



UNIVERSITY OF
ARKANSAS

Title IX Office

Sexual Misconduct Annual Report

July 1, 2017 – June 30, 2018

Contents

Letter from Title IX Coordinator 3

Title IX Team 4

Title IX Organization 5

Campus Support. 5

Policy and Process 6

Campus Education and Training 9

Community Partnership 11

Support and Interim Measures 11

2017-2018 Resolution of Sexual Misconduct 12

Appendix - Definition of Policy Violations 13

Appendix – University of Arkansas Responsible Employee Guide 14

Dear University of Arkansas students, faculty and staff,

The mission of the Title IX Office is to eliminate barriers to educational opportunities that may be created by gender-based discrimination and sexual misconduct. In an effort to further our mission, we have developed this annual report to provide transparency and insight into the University's processes, resources and range of issues reported and addressed during the 2017-18 academic year.

The University of Arkansas strives to provide a safe and welcoming learning environment for our campus community and is committed to the training, education and prevention efforts required to make that a reality for everyone. But when individual cases of sexual misconduct do occur, it's our responsibility to address each situation promptly and to treat all involved fairly. As Title IX coordinator, it is my highest priority to ensure that every report is treated with concern and care and all involved are treated equitably through a neutral review and decision-making process.

This report includes a summary of the number of instances the Title IX Office initiated measures to alleviate sex-based discrimination, in any capacity, provided interim measures or accommodations, and adjudicated complaints of sexual misconduct involving students. Additionally, the report highlights the many variables that sometimes limit potential resolution options. For example, not all reports include identifiable information about who may have been involved. And in other cases, students sometimes decline University assistance.

It's my hope that this report will create better understanding about our process and the obstacles we face as we strive to make our campus free of discrimination and sexual misconduct.

I look forward to continuing to work with you on this important effort.

Tyler R. Farrar, J.D.
Title IX Coordinator

Title IX Team



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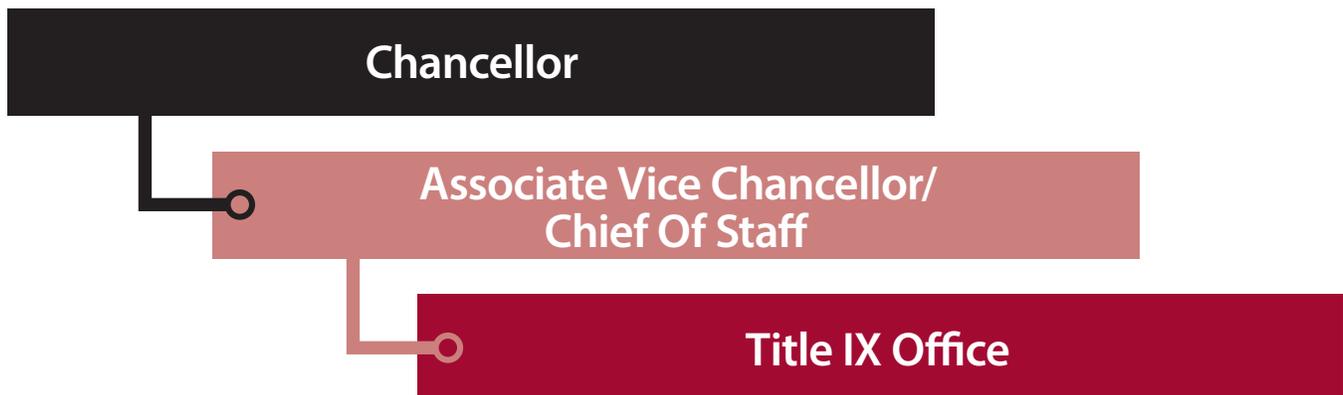
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Organization



Campus Support

Title IX Advisory Committee

- Comprising the Title IX Coordinator, six deputy Title IX coordinators, and a Title IX Investigator.
- Meets on a regular basis throughout the year to discuss campus policies, programs, and communications.
- Assists the Title IX Coordinator in weighing victim requests for no or limited-action against campus safety concerns.

Sexual Assault Response Team Advisory Committee

- Initiates and coordinates prevention initiatives related to sexual misconduct. The committee is a collaboration that includes campus staff who have formal responsibilities for various prevention, training, and reporting initiatives, and those who have expressed an interest in these initiatives beyond their formal appointments. The S.A.R.T. Advisory Committee is chaired by the University of Arkansas Title IX coordinator and will meet at least once per academic semester, or as needed.

Student Title IX Advisory Committee

- Comprising students from a wide variety of academic programs and backgrounds who are interested in working toward campus-wide sexual misconduct prevention.
- Helps to identify ways in which lines of communication, as well as messages targeting students, can be improved.

Campus Collaboration

- The Title IX Office works closely with other offices, including the Division of Student Affairs, the Office of Equal Opportunity and Compliance, the University of Arkansas Police Department, and Human Resources, among others.
- This collaboration includes standing meetings to discuss any issues of concern, to ensure adequate support is being provided to students, and that proper coordination and communication of matters reaches the necessary campus units.

Policy and Process

Initial Reporting

All reports of alleged sexual misconduct are addressed by the Title IX Office. After a preliminary inquiry into the allegations, the Title IX coordinator, typically in consultation with Title IX deputies and/or other University officials, will determine next steps including interim measures, when appropriate. Based on preliminary findings, the matter is also subject to a comprehensive investigation, typically conducted by the Title IX investigator. If the student who is making a report requests confidentiality or that no action be taken, the Title IX coordinator will evaluate the request, often in consultation with the Title IX Advisory Committee, and will make a determination on whether the request can be honored while weighing potential threats to providing a safe and non-discriminatory campus environment.

Investigation

The Title IX investigation is a neutral process. The investigator will conduct interviews with all relevant parties, including witnesses, and collect documentation such as police reports, medical records, text messages, call logs, etc. The investigator will catalog all of these records to create an Investigative Summary. A copy of the Investigative Summary will be provided to both the complainant¹, and the respondent².

Determination

Following the investigation, the Title IX coordinator will review the Investigative Summary and if the parties wish, each can schedule a predetermination meeting with the Title IX coordinator. The Title IX coordinator will render a decision based on the preponderance of the evidence standard³ and notify parties simultaneously of the outcome via a decision letter.

Appeal

Either party is allowed to appeal the outcome within five days of the notification. The appeal will be reviewed by a trained, three-person panel with a decision rendered in writing. The appeal decision is final.

¹ **Complainant:** Any party who makes a Complaint against a student, employee, staff member or campus visitor.

² **Respondent:** The person(s) against whom a complaint has been made.

³ Determinations made regarding university policy violations are measured by the preponderance of the evidence standard, meaning whether it is more likely than not that the allegations occurred.

What is Sexual Misconduct?

Examples include, but are not limited to:

- Sexual harassment
- Unwanted physical contact such as touching
- Persistent unwanted requests for sexual contact
- Forced penetration
- Dating/domestic violence
- Stalking
- Sexual exploitation
- Any sexual contact without consent

What is Consent?

- Consent is a clear, knowing and voluntary decision to engage in sexual activities.
- Silence does not equal consent.
- Lack of verbal resistance or physical resistance does not constitute consent.
- There is no consent when there is force, coercion, intimidation, threats or duress.
- Consent may be withdrawn at any time, and sexual activity must cease when consent is withdrawn.
- Consent to one form of sexual activity does not indicate consent to another form of sexual activity.
- A prior sexual relationship does not indicate current or future consent.
- Physically or mentally incapacitated persons cannot give consent.
- Consent may be determined by whether the accused knew, or a reasonable person should have known, that the alleged victim was incapacitated.

Respondent and Complainant Rights

- The right to be notified of all reporting options, including anonymous and confidential reporting.
- The right to a fair, impartial, process that provides adequate opportunities to be heard.
- The right to fully participate and be informed of all investigative processes and Title IX procedures.
- The right to have access to and examine all evidence submitted as part of the Title IX investigation.
- The right to respond and/or rebuke the statements of any involved parties.
- The right to propose information and witnesses and to submit questions for any involved party.
- The right to have others present (in support or advisory roles) during any Title IX related meeting.
- The right to simultaneous notification, in writing through email, of the outcome and any sanction(s) from the Title IX process.
- The right to appeal the outcome of the Title IX Office.
- The right to make a report to law enforcement, including campus and local police agencies, as well as the option to be assisted by university officials in notifying such authorities, if the victim so chooses.
- The right not to be retaliated against, after reporting sexual misconduct to University officials, or participating in the investigation process.
- The right to be notified of available counseling or student services, both on campus and in the community.
- The right to maintain access to academic programming/activities while cases are ongoing, and if necessary employ interim accommodations.

Policy and Process (continued)

Retaliation

Retaliation for filing a complaint or participating in the investigation process is prohibited under University Policy. The University of Arkansas takes any actions of retaliation seriously and will promptly address any allegation of acts of retaliation.

Reporting Options

Students have several options to report sexual harassment and sexual misconduct. Students in immediate danger or need of immediate assistance should call 911. Students with serious injuries should go to Washington Regional Medical Center's Emergency Department.

To report a violation of the University policy regarding sexual harassment or sexual misconduct, students should take at least one of the following actions:

- Report to Title IX coordinator or any deputy Title IX coordinator.
- Report online at report.uark.edu.
- Tell a "responsible employee."

Any University employee deemed to be a "responsible employee" is required to promptly report any alleged incidents of sexual misconduct. All University employees deemed "responsible employees" have mandatory reporting obligations and are required to promptly notify the Title IX coordinator of any allegations of sexual misconduct. Responsible employees may include but are not limited to: all faculty, administrators, academic advisors, coaches, athletic trainers, teaching assistants, graduate research assistants, resident assistants and all supervisory staff.

For more information, see the attached Responsible Employee Guide (Appendix X).

Students wishing to make a confidential report may do so by talking to a campus healthcare professional or STAR Central victim advocate at (479) 575-7252 or by emailing respect@uark.edu.

IMPORTANT: While the Title IX Office will accept confidential and/or anonymous reports, this may limit the ability to fully respond or investigate an allegation.

Campus Education and Training

The University of Arkansas annually supports a wide variety of nationally-recognized and evidence-based programs and events designed to prevent and address sexual assault. In 2017-18, the programs STAR Central (Support, Training, Advocacy, and Resources), and RESPECT (Rape Education by Peers Encouraging Conscious Thought), both of the Wellness and Health Promotion Department of the Pat Walker Health Center, and other campus groups hosted the following programs and campaigns:

Razorbash An annual welcome week event at the beginning of the fall semester designed to welcome students, share information about resources, and provide interactive education for prevention and bystander intervention.

Chocolate Wasted An annual event addressing the relationship between alcohol consumption and sexual assault and its prevention, with emphasis on bystander intervention, sponsored by No Woman Left Behind with collaboration from RESPECT.

It's On Us A week of activities and events addressing sexual violence and its prevention. Coordinated by several campus partners including Associated Student Government, Greek Life and Razorback Athletics.

Halloween Awareness Event: Not All Monsters Wear Masks An event hosted prior to Halloween to raise awareness for sexual assault prevention.

Relationships Are Sweet An annual event addressing components of healthy relationships through multi-organization outreach. Sponsored by the Counseling and Psychological Services office with collaboration from RESPECT.

Consent Is Charming Consent is addressed through outreach efforts at this St. Patrick's Day-themed event held in mid-March.

LGBTQ Panel Discussion on Sexual Violence An event to promote an open discussion about sexual violence in the LGBTQ community.

International Women's Day Every year, interactive, and education efforts focus on global sexual violence and challenges individuals and communities to rise up against it, coordinated by RESPECT.

Survivor Art Installation A U of A created event that has gone global, addressing a pervasive question asked of many survivors and society's role in providing answer/solutions.

The Survivor Wall An inspirational display of survivor stories shared as recognition of the scope of sexual violence and its effects on many.

The Flag Project A U of A created annual exhibit that creates awareness of the prevalence of sexual violence.

Take Back the Night An annual event of community-wide solidarity in speaking out against sexual violence and fostering community support for survivors.

Holiday Trees of Hope and Support An annual exhibit that honors and supports survivors of sexual violence with hope for a day free from sexual violence for all.

My Cup Is Not My Consent A U of A created campaign emphasizing unacceptable social norms related to consent, alcohol consumption and sexual assault.

That's so 6% A U of A created campaign that creates awareness of unacceptable social norms and behavior related to sexual assault.

The University is committed to providing access to resources and training focused on the prevention and elimination of sexual misconduct. The University introduced "Haven: Understanding Sexual Assault," an educational online course, in the 2016-17 school year. All new freshmen, new graduate students and transferring students must complete the course.

Campus Education and Training

More Than 8,000 Students Completed Sexual Assault Prevention Training in 2017-2018.

The Title IX coordinator also conducted in-person training throughout the academic year to thousands of students, including: Title IX awareness and reporting training to all residential assistants (“RAs”) in University Housing, the Office of Greek Life’s Keeping It Real program for all freshman Greek students, and, at the invitation of other groups, the Title IX Awareness and Bystander Intervention training.

More Than 1,200 Employees Completed Haven Prevention and Reporting Training for Faculty and Staff in 2017-2018.

In addition to the Haven training, the university provides faculty and staff with other educational opportunities and access to resources about Title IX, reporting obligations, and sexual misconduct prevention.

In 2017-18, the Title IX coordinator facilitated in-person training to hundreds of university employees, including UA Housing-sponsored quarterly training sessions open to the entire campus community. Other college, department and unit trainings took place across campus including: for Walton College and the Department of Athletics as well as a training for faculty members participating in study-abroad programs.

It’s on Us Week
arkansasrazorbacks.com/its-on-us-2017

In 2017-18, Greek Life, Associated Student Government, Razorback Athletics, and University Housing once again helped promote the nationally recognized It’s On Us campaign at the University of Arkansas. The week-long event sought to raise awareness on topics such as consent, bystander intervention and the availability of campus resources.

Community Partnership

Agreement (Memorandum of Understanding) between the U of A and the City of Fayetteville

On June 28, 2018, University Chancellor Joseph Steinmetz and Fayetteville Mayor Lioneld Jordan signed a mutual agreement that both communities would designate points of contact and allow for the mutual sharing of information regarding the

investigation into incidents of sexual violence. The agreement is designed to allow for more efficient sharing and access to information that involves allegations of student sexual misconduct that may have occurred off-campus.

Support and Interim Measures from Title IX Office

Outreach and Support

When information is received by the Title IX Office that indicates sexual harassment or misconduct involving students has occurred or that a student may have violated campus policy regarding sexual misconduct, the Title IX Office attempts to contact the student who reported the harassment or misconduct to offer resources, inform the student of his/her right to file a complaint against the other student and participate in a University investigation of the allegations, and to offer accommodations for the duration of any investigation. An in-person meeting with the Title IX Office, informational materials detailing the University's policies and procedures and other campus and off-campus resources are also available.

In 2017-18, the Title IX Office offered Outreach and Support to 109 students.

In 2017-18, the Title IX Office issued 17 No Contact Orders.

No Contact Orders

In certain situations, at the discretion of the Title IX coordinator or at the request of a student who is reporting harassment or misconduct, the Title IX coordinator may issue a mutual No Contact Order, barring any direct or indirect contact between the parties while the university investigates claims of sexual harassment or sexual misconduct.

Academic Accommodations

Students who have made a report of sexual harassment or sexual misconduct may receive assistance and accommodations with respect to academic schedules, class assignments and housing arrangements. The Title IX Office typically coordinates these arrangements with U of A Cares, a program coordinated by Student Affairs and the Dean of Students, or the appropriate faculty, department head or college dean.

In 2017-18, the Title IX Office facilitated 5 academic accommodations⁵.

⁴ This number reflects only the academic accommodations directly facilitated by the Title IX Office. U of A Cares typically coordinates academic accommodations by working directly with students.

2017-18 Resolutions of Sexual Misconduct

	Sexual Assault and Non-Consensual Sexual Contact	Relationship Violence ⁵	Stalking	Sexual Exploitation	Sexual Harassment	Total
Respondent unknown, not identified by complainant or not affiliated with university ⁶	18	1	0	2	4	25
Complainant declined to participate or pursue formal complaint against respondent ⁷	12	4	1	0	11	28
University honored request by complainant for limited or no action ⁸	6	3	1	0	7	17
Available evidence did not support a charge of policy violation or necessitate further university investigation ⁹	9	1	1	0	16	27
Respondent found "responsible" for violating policy and sanctioned	5	4	1	0	0	10
Respondent found "not responsible" for violating policy	2	0	0	0	0	2
Matter referred to appropriate university department	1	0	0	0	12	13
TOTAL	53	13	4	2	50	122

Sources of Information

Staff	Faculty	Report directly by Complainant 10	UAPD	Fayetteville Police Department	Other	Total
45	31	24	11	6	5	122

⁵ Includes Dating Violence and Domestic Violence, as defined in Fayetteville Policy 418.1

⁶ Some reports do not identify the name of the respondent. In some instances, the Title IX Office will meet with a complainant and learn the respondent is not affiliated with the University or respondent's identity is unknown to the complainant.

⁷ The Title IX Office will contact the potential complainant and in some instances, the complainant may decline to provide any information about the allegations or fail/refuse to respond despite repeated contact attempts.

⁸ In some instances, complainants may identify the respondent but request no further action be taken. In those situations, the Title IX coordinator, typically in consultation with the Title IX Advisory Committee or other appropriate University officials, will weigh the complainant's request for no action against campus safety concerns and/or the University's obligation to provide a nondiscriminatory environment for all members of the campus community.

⁹ At the conclusion of the preliminary investigation, the Title IX Coordinator will determine if enough information exists to indicate a potential violation of university policy occurred, and if so, the matter will move forward to a full investigation and a written determination whether university policy was violated.

¹⁰ Reported directly to the Title IX Office by the complainant either by report.uark.edu or direct communication to the Title IX coordinator and/or any deputy Title IX coordinator.

¹¹ Includes anonymous reports, those filed by concerned non-affiliated individuals, or other campus Title IX Offices.

Appendix – Definitions of Policy Violations¹²

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.

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")

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 person 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.

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.

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.

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.

¹² See the University of Arkansas Sexual Assault and Sexual Harassment Policy (Fayetteville Policy 418.1). vcfa.uark.edu/policies/fayetteville/oeoc/4181.php

University of Arkansas Responsible Employee Guide



A Guide to Reporting Allegations of Sexual Misconduct

(including, but not limited to: Sexual Assault, Sexual Harassment, Dating Violence, Stalking, and Voyeurism.)

DID YOU KNOW?

All University of Arkansas employees deemed “Responsible Employees” under UA policy have mandatory reporting obligations and are therefore required to promptly notify the Title IX Coordinator of any allegations of sexual misconduct.

This may include, **but is not limited to:** all faculty, administrators, academic advisors, coaches, athletic trainers, teaching assistants, graduate research assistants, resident assistants, and all supervisory staff.

If you have any questions as to whether you are a Responsible Employee, please contact the Title IX Coordinator.

IDENTIFYING WHEN TO REPORT A CONCERN

When you learn information that a student or employee was involved in any incident that may have included acts of sexual misconduct. If you are unsure if an incident falls into these categories, please contact the Title IX Coordinator immediately.

Examples

- A student tells you in “confidence” that he believes he was sexually assaulted by a fellow student.
- You ask about a staff member’s bruised eye and he informs you that his partner struck him.
- A faculty member tells you a former student is stalking her and leaving her threatening voice messages.
- A student complains that a classmate often makes “sexist” comments about women.
- A student-employee tells you she is uncomfortable with an external contractor because he tells crude sexual jokes and offers to rub her shoulders.
- An employee tells you she is missing work to avoid a co-worker who had sex with her after she blacked out at party.
- A student is concerned because a faculty member will not allow her to make up an exam after she was on bed rest for a pregnancy-related condition.

REPORTING

- Title IX and University of Arkansas policies require that “Responsible Employees” report concerns of sexual misconduct and discrimination to appropriate University personnel.
- **Do not delay.** Once an allegation of this nature comes to your attention, you must report what you know.

If you fail to timely report a concern:

- Your delay could cause additional harm to the individuals involved.
- You could expose the University to legal liability.
- You could expose yourself to employee discipline and personal liability.

YOUR RESPONSE TO THESE SITUATIONS

As a Responsible Employee, you cannot guarantee confidentiality to the individual.

For example, you could tell the individual: “It sounds as if you are about to tell me something that may require a University investigation. As a responsible employee, I am required to notify appropriate University personnel, so that actions can be taken to protect you and the community. Options are available if you wish to discuss something confidentially.”

Resources You Should Provide the Individual:

On-Campus Resources:

- Encourage victims to report to UAPD
479-575-2222
- Victim Advocacy Services through STAR Central
277 Pat Walker Health Center
479-575-7252
- Counseling & Psychological Services (CAPS)
479-575-4451
479-575-5276 (24-hour Emergency Line)
- For more resources visit:
titleix.uark.edu/resources.php

How to Report

Contact the University of Arkansas Title IX Coordinator:

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Title IX Coordinator
427 Administration Building
Fayetteville, AR 72701
Office: *(479) 575-7111*
Cell: *(479) 409-9972*
Email: *tylerf@uark.edu* OR *Titleix@uark.edu*

- Online Reporting at *report.uark.edu*



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