

## 3.6 Sexual Assault and Sexual Harassment

### 1. **Policy Statement**

It is the policy of the University of Arkansas to prohibit sexual harassment or acts of sexual assault, domestic violence, dating violence and stalking committed against students, employees, visitors to the campus, and other persons who use University facilities. Sexual assault is an extreme form of sexual harassment. Sexual harassment is prohibited by University policy and is a form of sex discrimination prohibited by Title VII of the Civil Rights Act of 1964 and by Title IX of the Education Amendments of 1972. Sexual assault is also a crime, defined by the Arkansas criminal code.

Title IX protects the University community from gender discrimination, harassment and misconduct in a school's education programs and activities. Title IX protects the University community in connection with all academic, educational, extracurricular, athletic and other University programs, whether those programs take place on University property, in University transportation, at a class or training program sponsored by the University at another location or elsewhere.

This Policy shall not be construed or applied to restrict academic freedom at the University, nor shall it be construed to restrict constitutionally protected expression.

### 2. **Reporting Process**

The university has designated a Title IX Coordinator with overall responsibility for oversight of the university's compliance with its obligations under Title IX, including, but not limited to, its obligations to investigate and respond to allegations of sexual assault.

All complaints or any concerns about conduct that may violate this Policy should be submitted to the Title IX Coordinator:

#### **Title IX Coordinator**

Tyler R. Farrar, J.D.

427C Administration Building

University of Arkansas

Fayetteville, AR 72701

Office: 479-575-7111

Cell: 479-409-9972

Email: [tylerf@uark.edu](mailto:tylerf@uark.edu)

Alternate email for Title IX: [titleix@uark.edu](mailto:titleix@uark.edu)

For allegations of sexual assault by faculty, staff or other persons (other than students), the Title IX Coordinator makes a referral to the University Compliance Officer, who coordinates with the University of Arkansas Police Department (UAPD)

and the University Health Center to ensure that allegations of sexual assault reported to University officials are investigated and that confirmed allegations are addressed through University personnel processes, as appropriate.

The Compliance Officer can be reached at the Office of Equal Opportunity and Compliance, 346 N. West Avenue (West Avenue Annex), 479-575-4019, [titlevii@uark.edu](mailto:titlevii@uark.edu).

For allegations of sexual misconduct by students, the Deputy Title IX Coordinators, in consultation with the Title IX Coordinator, coordinate with UAPD and the University Health Center to ensure that allegations of sexual misconduct reported to University officials are processed through the University student conduct system, as appropriate. The Deputy Title IX Coordinators report to the University Title IX Coordinator on all allegations of sexual misconduct processed through the student conduct system.

Contact information is as follows:

**Deputy Title IX Coordinators**

Dr. Karen Hodges  
Executive Director  
Office of Academic Integrity & Initiatives  
ARKU 634  
University of Arkansas  
Fayetteville, AR 72701  
Office: (479) 575-2989  
Email: [klhodges@uark.edu](mailto:klhodges@uark.edu)

Dr. Charles Small  
Director of Student-Athlete Development  
Office of Student-Athlete Success  
University of Arkansas Department of Athletics  
Bogle Academic Center  
Fayetteville, AR 72701  
Office: (479) 575-4782  
Email: [clsmall@uark.edu](mailto:clsmall@uark.edu)

Kalesha McGraw  
Asst. Director of Admissions  
School of Law  
Waterman Hall 193  
University of Arkansas  
Fayetteville, AR 72701  
Office: (479) 575-7645  
Email: [kmcgraw@uark.edu](mailto:kmcgraw@uark.edu)

Dr. Shane Barker

Director of Advising  
Fulbright College Advising Center  
J. William Fulbright College of Arts and Sciences  
MAIN 518  
University of Arkansas  
Fayetteville, AR 72701  
Office: (479) 575-3307  
Email: [spb028@uark.edu](mailto:spb028@uark.edu)

### 3. **Filing Report with Local Law Enforcement**

In some instances, sexual misconduct may constitute both a violation of University Policy and criminal activity. The University grievance process is not a substitute for instituting legal action. **The University encourages individuals to report alleged sexual misconduct promptly to campus officials AND to law enforcement authorities, where appropriate.** Reports may be made directly with local law enforcement agencies by dialing **911**. Individuals may also contact any of the following for assistance in filing a report with local law enforcement:

University of Arkansas Police Department  
155 S. Razorback Road  
Fayetteville, AR 72701  
479-575-2222 (non-emergency)

Fayetteville Police Department  
100 W. Rock Street  
Fayetteville, AR 72701  
479-587-3555 (non-emergency)

Washington County Sheriff's Department  
1155 W. Clydesdale Drive  
Fayetteville, AR 72701  
479-444-5700 (non-emergency)

**\*\*Call 911 in case of emergency.**

### 4. **Definition of Terms**

1. **Consent:** Consent is a clear, knowing and voluntary decision to engage in sexual activity. Because consent is voluntary, it is given without coercion, force, threats, or intimidation. It is given with positive cooperation in the act or expression of intent to engage in the act pursuant to an exercise of free will.

Consent is active, not passive. Silence, in and of itself, cannot be interpreted as consent. Consent can be given by words or actions, as long as those words or actions consist of an affirmative, unambiguous, conscious decision by each participant to engage in mutually agreed-upon sexual activity.

Consent is revocable, meaning consent can be withdrawn at any time. Thus, consent must be ongoing throughout a sexual encounter. Once consent has been revoked, sexual activity must stop immediately.

Consent can be limited, meaning consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity. Use of alcohol or other drugs will never function as a defense to a violation of this Policy. Further, previous relationships or prior consent cannot imply consent to future sexual acts.

Consent cannot be given when a person is incapacitated, such as when a person is physically or mentally unable to make informed, rational judgments, or lacks the ability to understand the “who, what, when, where and how” related to the sexual activity. States of incapacitation include, but are not limited to, unconsciousness and sleep. Where alcohol or drugs are involved, incapacitation is determined by how the alcohol or other drugs have impacted a person’s decision-making capacity, awareness of consequences, and/or ability to make fully informed judgments.

1. In sum:

1. Silence does not equal consent.
2. Lack of verbal resistance does not constitute consent.
3. Lack of physical resistance does not constitute consent.
4. There is no consent when there is force, coercion, intimidation, threats or duress.
5. Consent may be withdrawn at any time, and sexual activity must cease when consent is withdrawn unless or until additional consent is given.
6. Consent to one form of sexual activity does not indicate consent to another form of sexual activity.
7. A prior sexual relationship does not indicate current or future consent.
8. Minors cannot give consent.
9. Physically or mentally incapacitated persons cannot give consent.
10. Consent may be determined by whether the accused knew, or a reasonable person should have known, that the alleged victim was incapacitated.

2. ***Dating Violence***: violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the alleged victim and the existence of such relationship shall be based on the reporting party’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

3. **Domestic Violence:** Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury, or assault between family or household members; or any sexual conduct between family or household members, whether minors or adults, that constitutes a crime under the laws of this state. Family or household members means spouses, former spouses, parents and children, persons related by blood within the fourth degree of consanguinity, any children residing in the household, persons who presently or in the past have resided or cohabited together, persons who have or have had a child in common, and persons who are presently or in the past have been in a dating relationship together. (See also, Arkansas Code Annotated § 9-15-103—“Domestic Abuse”).
4. **Non-Consensual Sexual Contact:** Non-consensual sexual contact is any intentional sexual touching, however slight, with any object by a male or female upon a male or a female that is without consent and/or by force. Sexual Contact includes intentional contact with the breasts, buttock, groin, or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; any intentional bodily contact in a sexual manner, though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth or other orifice.
5. **Non-Consensual Sexual Intercourse:** Non-consensual sexual intercourse is any sexual intercourse however slight, by a male or female upon a male or a female that is without consent and/or by force. Intercourse includes vaginal penetration by a penis, object, tongue or finger; anal penetration by a penis, object, tongue, or finger; and oral copulation (mouth to genital contact or genital to mouth contact), no matter how slight the penetration or contact.
6. **Proceeding:** All activities related to a noncriminal resolution of an institutional disciplinary complaint, including, but not limited to, fact-finding investigations, formal or informal meetings, and hearings this does not include communications and meetings between officials and victims concerning accommodations or protective measures to be provided to a victim.
7. **Respondent:** The person(s) against whom a complaint has been made.
8. **Result:** Any initial, interim, and final decision by any official or entity authorized to resolve disciplinary matters within the institution. The results will include any sanctions imposed by the institution and a rationale for the result and the sanctions.
9. **Retaliation:** Action taken by an accused individual or by a third party against any person because that person has opposed any practices forbidden under this Policy or because that person has filed a complaint, testified, assisted or participated in any manner in an investigation or proceeding under this Policy. This includes action taken against a bystander who intervened to stop

or attempt to stop discrimination, harassment or sexual misconduct. Retaliation includes intimidating, threatening, coercing or in any way discriminating against an individual because of the individual's complaint or participation. Action is generally deemed retaliatory if it would deter a reasonable person in the same circumstances from opposing practices prohibited by this Policy.

10. **Sexual assault:** An actual or attempted sexual contact with another person without that person's consent. Sexual assault includes, but is not limited to involvement in any sexual contact when the victim is unable to consent; intentional and unwelcome touching of, or coercing, forcing, or attempting to coerce or force another to touch a person's intimate parts (defined as genital area, groin, inner thigh, buttocks, or breast); and sexual intercourse without consent. Acts defined as sexual assault include rape, date rape, acquaintance rape, and gang rape, but may also include sexual touching of another person against his or her will, and forcing an unwilling person to touch another person sexually. Sexual assault occurs when such acts are committed either by force, threat, or intimidation, or through the use of the victim's mental or physical helplessness, of which the assailant was aware or should have been aware.
  
11. **Sexual Exploitation:** Occurs when a person takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of other sexual misconduct offenses. Examples of behavior that could rise to the level of sexual exploitation include, but are not limited to:
  1. invading sexual privacy;
  2. prostituting another person;
  3. non-consensual video or audio-taping of sexual activity;
  4. going beyond the boundaries of consent (e.g., allowing others to watch consensual sex without that party's knowledge or consent);
  5. engaging in voyeurism;
  6. non-consensual distribution of photos, other images, or information of an individual's sexual activity, intimate body parts, or nakedness, with the intent to or having the intent or effect of disparaging, embarrassing, or ostracizing an individual who is the subject of such images or information;
  7. knowingly transmitting a Sexually Transmitted Infection (STI), such as HIV, to another without disclosing STI status;
  8. exposing one's genitals in non-consensual circumstances or inducing another to expose his or her genitals; or
  9. possessing, distributing, viewing or forcing others to view illegal pornography.
  10. sexually-based stalking and/or bullying may also be forms of sexual exploitation.

12. **Sexual Harassment:** Sexual Harassment is unwelcome, gender-based spoken, written or symbolic action or physical conduct that is sufficiently severe, persistent or pervasive that it has the effect of unreasonably interfering with, limiting or denying someone the ability to participate in or benefit from the University's educational programs. The unwelcome behavior may be based on power differentials, the creation of a hostile environment or retaliation.

For the purpose of this Policy, sexual harassment includes repeatedly 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 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.

Not all workplace or educational conduct that may be described as "harassment" affects the terms, conditions or privileges of employment or education. For example, a mere utterance of an isolated ethnic, gender-based or racial epithet which creates offensive feelings in an employee or student, while highly inappropriate, would not normally affect the terms and conditions of their employment or limits a student's ability to participate in or benefit from the University's educational programs or activities.

Sexual harassment as defined by the U.S. Equal Employment Opportunity Commission and adapted to the academic environment consists of unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or written communication of a sexual nature, regardless of where such conduct might occur, when:

1. submission to the conduct is made either implicitly or explicitly a term or condition of an individual's employment with the university or of an individual's academic status or advancement in a university program, course, or activity;
2. submission to or rejection of the conduct by an individual is used as the basis for employment or academic decisions affecting that individual; and/or
3. the conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive working or learning environment.

Sexual harassment is distinguished from voluntary sexual relationships in that it introduces such elements as coercion, threat, unwanted sexual attention, and/or promises of academic or professional rewards in exchange for sexual favors. Sexual harassment is *unwelcome* behavior. Behavior that the courts

have found to constitute sexual harassment is usually repeated or continues even after the individual makes it clear that it is unwanted.

4. *Forms of Sexual Harassment:*

Sexual harassment is often divided into two categories: (1) *quid pro quo* harassment and (2) harassment resulting from a *hostile or abusive environment*.

(i) *Quid pro quo* harassment involves an explicit or implied exchange; that is, the granting or denial of a benefit or privilege in exchange for sexual considerations. The harasser uses submission to or rejection of the offensive conduct as the basis for decisions such as employment, promotion, transfer, selection for training, performance evaluation, or the basis for academic evaluation or recommendations.

(ii) *Hostile or abusive environment* exists when the workplace or educational environment is permeated by discriminatory intimidation, insults, and ridicule, such as sexual innuendos, uninvited sexual advances, sexually suggestive or discriminatory remarks, sexually suggestive or offensive signs, graffiti, or pictures, the use of sexually crude and vulgar language, etc. The offensive conduct must be sufficiently severe and pervasive that a reasonable person would find the conditions of the working or learning environment to have been adversely affected. The individual must also subjectively perceive the environment to be hostile or abusive. An environment is hostile or abusive can be determined only by looking at all the circumstances, which may include the frequency of the discriminatory conduct; its severity; whether it is physically threatening or humiliating, or a mere offensive utterance; and whether it unreasonably interferes with an employee's work performance or a student's learning.

5. *Academic Freedom:*

Works of art and literature, readings, and other written, auditory, or visual course materials which are used in an educational context, including classrooms, academic offices, and all other learning environments, or which are part of academic or cultural programs, *do not* constitute sexual harassment, regardless of their sexual, erotic, suggestive, or vulgar content and regardless of whether they may be offensive to some individuals.

13. **Sexual Misconduct:** includes committing any sexual act or sexual contact without consent, sexual harassment, sexual assault, inducing incapacitation for sexual purposes, sexual exploitation, voyeurism, exhibitionism, and dating and domestic violence.



14. **Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others or suffer substantial emotional distress.

5. **Training**

All organizational units must make reasonable efforts to provide sexual harassment and sexual assault training for their employees each year, in addition to the online Haven Employee Training. All new employees should receive a copy of this Policy and sexual harassment and sexual assault training within the first six months of beginning employment. Each employee should receive refresher training at least every three years. Student training is provided campus-wide on an ongoing basis. Haven Student Training is mandatory for all new students (including transfer students)

6. **Consensual Relationships**

Consensual sexual relationships between faculty and their students or between supervisors and their employees in some instances may result in charges of sexual harassment.

Consensual relationships may lead other faculty and students or supervisors and coworkers to question the validity of grades, evaluations, and other interactions between the people involved in such a relationship. The integrity of the work of both people in the relationship may be compromised.

University faculty, administrators, and other supervisory staff should be aware that any sexual involvement with their students or employees could subject them to formal action if a sexual harassment complaint is subsequently made and substantiated, and that they bear the greater burden of responsibility should it be proven that the power differential between them made the relationship other than fully consensual. Even when both parties have consented to a relationship, it is the faculty member, administrator, or supervisor who may be held accountable for unprofessional behavior. Other students or employees may allege that the relationship creates a hostile or abusive environment affecting them. Graduate assistants, residence hall staff, tutors, and undergraduate course assistants who are professionally responsible for students will be held to the same standards of accountability as faculty in their relationships with students whom they instruct or evaluate.

When a consensual relationship exists between a student and a faculty member who has control over the student's academic work or status or between an employee and his or her supervisor, the resulting conflict of interest should be disclosed and addressed in accordance with university policies concerning conflict of interest.

7. **Responsibility to Report**

Any student, faculty member, staff member, administrator, or visitor to the campus who has experienced or witnessed sexual harassment, sexual assault, domestic violence, dating violence or stalking should report the incident immediately to the University of Arkansas Title IX Coordinator. Such incidents also may be reported to

the Deputy Title IX Coordinators, the University Compliance Officer, the UAPD, the Fayetteville Police Department (if it occurred within the city limits), to the police of another municipality if the assault occurred within another township or city that has a police force, or to the Washington County Sheriff's Department if it occurred outside city limits but within the county. Other reporting options include the University Health Center's STAR Central Office (Office for Support, Training, Advocacy, and Resources on Sexual Assault and Relationship Violence) or to NWA Rape Crisis Center.

Only employees who are statutorily prohibited from reporting such information (licensed health-care professionals and clergy) are exempt from these reporting requirements. Non-professional counselors and victim advocates (including staff in the STAR Central Office and the RESPECT office) need to report only general information (the nature, date, time and general location of an incident) to the Title IX Coordinator for holistic/campus-wide evaluation, but no personally identifying details about the victim should be reported unless the victim agrees.

Conduct that occurs off campus can be the subject of a complaint or report and will be evaluated to determine whether it violates this Policy. Allegations of off-campus sexual misconduct are of particular concern and should be brought to the University's attention.

The University of Arkansas has designated the following faculty and staff members as "Responsible Employees", as defined by Title IX, who are required to report complaints to the Title IX Coordinator or other appropriate University officials:

1. Any employee who has the authority to take action to redress sexual violence;
2. Any employee who has been given the duty of reporting incidents of sexual violence or any other misconduct by students to the Title IX coordinator or other appropriate school designee; or
3. Any employee whom a student could reasonably believe has this authority or duty.

The Responsible Employee designation applies to most university employees, including, but not limited to, those with supervisory responsibilities, professors and other faculty, deans and department heads, athletic coaches and administrators, Student Affairs personnel, University Police Department personnel, resident assistants and CREs, and any other employee who meets any of the three elements above.

Employees who hold a position not listed here should assume that he or she is a Responsible Employee and have a mandatory duty to report sexual misconduct, absent explicit instruction to the contrary from his or her supervisor. Any employee who is unsure whether he or she is a Responsible Employee should contact the Title IX Coordinator.

Any responsible employee who fails to promptly report a matter to the Title IX Coordinator, or other appropriate university official, may be subject to

discipline or personal liability for failing to do so.

8. **Preserving Evidence**

It is important that evidence of sexual assault be preserved, because it may be needed for prosecuting the criminal case. Victims and others should not alter the scene of the attack. The victim should not change clothes, bathe or shower, douche, drink or eat anything, or brush her/his teeth before reporting the assault. Any items worn by the victim during the assault, but are not currently being worn, and any materials encountered during the assault (i.e., bed sheets, blankets, etc.) should be placed in a brown paper bag and brought along with the victim to a local hospital emergency department that has kits to collect and preserve evidence of rape and sexual assault.

9. **Availability of Counseling and Advocacy**

Counseling and other mental health services for victims of sexual assault are available on campus and in the community. Students may use the Counseling and Psychological Services (CAPS) department of the University Health Center. The Psychological Clinic of the Department of Psychology may be able to provide assistance in some cases. Employees of the University may be able to seek assistance from any medical facility or the Employee Assistance Program. Community mental health agencies, such as the Ozark Guidance Center, and counselors and psychotherapists in private practice in the area can provide individual and group therapy for both students and employees.

STAR Central of the University Health Center and NWA Rape Crisis may assist with making referrals for individual counseling and support groups. STAR Central will assist victims with identifying non-counseling campus and community resources that may be of additional help and serve as a victim advocate upon request.

10. **X) Education and Awareness Programs**

The University does not tolerate sexual harassment, sexual assault, domestic violence, dating violence, stalking, or other forms of sexual misconduct. The University attempts to foster a safe living, learning, and working environment for all members of the campus community. To accomplish this goal, the University provides educational programming that addresses all aspects of sexual misconduct (safety precautions and prevention, crisis management, reporting, medical and counseling services, the University discipline systems, academic schedules, living arrangement, etc.); the University, including through its Title IX Sexual Assault Response Team, routinely evaluates its responses to sexual misconduct.

The University has developed educational programs concerning sexual harassment, sexual assault, domestic violence, dating violence, and stalking. Involved students, faculty, staff, and community members provide information and promote discussion on interpersonal abuse and violence issues.

The STAR Central Coordinator in the Department of Health Promotion and Education

of the University Health Center is responsible for planning and coordinating campus education and awareness programs about all forms of sexual misconduct. Programs are presented regularly throughout the academic year in residence halls, fraternities, sororities, and for other student organizations, academic classes, and in other settings that are likely to reach people throughout the campus community. Campus-wide education and awareness activities are also conducted during Sexual Assault Prevention and Awareness Week.

A peer education group, Rape Education Services by Peers Encouraging Conscious Thought (RESPECT), of the University Health Center provides sexual assault awareness, education, and prevention programs for the campus community. The STAR Central Coordinator supervises and advises the peer educators of RESPECT.

#### 11. **Bystander Intervention**

The University of Arkansas encourages students to be aware of their surroundings, including situations that may potentially lead to sexual violence; the University also strongly encourages students to intervene if they recognize that sexual assault may be about to occur. Possible interventions can be divided into four types:

1. Engage: Say or do something that directly engages one or more of the parties involved
2. Distract: Say or do something to interrupt the interaction
3. Enlist: Ask for the help of someone else who may be better able to intervene
4. Delay: Say or do something after the difficult moment or incident has passed

In all cases, bystanders should choose a course of action that best ensures the safety of those involved, including the student taking action.

#### 12. **Informal Resolution Process**

In recognition that a wide spectrum of behaviors can constitute violations of University policies, the Title IX Office may resolve reports informally and appropriately, based on the circumstances. Informal resolutions generally are pursued when the complainant, having been fully informed of all available options, has explicitly made that choice. An informal resolution process is voluntary, and a complainant can ask to end the informal resolution process at any time before its completion. If an informal resolution process is ended by request, any information obtained may be used in a subsequent formal resolution process and hearing. Once a Complaint has been resolved through an informal resolution process, the matter will be closed.

For some limited types of alleged violations of this policy an informal resolution may include mediation. Mediation is not an appropriate option for cases involving a complaint of sexual assault and/or relationship and interpersonal violence, nor for circumstances involving severe misconduct behavior.

In all cases, the Title IX Coordinator will have discretion to determine whether or not

informal resolution or mediation is appropriate to the circumstances.

### 13. **Formal Resolution Process**

Students and employees who are found responsible for sexual harassment or sexual assault may be subject to University disciplinary action. According to the circumstances of the case, possible sanctions for students may range from University Censure to Expulsion from the University and, for employees, from formal reprimand up to termination of employment.

When appropriate, the University of Arkansas Police Department or any member of the University community may refer allegations of sexual harassment, sexual assault, domestic violence, dating violence, and sexual misconduct (as defined in Section 4 above) by students to the Title IX Coordinators or Deputy Title IX Coordinator(s). The student process is intended to educate students, to help them make responsible decisions, and to be accountable for their actions. Complaints concerning allegations of sexual assault and/or sexual harassment against faculty and staff members will be referred to the University Compliance Officer.

#### 1. ***13(a). Investigation and Adjudication Process for Student-on-Student Complaints.***

##### 1. **Complaint Intake Process**

Upon receiving a report of a possible Title IX violation, the University's Title IX Coordinator (and/or his or her designee) will first conduct an intake meeting with the complainant and/or the alleged victim (if different from the complainant). During the complainant/alleged victim intake, the Title IX Coordinator (and/or his or her designee) will gather information and discuss, among other things, confidentiality standards and possible interim measures that could be provided during the pendency of the complaint proceeding, such as, changes in academic or living arrangements and/or No Contact orders. During the intake meeting, the Title IX Coordinator (and/or his or her designee) will also make referrals, as appropriate, to law enforcement, advocacy, counseling, medical, academic and/or other available resources.

If during the complainant/alleged victim intake, the complainant (or alleged victim, if different from the complainant) requests that no further action be taken and/or that no complaint be pursued, the Title IX Coordinator (and/or his or her designee) will inform the complainant (or alleged victim, if different from the complainant) that retaliation is prohibited and that honoring the complainant's (or alleged victim's) request may limit the ability to fully respond to the incident. In the event the complainant (or alleged victim, if different from the complainant) stands firm on his or her request that no further action be taken, the Title IX Coordinator will evaluate whether the request can be honored while still providing a safe and non-discriminatory environment for all.

2. If during the complainant/alleged victim intake, the complainant (or alleged victim, if different from the complainant) states a desire to file a complaint, or if the Title IX Coordinator determines (based on the information gathered) that additional steps should be taken in the interest of providing a safe and non-discriminatory environment for all, the Title IX Coordinator (and/or the his or her designee) will next conduct an intake meeting with the respondent.
3. Both the alleged victim and the Respondent may be accompanied by one advisor/support person to assist them throughout the Title IX process. It is the student's responsibility to request and obtain the services of an advisor/support person. University officials are neither required nor obligated to act as an advisor/support person. The advisor/support person may not speak on behalf of the student throughout the disciplinary proceeding.

## 2. Preliminary Investigation

1. After gathering information through the complaint intake process, the Title IX Coordinator or his/her designee will make an initial assessment regarding whether a potential Title IX violation has occurred.

## 3. Comprehensive Investigation

1. At the conclusion of the preliminary investigation, if the Title IX Coordinator or his/her designee determines that a potential Title IX violation has occurred, at his/her discretion, the Title IX Coordinator will refer the matter to the Office of Student Standards and Conduct's (OSSC) Title IX investigator ("Investigator") or another appropriate designee for a comprehensive investigation or will conduct the comprehensive investigation him/herself.
2. The Title IX Coordinator or designee will provide status updates to the Complainant and Respondent during the investigation, as appropriate. At the conclusion of the investigation, the Investigator will compile a summary of the investigation ("Investigative Report") and provide it to the Title IX Coordinator. If the Title IX Coordinator conducts the investigation, he/she will compile the Investigative Report at the conclusion of his/her investigation.

## 4. Formal Resolution Process

1. If the Title IX Coordinator determines, based on a preponderance of the evidence standard, that the conduct at issue constitutes a violation of Title IX, the Title IX Coordinator will determine the appropriate remedy and/or sanction which will be included as a written finding in the Investigative Report. The Investigative Report shall address: (1) the Title IX violation(s) for which the Respondent was found responsible, if any; (2) the recommended sanction(s) imposed on the Respondent, if any; and (3) the rationale for the decision. The Title IX Coordinator shall

distribute the updated Investigative Report to the alleged victim and Respondent. All parties to whom the Investigative Report is distributed pursuant to this Policy should maintain it in confidence. Although all parties are expected to adhere to the confidentiality provisions of this policy and respect the privacy rights of all the parties, either party may disclose the final outcome decision, notwithstanding any non-disclosure agreement, in writing or otherwise, to the contrary.

If the Title IX Coordinator finds, based on a preponderance of the evidence standard, that the conduct at issue does not constitute a violation of Title IX, then the Title IX Coordinator will determine and document the appropriate resolution of the Complaint in the Investigative Report and will promptly notify the parties of that determination.

In determining the appropriate remedy and/or sanction, the University will act to end the discrimination, harassment, retaliation or sexual misconduct, prevent its recurrence and remedy its effects on the victim and/or University community. Sanctions will depend upon the nature and gravity of the misconduct, any record of prior discipline for a violation of the Code of Student Life, or both. Sanctions may include, without limitation, written reprimand, conduct probation, suspension or expulsion from the University, expulsion from campus housing, mandated counseling and/or other educational sanctions as deemed appropriate, including No Contact orders. Imposition of the appropriate remedy and/or sanction will be imposed only after all appeals have been exhausted.

Except as compelled by law or in the interest of fairness, just resolution or health and safety considerations, disclosure of information contained in Complaints, their substance, procedures and the results of investigations will be limited to the immediate parties, witnesses and other appropriate officials. Limited disclosure may also be necessary to conduct a full and impartial investigation.

## 2. Informal Resolution Process

In recognition that a wide spectrum of behaviors can constitute violations of University policies, the Title IX Office may resolve reports informally and appropriately, based on the circumstances. Informal resolutions generally are pursued when the complainant, having been fully informed of all available options, has explicitly made that choice. An informal resolution process is voluntary, and a complainant can ask to end the informal resolution process at any time before its completion. If an informal resolution process is ended by request, any information obtained may be used in a subsequent formal resolution process and hearing. Once a Complaint has been resolved through an informal

resolution process, the matter will be closed.

For some limited types of alleged violations of this policy, an informal resolution may include mediation. Mediation is not an appropriate option for cases involving a Complaint of sexual assault and/or relationship and interpersonal violence, nor for circumstances involving severe misconduct.

In all cases, the Title IX Coordinator will have discretion to determine whether or not informal resolution or mediation is appropriate to the circumstance.

3. Appeals.

In the event the Respondent or the Complainant disagrees with the finding or sanction of the Title IX Coordinator or his/her Designee, either party may appeal any or all of the Title IX Coordinator's decision to a Hearing Panel by providing a written appeal to the VCSA or his/her designee with a copy also being provided to the Title IX Coordinator. The appeal must be submitted within five (5) days of receipt of the decision and must include a brief statement describing any or all parts of the decision being appealed and the reason for appeal.\*\*

In cases where the Respondent or Complainant submits an appeal, both parties will be notified in writing that an appeal was submitted and the other party may provide a written response to the appeal within three (3) business days after notification. The written response must: (1) address only the issues raised in the other party's appeal, and (2) be limited to a one-time submission. No additional submissions, beyond the appeal and the response, will be considered.

**[\*\*If the student has received a suspension of ten (10) or more days or expulsion, the advisor or support person for both the alleged Complainant and the Respondent may fully participate during the disciplinary appeal proceeding.]**

1. *Appeal Process:*

1. Notice of Appeal. Upon receipt of the appeal and response, if any, the OSSC shall forward the documents to the VCSA or his/her Designee, with a copy to the Title IX Coordinator, and request an appeal hearing ("Notice of Appeal").
2. Appointment of Hearing Panel. Within three (3) days of receiving the Notice of Appeal, the VCSA or his/her designee will appoint the members of the Title IX Hearing



Panel ("Hearing Panel"). The Title IX Coordinator immediately will provide a copy of the Complaint, Investigative Report, Appeal and Appeal Response, to the members of the Hearing Panel. The VCSA or his/her designee hearings will be conducted by a mixed gender three-person panel who are either members of the University's Title IX Hearing Board, Title IX Coordinators or Deputy Coordinators from other University of Arkansas System campuses, or specifically designated and trained members of the Northwest Arkansas legal community. **Only individuals who have participated in in-person Title IX hearing panel training conducted by the University of Arkansas or comparable in-depth panel training will be permitted to serve on Title IX Appeal Hearing Panels.** Students are not permitted to serve on Title IX Appeal Hearing Panels. Staff of the OSSC will not serve on Title IX Appeal Hearing Panels, but may provide assistance to the Hearing Panel at the discretion of the VCSA or his/her Designee.

3. Hearing Panel Members. Promptly after the appointment of the members of the Hearing Panel, the Title IX Coordinator will provide concurrent written Notice of Appeal to the Complainant and the Respondent, setting forth the names of the individuals selected to serve on and chair the Hearing Panel. The parties may challenge the participation of any member of the Hearing Panel by submitting a written objection to the VCSA or his/her designee within three (3) days of receipt of the notice of the composition of the Hearing Panel. Any objection must state the specific reason(s) for the objection. The VCSA or his/her designee will evaluate the objection and determine whether to alter the composition of the Hearing Panel. Failure to submit a timely and proper objection will constitute a waiver of any right of objection to the composition of the Hearing Panel. Any changes in the composition of the Hearing Panel will be provided in writing to both parties prior to the date of the hearing.
4. Witness List. Within five (5) days of receipt of the notice of the initial composition of the Hearing Panel, the Complainant and the Respondent may provide the Chair of the Hearing Panel with a list of witnesses, if any, that they propose that the Hearing Panel call and a brief description of each proposed witness's connection to and/or knowledge of the issues in dispute.
5. Request to Appear. Upon receipt of Complainant and Respondent's witness lists, the VCSA or his/her Designee

will provide a separate notice to the alleged Complainant, Respondent and any witnesses or other third parties whose testimony the Hearing Panel deems relevant, requesting such individuals to appear before the Hearing Panel. The notice should set forth the date, time, and location for the individual's requested presence. The Hearing Panel shall provide the names of the witnesses or other third parties that the Hearing Panel plans to call in its notices to the Complainant and the Respondent.

6. Failure to Appear. If any party fails to appear before the Hearing Panel if requested to do so, and such party was provided proper notice of the hearing as set forth above, then absent extenuating circumstances, the Hearing Panel will proceed to determine the resolution of the Complaint. Support Persons. The Chair must be notified at least one day in advance of the hearing if a party will be accompanied by a support person. The Chair may disallow the attendance of any support person if he/she is also a witness or if, in the discretion of the Chair, such person's presence would be disruptive or hinder the orderly conduct of the hearing or otherwise warrant removal. All support persons must agree to keep any and all information presented in the hearing confidential in order to attend. Absent accommodation for disability, the parties may not be accompanied by any other individual (other than his/her support person) during the hearing process except as set forth in this Policy.
7. Evidentiary Matters. The Complainant and the Respondent will have an equal opportunity to present evidence during their hearing. Formal rules of evidence will not be observed during the hearings.
8. Prior Sexual Conduct. Evidence of the prior sexual conduct of the Complainant and the Respondent with others will not be permitted at the hearings, with the following exceptions:
  1. evidence is permitted to show that the Complainant has in the past been formally disciplined by the University for falsely filing Complaints alleging a violation of this Policy;
  2. evidence is permitted to show that the Respondent has in the past been either convicted in a criminal proceeding or formally disciplined by the University for conduct which would violate this Policy, if deemed relevant; and
  3. evidence regarding the past sexual activity of the Respondent (regardless of whether the

Respondent was formally charged with a violation of the Policy with respect to such conduct) may be permitted to show that the Respondent has engaged in a pattern of behavior similar to the alleged violations of policy at issue before the Hearing Panel, provided that (1) the Respondent has not been found “not responsible” by the University in a proceeding related to such conduct and (2) the Chair has made written findings both that the evidence is reliable and trustworthy and that the conduct is sufficiently and substantially similar to the conduct at issue before the Hearing Panel to suggest a pattern of behavior.

2. *Appeal Hearing Procedure:*

The Hearing Panel will conduct a hearing during which it will interview and question the Complainant, the alleged victim (if not the Complainant), the Respondent, and any witnesses or other third parties whose testimony the Hearing Panel deems relevant. The hearing will begin with a statement from the Title IX Coordinator or designee regarding his/her decision, rationale for the decision, and explanation of sanctions, if any. The parties will not be allowed to personally question or cross-examine each other or the Title IX Coordinator during the hearing, but will be allowed to question witnesses and will be allowed to hear the testimony of the other party via closed circuit television or other means. The Chair will resolve all questions concerning procedure or the admission of evidence or testimony, including the relevancy and reliability of the evidence and testimony. All participants at the hearing are expected to provide truthful testimony. The Complainant and/or alleged victim have the option not to be in the same room with the alleged Respondent during the hearing. Any party may choose not to testify or appear before the Hearing Panel; however, his/her exercise of that option will not preclude the Hearing Panel from making a determination regarding the Complaint filed against the Respondent. University officials may seek advice from the University’s Office of General Counsel on questions of law and procedure at any time during the process, including assistance regarding the relevancy and admissibility of information.

3. *Decision of the Hearing Panel:*

Following the conclusion of the hearing, the Hearing Panel will confer and by majority vote determine whether the evidence (including the information provided in and by the Investigative Report, the parties’ written statements, if any, the evidence presented at the hearings, and the testimony of the parties and

witnesses) establishes that it is more likely than not that the Respondent committed a violation of the Code of Student Life. If the Hearing Panel determines that it is more likely than not the Respondent committed a violation of the Code of Student Life, the Hearing Panel will assign sanctions, giving consideration to whether a sanction will (a) bring an end to the violation in question, (b) reasonably prevent a recurrence of a similar violation, and (c) remedy the effects of the violation. Sanctions for a finding of responsibility will depend upon the nature and gravity of the misconduct, and any record of prior student discipline, if applicable. The decision of the Hearing Panel is final.

1. At such time that the appeal process is exhausted, the Title IX Coordinator will determine the final accommodations to be provided to the Complainant, if any, and the Title IX Coordinator will communicate such decision to the Complainant and the Respondent to the extent that it affects him/her.
2. The Title IX Coordinator will also take steps to prevent any harassment of or retaliation against the Complainant or third parties, such as informing them about how to report subsequent problems, following up with them to ensure that there are no subsequent problems, providing training for the campus community, and providing counseling for the Respondent. The Title IX Coordinator will also take steps to prevent the harassment of or retaliation against the Respondent.
3. Furthermore, the Title IX Coordinator will take prompt corrective action if the Complainant experiences retaliation or is subjected to further violations or if the original sanctions imposed on the Respondent are ineffective to protect the safety and well-being of the Complainant or other members of the University community. The Title IX Coordinator will also take reasonable steps to eliminate any hostile environment that has been created, such as conducting trainings and disseminating informational materials. In taking the above-outlined steps, the Title IX Coordinator will make every reasonable effort to minimize the burden on the Complainant and/or alleged victim.
4. *Final Outcome Letter:*  
The complainant and Respondent shall be notified of the outcome (including the rationale) of the appeal simultaneously, within 5 business days of the appeal hearing, or as soon as possible thereafter. Neither party will be required to abide by a nondisclosure agreement, in

writing or otherwise, that would prevent the re-disclosure of information related to the outcome of the appeal proceeding.

5. Administrative Actions

Pursuant to Section E of the Code of Student Life, Administrative Actions may be imposed in matters related to Title IX. In the event the Respondent requests a review of an Administrative Action, the Complainant will be notified and provided with three (3) business days to request a meeting with the Associate Dean of Students or his/her designee to discuss the Administrative Action. During the meeting, the Complainant will provide information, for consideration, as to why the terms of the Administrative Action should be continued, not modified, or not terminated.

6. Amnesty

Amnesty from substance abuse-related violations may be provided to students who come forward, in good faith, to report an assault they witnessed or experienced while consuming alcohol or other drugs.

7. Education Records

In order to comply with FERPA, the Final Outcome letter will not include information considered part of a party's "education record" (as that term is defined by FERPA) that is not otherwise exempt from disclosure under the Act, or other information about sanctions that do not relate to the victim.

8. Confidentiality and Disclosure

To comply with FERPA and Title IX and to provide an orderly process for the presentation and consideration of relevant information without undue intimidation or pressure, the hearing process is not open to the general public. Accordingly, documents prepared in anticipation of the hearings (including the Complaint, the Investigative Report, the notices of hearing, and any prehearing submissions referenced above) and documents, testimony, or other information introduced at the hearings may not be disclosed outside of the hearing proceedings, except as may be required or authorized by law. In particular, in order to respect the reasonable privacy of all participants, no party (or representative), nor any witness, may record the administrative or appeal hearing or disclose any recording of the hearing(s) or any portion thereof. Any violation of confidentiality requirements shall constitute a violation of the Code of Student Life.

**13 (b). Investigation and Adjudication Process for Faculty and Staff**

If a faculty or staff member is involved as the Complainant or Respondent:[1]

1. All incidents are to be reported to the Title IX Coordinator at 479-575-7111, 427C ADMN or [titleix@uark.edu](mailto:titleix@uark.edu).
2. Based on the initial report of the incident, the Title IX Coordinator and/or University of Arkansas Compliance Officer, with assistance from UAPD,

Human Resources and/or Dean of Students Office, will implement any temporary safety measures immediately.

3. Title IX Coordinator and/or the Compliance Officer will first conduct an intake meeting with the Complainant and/or the alleged victim (if different from the Complainant).
4. If during the Complainant/alleged victim intake, the Complainant (or alleged victim, if different from the Complainant) states a desire to file a complaint, or if the Title IX Coordinator or Compliance Officer determines (based on the information gathered) that additional steps should be taken in the interest of providing a safe and non-discriminatory environment for all, the Title IX Coordinator or Compliance Officer will also conduct an intake meeting with the Respondent.
5. If, after gathering information through the intake process, the Title IX Coordinator or Compliance Officer makes an initial assessment that a Title IX or Title VII violation may have occurred, the Title IX Coordinator and/or the Compliance Officer will then initiate a full and impartial investigation into the incident. When practical, every effort will be made to complete the investigation and produce a report within thirty (30) calendar days of receiving notice of allegations.
6. Within five (5) business days of completion of the investigation, or as soon as possible thereafter, the Title IX Coordinator and/or Compliance Officer will submit the Investigative Report to the Director of the OEOC and to the Office of General Counsel for review.
7. Within five (5) business days following consultation with the Director of the OEOC and the Office of General Counsel, the Title IX Coordinator and/or Compliance Officer will schedule separate pre-decision meetings with the Complainant and Respondent to discuss the information and/or materials gathered during the investigation and give each an opportunity to respond.
8. Within five (5) business days of the pre-decision meetings, or as soon as possible thereafter, the Title IX Coordinator and/or Compliance Officer will determine and document, based on the investigation, whether reasonable grounds exist to believe that the conduct at issue constitutes a violation of this Policy, and will provide a copy of the finding to the Respondent's immediate supervisor/unit head and other appropriate officials within the Respondent's supervisory chain. Supervisory officials, in consultation with OEOC and the Office of General Counsel, will determine the appropriate remedy and/or sanction to be imposed and will notify the Complainant and Respondent of the final results of the investigation and the resulting actions in writing, as appropriate.
9. If it is determined that discipline of a faculty or staff member is warranted, the sanction(s) may range from warning, up to and including, dismissal[2]. When the Respondent is a faculty member, and the sanction imposed is dismissal of the Respondent's employment, the

matter shall proceed pursuant to Board Policy 405.1, as applicable.

At any time prior to the issuance of the Investigative Report or the date of final determination by the Title IX Coordinator or Compliance Officer, the Respondent may elect to acknowledge his/her actions and take responsibility for the alleged policy violation. In such situations, the supervisor/unit head will be notified of the Respondent's acceptance of responsibility and supervisory officials will determine appropriate disciplinary action.

1. Faculty/staff Complainants and Respondents have certain shared or complementary rights in Title IX matters:
  1. The Complainant and the Respondent have the right to be assisted by an advisor, including an advisor they choose at their own expense.
  2. The Complainant and the Respondent have the right to access and review any information that will be used by the investigator.
  3. The Complainant and the Respondent will be advised of the date, time, and location of a pre-decision meeting with the Title IX Coordinator or Compliance Officer, when scheduled.
10. The standard of proof that exists for campus proceedings is the preponderance of evidence (i.e., more likely than not the event(s) occurred).
11. If a Complainant requests that his or her name not be revealed to the Respondent or asks the University not to investigate or seek action against the Respondent, the University may be limited in its ability to respond fully to the incident. As discussed below, the University will respect such requests to the extent possible consistent with its obligations to promote a safe learning environment that is free of harassment and discrimination.

#### **14. Administrative Services**

##### **1. *14(a). To Assist a Student Complainant or Respondent.***

The Dean of Students Office (DOS) will assist students, including collaborating with UAPD and other departments to provide, as appropriate:

1. Referral to a counselor at Counseling and Psychological Services or referrals to outside provider(s). (CAPS)
2. Escort services. (UAPD)
3. Assistance in petitioning for a protection order. The University honors orders of protection, no-contact orders, restraining orders, or similar orders issued by a criminal, civil, or tribal court. (DOS)
4. Withdrawal from the University. (DOS)
5. An on-campus investigation and, if appropriate, initiate on-campus disciplinary procedures. (OSSC/DOS)

6. Other referrals as necessary.

2. **14(b). To Assist a Faculty or Staff Complainant or Respondent.**

1. The Title IX Coordinator will assist faculty and staff, including collaborating with UAPD and other departments to provide, as appropriate:
2. Referral to the Employee Assistance Program or Human Resources.
3. Escort services. (UAPD)
4. Assistance in petitioning for a protection order. The University honors orders of protection, no-contact orders, restraining orders, or similar orders issued by a criminal, civil, or tribal court. (Title IX Coordinator)
5. Conduct an on-campus investigation and, if appropriate, initiate disciplinary/dismissal procedures. (OEOC and/or Human Resources)
6. Other referrals as necessary.

15. **Interim Conditions and Post-Hearing Interventions Applying to Complainants and Respondents**

Victims of sexual assault may receive assistance in making reasonable changes in their work, academic, or living situations. Students may request assistance in changing their living situations from University Housing. Requests for academic changes should be directed to the dean of the appropriate college. Employees may request assistance in changing their work situations from their supervisors or from the Department of Human Resources. Requests for such changes will be considered on the basis of their appropriateness and whether the requested change is reasonably available.

Based on the circumstances, the following measures may be taken, as appropriate:

1. The Complainant and/or Respondent may have parking re-assigned.
2. The Complainant and/or Respondent may have on-campus residence changed.
3. The Complainant and/or Respondent may have his/her academic schedule altered and/or arrangements with instructors to assist in offsetting potential academic problems will be coordinated. This service is not applicable for a Respondent who has been temporarily or immediately removed from campus and/or classes.
4. The Respondent may be directed not to have contact, by any means, with a Complainant.
5. The Complainant may be directed not to have contact, by any means, with a Respondent.
6. Any individual who is alleged to have committed a violent act, including sexual assault, dating violence, domestic violence or stalking upon a member of the campus community, may be banned from campus and campus activities.
7. Other conditions as deemed appropriate.

16. **Privacy and Respect of Information**

Respecting one's right to privacy is important to the University. Students can be



assured that when they share information with medical, police, and/or University officials, such information will be handled professionally and within the framework of each agency's governing obligations regarding privacy (e.g., state law, licensing, FERPA, etc.).

University employees (1) who have the authority to take action to redress sexual violence; (2) who have been given the duty of reporting incidents of sexual violence or any other misconduct by students to the Title IX Coordinator or appropriate school designee; or (3) whom a student could reasonably believe has this authority or duty, shall report all complaints of sexual violence to the Title IX Coordinator.

A student's privacy concerns are weighed against the needs of the University to respond to acts of harassment, including sexual assault, domestic violence, dating violence, and stalking. To the greatest extent possible, all reports will remain private. However, information may be shared with appropriate departments and agencies under a need-to-know basis when it pertains to investigative needs and safety concerns of the campus community. If a Complainant requests that his or her name not be revealed to the Respondent or asks the University not to investigate or seek administrative action against the Respondent, the University may be limited in its ability to respond fully to the incident. Title IX and the Violence Against Women Reauthorization Act (VAWA) include protections against retaliation. The University officials will not only take steps to prevent retaliation but will also take strong responsive action if it occurs.

Counseling and Psychological Services mental-health counselors, Student Health Services employees or any other person with a professional license requiring confidentiality, or who is supervised by such a person, will not report incidents of sexual violence to the Title IX Coordinator in any way that identifies a student without the student's consent.

All information received is subject to inclusion, in statistical form, in annual University-published reports.

#### **17. Retaliation Prohibited**

The University of Arkansas prohibits retaliation by its officers, employees, students, or agents against a person who, in good faith, exercises his or her rights or responsibilities under any provision of federal or state law, including Title IX, Title VII, and the VAWA, or this policy. Retaliation against a complainant, alleged victim (if different from the complainant), or any witness is, in itself, a violation of university policy and the law, and is a serious separate offense.

#### **18. Time Periods**

##### **1. *Investigation and Adjudication***

The University will make every reasonable effort to ensure that the investigation and resolution of a complaint occurs in as timely and efficient a manner as possible. The University's investigation and resolution of a

complaint will generally be completed within sixty (60) calendar days of the receipt of the complaint, absent extenuating circumstances. Student disciplinary hearings, if at all, will take place after the conclusion of the investigation. If such hearings have taken place, both the alleged victim and the Respondent generally will receive a Decision of Hearing Letter within five (5) calendar days of the conclusion of the hearing, or as soon as possible thereafter. Timelines for matters regarding employees are discussed above.

Any party may request an extension of any deadline by providing the Title IX Coordinator or the Compliance Officer, as appropriate, with a written request for an extension that includes reference to the duration of the proposed extension and the basis for the request.

Timelines may be modified in cases where information is not clear, judged to be incomplete, relevant parties are not available for interview, and/or other related circumstances as may arise. The Title IX Coordinator or Compliance Officer, as appropriate, may also modify any deadlines contained in this policy as necessary and for good cause.

## 2. *Timeframe for Reporting*

With regard to employment-related harassment, consistent with Title VII requirements, sexual harassment must be reported within 180 days of its occurrence. However, under compelling circumstances, a delayed report of sexual harassment may be investigated by the university, provided the report is made within 180 days after an employee has left his or her current position at the university.

In Title IX cases, there is no time limit for students, faculty or staff to make a complaint. However, the University strongly encourages reporting any alleged instances of sexual misconduct as soon as possible in order to allow appropriate steps to be taken and to provide the greatest opportunity for a complete and thorough investigation.

## 19. **Record Keeping**

Investigation records will be kept in employee personnel files only if a complaint of sexual misconduct is substantiated and disciplinary action is taken. All other investigation records will be kept only for statistical purposes and to document that the university has responded to complaints. This provision shall not prevent the retention of personnel records where a finding of a violation of the University's Sexual Harassment and Sexual Assault Policy was not sustained but where administrative action was determined to be appropriate.

Records maintained by the Title IX Coordinator and/or Compliance Officer to document that the University has responded to all complaints include information concerning receipt of the complaint, notification of the person against whom a complaint is made as well as his or her response, steps taken to investigate the

complaint, and whether the complaint was substantiated. All written statements obtained, as well as summaries of witness interviews, will be included in the documentation. If the complaint is substantiated, the records will document actions taken to stop the harassment and to remedy its effects. All records pertaining to the complaint will be treated as confidential, except as required by law or to the extent pertinent to investigation of any subsequent matters.

**20. False Reports**

Willfully making a false report of sexual harassment or sexual misconduct is a violation of University policy and is a serious offense. Any person who willfully makes or participates in making a false or frivolous report under this policy may be subject to disciplinary action. False reporting may also violate state criminal statutes and civil defamation laws.

**21. Confidentiality**

Subject to the other provisions of this policy and the requirements of law, every possible effort will be made to ensure that all information received in connection with this policy is treated discreetly. However, it is not possible to guarantee that all Complaints will remain confidential because of the University's obligation to investigate allegations of misconduct. All requests to maintain confidentiality shall be directed to the Title IX Coordinator who has the authority to make such determinations.

Except as compelled by law or in the interest of fairness, just resolution or health and safety considerations, disclosure of information contained in Complaints, their substance, procedures and the results of investigations will be limited to the immediate parties, witnesses and other appropriate officials. Limited disclosure may also be necessary to conduct a full and impartial investigation.

**22. Office for Civil Rights**

Although Complainants are encouraged to resolve their grievances related to discrimination by utilizing this policy, they have the right to file a complaint directly with the U.S. Department of Education, Office for Civil Rights (OCR). Information regarding applicable timelines and procedures is available from OCR. You may call 1-800-421-3481 to obtain further information about filing a complaint with OCR.

**23. Equal Employment Opportunity Commission**

For employment related matters: Complainants may contact the local Equal Employment Opportunity Commission (EEOC) at 820 Louisiana Street, Suite 200, Little Rock, Arkansas, 72201, phone # 1-800-669-4000, website: [www.eeoc.gov](http://www.eeoc.gov).

**24. Effective Date**

The University reserves the right to make changes and amendments to this policy as needed, with appropriate notice to the community. However, the policy in force at the time that a complaint is filed will be the policy used throughout the investigation and adjudication process.

**IMPORTANT CONTACTS AND RESOURCES FOR CONCERNS REGARDING  
SEXUAL MISCONDUCT, SEXUAL HARASSMENT, AND RELATED MATTERS  
INVOLVING PERSONAL SAFETY:**

<b>To report an emergency or a crime in progress anywhere</b>	<b>911</b>
<b>For other police assistance on campus, UAPD</b>	<b>5-2222 or 479-575-2222</b>
<b>For escorts on campus, Razorback Patrol Escort Service</b>	<b>479-575-5000 or 5-2222</b>
<b>For the Safe Ride Van</b>	<b>479-575-7233</b>
<b>UAPD Crime Prevention Services</b>	<b>5-7412 or 479-575-7412</b>
<b>UAPD Criminal Investigations</b>	<b>5-7505 or 479-575-7505</b>
<b>For other police assistance off campus, Fayetteville PD</b>	<b>479-587-3555</b>
<b>U of A Student Affairs - Dean of Students</b>	<b>5-5004 or 479-575-5004</b>
<b>U of A Student Affairs - Office of Community Standards and Student Ethics</b>	<b>5-5170 or 479-575-5170</b>
<b>U of A Housing Office</b>	<b>5-3951 or 479-575-3951</b>
<b>U of A Human Resources</b>	<b>5-5351 or 479-575-5351</b>
<b>U of A Environmental Health and Safety</b>	<b>5-5448 or 479-575-5448</b>
<b>Pat Walker Health Center</b>	<b>5-4451 or 479-575-4451</b>
<b>U of A Health Center Women's Health Clinic</b>	<b>5-4478 or 479-575-4478</b>
<b>U of A Health Promotion and Education</b>	<b>5-4077 or 479-575-4077</b>
<b>U of A Substance Abuse Prevention</b>	<b>5-3184 or 479-575-3184</b>
<b>National Clearinghouse for Alcohol and Drug Information</b>	<b>800-729-6686</b>
<b>U of A STAR Central - Office on Sexual Assault and Relationship Violence</b>	<b>5-7252 or 479-575-7252</b>
<b>U of A Counseling and Psychological Services (CAPS)</b>	<b>5-5276 or 479-575-5276</b>

<b>U of A Psychological Clinic</b>	<b>5-4258 or 479-575-4258</b>
<b>Rape Crisis Help Line</b>	<b>479-927-1025</b>
<b>Rape, Abuse and Incest National Network (RAINN)</b>	<b>800-656-4673</b>
<b>Peace at Home Family Shelter (formerly known as Project for Victims of Family Violence)</b>	<b>479-442-9811</b>
<b>National Domestic Violence Hotline</b>	<b>800-799-7233</b>
<b>TTY line for hearing impaired</b>	<b>800-787-3224</b>
<b>Child Abuse Hotline</b>	<b>800-482-5964</b>
<b>Commission on Child Abuse, Rape, and Domestic Violence</b>	<b>501-661-7975</b>
<b>Arkansas Poison Control and Information Center</b>	<b>800-376-4766</b>

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[1] If the complaint is based solely on sexual harassment (Title VII), the timeframe for investigation and adjudication will vary.

[2] "Terminations for Cause" pursuant to matters involving sexual and/or gender-based harassment (including, but not limited to, sexual assault/misconduct, sexual harassment, domestic/dating violence, stalking, and discrimination based on pregnancy) cannot be reviewed through the Faculty or Staff Grievance Procedures.

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