Board admits sentence 1 of paragraph 27 of the Complaint and denies the remaining allegations.
26. The Board denies the allegations contained in paragraphs 28-38.
27. The Board denies the allegations and requests for relief set forth in Plaintiff's REQUEST FOR RELIEF paragraph and subparagraphs beginning on page 9 of the Complaint.
28. The Board admits that Plaintiff requests a jury trial. The Board also requests a jury trial.
29. The Board denies each and every material allegation in the Complaint that is not specifically admitted herein.
30. The Board affirmatively pleads that Plaintiff was dismissed after an investigation by Plaintiff's Program Director revealed that Plaintiff committed multiple violations of UAMS policies and core values.
31. The Board affirmatively pleads that because it placed Plaintiff on administrative leave without pay following the Program Director's dismissal decision, Plaintiff was able to fully grieve his dismissal under UAMS Graduate Medical Education Committee policies without fear of change in his immigration status.
32. The Board affirmatively pleads the Complaint fails to state a claim upon which relief may be granted.
33. The Board affirmatively pleads Plaintiff cannot establish the required elements of a discrimination claim under federal law.

34. The Board affirmatively pleads the Board never took an action against Plaintiff for any unlawful reason.

35. The Board affirmatively pleads it acted in good faith and in an objectively reasonable manner at all times in interactions with Plaintiff.

36. The Board expressly reserves the right to amend these affirmative defenses based upon discovery in this matter.

37. The Board denies that Plaintiff is entitled to any relief as set forth in the Complaint.

WHEREFORE, the Board, having fully responded to Plaintiff's Complaint, respectfully requests that the Court dismiss the Complaint and for all other just and proper relief to which it is entitled.

Respectfully submitted,

THE BOARD OF TRUSTEES OF
THE UNIVERSITY OF ARKANSAS

BY: SHERRI L. ROBINSON
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Attorney for Defendant
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CERTIFICATE OF SERVICE

I, Sherri L. Robinson, hereby certify that on October 12, 2026, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system and sent a copy U.S. Mail, postage prepaid to:

Dr. Vasilii Khammad, Pro Se
1159 Euclid Dr.
Charleston, SC 29492

SHERRI L. ROBINSON
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Attorney for Defendant
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EXHIBIT A

Office of Education
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1 Children's Way, #512-19A
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MAIN: 501-364-1874
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UAMShealth.com/pediatrics

UAMS
University of Arkansas for Medical Sciences

Proudly practicing at
Arkansas Children's Hospital

April 15, 2025

Vasilii Khammad (Employee ID# 4056298)
Resident Physician
vas.khammad@gmail.com

Dear Dr. Khammad:

The purpose of this letter is to inform you that you are being dismissed from the Pediatric Residency Program effective April 16, 2025. This decision is based on your multiple instances of unprofessional behavior, which violated several policies and values of UAMS. These policies include the UAMS GMEC Policy 1.210, Residents/Fellows Transferring Between Residency/Fellowship Programs; the UAMS Basic Code of Conduct Policy 4.4.01, Job Duties and Functions and Maintaining Records; the UAMS College of Medicine Professionalism Guidelines of Respect, Honesty and Integrity; UAMS Core Values of Integrity and Excellence, and the terms of your resident contract in which you agreed to abide by the UAMS College of Medicine policies and procedures.

This unprofessional behavior includes your failure to obtain written acknowledgement of your Program Director prior to a discussion with another program as required by GMEC policy as well as the misleading letters and information that you provided to programs to which you inquired or applied. In that process, you made requests for letters of recommendation or support from UAMS faculty members, as well as me, under false pretenses and provided those letters to other residency programs as if they were written to support your application to that program. Additionally, you altered at least one faculty member's letter without permission and submitted the altered version.

These are egregious acts of unprofessionalism and gross misconduct warranting dismissal under GMEC Policy 1.440 governing disciplinary actions. You may grieve this decision within 10 working days pursuant to GMEC Policy 1.410. Because you are being dismissed for cause, you are not eligible for rehire at any University of Arkansas System Campus, per Board Policy 405.6, "Termination of Employment."

You have the option to purchase Medical and Dental insurance through UAMS under the federal COBRA legislation. You should receive contact information from the agency that handles our COBRA compliance within several weeks. Should you have any questions regarding your benefits, you may contact the Division of People and Culture, Solution Center at (501) 686-5650.

Sincerely,

Oriaku Kas-Osoka, MD, MEd, FAAP
Associate Professor of Pediatrics
Adolescent Medicine Physician
Pediatric Residency Program Director