

UNIVERSITY OF CENTRAL ARKANSAS
SEXUAL MISCONDUCT GRIEVANCE PROCEDURES
Updated: 09.02.16

Important Information for Individuals Who May Be Victims of Sexual Assault.....3

Table of Contents

ARTICLE I Introduction.....3

- (a) Notice of Nondiscrimination.....3**
- (b) Overview of this Policy.....3**
- (c) Applicability of this Policy.....4**
- (d) Period of Limitations.....4**
- (e) Definitions Applicable to this Policy.....4**

ARTICLE II Statements of Policy.....5

- (a) Prohibition of Sexual misconduct.....5**
- (b) Prohibition on Retaliation.....5**
- (c) Prohibition on Providing False Information.....5**
- (d) Confidentiality.....5**
- (e) Related Misconduct and Limited Immunity.....6**
- (f) Individuals with Disabilities.....6**

ARTICLE III How and Where to File a Complaint Alleging Sexual Misconduct.....6

- (a) Filing a Complaint with Local Law Enforcement.....6**
- (b) Filing a Complaint with University Administration.....7**
 - i. Title IX Coordinator.....7**
 - ii. Associate Vice-President for Human Resources/ Risk Management.....8**
 - iii. Dean of Students (Division of Student Services).....8**
 - iv. Provost and Executive Vice President for Academic Affairs.....8**

ARTICLE IV Procedures Applicable to All Complaints of Sexual Misconduct.....8

- (a) Overview.....8**
- (b) Initial meetings with the Title IX Coordinator.....9**
- (c) Interim Measures10**
- (d) Formal Versus Informal Resolution.....11**

ARTICLE V Informal Resolution (Mediation)11

- (a) Respondent’s Acknowledgement of Responsibility.....11**
- (b) The Informal Resolution Process.....11**

ARTICLE VI	Formal Resolution.....	12
	(a) Respondent’s Acknowledgement of Responsibility.....	13
	(b) The Formal Resolution Process.....	13
	i. The Appointment of the Investigative Team.....	13
	ii. The Investigation.....	13
	a. Limited Immunity.....	14
	b. Presence of an Advisor or Support Person	14
	iii. Outcome.....	14
	iv. Sanctions.....	14
ARTICLE VII	Appeals.....	14
	(a) The Hearing Panel.....	15
	(b) Notice of Composition of the Hearing Panel.....	15
	(c) Hearing Policies and Procedures.....	15
	(d) Outcome.....	16
	i. The Decision of the Hearing Panel.....	16
	ii. Sanctions.	16
	iii. Final Accommodations and Corrective Action.....	17
	iv. Final Outcome Letter.....	17
	v. Confidentiality and Disclosure.	17
	vi. Documentation.....	17
EXHIBIT A	Suggested Actions for Victims of Sexual Assault.....	18
EXHIBIT B	Definitions.....	19

**UNIVERSITY OF CENTRAL ARKANSAS
SEXUAL MISCONDUCT GRIEVANCE PROCEDURES**

**IMPORTANT INFORMATION FOR INDIVIDUALS
WHO MAY BE VICTIMS OF SEXUAL ASSAULT:**

If you or someone you know may have been a victim of sexual assault, you are strongly encouraged to seek immediate assistance.

ASSISTANCE CAN BE OBTAINED 24 HOURS A DAY, 7 DAYS A WEEK, FROM THE UCA POLICE DEPARTMENT (LOCATED at the intersection of W.J. SOWDER STREET AND MARIAN ROSS AVENUE AND AVAILABLE BY PHONE AT 911 or 501-450-3111)

During business hours (8:00 a.m. to 4:30 p.m., Monday through Friday), you are also strongly encouraged to contact Mindy Pipkin, Associate General Counsel/Compliance Officer, who has been designated as the University of Central Arkansas's Title IX Coordinator (available by telephone at 501-450-3247, by email at mpipkin@uca.edu, or in person in Wingo Hall, Suite 207).

For additional information about seeking medical assistance and emotional support, as well as important contact information, including local law enforcement agencies and Conway Regional Hospital, see **Exhibit A** attached to these Procedures.

**ARTICLE I
INTRODUCTION**

(a) Notice of Nondiscrimination.

Pursuant to Board Policy 502, the University of Central Arkansas is an affirmative action/equal opportunity institution dedicated to attracting and supporting a diverse student, faculty and staff population through enhanced multicultural learning environments and opportunities. In keeping with its non-discrimination policy in employment, admissions and other functions and programs, the University considers employees and students on the basis of individual merit and will not discriminate against a person on the basis of gender, race or color, ethnicity, religion, spiritual beliefs, national origin, age, familial status, socioeconomic background, sexual orientation, disability, political beliefs, intellectual perspective, genetic information, military status, or other factors irrelevant to participation in its programs.

(b) Overview of these Procedures.

When a student, faculty or staff member, or other participant in the University of Central Arkansas' programs and activities feels s/he has been subjected to discrimination on the basis of sex, s/he may use these Title IX grievance procedures to bring concerns to the attention of UCA's Title IX Coordinator for the purpose of obtaining a prompt and equitable resolution. Additionally, per Board Policy 511, employees are expected to promptly report sexual harassment and/or misconduct that they observe or learn about.

These grievance procedures, which specifically address UCA's Title IX of the Education Amendments of 1972 ("Title IX"), Section 304 of the Violence Against Women Reauthorization Act of 2013 ("Campus SaVE Act") and the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act ("Clery Act") compliance obligations, are intended to be read and implemented in the context of UCA's broader Board Policy 511 on sexual harassment and Other Forms of Harassment Policy, which may be found on the University website. Steps will be taken to prevent discrimination and harassment, to prevent the recurrence of discrimination and harassment, and to remedy the discriminatory effects on the victim(s) and others, if appropriate.

These Title IX grievance procedures are separate from UCA's student disciplinary processes that address academic integrity matters, by which UCA may bring a discipline charge against a student for violating University policy. In that regard, *Standards of Student Conduct* generally notes:

Students of the University of Central Arkansas are expected to comply with the laws of the State of Arkansas, policies, procedures and regulations of the university, and accepted customs of civilized society in their conduct. The University strives to protect university environment against acts of violence, destruction, and vandalism; and provide a quality living and learning environment that is safe, secure, and conducive to academic pursuits. The University seeks to protect the rights of students involved in the disciplinary process by providing specific due process procedures, including appeals, to promote fair and just decisions.

Accordingly, the responsibility for resolving student disciplinary matters and imposing penalties against students for violating University policy as it relates to classroom behavior and academic misconduct reside in Academic Affairs under the Office of the Executive Vice President and Provost.

All activities under these grievance procedures shall be conducted with due regard for any legitimate privacy and reputational interests of those involved. It is expected that any materials and information prepared or acquired under these grievance procedures will be shared only with those who have a legitimate need to know. Disclosure of such information may also be made if it is permitted by law and the University Title IX Coordinator determines in his or her judgment: (1) that such disclosure is necessary to protect the health, safety, or well-being of members of the UCA community; or (2) that such disclosure advances the interests of those involved in the process and/or the University and outweighs the interest in confidentiality. While the University Title IX Coordinator will take into account any requests made by a complainant for confidentiality or that a Title IX grievance not be investigated, the University Title IX Coordinator must take appropriate steps to respond to the grievance consistent with the requirements of Title IX.

The University is committed to fostering a community that promotes prompt reporting of all types of sexual misconduct and timely and fair resolution of sexual misconduct complaints, and in furtherance of that commitment, these Procedures sets forth available resources (Exhibit A), describes prohibited conduct (Article II), and establishes procedures for responding to complaints of Sexual misconduct (Articles III-VI).

The University will make these procedures and information about recognizing and preventing sexual misconduct readily available to all students and other members of the University community.

(c) Applicability of these Procedures.

These procedures apply to any allegation of sexual misconduct made by or against a student or an employee of the University or a third party, regardless of where the alleged sexual misconduct occurred, **if** the conduct giving rise to the complaint is related to the University's academic, educational, athletic, or extracurricular programs or activities. Additionally, although there is no geographical limitation to invoking these Procedures, sexual misconduct that is alleged to have occurred at a significant distance from the University and/or outside of University property or University controlled-property may be more difficult for the University to investigate.

(d) Period of Limitations.

A complaint of sexual misconduct should be filed as soon as possible and within 180 days after the alleged unlawful discriminatory practice. A delay in filing a complaint may compromise the subsequent investigation, particularly if neither the Complainant nor the Respondent is employed by the University or enrolled as a student at that time.

(e) Definitions Applicable to these Procedures.

The definitions applicable to this Policy are set forth in **Exhibit B**.

ARTICLE II STATEMENTS OF POLICY

(a) Prohibition on Sexual Misconduct.

Sexual misconduct, including, but not limited to sexual harassment, sexual assault, dating violence, domestic violence, and stalking, by any faculty member, staff member, student, or a third party who is *a participant in a university-sponsored program, event, or activity*, is a violation of both state and federal law as well as university policy and will not be tolerated at the University of Central Arkansas. Further, the University of Central Arkansas is committed to providing ongoing sexual misconduct primary prevention, awareness, and risk reduction programs and training for the entire UCA community. Sexual misconduct of employees is prohibited under Section 703 of Title VII of the Civil Rights Act of 1964 and sexual harassment of students may constitute discrimination under Title IX of the Education Amendments of 1972. Board Policy 511 seeks to comply with requirements mandated by the Violence Against Women Reauthorization Act of 2013. The university considers sexual misconduct a very serious issue and shall subject the offender to dismissal and/or other sanctions following the university's investigation and substantiation of the complaint and compliance with due process requirements.

The University is committed to fostering a community that promotes prompt reporting of all types of sexual misconduct and timely and fair resolution of sexual misconduct complaints. To that end, the University has defined sexual misconduct broadly to include any unwelcome conduct of a sexual nature. There are several factors taken into consideration in determining whether sexual misconduct rises to a violation of Board Policy 511 and/or the University Student, Staff, or Faculty Handbooks including: (1) the type, frequency, and duration of the conduct (the more severe the conduct, the less the need to show a repetitive series of incidents, particularly if the harassment is physical), (2) the identity of and the relationship between the alleged harasser and the alleged victim, (3) the number of individuals involved, (4) the age and sex of the alleged harasser and the alleged victim, (5) the location of the incident(s) and the context in which they occurred, and (6) whether there have been similar incidents.

(b) Prohibition on Retaliation.

Retaliation against any person in the UCA community for filing, supporting, providing information, or for cooperating in these grievance procedures in good faith, in connection with a complaint of sexual misconduct is strictly prohibited. Examples of retaliation may include, but are not limited to, adverse employment actions such as termination, refusal to hire, and denial of promotion. Additionally, retaliation in the form of harassment, intimidation, threats, or coercion, or in the form of any materially adverse harm that would dissuade a reasonable student or employee from filing a harassment complaint or participating in a harassment investigation is strictly prohibited. Violations of this prohibition will be addressed through these procedures and/or other University disciplinary procedures, as deemed appropriate in the University's discretion. Any person who feels s/he has been subjected to retaliation should make a report to the Title IX Coordinator.

(c) Prohibition on Providing False Information.

Any individual who knowingly files a false complaint, who knowingly provides false information to University officials or who intentionally misleads the University officials who are involved in the investigation or resolution of a complaint may be subject to disciplinary action.

(d) Confidentiality.

All activities, including those of the Title IX Coordinator, Deputy Title IX Coordinators, and parties involved in the complaint, under these grievance procedures shall be conducted with due regard for any legitimate privacy and reputational interests of those involved. It is expected that any materials and information prepared or acquired under these grievance procedures will be shared only with those who have a legitimate need to know. The University Title

IX Coordinator determines in his or her judgment that the request to remain confidential is outweighed by the following factors:

1. The seriousness of the alleged sexual misconduct;
2. Whether there have been other complaints of sexual misconduct against the Respondent;
3. That such disclosure is necessary to protect the health, safety, or well-being of members of the UCA community;
4. The Respondent's right to receive information about the allegations if the information is maintained by the University as an "education record" under FERPA;
5. That such disclosure advances the interests of those involved in the process and/or the University and outweighs the interest in confidentiality; and
6. Applicable local, state, and/or federal law mandate the disclosure of such information.

While the University Title IX Coordinator will take into account any requests made by a complainant for confidentiality or that a Title IX grievance not be investigated, the University Title IX Coordinator must take appropriate steps to respond to the grievance consistent with the requirements of Title IX. Even if the University cannot take disciplinary action against the Respondent because of the request for confidentiality, to the extent possible and appropriate, the University will nevertheless take prompt and effective action to limit the effects of the alleged sexual misconduct and to prevent its recurrence to the extent warranted and practicable. For instance, the University may issue a "no contact" order or take other appropriate interim measures to ensure an individual's safety, even in the absence of a formal proceeding.

(e) Related Misconduct and Limited Immunity.

The University considers the reporting and adjudication of sexual misconduct cases on campus to be of paramount importance. The University does not condone underage drinking or drinking on campus; however, the University may extend limited immunity from punitive sanctioning in the case of illegal alcohol use to victims, witnesses, and those reporting incidents and/or assisting the victims of sexual misconduct, provided they are acting in good faith in such capacity.

(f) Individuals with Disabilities.

The University will make arrangements to ensure that individuals with disabilities are provided appropriate accommodations, to the extent necessary and available, to participate in the steps and procedures outlined here within. Requests for accommodations must be made to the Director of the Disability Resource Center (located in the Student Health Center, Suite 212 and available by phone at 501-450-3613).

**ARTICLE III
HOW AND WHERE TO FILE A COMPLAINT ALLEGING SEXUAL MISCONDUCT**

*For information regarding seeking medical assistance and emotional support, as well as important contact information for local law enforcement agencies and hospitals, see **Exhibit A** attached to these Procedures.*

Because sexual misconduct may, in some instances, constitute both a violation of University policy and criminal activity, and because the University grievance process is not a substitute for instituting legal action, **the University encourages individual's to report alleged sexual misconduct promptly to campus officials and the University of Central Arkansas Police Department.**

Individuals may, however, choose not to report alleged sexual misconduct to such campus officials and/or the University of Central Arkansas Police Department. Nevertheless, the University may notify appropriate law enforcement authorities if required or warranted by the nature of the allegations at issue.

Individuals are strongly encouraged to file complaints promptly in order to preserve evidence for a potential legal or disciplinary proceeding.

(a) Filing a Complaint with Local Law Enforcement

Individuals may file a complaint directly with local law enforcement agencies by dialing 911. Individuals may contact any of the following for assistance in filing a complaint with local law enforcement:

- i. The University Police Department, 24 hours a day, seven days a week (available by phone at 911 or 501-450-3111) and located on campus at the intersection of W.J. Sowder Street and Marian Ross Avenue.
- ii. The University's Title IX Coordinator, **Mindy Pipkin**, during business hours (8:00 a.m. to 4:30 p.m., Monday through Friday), available by telephone at 501-450-3247, by email at mpipkin@uca.edu, or in person in Wingo Hall, Suite 207.
- iii.

Individuals may inform law enforcement authorities about sexual misconduct and discuss the matter with a law enforcement officer without making a formal criminal complaint (or a University complaint). Individuals who make a criminal complaint may also choose to pursue a University complaint simultaneously.

A criminal investigation into the matter does not preclude the University from conducting its own investigation (nor is a criminal investigation determinative of whether sexual misconduct, for purposes of these Procedures, has occurred). However, the University's investigation may be delayed temporarily while the criminal investigators are gathering evidence. In the event of such a delay, the University may take interim measures when necessary to protect the alleged victim and/or the University community.

Neither the results of a criminal investigation nor the decision of law enforcement to investigate or decline to investigate the matter is determinative of whether sexual misconduct, for the purposes of these procedures, has occurred. In other words, regardless of a criminal investigation, once the University is on notice of an allegation of sexual misconduct, we will conduct an investigation.

(b) Filing a Complaint with University Administration

Individuals may choose not to report alleged sexual misconduct to campus officials. The College respects and supports the individual's decision with respect to reporting. **However, if information about sexual misconduct comes to the attention of the University, the University may (1) start an investigation even in the absence of a filed complaint and/or (2) notify appropriate law enforcement authorities if required or warranted by the nature of the information of which it becomes aware.**

Anyone wishing to make a complaint with the University Administration should contact one of the following individuals:

- i. **Title IX Coordinator: Mindy Pipkin**, from 8:00 a.m. to 4:30 p.m., Monday through Friday (available by telephone at 501-450-3247, by email at mpipkin@uca.edu, or in person in the Wingo Hall, Suite 207). (For staff-related sexual misconduct.)
- ii. **Dean of Students (Division of Student Services): Dr. Gary Roberts**, from 8:00 a.m. to 4:30 p.m., Monday through Friday (available by telephone at 501-450-3416, by email at garyr@uca.edu, or in person in the Student Health Center, Suite 210). (For student-related sexual misconduct.)
- iii. **Provost and Executive Vice President for Academic Affairs: Dr. Steve Runge**, from 8:00 a.m. to 4:30 p.m., Monday through Friday (available by telephone at 501-450-5073, by email at srunge@uca.edu, or in person in the Wingo Hall, Suite 213). (For faculty-related sexual misconduct.)
- iv. Any of the University's Deputy Title IX Coordinators:
 1. **Kimberly Ashley-Pauley**, Sponsored Programs Administrator, Sponsored Programs, Torreyson West, Suite, 324, 501- 852-2410, kashley@uca.edu

2. **Natalie Benafield, Au.D**, Clinical Instructor I, Department of Communication Sciences and Disorders, SLHC Room 124, 501- 450-5484, nbenafield@uca.edu
3. **Jenna Davidson**, Director, Student Wellness and Development, Student Health Center, Room 308, 501-450-3133, jdavidson@uca.edu
4. **Taine Duncan, PhD**, Associate Professor and Director of Gender Studies Program, Philosophy and Religion Department, Irby 118, 501-852-2641, tduncan@uca.edu
5. **Graham Gillis, EdD**, Assoc. Vice President for Human Resources/Risk Management, Wingo Hall, Suite 103, 501-450-5051, ggillis@uca.edu (Chief Deputy Title IX Coordinator)
6. **Jacob Held, PhD**, Associate Professor and Director of UCA Core, Philosophy and Religion Department, Irby 118, 501-450-3634, jmheld@uca.edu
7. **Crystal Hill**, Director, Disability Resource Center, Student Health Center 212, 501-450-5167, crystal@uca.edu
8. **Apryl Jackson**, Assistant Director for Residential Life, Bernard 201, 501-450-3649, aprylj@uca.edu
9. **Christina Karafit**, Head of Serials and Microforms, Torreyson Library, Torreyson Library 234, (501) 450-5215, chrissyk@uca.edu
10. **Stephanie McBrayer, EdD**, Director, Housing & Residence Life, Bernard Hall, Suite 201, 501-450-3667, smcbrayer@uca.edu
11. **Ben Rowley, PhD**, Associate Professor, Biology Department, LSC 128, 501-450-5922, browley@uca.edu

Complaints not made directly to the Title IX Coordinator will be forwarded to her upon receipt by the parties designated above. However, if any of the parties designated above is the respondent or is otherwise at issue in a complaint, or if an individual is otherwise uncomfortable making a complaint to one or more of the parties listed above, he or she may report alleged sexual misconduct to any other party listed above.

An individual may report alleged sexual misconduct to a faculty or staff member other than those referenced above. No member of the University community may discourage an individual from reporting alleged incidents of sexual misconduct. If a student discloses an act of sexual misconduct to an employee who has been designated as a mandatory reporter, the employee cannot maintain confidentiality and is required to report the act within two (2) working days and may be required to reveal the names of the parties involved. Any allegations made by a student may or may not trigger an investigation. Each situation differs and the obligation to conduct an investigation will depend on that specific set of circumstances. The determination to conduct an investigation will be made by the Title IX Coordinator. No employee is authorized to investigate or resolve complaints without involvement of the University's Title IX Coordinator or Deputy Title IX Coordinator.

ARTICLE IV PROCEDURES APPLICABLE TO ALL COMPLAINTS OF SEXUAL MISCONDUCT

(a) Overview

- i. **Oversight.** The Title IX Coordinator will be responsible for overseeing the prompt, fair, and impartial investigation and resolution of complaints filed with the University.
- ii. **Conflicts.** If any administrator designated by these Procedures to participate in the investigation or resolution of a complaint is the Respondent (including, but not limited to the Title IX Coordinator), then the President will appoint another University administrator to perform said person's duties under these Procedures. (If the President is the Respondent, then the Title IX Coordinator will appoint another University administrator to perform his duties under these Procedures.)
- iii. **Timing.** 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 (not including an appeal, if applicable), will generally be completed within 60 calendar days of the receipt of the complaint, absent extenuating circumstances. Hearings, if any, will take place after the conclusion of the investigation. If hearings take place, both

the complainant and the respondent generally will receive a Final Outcome Letter within 20 working days of the conclusion of the hearing.

Any party may request an extension of any deadline by providing the Title IX Coordinator with a written request for an extension that includes reference to the duration of the proposed extension and the basis for the request. The Title IX Coordinator may modify any deadlines contained in these Procedures as necessary and for good cause.

- iv. **Request Not to Pursue Complaint.** A complainant (or alleged victim, if not the complainant) may determine after filing a complaint that s/he does not wish to pursue resolution of the complaint through the University. The University takes such requests seriously. However, such individuals are advised that such requests may limit the University's ability to take action in response to the complaint. Title IX requires the University to evaluate the request(s) in the context of the University's commitment to provide a reasonably safe and non-discriminatory environment. In order to make such an evaluation, the Title IX Coordinator may conduct a preliminary investigation into the alleged sexual misconduct and may weigh the request(s) against the following factors:

- 1) The seriousness of the alleged sexual misconduct;
- 2) Whether there have been other complaints of sexual misconduct against the Respondent;
- 3) The respondent's right to receive information about the allegations if the information is maintained by the University as an "education record" under FERPA;
- 4) Applicable local, state, and/or federal law mandate the disclosure of such information.

Even when the University is in receipt of a request not to pursue an investigation, Title IX requires the University to take reasonable action in response to the information known to it; thus, the University may take such measures and impose such discipline as are deemed necessary by the Title IX Coordinator. The complaint may also be used as an anonymous report for data collection purposes under the Clery Act.

- v. **Interim Measures.** If at any point during the complaint, investigative or disciplinary processes, the Title IX Coordinator reasonably believes that a respondent who is a member of the University community poses a substantial threat of harm to any member of the campus community; threatens or endangers University property; or disrupts the stability and continuance of normal University operations and functions, the Title IX Coordinator may take actions such as the following:

1) For Student Respondents:

- i. Summarily suspend the respondent from campus housing on an interim basis and/or restrict his/her movement on campus, or
- ii. Summarily suspend the respondent¹;

2) For Employee Respondents:

- i. Take such steps as are reasonable, appropriate, and necessary to restrict the respondent's movement on campus; or
- ii. Reassign or place on administrative leave such respondent.

(b) Initial meetings with the Title IX Coordinator (or his/her designee)

- i. **Complainant's Initial Meeting with the Title IX Coordinator.** Once on notice, the Title IX Coordinator will determine if the incident falls under Title IX protection and will determine whether Board Policy 511 has been violated. A "preponderance of evidence" standard will be used for making this determination. The Title IX Coordinator will contact the complainant to schedule an initial meeting within seven working days of receipt of the complaint. If the complainant is not the alleged victim, the Title IX Coordinator also will contact the alleged victim as soon as possible to schedule an initial meeting and will discuss item number 5 listed below with the alleged victim rather than the

¹ A summary suspension may be imposed only when the student respondent's presence on the University's campus would constitute a threat to the safety or well-being of members of the campus community.

complainant. All mentions of the “complainant” in items 1-8 of this subsection also apply to the alleged victim if the complainant is not the alleged victim. At this initial meeting, the Title IX Coordinator will, as applicable:

- 1) Provide the complainant a copy of these Procedures;
- 2) Direct the complainant to complete a Sexual Misconduct Complaint Form which the complainant may, if s/he agrees, to disclose the information and provide details regarding the allegation;
- 3) Explain avenues for formal resolution and informal resolution of the complaint;
- 4) Explain the steps involved in a sexual misconduct investigation;
- 5) Discuss confidentiality standards and concerns with the complainant;
- 6) Determine whether the complainant wishes to pursue a resolution through the University or no resolution of any kind;
- 7) Refer the complainant to the Counseling Center or other resources, as appropriate; and
- 8) Discuss with the Complainant possible interim measures that can be provided to the complainant during the pendency of the investigative and resolution processes. Interim measures, in consultation with applicable stakeholders, may include, but are not limited to:
 - a. Issuing no-contact orders to prevent any contact between the complainant, the respondent, witnesses and/or third parties;
 - b. Providing the complainant with an escort to ensure that s/he can move safely between classes, work, and/or activities;
 - c. Changing a complainant’s or a respondent’s on-campus housing, if any, to a different on-campus location and providing assistance from University support staff in completing the relocation;
 - d. Arranging to dissolve a campus housing contract and offering a pro-rated refund;
 - e. Changing work arrangements;
 - f. Rescheduling class work, assignments, and examinations;
 - g. Moving the complainant or the respondent from one class section to another;
 - h. Permitting a temporary withdrawal from the University;
 - i. Providing alternative course completion options such as arranging for the complainant to take an incomplete in a class;
 - j. Providing counseling services; and
 - k. Providing academic support services.

Following the initial meeting with the complainant (and the alleged victim, if not the complainant), the Title IX Coordinator will, if applicable, promptly determine the interim measures to be provided to the complainant (and the alleged victim, if not the complainant). Such determination will be promptly communicated to the complainant and/or alleged victim, as applicable (and in no event later than the point at which it is communicated to the respondent) and the respondent.

- ii. **Respondents Initial Meeting with the Title IX Coordinator.** If the alleged victim wishes to pursue a formal or informal resolution through the University or if the University otherwise deems that a further investigation is warranted, as soon as it is reasonably practicable after the Title IX Coordinator’s initial meeting with the complainant (and, if applicable, the alleged victim), the Title IX Coordinator will schedule an initial meeting with the respondent. During the initial meeting with the respondent, the Title IX Coordinator will, as applicable:

- 1) Provide the Respondent, in writing, sufficient information consistent with state and federal privacy laws and, if applicable, the complaint’s and/or the alleged victim’s request for confidentiality, to allow him or her to respond to the substance of the allegation, including, if possible, the name of the complainant and the alleged victim (if not the complainant) and the date, location, nature of the alleged sexual misconduct;
- 2) Provide the respondent a copy of these Procedures;
- 3) Explain the University’s procedures for formal resolution and informal resolution (mediation) of the complaint;
- 4) Explain the steps involved in a sexual misconduct investigation;
- 5) Discuss confidentiality standards and concerns with the respondent;
- 6) Discuss non-retaliation requirements with the Respondent;

- 7) Inform the respondent of any interim measures already determined and being provided to the complainant and/or the alleged victim (if not the complainant) that directly affect the respondent (e.g., changing his or her class schedule, or moving him or her to an alternate residence hall);
- 8) Refer the respondent to the Counseling Center or other resources, as appropriate; and
- 9) Discuss with the respondent, as appropriate, possible interim measures that can be provided to the respondent during the pendency of the investigative and resolution process.

iii. **The Title IX Coordinator’s Initial Determination.**

The Title IX Coordinator will determine that an investigation of the complaint should be conducted unless it is clear on its face and/or based on the Title IX Coordinator’s initial meetings with the parties that no reasonable grounds exist for believing that the conduct at issue constitutes sexual misconduct.

In the event that someone other than the victim made the complainant, the Title IX Coordinator will consider the following factors in determining whether it is reasonable to investigate the complaint:

- 1) The source and nature of the information;
- 2) The seriousness of the alleged incident;
- 3) The specificity of the information;
- 4) The credibility of the source of the information;
- 5) Whether the individuals allegedly subjected to the sexual misconduct can be identified; and
- 6) Whether those individuals wish to pursue the matter.

In the event that the Title IX Coordinator determines that an investigation of the complainant should not be conducted, s/he will determine and document (in consultation, as necessary, with the alleged victim, the Respondent, and other University administrators) the appropriate resolution of the complaint and inform the parties of the same.

(c) Formal Versus Informal Resolution

At any time after the initial meeting with the respondent, the alleged victim may elect to resolve his or her complaint through the informal resolution (mediation) process in accordance with Article V of these Procedures, provided that (i) the respondent agrees to such resolution, (ii) the alleged victim and the respondent are both students or are both employees of the University, (iii) the Title IX Coordinator determines that informal resolution is an appropriate mechanism for resolving the complaint, and (iv) the complaint does not involve sexual assault.

**ARTICLE V
INFORMAL RESOLUTION (MEDIATION)**

(a) Respondent’s Acknowledgement of Responsibility Prior to Mediation.

At any time prior to the date of his or her designated mediation, the respondent may elect to acknowledge his or her actions and take responsibility for the alleged sexual misconduct. In such situation, the Title IX Coordinator will propose sanction(s). If the victim and the respondent agree to such proposed sanction(s), then the complaint will be resolved without a hearing and without any further rights of appeal by any party. If either the victim or the respondent objects to such proposed sanction(s), the complaint will move forward in the formal resolution process.

(b) The Informal Resolution Process.

- i. **The Mediation; the Presiding Officer.** When the complaint is to be resolved according to the informal resolution process, there will be a mediation overseen by a Presiding Officer. The Title IX Coordinator will appoint the Presiding Officer from the Deputy Title IX Coordinators.
- ii. **Notice of the Mediation.** Promptly after the Title IX Coordinator has appointed the Presiding Officer, the Title IX Coordinator will provide concurrent written notice to the alleged victim and the respondent, setting forth the date, time and location of the mediation, as well as the name of the individual selected to serve as the Presiding Officer. If only a portion of the alleged misconduct

justifies continuing to adjudication, the Title IX Coordinator will also specify in the notice which part(s) of the alleged misconduct will be the subject of the mediation.

- iii. **No Contact Prior to Mediation.** The parties may not have contact with each other outside of the mediation, even to discuss the mediation.
- iv. **Attendance.** Both the alleged victim and the respondent are expected to attend the mediation. If either party fails to appear at the mediation, and such party was provided proper notice of the mediation as set forth above, then absent extenuating circumstances, the Presiding Officer may either direct that the resolution of the complaint be determined according to the formal resolution process set forth below or if the alleged victim fails to appear without good cause, as determined by the Title IX Coordinator, dismiss the complaint.
- v. **The Mediation.**
 - 1) **The Alleged Victim's Rights.** During the mediation, the alleged victim may:
 - a. Address the respondent in the presence of, and facilitated by, the Presiding Officer,
 - b. Communicate his or her feelings and perceptions regarding the incident and the impact of the incident (either by communicating directly with the respondent or by communicating indirectly with the respondent through the Presiding Officer), and/or
 - c. Relay his or her wishes and expectations regarding protection in the future.
 - 2) **The Respondent's Rights.** During the mediation, the respondent may:
 - a. Address the alleged victim in the presence of, and facilitated by, the Presiding Officer, and/or
 - b. Communicate his or her feelings and perceptions regarding the incident and the impact of the incident (either by communicating directly with the respondent or by communicating indirectly with the respondent through the Presiding Officer).
 - 3) **Counsel and Advisors.**
 - a. **Legal Counsel.** Under no circumstances may legal counsel be present at the mediation on behalf of the alleged victim or the respondent. The University, however, may seek advice from the University's General Counsel on questions of law and procedure throughout the hearing process.
 - b. **Other Advisors.** Absent accommodation for disability any other individual may not accompany the parties during the hearing process.
 - 4) **Resolution.** During the mediation, the Presiding Officer will attempt to facilitate the parties' resolution of the complaint. If the mediation results in a resolution between the parties and the Title IX Coordinator finds the resolution to be appropriate under the circumstances (giving consideration to the extent to which the resolution will protect the safety of the alleged victim and the entire University community), the informal disciplinary procedure will be concluded and the complaint will be closed. If the parties are unable to reach a resolution, the formal resolution process outlined in Article VI. of these Procedures will promptly commence.
- vi. **Privacy and Disclosure.** In order 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 informal resolution process is not open to the general public. Accordingly, documents prepared in anticipation of the mediation (including the investigative report, the notices of mediation) and documents, testimony, or other information introduced at the mediation may not be disclosed outside the hearing proceedings, except as may be required or authorized by law.
- vii. **Documentation.** The University will retain all records and documentation related to mediation for at least seven years. Documentation pertaining to terminations, expulsions, or educational sanctions may be retained indefinitely.

ARTICLE VI FORMAL RESOLUTION

The following process will provide prompt, adequate, reliable, and impartial investigations and resolutions of all complaints. An individual may file a grievance with the Title IX Coordinator, with any of the Deputy Title IX Coordinators, the general counsel or with the associate vice president for human resources. UCA will take prompt action to investigate and adjudicate the complaint. Our goal is to complete the investigation and adjudication within 60 days. In most instances, the process will be quicker. However, there will be times where the process may take longer and the University will communicate on an on-going basis with the parties a realistic timeline, and the circumstances regarding a time extension.

Members of the Counseling Center Staff, as well as the Student Health Center Staff are confidential resources and do not investigate incidents. They do not make identifiable reports of incidents unless the student requests them to do so. However, they *are* required to report such incidents, within two (2) working days, in a way that does not identify the student, but gives the university enough information to attempt to stop, prevent and remedy the effects of such violations. Faculty, staff and administrators outside of these two areas are not confidential resources, as they are considered mandatory reports. Mandatory reporters must report all allegations of sexual misconduct.

(a) Respondent's Acknowledgment of Responsibility Prior to Investigation.

At any time prior to the date of his or her designated investigation, the respondent may elect to acknowledge his or her actions and take responsibility for the alleged sexual misconduct. In such situation, the Title IX Coordinator will propose sanction(s). If the victim and the respondent agree to such proposed sanction(s), then the complaint will be resolved without a hearing and without any further rights of appeal by any party. If either the victim or the respondent objects to such proposed sanction(s), then members of the Deputy Title IX Coordinators investigative team, excluding those members who participated in the initial investigation, will convene for the exclusive purpose of determining a sanction, which determination may be subject to appeal pursuant to Section V(b)(v) of these Procedures.

(b) The Formal Resolution Process.

i. The Appointment of the Investigative Team.

If the Title IX Coordinator determines that an investigation should be conducted, the Title IX Coordinator will assign the case to an investigative team made up of Deputy Title IX Coordinators who will conduct an investigation and will share the names and contact information of the investigative team with the alleged victim and the respondent. If the respondent is a faculty member, at least one of the Deputy Title IX Coordinators on the investigative team will be a faculty member, if available and s/he does not have a conflict with either the respondent or complainant. If the respondent is a staff member, at least one of the Deputy Title IX Coordinators on the investigative team will be a staff member, if available and s/he does not have a conflict with either the respondent or complainant. The size of the investigative team will generally depend on the scope of the allegations. Within three days of such appointment, any member of the investigative team, the alleged victim or the respondent may identify to the Title IX Coordinator, in writing, any real or perceived conflicts of interest posed by assigning such investigators to the matter. The Title IX Coordinator will carefully consider such statements and will assign a different Deputy Title IX Coordinator to the investigative team if it is determined that a material conflict of interest exists.

ii. The Investigation.

Upon receipt of the complaint, the investigative team will promptly begin the investigation, which will include conducting interviews with the complainant, the alleged victim (if not the complainant), the respondent and third-party witnesses and summarizing such interviews in written form.

Throughout the investigation, the investigative team will remain neutral. The Deputy Title IX Coordinators should obtain, where applicable and where possible, the written consent of any third-party witnesses to the disclosure, as contemplated by these Procedures, of any personally identifiable information contained in the complaint, the investigative report, and/or any other documents the

disclosure of which is contemplated by these Procedures in order to further the resolution of the complaint.²

- a. **Limited Immunity.** The alleged victim and any third-party witnesses will be deemed immune from drug or alcohol violations in conjunction with the alleged violation.
- b. **Presence of an Advisor or Support Person.** Both the alleged victim and respondent are permitted to have an advisor or support person present during their respective hearings. Advisors must be a faculty, administrator, staff or student member of the UCA community. The role of an Advisor is to support the respondent or witness throughout the process, and provide advice and consultation to the student. An advisor may communicate with a party privately, but s/he may not address the Hearing Panel, cross-examine witnesses, or have any other speaking role. An advisor or support person must maintain confidentiality regarding any and all communications exchanged pursuant to these Procedures.
- c. **Recording Devices.** The University may utilize recording devices during the investigation process. However, neither party may utilize such devices.

iii. **Outcome.**³

If the investigative team finds grounds to believe that the conduct at issue constitutes a violation of Board Policy 511 and/or the Student, Staff or Faculty Handbooks, utilizing the “preponderance of evidence” standard, then the Title IX Coordinator will determine and document the appropriate sanction(s) of the respondent. Each party will be promptly notified of the sanction(s).

If the investigative team finds no reasonable grounds to believe that the conduct at issue constitutes a violation of Board Policy 511 and/or the Student, Staff or Faculty Handbooks, then the Title IX Coordinator will determine and document the appropriate resolution of the complaint and will promptly notify the parties of that determination.

iv. **Sanctions.**

Sanctions for a finding of responsibility depend upon the nature and gravity of the misconduct, any record of prior discipline for sexual misconduct, or both. Sanctions may include, without limitation, withholding a promotion or pay increase, reassigning employment, terminating employment, temporary suspension without pay, compensation adjustments, expulsion or suspension from the university, disciplinary probation, expulsion from campus housing, mandated counseling and/or educational sanctions deemed appropriate by the Title IX Coordinator. If the respondent is a faculty member, the Title IX Coordinator will consult with the Provost and/or his/her designee before a final sanction is issued. If the respondent is a staff member, the Title IX Coordinator will consult with the Associate Vice President for Human Resources/Risk Management and/or his/her designee before a final sanction is issued. If the respondent is a student, the Title IX Coordinator will consult with the Dean of Students and/or his/her designee before a final sanction is issued.

The Title IX Coordinator will determine sanctions, giving consideration to whether a given 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.

ARTICLE VII APPEALS

The complainant (or “alleged victim” if not the complainant) and/or the respondent may file a written appeal to the Title IX Coordinator within 10 working days of receipt of the Title IX Coordinator’s decision. The only permissible

² If the Deputy Title IX Coordinator is unable to obtain consent of such third-party witnesses, s/he will redact the investigative report to the extent necessary to avoid inappropriate disclosure of such witnesses’ personally identifiable information, while ensuring that such redaction does not prevent resolution of the complaint.

³ There are no grounds for “expungement “ of the records of any party.

grounds for an appeal are (a) availability of germane new evidence not available at the time of the investigation that could significantly impact the outcome of the investigation; and/or (b) denial of due process that significantly impacted the outcome of the investigation (i.e., failure to substantially follow stated procedures.)

Following receipt of the appeal, the Title IX Coordinator will make a determination as to whether the complaint should proceed to a hearing or the case should be closed and whether any additional or different remedial action is necessary. The Title IX Coordinator will notify the alleged victim and the respondent concurrently of his or her decision.

In the case of an appeal, the Hearing Panel will have access to reports, statements by the complainant, respondent, witnesses and any other materials related to the case. **Complainant, respondent, witnesses or other parties normally do not appear before the Hearing Panel.** In the event the Hearing Panel needs clarification of the basis of the appeal, or of the investigative team's recommendation, the Hearing Panel may hear from the individual filing the appeal and/or Title IX Coordinator for this limited purpose.

- a. **The Hearing Panel.** The Title IX Coordinator will appoint the members of the "Hearing Panel," to include at least three of the Deputy Title IX Coordinators who were not involved in the formal investigation process. If the respondent is a faculty member, at least one of the Deputy Title IX Coordinators on the Hearing Panel will be a faculty member, if available and s/he does not have a conflict with either the respondent or complainant. If the respondent is a staff member, at least one of the Deputy Title IX Coordinators on the Hearing Panel will be a staff member, if available and s/he does not have a conflict with either the respondent or complainant. The Title IX Coordinator will designate one member of the Hearing Panel as the Chair of the Hearing Panel. The Title IX Coordinator will share the complaint and the investigative report with the Hearing Panel and, if only a portion of the misconduct alleged in the complaint justifies continuing to the hearing process, the Title IX Coordinator will specify which part(s) of the alleged misconduct will be the subject of the hearings.
- b. **Notice of the Composition of the Hearing Panel.** Promptly after appointing members of the Hearing Panel, the Title IX Coordinator will provide concurrent written notice to the alleged victim and the respondent, setting forth the names of the Deputy Title IX Coordinators selected to serve on and chair the Hearing Panel. If only a portion of the misconduct alleged in the complaint justifies continuing to the hearing process, the Title IX Coordinator will specify in the notice which part(s) of the alleged misconduct will be the subject of the hearings.

The parties may challenge the participation of any member of the Hearing Panel by submitting a written objection to the Title IX Coordinator within three days of receipt of the notice of the composition of the Hearing Panel. Such objection must state the specific reason(s) for the objection. The Title IX Coordinator 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 composition of the Hearing Panel will be provided in writing to both parties prior to the date of the hearing.

c. Hearing Policies and Procedures.

- i. **Submission of Written Materials by the Parties.** Within five days of receipt of the notice of composition of the Hearing Panel, the alleged victim and the respondent may provide the Chair with (1) a list of witnesses, if any, that they propose the Hearing Panel call and a brief description of each proposed witnesses' connection to and/or knowledge of the issues in dispute, and (2) a written statement of position.
- ii. **Notice of the Hearings.** Between five (5) and ten (10) after the delivery of the notice of composition of the Hearing Panel to the parties, the Hearing Panel will provide a separate notice to each of the alleged victim, the respondent, and any witnesses of other third parties, if applicable, whose testimony the Hearing Panel deems relevant, requesting such individuals to appear before the Hearing Panel. The notice will set forth the applicable date, time, and location of the relevant individual's hearing. In its notices to the alleged victim and the respondent, the Hearing Panel will provide the names of the witnesses or other third parties that the Hearing Panel plans to call.

- iii. **Failure to Appear.** If the alleged victim or the respondent fails to appear before the Hearing Panel if requested to do so, and such party was provided proper notice of the hearing set forth above, then absent extenuating circumstances, the Hearing Panel will proceed to determine the resolution of the complaint.
 - iv. **Counsel and Support Persons.**
 - a. **Legal Counsel.** No party or witness may be accompanied by legal counsel during any hearing held pursuant to these Procedures, unless permitted by law. The University, however, may seek advice from the University’s General Counsel on questions of law and procedure throughout the hearing process.
 - b. **Advisors and Support Persons.** Both the alleged victim and respondent are permitted to have an advisor or support person present during their respective hearings, if applicable. Advisors must be a faculty, administrator, staff or student member of the UCA community. The role of an Advisor is to support the respondent or witness throughout the process, and provide advice and consultation to the student. An advisor may communicate with a party privately, but s/he may not address the Hearing Panel, cross-examine witnesses, or have any other speaking role. An advisor or support person must maintain confidentiality regarding any and all communications exchanged pursuant to these Procedures.
 - c. **Other Advisors.** Absent accommodation for disability and except as set forth in this Section VI (c) (4) (b), the parties may not be accompanied by any other individual during the hearing process.
 - v. **Evidentiary Matters.** If applicable, the alleged victim and the respondent will have an equal opportunity to present evidence during their respective hearings which will prove either (a) availability of germane new evidence not available at the time of the investigation that could significantly impact the outcome of the investigation; and/or (b) the denial of due process that significantly impacted the outcome of the investigation. Formal rules of evidence will not be observed during the hearings.
 - vi. **Conduct of the Hearings.**
 - a. **Generally.** The hearings will be conducted in an inquisitorial manner, which means that the Hearing Panel will be responsible for asking questions of the parties and the witnesses and developing evidence through testimony, if applicable. The Chair of the Hearing Panel will resolve any questions concerning procedure or the admission of evidence or testimony (including the relevancy and reliability of the evidence and testimony).
 - b. **Testimony of the Complainant.** The complainant may choose not to testify or appear before the Hearing Panel; however, his or her exercise of that option will not preclude the Hearing Panel from making a determination regarding the complaint filed against the respondent.
- d. **Outcome.**
- i. **The Decision of the Hearing Panel.** Following the conclusion of the hearing(s), 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 not⁴ that the availability of germane new evidence not available at the time of the investigation could significantly impact the outcome of the investigation and/or there was a denial of due process that significantly impacted the outcome of the investigation.

The Hearing Panel may:

- a. Affirm the original decision and sanction;
- b. Amend the original decision by lessening the sanction;
- c. Amend the original decision by strengthening the sanction;
- d. Reverse the original decision by finding the respondent not in violation; or
- e. Return the case to the Title IX Coordinator for further review/investigation.

ii. **Sanctions.**

- a. **Generally.** Sanctions for a finding of responsibility depend upon the nature and gravity of the misconduct, any record of prior discipline for sexual misconduct, or both. Sanctions may include,

⁴ In other words, the standard of proof will be the “preponderance of the evidence” standard.

but are not limited to, withholding a promotion or pay increase, reassigning employment, terminating employment, temporary suspension without pay, compensation adjustments, expulsion or suspension from the University, disciplinary probation, written letter of warning in student file, expulsion from campus housing, mandated counseling and/or educational sanctions deemed appropriate by the Hearing Panel.

The Hearing Panel will determine sanctions, giving consideration to whether a given 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. The Hearing Panel will forward its recommendations regarding the outcome and sanctions to the Title IX Coordinator. If the respondent is a faculty member, the Title IX Coordinator will consult with the Provost and/or his/her designee before a final sanction is issued. If the respondent is a staff member, the Title IX Coordinator will consult with the Associate Vice President for Human Resources/Risk Management and/or his/her designee before a final sanction is issued. If the respondent is a student, the Title IX Coordinator will consult with the Dean of Students and/or his/her designee before a final sanction is issued.

- b. Implementation of Sanctions.** Sanctions will be effective immediately and continue in effect until as such time that the Title IX Coordinator deems appropriate.
- iii. Final Accommodations and Corrective Action.** In addition to any sanctions imposed on the respondent, promptly following the conclusion of the hearings, the Title IX Coordinator will determine the final accommodations to be provided to the victim, if any, and the Title IX Coordinator will communicate such decision to the victim and, to the extent that it affects him or her, to the Respondent.
- iv. Final Outcome Letter.** Within 20 working days following the conclusion of the hearing(s), the Title IX Coordinator will issue a written decision letter of the Hearing Panel concurrently to the respondent, complainant and the alleged victim (if not the complainant). The Final Outcome Letter will set forth the name of the respondent, the violation(s) of the Policy for which the respondent was found responsible, if any, and sanctions imposed on the respondent, if any. It may set forth names of other individuals, such as the victim or witness, provided that such other individuals provide their written consent to such inclusion.
- However, when the respondent is a student, in order to comply with FERPA, the letter will not include information considered to be a part of respondent's "education record" (as defined by FERPA), such as information about sanctions that do not relate to the victim.
- v. Confidentiality and Disclosure.** In order 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 the pre-hearing submissions referenced above) and documents, testimony, or other information introduced at the hearings may not be disclosed outside the hearing proceedings, except as may be required or authorized by law.
- vi. Documentation.** The University will retain all records and documentation related to Title IX investigations (including but not limited to the written complaint, notifications, the investigative report, any written findings of fact, petitions for appeal, and any written communication between the parties) for at least seven years. Documentation pertaining to terminations, expulsions, or educational sanctions may be retained indefinitely.

EXHIBIT A
to the
UNIVERSITY OF CENTRAL ARKANSAS
SEXUAL MISCONDUCT GRIEVANCE PROCEDURES

**SUGGESTED ACTIONS FOR VICTIMS OF
SEXUAL ASSAULT**

Ensure Your Physical Safety

You may seek help from local law enforcement agencies or by contacting the UCA Police Department. The UCA Police Department can assist you with contacting local law enforcement and can help you obtain transportation to the local law enforcement office. Campus police are on duty at the University Police Department 24 hours a day, seven days a week.

Seek Medical Assistance and Treatment

Local options for medical care include the **UCA Student Health Center** and Conway Regional Medical Center. For your safety and well-being, immediate medical attention is encouraged. If you choose to have an evidence collection kit completed, it is important to be examined as soon as possible, ideally within 72 hours. The hospital will arrange for a specific medical examination at no charge. In order to best preserve evidence, it is recommended that you do not bathe, shower, douche, eat, drink, smoke, brush your teeth, urinate, defecate or change clothes before that exam. Even if you have already taken any of these actions, you are still encouraged to have prompt medical care and evidence may still be recoverable.

Obtain Emotional Support

The **Counseling Center** can help victims sort through their feelings and begin the recovery process. The professional at the Counseling Center are trained to provide crisis intervention on short-term and emergency issues. Counseling is free of charge to all students, faculty and staff. In some instances, the law may require the disclosure of information shared with counselors. However, absent a legal mandate to the contrary, counseling services are strictly confidential, are not part of a student's University records, and will not be reported to other University personnel.

Obtain Information/Report Misconduct

If you obtain external orders of protection (e.g. restraining orders, injunctions, protection from abuse), please notify the UCA Police Department or the campus Title IX Coordinator so that those orders can be observed on campus.

IMPORTANT CONTACT INFORMATION

University Resources

UCA's **Title IX Coordinator** is Mindy Pipkin, who is located in Wingo Hall, Suite 207. She may be contacted from 8:00 a.m. to 4:30 p.m. Monday through Friday by phone at 501-450-3247 or by email at mpipkin@uca.edu.

The **UCA Police Department** is located between State Hall and Hughes Hall and may be reached by dialing 911 while on campus or 501-450-3111. The Communication Center is staffed 24 hours a day, seven days a week.

The **Counseling Center** is available at the Student Health Center, Suite 327 or by calling: 501-540-3138.

The **UCA Student Health Center** is located between the HPER and Baridon Hall and is available by phone at (501) 450-3136. The office is staffed from 8:00 a.m. to 11:30 a.m. & 1:00 p.m. to 4:30 p.m. Monday through Friday during the academic year and 8:00 a.m. to 11:30 a.m. & 1:00 p.m. to 4:15 p.m. Monday through Friday during summer session.

Community Resources

Conway Regional Medical Center is located at 2302 College Ave, Conway, AR 72034. The Emergency Department can be reached at (501) 329-3831.

Sexual Assault Crisis/Victim Advocacy Centers

Sexual Assault Crisis Response of Central AR

866-358-2265

www.conwaywomensshelter.com

National Sexual Assault Hotline

www.rainn.org/get-help/national-sexual-assault-hotline
800-656-4673

National Domestic Violence Hotline

www.thehotline.org
800-799-7233

Lucie's Place

855-582-4377
www.luciesplace.org

EXHIBIT B
to the
UNIVERSITY OF CENTRAL ARKANSAS
SEXUAL MISCONDUCT GRIEVANCE PROCEDURES

Definitions

University of Central Arkansas prohibits all sexual misconduct and sexually inappropriate behavior. This includes, but is not limited to: sexual harassment, sexual assault, stalking, dating violence, domestic violence, and retaliation. Each of these prohibited behaviors is defined below.

1. **Alleged victim:** The person subjected to the sexual misconduct. May not necessarily be the complainant.
2. **Clery Act:** The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the “Clery Act”) is a federal statute codified at 20 U.S.C. § 1092 (f), with implementing regulations in the U.S. Code of Federal Regulations at 34 C.F.R. 668.46. The Clery Act requires all colleges and universities that participate in federal financial aid programs to keep and disclose information about crime on and near their respective campuses.
3. **Complainant:** an individual who reports or files a complaint. A complainant may be someone other than the person who may have been subjected to sexual misconduct.
4. **Complaint:** an allegation of sexual misconduct asserted against another party and reported to or filed with the University.
5. **Consent:** a freely given agreement to the conduct at issue by a competent person. An expression of lack of consent through words or conduct means there is no consent. Lack of verbal or physical resistance or submission resulting from the use of force, threat of force, or placing another person in fear does not constitute consent. A current or previous dating or social or sexual relationship by itself or the manner of dress of the person involved with the accused in the conduct at issue shall not constitute consent. A sleeping, unconscious, or incompetent person cannot consent. A person cannot consent to force causing or likely to cause death or grievous bodily harm or to being rendered unconscious. A person cannot consent while under threat or in fear. Lack of consent may be inferred based on the circumstances of the offense. All the surrounding circumstances are to be considered in determining whether a person gave consent, or whether a person did not resist or ceased to resist only because of another person’s actions.
6. **Dating violence:** Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury, or assault between two individuals who are in a romantic or intimate social relationship. A romantic or intimate social relationship between two individuals that is determined by examining the following factors: (i) The length of the relationship; (ii) The type of the relationship; and (iii) The frequency of interaction between the two individuals involved in the relationship. “Dating” does not include a causal relationship or ordinary fraternization between two (2) individuals in a business or social context.
7. **Day:** A “day” is a working day, unless otherwise specified.
8. **Deputy Title IX Coordinator:** The University Deputy Title IX Coordinators work under the oversight of the Title IX Coordinator to assist with the handling of Title IX-related complaints. The Title IX Coordinator, at his or her discretion, assigns a Deputy Title IX Coordinator in connection with a given complaint.
9. **Domestic Violence:** is a felony or misdemeanor crime of violence committed by any of the following individuals:
 - a. A current or former spouse or intimate partner of the victim; *or*
 - b. A person with whom the victim shares a child in common; *or*
 - c. A person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner; *or*
 - d. A person similarly situated to a spouse of the victim under the domestic or family laws of the jurisdiction in which the crime of the violence occurred; *or*
 - e. Any other person against an adult or youth who is protected under the domestic or family violence laws of the jurisdiction in which the crime of violence has occurred.
10. **FERPA:** The Family and Educational Rights and Privacy Act (“FERPA”) is a federal statute codified at 20 U.S.C. § 1232g, with implementing regulations at 34 CFR Part 99. FERPA protects the student education records. FERPA grants to parents or eligible students the right to access, inspect, and review educational

records, the right to challenge the content of education records, and the right to consent to the disclosure of education records.

11. **Incapacitation**: the physical and/or mental inability to make informed, rational judgments. States of incapacitation include, without limitation, sleep, blackouts, and flashbacks. Where an intoxicant is involved, incapacitation is a state of intoxication where the intoxicant consumed impairs a person's decision-making capacity; awareness of consequences, and ability to make fully informed judgments.
12. **Mandatory reporter**: all employees, both faculty and professional staff, must report allegations of sexual misconduct. When an employee becomes aware of an alleged act of sexual misconduct, the employee must promptly contact the Title IX coordinator, a deputy Title IX coordinator, general counsel or assistant vice president for human resources.
13. **Respondent**: an individual who has been accused of committing sexual misconduct by the report or filing of a formal or informal complaint.
14. **Retaliation**: any adverse action threatened against any person in the UCA community for filing, supporting, providing information, or for cooperating in these grievance procedures in good faith, in connection with a complaint of sexual misconduct.
15. **Sexual Assault**: deliberate physical contact of a sexual nature of another person without that person's consent.
 - a. **Non-consensual sexual contact**: Non-consensual sexual contact is any sexual touching, with any object, by a man or a woman upon another person without consent or making any person touches you or them in a sexual manner.
 - b. **Non-consensual intercourse**: Non-consensual intercourse is any sexual intercourse (anal, oral or vaginal), with any object, by a man or woman upon another person without consent)
16. **Sexual Harassment**: unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature when:
 - a. Submission to such conduct is either explicitly or implicitly made a condition of an individual's employment with the university or a factor in the educational program of a student;
 - b. Submission to or rejection of such conduct by an individual is used as the basis for an employment or academic decision affecting such individual; and/or
 - c. Such conduct has the purpose or effect of unreasonably interfering with an individual's right to achieve an educational objective or to work in an environment free of intimidation, hostility or threats stemming from acts or language of a sexual nature.
17. **Sexual Misconduct**: any unwelcome conduct of a sexual nature, including any conduct or act of a sexual nature perpetrated against an individual without consent. Sexual misconduct can be committed by men or by women and it can occur between people of same or different sex. Sexual misconduct includes but is not limited to:
 - a. Dating violence;
 - b. Domestic violence;
 - c. Sexual Assault (non-consensual sexual contact and non-consensual intercourse);
 - d. Sexual Harassment; and
 - e. Stalking.
18. **Stalking**: engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others or suffer substantial emotional distress. A "course of conduct" is two or more acts, including, but not limited to:
 - a. Acts in which the "stalker" directly, indirectly, or through third parties by any action, method, device, or means,
 - b. Follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property.
 - c. "Substantial emotional distress" is significant mental suffering or anguish that may, but does not necessarily require, medical or other professional treatment or counseling. A "reasonable person" is one under similar circumstances and with similar identities to the victim.
19. **Student**: any student who is registered at the University or enrolled at the University (a) at the time of the alleged sexual misconduct *and* (b) at the time a complaint is filed.
20. **Title IX Coordinator**: has the ultimate oversight responsibility for handling Title IX-related complaints and for identifying and addressing any patterns of systemic problems of sexual misconduct.
21. **Violence Against Women Reauthorization Act of 2013 ("VAWA")**: The Violence Against Women Reauthorization Act of 2013, specifically Section 304 or the "Campus Save Act", is a federal statute codified as amended at 42 U.S.C. § 3796gg-3 with implementing regulations currently pending. VAWA amends the Clery Act and requires schools and universities to specifically report the number of

incidents of domestic violence, dating violence and stalking as part of their annual security reports (and include their respective definitions within the ASR; amends the definition of "sexual assault," and amends the definition of hate crime to include crimes where victims are targeted because of their national origin or gender identity.