

TITLE IX COMPLIANCE

I. Purpose

A. The University of Arkansas System and its campuses, ~~units, divisions~~ and ~~divisions-units~~ seek to provide a safe and positive working and learning environment free from all forms of discrimination.

~~This policy is adopted to further those purposes.~~ This policy is intended to assist all campuses in complying with Title IX of the Education Amendments of 1972 (“Title IX”), which prohibits all forms of sex-based discrimination, harassment, and sexual misconduct in an institution’s education programs or activities. — on the basis of sex that is perpetrated against a person in the United States who is participating in (or attempting to participate in) University education programs and activities at the time the formal complaint is filed. An “education program or activity” may include locations, events, or circumstances over which the University exercises substantial control over both the respondent and the context in which the sexual harassment occurs; and also includes any buildings owned or controlled by a student organization that is officially recognized by the University. Discrimination based upon sex can include sexual harassment or sexual violence, such as dating violence, domestic violence, sexual assault, or stalking, as well as conduct. ~~Title IX also prohibits gender-based harassment, which may include certain acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex- stereotyping, even if those acts do not involve conduct of a sexual nature.~~

II. Establishment of Policies and Procedures

Each campus in the ~~University- UA~~ System shall develop policies and procedures to assure compliance with the requirements of Title IX and state law regarding discrimination on the basis of sex, including sexual harassment and sexual violence. Each campus shall:

A. Title IX Coordinator. Appoint a Title IX Coordinator and notify students and employees of the name, title and contact information of the Title IX Coordinator. Campuses may also designate one or more deputy Title IX coordinators, as appropriate to the structure of the campus.

B. Notices. Publish a notice of nondiscrimination on the basis of sex, including, but not limited to, on the campus website and in any student handbook or similar publication or other appropriate means of dissemination. The notice must state that inquiries concerning the application of Title IX may be referred to the campus Title IX Coordinator or the Office for Civil Rights, U.S.

Department of Education. The notice shall also include the contact information for the campus Title IX Coordinator and Deputy Title IX Coordinator, if any. Additionally, the campuses are free to include other information in the notice that may be helpful to an individual such as available campus support services.

C. Campus Policies. Publish and disseminate its policies prohibiting discrimination on the basis of sex and the procedures for reporting, investigation, and resolution of complaints.

~~incidents of sex discrimination, including sexual harassment and sexual violence, such as dating violence, domestic violence, sexual assault, or stalking. The procedures~~

~~must provide for a prompt and equitable resolution of sex discrimination complaints.~~ Policies should include a description of the conduct that constitutes sex discrimination, ~~and~~ sexual or gender-based harassment, and including sexual violence, consistent with applicable federal and state laws, and regulations. All other complaints of discrimination, harassment, or misconduct that do not fall within the jurisdiction of Title IX may be made through other campus policies or procedures.

D. Training. Provide all employees training on sex ~~and harassment~~ discrimination and the campus Title IX policies and procedures to include, at a minimum, the institution's obligation to address sex discrimination, the scope of conduct that constitutes a violation of Title IX policies, and all applicable notification and reporting requirements. ~~for reporting sexual harassment. Persons who are responsible for implementing or participating in the campus Title IX grievance proceedings. Employees likely to witness or receive reports of sexual harassment and sexual violence must~~ should receive enhanced training on the institution's obligations and grievance proceedings and their specific responsibilities, and any other training necessary to coordinate the campus' compliance with Title IX, which, at a minimum, includes the requirements of Title IX, the proper method for reporting sexual harassment and sexual violence and the university's responsibilities for responding to reports of sexual harassment and sexual violence.

~~Campus employees who will likely require enhanced training include: Title IX coordinator and deputy coordinator, campus law enforcement personnel, student conduct board members, student affairs personnel, academic advisors, peer educators and counselors providing victim advocacy services through campus-sponsored programs, and athletic department personnel (including administrators and all coaches).~~

E. Support Measures. ~~Provide support measures and resources for assistance to the~~

parties involved in a complaint as necessary or appropriate.

~~Assurances. Provide policies to assure the following:~~

~~Each complaint of sexual harassment or sexual violence filed with the Title IX Coordinator or Deputy Title IX Coordinator will be promptly investigated by the campus to determine what occurred. The parties have the right to a prompt, fair and impartial investigation of complaints by trained officials. For student disciplinary procedures, both parties will have the right to an equal opportunity to present witnesses and other evidence in any hearing, and the right to the same appeal processes. The parties will be notified of the general timeframe within which the campus will conduct a full investigation of the complaint. Opportunity for the complainant to be advised of the options available for pursuit of complaints, and, with respect to alleged, sexual violence, resources for assistance.~~

~~All parties will be provided with a status update of any investigation within a reasonable period of time.~~

~~For student disciplinary procedures, a preponderance of the evidence standard will be used to decide complaints (i.e., it is more likely than not that sexual harassment or violence occurred).~~

~~Complainants and respondents will be notified, in writing, of the outcome of the complaint, including whether the campus determined that sexual harassment or violence occurred.~~

~~a. With respect to student disciplinary procedures, notification will be simultaneous, and shall also address the right to file an appeal, if applicable. In accordance with federal and state privacy laws, the notification shall also address the sanction imposed against a student.~~

~~Mediation may not be used to resolve complaints of sexual violence.~~

~~Prohibition of retaliation against any person reporting or participating in an investigation of sexual harassment and sexual violence under the campus policies and procedures.~~

III. Reporting Sexual Violence Obligations

A. Employee Reports. Any campus employee ~~receiving information about a potential violation of the campus's Title IX policy this policy informed of an allegation of sexual violence involving a student~~ must promptly notify the Title IX Coordinator or Deputy Coordinator (if any), provided that limited, specific positions may be determined to be exempt from this requirement, in consultation with legal counsel and, consistent with governing law.

~~B. Initiation of Complaint Procedure Action. Upon receipt of a formal complaint, report the Title IX Coordinator or Deputy Coordinator (if any) will promptly investigate the matter and to determine whether any supportive measures are required at occurred and then take appropriate steps to resolve the situation. Upon conclusion of the investigation, responsibility shall be determined in accordance with campus procedures and federal law. Institutions shall take measures The Title IX Coordinator will initiate actions to ensure that the educational environment is free of discrimination, including, but not limited to, taking measures to stop any harassment, and to prevent any reoccurring harassment, and. Additionally, as appropriate, steps will be taken to remedy the effects of any harassment found to have been experienced by the complainant, to the extent such actions are appropriate and desired by the complainant. This may include commencement of the disciplinary process against an accused student or employee.~~

C. Reports to Law Enforcement

~~1. Reports of crimes may be filed with law enforcement with or without the assistance of the campus. Each campus will assist any student wishing to file a report to law enforcement. The Title IX Coordinator or Deputy~~

~~Coordinator will report complaints of sexual violence to law enforcement agencies when requested to do so by complainant.~~

2. The Title IX Coordinator or Deputy Coordinator, in consultation with appropriate campus officials, shall analyze each report of sexual violence to determine if a health or safety emergency as defined by state and federal law warrants disclosure of information relating to the complaint. In such case, information relating to the complaint will be disclosed to the appropriate persons including law enforcement personnel.

3. Timely warnings or emergency notifications issued under the Clery Act related to sexual violence shall also be sent to local law enforcement agencies.

Confidentiality of the Complainant:

~~Confidentiality will be respected to the extent possible. Even if the complainant requests confidentiality or asks that the complaint not be pursued, a campus is required to:~~

~~take all reasonable steps to investigate and respond to the complaint to the extent possible consistent with the complainant's wishes;~~

~~notify the complainant that the failure to pursue a complaint may limit the campus' ability to fully address the matter; and~~

~~report the incident or assault to local law enforcement authorities if a health or safety emergency as defined by state or federal law is found by the campus to require such reporting, including, but not limited to, circumstances under which authorities determine reporting is necessary to protect the health or safety of other persons. The Title IX Coordinator may also take these considerations into account when considering whether to file a complaint under Title IX if the complainant does not wish to proceed with the formal complaint process.~~

IV. Review and Approval of Procedures by the Office of General Counsel:

All Title IX policies and procedures must be reviewed and approved by the Office of General Counsel prior to their implementation on each campus.

_____, 2022 Revised

May 22, 2014