

**University of Arkansas  
Handouts  
Higher Education Subcommittee Meeting  
June 16, 2016**

1. Statement provided by the Chancellor of the University of Arkansas, Fayetteville
2. University of Arkansas Sexual Assault Prevention and Awareness Presentation
3. Title IX Process for Student-On-Student Complaints
4. Title IX Complaint Intake Form
5. Internal Investigative Process Checklist
6. Investigation Referral
7. OSSC Investigation
8. OSSC Special Procedures
9. University of Arkansas Sexual Misconduct Information Card for Victims (Wallet Card)
10. OCR Complaint, University of Arkansas (UAF) Response to Data Request



June 16, 2016

Dear Distinguished Members of the Higher Education Subcommittee  
of the Arkansas Legislative Council:

Thank you for inviting representatives of our campus to be part of the vital conversation about how to prevent and address sexual violence.

The University of Arkansas family cares deeply about providing a safe educational environment for our students. We want our students – as well as our faculty and staff – to appreciate that sexual misconduct has absolutely no place on our campus.

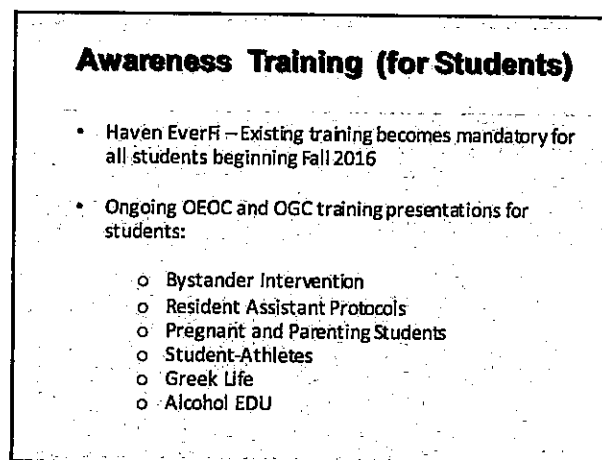
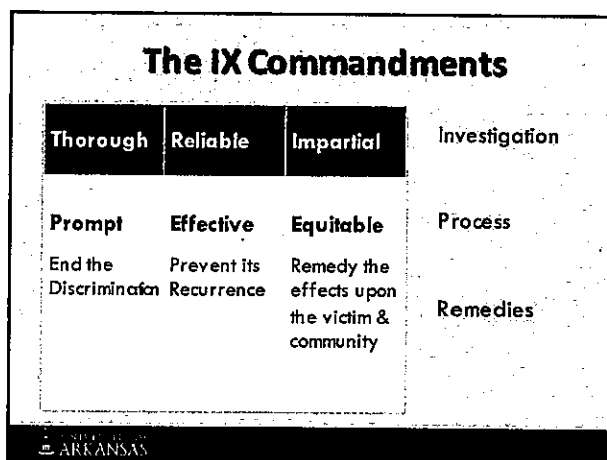
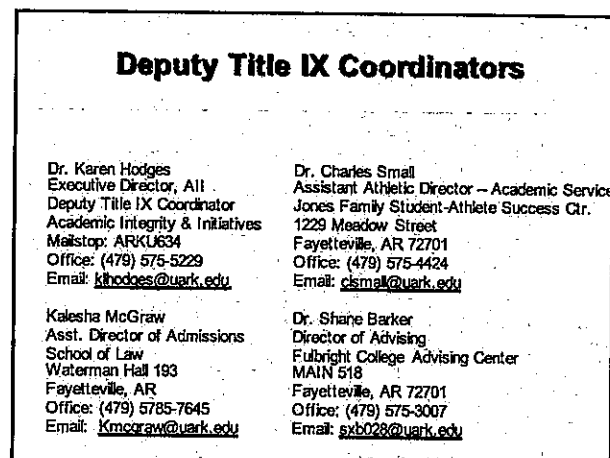
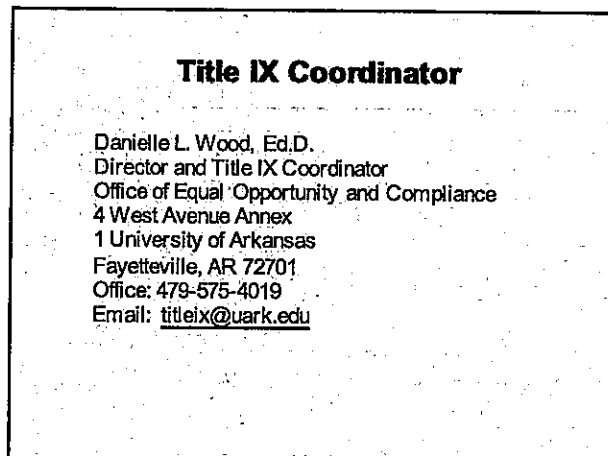
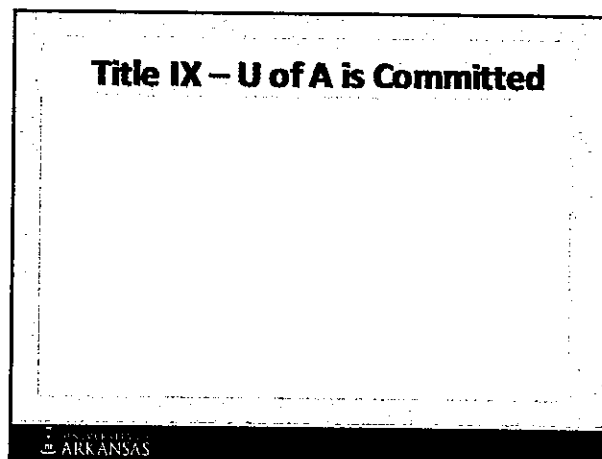
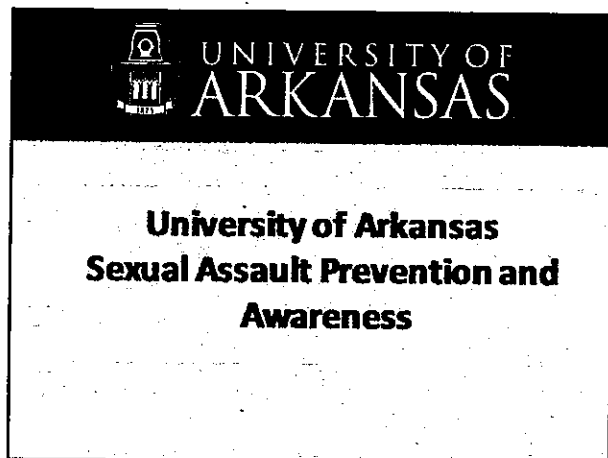
We have chosen to address this urgent problem proactively through education and awareness, and we are redoubling our efforts in this regard, emphasizing the connection between alcohol abuse and sexual misconduct, and encouraging students to step up and take action when they perceive a dangerous situation unfolding.

We provide extensive training to the campus community, and training is now mandatory for every entering student. When alleged misconduct does occur, we encourage students to report it, we provide extensive support and resources, and we actively and fairly investigate and review the matter through our disciplinary process, respecting the rights of both complainants and respondents, and addressing misconduct when it is substantiated.

Sexual violence is a national problem, but we are marshaling our resources to do the best we can to provide a safe and supportive environment at the University, one where all of our students can learn and thrive.

Sincerely,

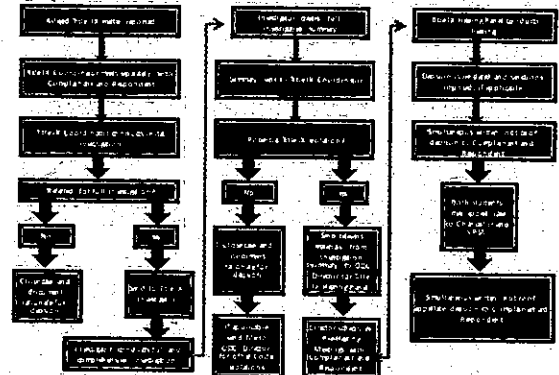
Joseph E. Steinmetz, Ph.D.  
Chancellor



## Awareness Prevention Programs

- Presentations and Interactive Campus Exhibits
- Outreach Initiatives and Awareness Events including, but not limited to:
  - Take Back the Night
  - Mock Rape Trial
  - Balloon Release for survivors of sexual assault
  - Campus Clothesline Project
  - Dress Down to Raise Awareness Day
  - Holiday Tree of Hope and Support
  - The Banner Project
  - The Fourth Flag Project

## Title IX Process for Student-on-Student Complaints



## Process Complaint Intake

During intake meeting with Complainant(s) and Respondent(s):

- Provide a general understanding of regulations;
- Identify forms of support or immediate intervention;
- Discuss interim measures that may be appropriate; and
- Seek to determine if Complainant wishes to proceed with conduct process or does not wish to pursue resolution of any kind.

## Interim Measures

Interim Measures may include, but are not limited to:

- Issuing "No Contact" orders;
- Reassigning on-campus housing;
- Providing counseling services;
- Providing academic support services;
- Dissolving a campus housing contract and offering a pro-rated refund;
- Arranging for the Complainant to take an incomplete in a class;
- Reassigning class sections;
- Permitting a temporary withdrawal from the University;
- Working with faculty on alternative course completion options;
- Changing work arrangements or location;
- Rescheduling class work, assignments, and exams

## Confidentiality

### If the Complainant does not wish to proceed ...

Title IX requires that we investigate and "take reasonable action" in response to the information provided.

- The Title IX Coordinator must weigh the Complainant's request not to proceed or for confidentiality with:
  - The seriousness of alleged sexual misconduct;
  - Whether there have been other sexual misconduct complaints against the same Accused Student; and
  - The Accused Student's right to receive information about the allegations under FERPA.

*Consistent with its Title IX obligations, UA takes into account safety considerations for the Complainant as well as for others*

## Intake Meetings

Intake meeting scheduled with Accused Student(s):

- Inform the Accused of allegation of sexual misconduct;
- Provide a general understanding of regulations;
- Outline the investigation process;
- Identify forms of support or immediate interventions.

Title IX Coordinator forwards the complaint and summary information to the Director of Student Conduct for formal investigation.

### Investigation

- Notice of Investigation is sent to Complainant(s) and Accused Student(s)
- Investigator will contact the Complainant(s), Accused Student(s), and any relevant witnesses to participate in an investigation interview
- Investigator will compile an Investigation Report of findings
- Investigation Report will be sent to Title IX Coordinator and OSSC Director

### Investigation

#### UAF Investigative Process (See Handout)

- Update student database with all current documentation;
- Investigative meeting with Complainant;
- Investigative meeting with Alleged Victim (if not the same person as Complainant);
- Investigative meeting with Respondent;
- Interview witnesses;
- Retrieve other evidence as appropriate;
- Create Investigative Summary;
- Provide Investigative Summary to Title IX Coordinator and OSSC Director

### Investigation

#### Planning is Key

The Investigator, in consultation with Title IX Coordinator, plans the entire investigation. This includes:

- What policy elements may have been violated?
- What are the undisputed facts? Which ones are significant to the investigation?
- What are the facts in dispute? Which ones are significant to the investigation?
- Who needs to be interviewed?
- What should be the order of the interviews?

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### Investigation

#### Other elements to consider in strategy:

- What are the key issues involved?
- What additional documentary evidence will be important to the investigation?
- Timeline (within 60 days, will vary by case)

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### How Does This Investigation Model Meet Due Process Requirements of Procedural Fairness?

#### Rights extend to all parties

- In line with Campus Sexual Assault Victims' Bill of Rights
- OCR guidance (2001) and DCL (2011)
- Equitable procedure and support mechanisms for both parties
  - Equity ≠ parity

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### Formal Hearing

#### Following Investigation:

- If potential Title IX violation is found, Title IX Hearing Panel hearing is scheduled
- Three-person panel specifically trained to hear Title IX matters
  - Complainant(s) provides testimony
  - Accused Student provides testimony
- Board determines level of responsibility based on preponderance of evidence
- Board determines appropriate sanction(s) if Accused Student is found responsible

### Outcome & Appeal

- Both parties are notified in writing of the outcome and sanctions
- Both parties have right to appeal the Board's decision to the Chancellor and the VPSA.
- Complainant's appeal may be based on:
  - (1) The Title IX special procedures were not followed and that affected the hearing outcome.
  - (2) New evidence has become available that was not available during the time of the original hearing.
  - (3) The sanction(s) imposed are outside the University's sanction range for such violations and/or not justified by the nature of the offense.
  - (4) An objective assessment of the evidence under the preponderance of evidence standard supports a finding of responsibility.

### Outcome & Appeal

Respondent's appeal may be based on:

- (1) An alleged violation of the rights guaranteed the accused has occurred.
- (2) The sanction(s) imposed are outside the University's sanction range for such violations and/or not justified by the nature of the offense.
- (3) New evidence has become available that was not available during the time of the original hearing.
- (4) An objective assessment of the evidence under the preponderance of evidence standard does not support a finding of responsibility.

### OCR Complaints 2014-2016

The total number of colleges currently under federal investigation nationally for potential Title IX violations:

- 2014—55
- 2015—94
- Today—243 (192 colleges & universities)

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### The OCR Investigation Process

- OCR is a neutral fact-finder that collects and analyzes relevant information.
- Notification letters
  - To the complainant and recipient informing them that OCR is opening an investigation
  - Normally will be sent to the college chancellor
- Data request—written request for documents and narrative responses to questions.
- Scheduling interviews - telephone or in-person.
- On site visit

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### UAF OCR Title IX Complaints (See Handout)

- April 21, 2016 – Date of Notification and Data Request received for three (3) student complainants
  - Two allegations of Title IX violations related to sexual violence
    - Filed by Claimants in student conduct process
  - One allegation of Title IX violations related to sexual harassment
    - Filed by Respondent in student conduct process
- May 23, 2016 – University response submitted to OCR

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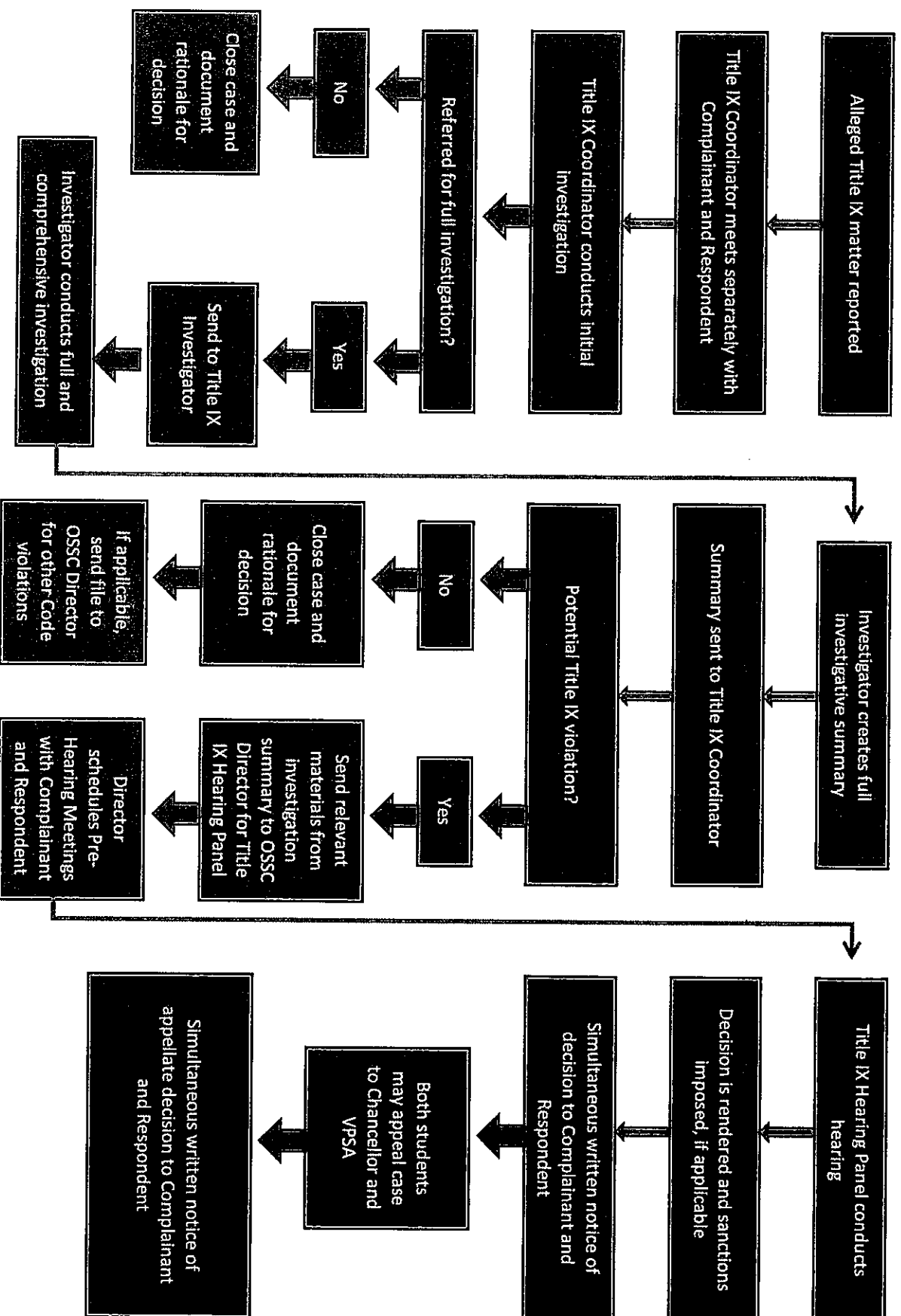
### Continuing Efforts to Enhance Campus Response

- Campus Climate Survey (Haven) – Fall 2016
- Mandatory Haven training for students
- Haven training for employees
- Monitoring Federal guidance
- Routinely reviewing Resolution Agreements issued by the OCR
- Implementing timely, proactive, equitable measures to address sexual misconduct

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**Questions  
&  
Answers**

## Title IX Process for Student-On-Student Complaints



## TITLE IX Complaint Intake Form

Title IX Coordinator (or Designee): \_\_\_\_\_

Date of Alleged Incident: \_\_\_\_\_

**Complainant:** \_\_\_\_\_

Complainant's Contact Information: \_\_\_\_\_

☐ a faculty member    ☐ a student    ☐ a staff member    ☐ not affiliated with the University

For faculty, staff, and students, indicate whether: ☒ current    ☐ former

*Request to remain anonymous* ☐

Complainant Interview: Date: \_\_\_\_\_

☐ Notify Complainant of right to contact law enforcement

☐ Provide a .pdf draft of interview notes within 2 business days (or as soon as possible thereafter)

Date Sent: \_\_\_\_\_ Received: \_\_\_\_\_

Alleged Victim (if her or she is not the complainant): \_\_\_\_\_

☐ a faculty member    ☐ a student    ☐ a staff member    ☐ not affiliated with the University

For faculty, staff, and students, indicate whether: ☐ current    ☐ former

*Request to remain anonymous* ☐

Alleged Victim Interview Date: \_\_\_\_\_

☐ Notify Complainant of right to contact law enforcement

☐ Provide a .pdf draft of interview notes within 2 business days (or as soon as possible thereafter)

Date Sent: \_\_\_\_\_ Received: \_\_\_\_\_

**Respondent:** \_\_\_\_\_

Enrolled at time of incident: ☐ yes    ☐ no

Respondent Interview Date: \_\_\_\_\_

☐ Respondent has 2 business days to review and respond to his/her statement

Date Sent: \_\_\_\_\_ Received: \_\_\_\_\_

### Alleged Violations:

☐ Sexual Harassment    ☐ Sexual Misconduct    ☐ Stalking    ☐ Domestic or Dating Violence (circle one)

☐ Other (please specify): \_\_\_\_\_

### Interim Actions Requested:

☐ Interim Suspension

☐ Interim Action (specify)

☐ No-Contact Order

☐ No Interim Action Requested (at this time)

### Notification of Interim Measures Sent (notifications sent by OSSC, marked by Title IX):

☐ Complainant/Alleged Victim Date: \_\_\_\_\_

☐ Respondent Date: \_\_\_\_\_

Internal Use Only

Notifications:

☐ UAPD/FPD: \_\_\_\_\_

☐ Applicable UofA Officials: \_\_\_\_\_

Case Notes:

Witnesses/Third Parties (requested by both C/AV and Respondent):

Name:

Phone Number:

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Actions Requested by Title IX:

☐ Refer to OSSC Investigator for Full Investigation

☐ Educational Conversation with Title IX Coordinator and/or the DOS (rationale): This case is being referred to

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☐ Other Action (specify if Code of Student Life violation):

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☐ NOT REFERRED to OSSC / Case Closed and Documented (rationale):

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**Internal Use Only**

Location of Alleged Incident: ☐ On-Campus ☐ Off-Campus

Reported to Law Enforcement: ☐ Yes (She was told contact local enforcement) ☐ No

☐ Clery (Documented in Title IX Manager) Recorded by: ☐ OEOC ☐ UAPD ☐ OSSC

## Internal Investigative Process Checklist

Date of Alleged Incident: \_\_\_\_\_  
Location of Alleged Incident: ☐ On-Campus ☐ Off-Campus  
Reported to Law Enforcement: ☐ Yes ☐ No

### Title IX

Title IX Coordinator (or Designee): \_\_\_\_\_

Complainant Interview Date: \_\_\_\_\_

- ☐ Notify Complainant of right to contact UAPD or FPD
- ☐ Provide a .pdf draft of interview notes to Complainant within 2 business days
- ☐ Complainant has 2 business days to review and respond to their statement

Date Sent: \_\_\_\_\_ Received: \_\_\_\_\_

### Interim Actions Requested:

- ☐ Interim Suspension ☐ Interim Action (specify) \_\_\_\_\_
- ☐ No-Contact Order ☐ No Interim Action Requested (at this time)

### Notification of Interim Measures Sent:

- ☐ Complainant/Alleged Victim Date: \_\_\_\_\_
- ☐ Respondent Date: \_\_\_\_\_

Respondent Interview Date: \_\_\_\_\_

- ☐ Provide Respondent with interview notes within 2 business days
- ☐ Respondent has 2 business days to review and respond to their statement

Date Sent: \_\_\_\_\_ Received: \_\_\_\_\_

### Notifications:

- ☐ UAPD/FPD: \_\_\_\_\_
- ☐ Applicable UofA Officials: \_\_\_\_\_
- Clery: ☐ Yes ☐ No

**Refer for Investigation?:** ☐ Yes ☐ No Date referred: \_\_\_\_\_

**Investigation Referral**

**Complainant:** \_\_\_\_\_

Complainant's Phone Number: \_\_\_\_\_

The Complainant is:

☐ a faculty member    ☐ a student    ☐ a staff member    ☐ not affiliated with the University

For faculty, staff, and students, indicate whether: ☐ current ☐ former

Request to remain anonymous ☐

**Alleged Victim (if her or she is not the complainant):** \_\_\_\_\_

The victim is:

☐ a faculty member    ☐ a student    ☐ a staff member    ☐ not affiliated with the University

For faculty, staff, and students, indicate whether: ☐ current ☐ former

Request to remain anonymous ☐

**Respondent:** \_\_\_\_\_

The Respondent is:

☐ a faculty member    ☐ a student    ☐ a staff member    ☐ not affiliated with the University

For Faculty, staff, and students, indicate whether: ☐ current ☐ former

**Information Regarding the Alleged Policy Violation(s):**

☐ Sexual harassment    ☐ Sexual misconduct    ☐ Stalking    ☐ Domestic/Dating Violence

☐ Other (please specify): \_\_\_\_\_

**Witnesses/Third Parties (requested by both C/AV and Respondent):**

Name:

Phone Number:

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**OSSC Investigation**

☐ Update Advocate File with All Current Documentation

☐ Interview Witnesses

Name:

Date Interviewed:

Memo to File:

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☐ Note who declines to participate for later redaction

Declined:

☐ Investigative Meeting with Complainant Date: \_\_\_\_\_

☐ Investigative Meeting with Alleged Victim (if not the same person as Complainant) Date: \_\_\_\_\_

☐ Investigative Meeting with Respondent Date: \_\_\_\_\_

☐ Retrieve Other Evidence as Appropriate

☐ Create Investigation Summary

☐ Send Summary to OSSC Director and Title IX Coordinator Date Sent: \_\_\_\_\_

Code of Student Life Violations: ☐ yes ☐ no

Charges:

## OSSC Special Procedures

Case Number: \_\_\_\_\_

Opened: \_\_\_\_\_ Closed: \_\_\_\_\_

### Alleged Victim:

- ☐ Pre-Hearing Meeting Scheduled Date: \_\_\_\_\_
- ☐ Submission of New Documentation/Evidence
- Impact Statement Due Date: \_\_\_\_\_ Impact Statement Received: \_\_\_\_\_
- ☐ Notification of Date to Expect Hearing Packet
- ☐ Hearing Notification and Information Packet Sent Date: \_\_\_\_\_

### Respondent:

- ☐ Letter notifying Charges/Rights/Pre-Hearing Date Sent: \_\_\_\_\_
- Pre-Hearing Attended on: \_\_\_\_\_
- ☐ Submission of New Documentation/Evidence
- ☐ Title IX Administrative Hearing Notification Letter Sent: \_\_\_\_\_
- ☐ Hearing Packet Sent: \_\_\_\_\_

### Outcome:

- ☐ Simultaneous Notification Sent: \_\_\_\_\_
- ☐ BCC: [reikenbe@uark.edu](mailto:reikenbe@uark.edu); [mholland@uark.edu](mailto:mholland@uark.edu); Hearing Panel Members
- Appeal Filed By: ☐ Alleged Victim ☐ Respondent

### Appeal – Alleged Victim:

- ☐ Appeal Form Requested: \_\_\_\_\_
- ☐ Appeal Form Sent: \_\_\_\_\_
- ☐ Appeal Received (5 Business Days from Notification): \_\_\_\_\_
- ☐ Appeal Statement Sent to Respondent: \_\_\_\_\_
- ☐ Respondent response received (5 business days): \_\_\_\_\_

### Appeal – Respondent:

- ☐ Notify Alleged Victim of Appeal Date: \_\_\_\_\_
- ☐ Appeal Statement Sent to Alleged Victim Date: \_\_\_\_\_
- ☐ Response from Alleged Victim Received (within 5 business days): \_\_\_\_\_

### Appeal Outcome:

- ☐ Parties Notified of Appeal Outcome

# University of Arkansas

## Sexual Misconduct Information Card for Victims

**Student Complaints  
Against Student(s)**

**Student Complaints  
Against Faculty/Staff**

**Student Support and  
Advocacy**

**Dr. Danielle Wood**  
*Director/Title IX Coordinator*

*Associate Director/Compliance Officer*  
*ADA/504 Coordinator*

**Dr. Mary A Wyandt-Hiebert,  
PhD, MCHES, WHC**  
*Director, STAR Central Office*

Equal Opportunity and Compliance

1 University of Arkansas

346 N. West Avenue

(West Avenue Annex)

Mailstop: WAAAX 4

Office: (479) 575-4019 (voice)

Office: (479) 575-3646 (tdd)

Fax: (479) 575-7637 (fax)

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

Relay Service:

<http://www.arkansasrelay.com/>

Equal Opportunity and Compliance

1 University of Arkansas

346 N. West Avenue

(West Avenue Annex)

Mailstop: WAAAX 4

Office: (479) 575-4019 (voice)

Office: (479) 575-3646 (tdd)

Fax: (479) 575-7637 (fax)

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

Relay Service:

<http://www.arkansasrelay.com/>

1 University of Arkansas

277 Pat Walker Health Center

Mailstop: HLTH 277

(479) 575-7252

[mwyandt@uark.edu](mailto:mwyandt@uark.edu)

A program with Willow Creek Hospital is available for acute victims of sexual assault (72 hours or less from the date of the incident) for forensic evidence collection and medical exam. Willow Creek Hospital Emergency Room (open 24 hrs) is located off of I-540 (Johnson Exit)

**Retain this notice for future reference**

**OCR Complaint Numbers:** [REDACTED]  
**University of Arkansas (UAF) Response to Data Request**

1. A copy of the following UAF policies, procedures, and documents that have been in effect at any time from the fall of 2013 to the present. To the extent these documents are available on UAF's website, an appropriate link is sufficient.
  - a. Title IX policies and procedures regarding discrimination based on sex and, if different, policies regarding sexual harassment and sexual violence.

**Response:**

Please see the following links:

- i. Fayetteville Policies and Procedures 418.0: Sexual Harassment Policy:  
<http://vcfa.uark.edu/policies/fayetteville/oeoc/4180.php>
  - ii. Fayetteville Policies and Procedures 418.1: Sexual Assault:  
<http://vcfa.uark.edu/policies/fayetteville/oeoc/4181.php>
  - iii. Fayetteville Policies and Procedures 214.1: Non-Discrimination:  
<http://vcfa.uark.edu/policies/fayetteville/oeoc/2141.php>
  - iv. UA System Board Policy 275.1: Title IX Compliance:  
[http://www.uasys.edu/wp-content/uploads/2012/01/0275\\_1.pdf](http://www.uasys.edu/wp-content/uploads/2012/01/0275_1.pdf)
- b. Grievance procedures for complaints and other avenues for reporting alleged sex discrimination and, if different, sexual harassment and sexual violence. If the UAF has different procedures depending on whether complaints are against students, faculty or staff, provide all procedures.

**Response:**

Please see the following links:

- i. Fayetteville Policies and Procedures 214.1: Non-Discrimination:  
<http://vcfa.uark.edu/policies/fayetteville/oeoc/2141.php>
  - ii. UAF Police Department – Annual Security Report 2014 (specific information beginning on page 48): [http://uapd.uark.edu/resources/clery-reports/Clery\\_Report\\_2014.pdf](http://uapd.uark.edu/resources/clery-reports/Clery_Report_2014.pdf)
  - iii. UAF Student Standard and Conduct General Guide to Title IX Special Procedures:  
<http://ethics.uark.edu/titleix/documents.php>
  - iv. UAF Office of Equal Opportunity and Compliance Discrimination, Harassment, Retaliation and Dispute Resolution: <http://oeoc.uark.edu/compliance/index.php>
- c. The Student, Staff and Faculty Codes of Conduct and any other document(s) that contain the UAF's policies and procedures regarding student, staff and faculty behavior and discipline, including procedures for determining whether the UAF will impose sanctions for sexual harassment and sexual violence.

**Response:**

Please see the following document and links:

- i. Student Code of Conduct – Please see the attached, marked **Response to Request No. 1**. See especially Section C.10., Special Proceedings for Cases involving Title IX Matters. <http://handbook.uark.edu/code-of-student-life/student-conduct/disciplinary-proceedings.php>
  - ii. UAF Police Department – Annual Security Report 2013 (specific information beginning on page 20): [http://uapd.uark.edu/resources/clery-reports/Clery\\_Report\\_2013.pdf](http://uapd.uark.edu/resources/clery-reports/Clery_Report_2013.pdf)
  - iii. UAF Police Department – Annual Security Report 2014 (specific information beginning on page 48): [http://uapd.uark.edu/resources/clery-reports/Clery\\_Report\\_2014.pdf](http://uapd.uark.edu/resources/clery-reports/Clery_Report_2014.pdf)
- d. Student, staff and faculty handbooks.

**Response:**

Please see the following links:

- i. Student Handbook
    - (1) 2015-2016: <http://handbook.uark.edu/>
    - (2) 2014-2015: <http://wayback.archive-it.org/org-1034/20140903065450/http://handbook.uark.edu/>
    - (3) 2013-2014: <http://wayback.archive-it.org/org-1034/20130903065422/http://handbook.uark.edu/>
  - ii. Staff Handbook
    - (1) 2015-2016: <http://wayback.archive-it.org/org-1034/20150801032709/http://hr.uark.edu/working/handbook/index.php>
    - (2) 2014-2015: <http://wayback.archive-it.org/org-1034/20140819151541/http://hr.uark.edu/currentemployees/153.aspx>
    - (3) 2013-2014. The 2013-2014 Staff Handbook is unavailable in electronic form and hard copies have been archived. The UAF has requested that a copy be provided as soon as possible and will supplement this response upon receipt.
  - iii. Faculty Handbook
    - (1) 2015: <http://provost.uark.edu/faculty-handbook/index.php>
    - (2) 2014: <http://provost.uark.edu/faculty-handbook/2014-2015-faculty-handbook.pdf>
    - (3) 2013: <http://provost.uark.edu/faculty-handbook/2013-2014-faculty-handbook.pdf>
- e. UAF's nondiscrimination statement, i.e., its notice that it will not discriminate against individuals on the basis of sex.

**Response:**

Please see the following link:

Fayetteville Policies and Procedures 214.1: Non-Discrimination:  
<http://vcfa.uark.edu/policies/fayetteville/oeoc/2141.php>

The University of Arkansas prohibits discrimination against and harassment of its students, faculty, and staff, or any applicant for employment. It is the policy of the University of Arkansas to provide an educational and work environment in which thought, creativity, and growth are stimulated, and in which individuals are free to realize their full potential through equal opportunity. The university should be a place of work and study for students, faculty, and staff, that is free of all forms of discrimination, sexual intimidation and exploitation. Therefore, the University of Arkansas is committed to providing equal opportunity for all students and applicants for admission and for all employees and applicants for employment regardless of race, age, gender, sex (including pregnancy), religion, national origin, marital or parental status, disability, veteran status, sexual orientation, gender identity or any other characteristic protected under applicable federal or state law. In addition, discrimination in employment on the basis of genetic information is prohibited.

2. For each grievance procedure or complaint process procedure offered to students and used by the UAF to address sexual harassment and sexual violence or other sex discrimination complaints, if not indicated in the policy or procedure, identify the name and title of each individual, including UAF police, administrators, staff and students responsible for accepting, investigating, deciding or otherwise resolving complaints. Identify any other offices or departments with any responsibility for responding to reports of sexual harassment and violence, and any other offices or departments to which students typically report such conduct.

**Response:**

- a. In accordance with OCR's 2001 guidance, the University of Arkansas has designated the following faculty and staff members as "responsible employees" who may accept complaints:
  - i. Any employee who has the authority to take action to redress sexual violence;
  - ii. Any employee who has been given the duty of reporting incidents of sexual violence or any other misconduct by students to the Title IX coordinator or other appropriate school designee; or
  - iii. Any employee whom a student could reasonably believe has this authority or duty.

For a detailed list of staff members designated as Responsible Employees (by title/position), please see the attached, marked **Response to Request No. 2**.

- b. The following staff members are, or have been, responsible for investigating complaints:
  - i. Danielle L. Wood, Title IX Coordinator and Director, Office of Equal Opportunity and Compliance.
  - ii. Rachel Eikenberry, Director, Office of Student Standards and Conduct.
  - iii. Greg Foster, Interim Program Coordinator for Educational Outreach and Conduct Investigations.
  - iv. Monica Holland, Associate Dean of Students and former Interim Title IX Coordinator.

- v. Ashley McNamara Fritz, former Program Coordinator for Educational Outreach and Conduct Investigations.
- vi. Shannon Haupt, former Title IX Coordinator and University Compliance Officer.
- vii. Nicole S. Ferguson, former Interim Title IX Coordinator.
- viii. Missy Milton (formerly Missy Leflar), former Interim Title IX Coordinator and University Compliance Officer.
- ix. Eric Wood, former Deputy Title IX Coordinator.
- x. Karen Hodges, Deputy Title IX Coordinator.

For a list of staff members who are, or have been, responsible for deciding cases as members of the University's Title IX Hearing Panel, please see the attached, marked ***Response to Request No. 2.***

- c. The following staff members are, or have been, responsible for deciding disciplinary appeals, including those related to sexual harassment, sexual assault or other sex discrimination complaints:
  - i. Charles F. Robinson, Vice Chancellor for Student Affairs
  - ii. Daniel J. Pugh, former Vice Provost for Student Affairs and Dean of Students
  - iii. Joseph E. Steinmetz, Chancellor
  - iv. Daniel E. Ferritor, former Chancellor
  - v. G. David Gearhart, former Chancellor
  - vi. Stacy Leeds, Dean, School of Law (for appeals involving law students only)

3. A copy of any:

- a. Internal or external assessments of the adequacy or effectiveness of the UAF's policies and procedures concerning sexual harassment and sexual violence; and
- b. Internal or external recommendations made to the UAF since the fall of 2013 regarding changes to its policy and procedures for responding to or investigating complaints of sexual harassment and sexual violence.

**Response:**

Please see the attached, marked ***Response to Request No. 3,*** for a copy of assessments and recommendations concerning sexual harassment and sexual violence.

Please provide a narrative response as to whether the UAF made any changes to its policies and procedures in response to these reports and/or recommendations.

**Response:**

The University has made various revisions to its policies and procedures in response to the 2011 Dear Colleague letter issued by the U.S. Department of Education and related guidance and regulations, including the establishment of a special process for adjudication of cases involving student-on-student Title IX matters.

In February 2016, following consultation with the Office of General Counsel, the Title IX Coordinator submitted a proposal ("Proposal") for a Sexual Misconduct Prevention and Awareness program, as well as further changes to the Title IX adjudication process for student-on-student cases ("Recommendations"), to the office of the Dean of Students and the Interim Vice Provost for Student Affairs. After discussion with the Dean of Students and the Interim Vice Provost for Student Affairs, a decision was made to postpone any changes to the process at that time, given that a new position had been created for a Senior Deputy Title IX Coordinator. The hiring process for this position is underway, with the candidates scheduled for on-campus interviews the week of May 23, 2016. This position was created to increase student outreach, sexual assault awareness, and additional training programs for students. Further action on the Proposal and Recommendations will be initiated by the new Senior Deputy, in consultation with the Vice Chancellor for Student Affairs, Office of General Counsel, Office of Dean of Students, and the Office of Student Standards and Conduct.

4. If the UAF has conducted any climate surveys or self-assessments, or otherwise collected data on or monitored sexual violence, provide a copy of the tool used, the results, any analysis of the results, and a description of any action the UAF took in response.

**Response:**

Please see the attached, marked **Response to Request No. 4**, for information on the UAF's current efforts in conducting a climate survey. The UAF currently is in discussions with Haven EverFi ("Haven") about conducting a climate survey for the Fall 2016 semester. The most recent correspondence with Haven is included in the attached documents, marked Response to Request No. 4. The climate survey will be conducted in conjunction with the Haven sexual assault survey and training that the UAF currently has in place. Further, Haven provides training for students, and the UAF will make the training mandatory, beginning with the Fall 2016 semester. Finally, new-employee training through Haven will commence in fall 2016.

5. Identify the names, office addresses and office e-mail addresses of the individuals designated by the UAF to ensure its compliance with Title IX (Title IX Coordinator) from the fall of 2013 to the present. In responding to this request, please include the dates each person held this position (the month and year are sufficient).

**Response:**

- a. Interim Title IX Coordinator: Monica Holland (April/2013 – Sep/2013); 1 University Arkansas Union Fayetteville, AR 72701; [mholland@uark.edu](mailto:mholland@uark.edu)
- b. Title IX Coordinator: Shannon C. Haupt (Sep/2013 – Oct/2014); 1 University WAAX 4 346 N. West Avenue Fayetteville, AR 72701; [haupt@uark.edu](mailto:haupt@uark.edu) or [titleix@uark.edu](mailto:titleix@uark.edu)
  - i. Deputy Title IX Coordinators:

- (1) Monica Holland (April/2013 – Sep/2013); 1 University 634 Arkansas Union Fayetteville, AR 72701; [mholland@uark.edu](mailto:mholland@uark.edu)
- (2) Eric Wood (Aug/2014 – March/2015); 1 University RRSB BOGA Fayetteville, AR 72701; [eawood@uark.edu](mailto:eawood@uark.edu)
- (3) Karen Hodges (Aug/2014 – Present); 1 University Gregson Hall 55 Fayetteville, AR 72701; [klhodges@uark.edu](mailto:klhodges@uark.edu)
- c. Interim Title IX Coordinator: Monica Holland (Oct/2014 – Aug/2015); 1 University 634 Arkansas Union Fayetteville, AR 72701; [mholland@uark.edu](mailto:mholland@uark.edu) or [titleix@uark.edu](mailto:titleix@uark.edu)
  - i. Deputy Title IX Coordinators:
    - (1) Eric Wood (Aug/2014 – March/2015); 1 University RRSB BOGA Fayetteville, AR 72701; [eawood@uark.edu](mailto:eawood@uark.edu)
    - (2) Karen Hodges (Aug/2014 – Present); 1 University Gregson Hall 55 Fayetteville, AR 72701; [klhodges@uark.edu](mailto:klhodges@uark.edu)
- d. Interim Title IX Coordinator: S. Nicole Ferguson (Sept/2015 – Jan/2016); 1 University ADMN 325 Fayetteville, AR 72701; [snfergus@uark.edu](mailto:snfergus@uark.edu) or [titleix@uark.edu](mailto:titleix@uark.edu)
  - i. Deputy Title IX Coordinators:
    - (1) Eric Wood (Aug/2014 – March/2015); 1 University RRSB BOGA Fayetteville, AR 72701; [eawood@uark.edu](mailto:eawood@uark.edu)
    - (2) Karen Hodges (Aug/2014 – Present); 1 University Gregson Hall 55 Fayetteville, AR 72701; [klhodges@uark.edu](mailto:klhodges@uark.edu)
- e. Title IX Coordinator: Missy Milton (Feb/2016 – April/2016); 1 University WAAX 4 346 N. West Avenue Fayetteville, AR 72701; [mleflar@uark.edu](mailto:mleflar@uark.edu) or [missym@uark.edu](mailto:missym@uark.edu) or [titleix@uark.edu](mailto:titleix@uark.edu)
  - i. Deputy Title IX Coordinators:
    - (1) Eric Wood (Aug/2014 – March/2015); 1 University RRSB BOGA Fayetteville, AR 72701; [eawood@uark.edu](mailto:eawood@uark.edu)
    - (2) Karen Hodges (Aug/2014 – Present); 1 University Gregson Hall 55 Fayetteville, AR 72701; [klhodges@uark.edu](mailto:klhodges@uark.edu)
- f. Title IX Coordinator: Danielle Wood (April/2016 – Present); 1 University WAAX 4 346 N. West Avenue Fayetteville, AR 72701; [dlw11@uark.edu](mailto:dlw11@uark.edu) or [titleix@uark.edu](mailto:titleix@uark.edu)
  - i. Deputy Title IX Coordinators:
    - (1) Karen Hodges (Aug/2014 – Present); 1 University Gregson Hall 55 Fayetteville, AR 72701; [klhodges@uark.edu](mailto:klhodges@uark.edu)
    - (2) Dr. Charles Small (April/2016 – Present); 1229 Meadow Street, Fayetteville, AR 72701; [clsmall@uark.edu](mailto:clsmall@uark.edu)
    - (3) Kalesha McGraw (April/2016 – Present); 1 University Waterman Hall 193 Fayetteville, AR 72701; [kmcgraw@uark.edu](mailto:kmcgraw@uark.edu)
    - (4) Dr. Shane Barker (April/2016 – Present); 1 University MAIN 518 Fayetteville, AR 72701; [sxb028@uark.edu](mailto:sxb028@uark.edu)

Note: the addresses and emails provided above were applicable at the time the individuals had Title IX duties for UAF. Some of these individuals are no longer with UAF or no longer have primary responsibility for Title IX matters.

## 6. Describe how complaints of alleged sexual harassment and violence are communicated

to the Title IX office. For example, which classifications of staff/employees does the UAF consider mandatory reporters? How do mandatory reporters document and relay complaints of sexual harassment/violence to the Title IX office?

**Response:**

a. Individuals are encouraged to report complaints of sexual harassment and violence in a number of ways, including, but not limited to, reporting the information to the Title IX Office via email or online complaint form, to the University of Arkansas Police Department, Human Resources, Housing and Residence Life, any faculty or staff member, and University supervisors or department chairs. If an incident falls within the scope of Title IX, UAPD sends the incident report to the Title IX Coordinator for review. When individuals in the following offices receive information concerning potential Title IX matter, they are required to immediately report the information to the Title IX office:

Pat Walker Health Center Women's Clinic;  
Counseling and Psychological Services (CAPS);  
STAR Central (Support Training Advocacy Resources);  
Employee Assistance Program (EAP);  
Campus Security Authorities (CSA);  
Dean of Students Office;  
Office of Student Standards and Conduct (OSSC);  
UA Housing Office;  
Human Resources;  
Northwest Arkansas Rape Crisis Center;  
Deputy Title IX Coordinator(s);  
or other responsible employees under Title IX.

Information on where to report sexual harassment or a sexual assault is contained in the following policies:

- Office of Equal Opportunity and Compliance: (<http://oeoc.uark.edu>)
  - Fayetteville Policies and Procedures:  
(<http://vcfa.uark.edu/policies/fayetteville/oeoc/4180.php>)
  - Student Handbook, Appendix C (<http://handbook.uark.edu/code-of-student-life/appendices/appendix-c.php>)
  - Faculty Handbook, Section V (<http://provost.uark.edu/faculty-handbook/index.php>)
  - Staff Handbook, Section 3.6 (<http://hr.uark.edu/currentemployees/153.aspx>)
  - Annual Security Report <http://uapd.uark.edu/clery/clery-report.php>
  - (This list is not exhaustive)
- b. The University considers the following persons as “mandatory reporters” with regard to Title IX: University employees (1) who have the authority to take action to redress sexual violence; (2) who have a duty to report incidents of sexual violence (or any other misconduct by students) to the Title IX coordinator or appropriate school designee; or (3) to whom a student could reasonably believe has this authority or duty.

Further, Arkansas Code § 12-18-402(a) requires certain public officials, including “school officials,” at institutions of higher education to report instances of suspected child maltreatment. Specifically, Arkansas law requires such “mandated reporters” to report potential maltreatment if they: (1) have reasonable cause to suspect that a child has been subjected to child maltreatment or has died as a result of child maltreatment or (2) observe a child being subjected to conditions or circumstances that would reasonably result in child maltreatment. Arkansas Code § 12-18-103(6) defines “child maltreatment” as “abuse, sexual abuse, neglect, sexual exploitation, or abandonment.” A regulation issued by the Arkansas Department of Human Services indicates that a “school official” required to report maltreatment includes “any person authorized by a school to exercise administrative or supervisory authority over employees, students or agents of the school,” and also includes “a volunteer exercising administrative or supervisory authority in a program conducted by a school.” Aside from persons that are required to report, the Arkansas Code provides that any person who has reasonable cause to suspect or observes child maltreatment may make a report. Individuals designated as “mandated reporters” also include, but are not limited to, child care workers, nurses, medical personnel, resident interns, mental health professionals, peace officers, physicians, domestic abuse advocates, rape crisis advocates or volunteers, victim assistance professionals or volunteers, school counselors, social workers, and teachers. See Ark. Code § 12-18-402.

See also <http://vcfa.uark.edu/policies/fayetteville/vcac/2171.php>

c. Mandatory reporters are told that if a student reports to him or her that s/he has been involved in an act of sexual violence or misconduct, the UAF has been placed on notice of the incident under Title IX. We inform mandatory reporters to report the information to one or more of the following:

- Phone or email to the Title IX Coordinator
- Dean of Students
- Associate Vice Chancellor for Human Resources
- UAPD
- His or her supervisor or department chair

The UAF requires the reporter to get as much information as possible (i.e., what happened, when did it happen, who else witnessed the incident), and to assure the complainant he or she will keep information private to the extent possible. Reporters are instructed to not promise the complainant that he or she will keep the information absolutely confidential (unless the reporter is legally bound to provide confidential services). In the event a complainant is hesitant to report, the reporter is encouraged to offer to go with the complainant to report the incident, to let the complainant know that the university doesn’t condone this type of behavior and the effect it has on others, to tell the complainant that the reporter has an obligation to report what the complainant has told the reporter, and to inform the complainant that s/he will probably be contacted by someone who works with these types of complaints so that

options are explained. The reporter is informed, at that point, that the complainant can decide if he or she wants to cooperate.

7. A copy of any Memorandum of Understanding (MOU) or other written agreement between the UAF, the UAF's police department and/or the City of Fayetteville police department related to protocols that are followed regarding the handling of sexual violence complaints. Unless stated in the MOU or other written agreement, explain how the UAF handles criminal complaints and the effect of criminal complaints on the Title IX investigative process.

**Response:**

Currently, the process that is followed regarding the handling of sexual violence complaints is as follows:

When the City of Fayetteville receives notice that a criminal complaint involving a University staff member or student has been filed that falls within the purview of Title IX, Sergeant Creston Mackey with the Fayetteville Police Department (FPD) immediately contacts Captain Gregory S. Foster with the University of Arkansas Police Department (UAPD). Sergeant Mackey provides Captain Foster with information received in the initial report and includes a synopsis of the information and briefing either verbally or via a written report. Captain Foster immediately contacts the Title IX Coordinator to relay the information. As information is provided to Captain Foster, he provides updates to the Title IX Coordinator. The Title IX Coordinator contacts the Complainant to begin the institutional investigative process, while maintaining constant contact with Captain Foster. FPD, UAPD and the OEOC (including the Title IX Coordinator) have had a long-standing relationship with the collective handling of matters involving the UAF. A formal Memorandum of Understanding between FPD and the UAF for sexual violence cases is currently under review by the offices of OEOC and UAPD, with the objective of making the MOU operative prior to the fall 2016 semester. Please see the attached draft MOU, marked **Response to Request No. 7**.

8. Identify by name and title of any UAF designated contact points for criminal investigations of campus sexual violence. Describe the process for communications with the local prosecutor about the status of criminal investigations and decisions to proceed with or decline prosecution.

**Response:**

*Gregory S. Foster, Captain – University of Arkansas Police Department* is the designated contact point for criminal investigations of campus sexual violence. Captain Foster maintains contact with FPD and the Fayetteville City Prosecuting Attorney and/or Washington County Prosecuting Attorney for criminal investigations involving campus sexual violence. In some instances, the Prosecuting Attorney has waited until the University's Title IX commences or has been completed before making a determination whether to proceed or decline prosecution. The UAF has received subpoenas from the

Prosecuting Attorney requesting copies of the complaint, investigation and adjudication (if the Title IX process has been completed) of certain matters to help inform the criminal investigation. The decision to proceed with or decline prosecution lies solely with the Prosecuting Attorney, and no recommendation is made from the Title IX Coordinator to the Prosecuting Attorney with regard to any criminal proceeding.

9. Explain how the UAF's policies regarding sexual harassment and sexual violence are (or have been) distributed and publicized to UofA students, faculty and staff and any other means the UAF uses (or has used) to notify students, faculty and staff about how to file a complaint of sexual harassment and sexual violence or other discrimination based on sex. Please include documentation or web links that support this response, including, but not limited to, brochures, distributed flyers, newspaper or web articles, and orientation materials.

**Response:**

- (a) An annual notice is sent to the campus community regarding the University's policies, and the notice includes information regarding the persons to whom individuals can report, and where individuals can file complaints. The notice is distributed via email to all employees. An annual notice regarding Haven training is distributed via email to all students at the start of each semester.

The University policy regarding nondiscrimination, sexual harassment and sexual assault can be found at the following sites:

Office of Equal Opportunity and Compliance: (<http://oeoc.uark.edu/policies-resources/index.php>)

Fayetteville Policies and Procedures:

(<http://vcfa.uark.edu/policies/fayetteville/oeoc/4180.php>)

Student Handbook, Appendix C

(<http://handbook.uark.edu/code-of-student-life/appendices/appendix-c.php>)

Faculty Handbook, Section V (<http://provost.uark.edu/faculty-handbook/index.php>)

Staff Handbook, Section 3.6 (<http://hr.uark.edu/currentemployees/153.aspx>)

Annual Security Report (<http://uapd.uark.edu/clery/clery-report.php>)

Examples of the campus notification:

November 2013:

<http://news.uark.edu/articles/22778/university-policies-strongly-oppose-sexual-harassment>

November 2013 Sexual Harassment Policy Update:

<http://news.uark.edu/articles/22851/fayetteville-policies-and-procedures-revision>

October 2014

<http://news.uark.edu/articles/25441/reminder-of-policies-prohibiting-sexual-harassment-on-campus>

August 2014:

<http://news.uark.edu/articles/24925/university-of-arkansas-adds-to-its-ongoing-commitment-against-sexual-assault>

September 2015:

<http://news.uark.edu/articles/32392/interim-title-ix-coordinator-named-for-u-of-a>

In addition to receiving new materials periodically, new students receive information and appropriate contact information during new student orientation. Sexual Harassment brochures are given to employees during the sexual harassment and responsible employee training sessions.

(b) Please see the attached, marked **Response to Request No. 9**, for a representative sample of materials that have been disseminated in recent years.

10. Provide a detailed description of training provided to UAF faculty and staff since the fall of 2013 covering the topics of sexual harassment and sexual violence or other discrimination based on sex. Include the date(s) provided and the names, titles, and qualifications of the person(s) who provided the training(s); and lists of attendees and their positions. Provide copies of any material provided during the training, including PowerPoint slides.

**Response:**

The Office of Equal Opportunity and Compliance (OEOC) provides Sexual/Discriminatory Harassment Prevention training to employees. OEOC staff, including the Title IX Coordinator, conducts the following sessions:

Discriminatory Harassment (including sexual harassment) Training for Employees (1 hour)

Discriminatory Harassment (including sexual harassment) for New Hires (1 hour)

Title IX Awareness Training (1 hour)

Under the Sexual Harassment policy, all organizational units must make reasonable efforts to provide sexual harassment and sexual violence training for their employees each year. All new employees are expected to participate in such training within the first six months of beginning employment; OEOC provides training on a weekly basis for new employees. All employees are expected to receive refresher training from the Office of Equal Opportunity and Compliance or its designee every three years. Brochures are available at the training sessions. OEOC sends via email information to Human Resources

staff, deans, directors, and supervisors regarding the scheduled training sessions on a monthly basis. In addition, the Office of General Counsel provides campus and System-wide sexual harassment and sexual violence training on an on-going basis.

In addition to these ongoing training outlets, organizational units within the University, including, but not limited to, OEOC, Student Affairs, Housing, the Pat Walker Health Center, Human Resources, Intercollegiate Athletics, UAPD and the General Counsel's office participate in and invite the participation of other units in externally provided webinars and similar training opportunities.

Please see the attached, marked **Response to Request No. 10**, for copies of training materials used in the past three years.

11. Provide a detailed description of training and information sessions for students (including freshmen orientation) since the fall of 2013 covering the topics of sexual harassment and sexual violence or other discrimination based on sex. Include the date(s) the training was provided and the names, titles, and qualifications of the person(s) who provided the training(s). Provide copies of any material provided during the training.

**Response:**

- (a) In addition to the Haven EverFi training currently used for students, the OEOC and the Office of General Counsel have created training presentations specifically targeted at students. These trainings include Bystander Intervention, Transgender Accommodations, Resident Assistant protocols, and Pregnancy and Parenting Students. Further, special presentations have been given to Student-Athletes and members of Greek Life organizations.
  - (b) Please see the attached, marked **Response to Request No. 11**, for a copy of training materials used in various presentations over the last three years.
12. Provide a detailed description of training provided since the fall of 2013 to individuals responsible for investigating complaints of sexual harassment and sexual violence and to members of any committees or boards that hear or decide complaints of sexual harassment and sexual violence, including bodies that decide sanctions. Include the date(s) provided and the names, titles, and qualifications of the person(s) who provided the training(s); and lists of attendees and their positions. Provide copies of any material disseminated during the training including PowerPoint slides.

**Response:**

Please see the attached, marked **Response to Request No. 12**. Included in this response is a detailed description of training provided to the UAF's Title IX Hearing Panel members and its Title IX Investigators, as well as copies of the training materials.

13. Describe any proactive efforts by the University to prevent sexual assault or sexual

harassment, as well as any resources the University provides to students, staff and faculty, including complainants and accused students or persons. Explain how the University communicates with staff about its outreach efforts to educate students and staff about sexual assault or sexual harassment, such as through publications or websites.

**Response:**

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

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

OEOC sends via email information regarding scheduled training sessions on a monthly basis to the campus community as well as weekly for new employees. OEOC staff conducts the following training for faculty and staff:

- Discriminatory Harassment (including sexual harassment) Training for Employees (1 hour)
- Discriminatory Harassment (including sexual harassment) for New Hires (1 hour)
- Title IX Awareness Training (1 hour)

**Awareness training for students includes the following:**

STEP UP! Bystander Intervention-Provides classroom instruction through the use of presentations to educate students on protective behaviors and how to intervene in a dangerous situation involving alcohol.

STAR Central (Support Training Advocacy Resources) - Confidential victim support and advocacy services.

RESPECT (Rape Education Services by Peers Encouraging Conscious Thought) - A peer education program utilizing presentations, interactive campus exhibits, outreach initiatives and awareness events. Annual programs include:

Balloon Release - In conjunction with an initiative of the Arkansas Coalition Against

Sexual Assault, RESPECT engaged in developing and implementing the project on campus to provide support for survivors of sexual violence and to advocate for communities to rise up against sexual violence.

Bystander Intervention Training: Bystander intervention programs are available through STAR Central and Razorbacks Offering Accountability Resources (ROAR). These workshops, based on research and best practices, teach our community about social justice and how to safely intervene in situations and/or to speak up in situations they see as potentially dangerous or limiting to another individual.

Campus Clothesline Project - A program for people to express their emotions and views by displaying decorated shirts and/or writing messages about the effects and prevalence of sexual violence.

Dress Down to Raise Awareness Day - As a way to raise awareness within the workplace, participants of this event pay \$10.00 and receive a Take Back the Night glow-in-the-dark t-shirt to wear with their jeans or khakis to work for the day while making a "fashion statement". This is not intended to be a fundraising event, but the \$10 is to cover the cost of the t-shirts.

Holiday Tree of Hope and Support - An exhibit that empowers students to share their concerns about sexual assault through the decoration of ornaments with awareness messages, risk reduction strategies, messages of hope for a campus free of sexual violence and support for victims and survivors of sexual assault.

Mock Rape Trial - An interactive play produced by St. Norbert College P.E.E.R. Educators. As RESPECT members play the roles of prosecution, defense, victim, accused and judge, members of the audience are randomly selected to serve as the jury.

Below are a sample of events:

- The Hunting Ground Screening & Panel
- [http://calendars.uark.edu/EventList.aspx?fromdate=4/15/2015&todate=4/15/2015&display=Day&type=public&eventidn=24077&view=EventDetails&information\\_id=59943](http://calendars.uark.edu/EventList.aspx?fromdate=4/15/2015&todate=4/15/2015&display=Day&type=public&eventidn=24077&view=EventDetails&information_id=59943)

Respect – Sexual Assault Awareness Month, April 2016

- <https://news.uark.edu/articles/34141/star-central-and-respect-program-announce-events-for-sexual-assault-awareness-month>
- <https://respect.uark.edu/files/2014/07/Calendar-of-Events-2016.pdf>

Sexual Assault Awareness Day – November 4<sup>th</sup>, 2015

- <https://asg.uark.edu/sexual-assault-awareness-day-november-4th/>

- <http://news.uark.edu/articles/32824/asg-greek-life-and-respect-are-raising-sexual-assault-awareness-in-november>
- <https://news.uark.edu/articles/24925/university-of-arkansas-adds-to-its-ongoing-commitment-against-sexual-assault>

Respect – Sexual Assault Awareness Month, April 2014

- <http://news.uark.edu/articles/23896/sexual-assault-awareness-month-events-announced>

Please see the attached, marked **Response to Request No. 13**, for related materials.

14. Provide a list of all student complaints or reports of (a) sexual harassment and sexual violence or (b) retaliation or intimidation in relation to a complaint or report of sexual harassment or sexual violence, that have been brought to the UAF's attention (formally or informally) for the time period indicated above (2013-2014, 2014-2015 and 2015-2016 academic years). Include copies of anonymous complaints/reports. For each complaint identified, please provide the information below with the dates for each step of the process:
  - a. The name, or unique identifier, and sex of the student who made the report or complaint.
  - b. The name or unique identifier, sex and position (e.g., student, faculty, staff) of the individual against whom the complaint was filed.
  - c. The date each complaint or report was made, the date the investigation (if any) was started, the date the investigation was completed, the date any hearing was convened, the date the final decision was issued, and a description and date of any other step in the process.
  - d. The type of report or complaint filed (i.e., formal or informal).
  - e. The allegation(s) made in the report or complaint including whether it alleged sexual harassment, sexual assault or sexual violence, and whether the incident(s) described in the complaint occurred on or off campus. If off campus, indicate the location, whether the location was hosted or sponsored by the UAF and whether the location was owned or leased by UAF.
  - f. The title of the UAF office or the name of the UAF staff member where the report or complaint was filed (e.g., campus police, student services, academic dean, counselor, etc.).
  - g. Indicate whether the complaint was investigated. If yes, provide the name and title of

the UAF official or staff member who investigated the complaint. If no, indicate why not.

- h. Copies of all correspondence between the UAF and the complainant and respondent, informing them of the status of an informal or formal process, the results of any investigation, the outcome of any disciplinary proceeding, and, if an appeal has been filed, the notification to either party of the opportunity to provide input on an appeal.
- i. Indicate whether a hearing was conducted in connection with the complaint. If a hearing was conducted, indicate which process was used and the names and titles of all persons who participated in the hearing and decision making; provide a copy of the hearing decision, report or other documents describing the hearing decision, including all documents describing the remedies and sanctions that resulted from the decision.
- j. Indicate whether an appeal was filed and by whom. If yes, provide a copy of the appeal procedure used to respond to the appeal, identify the staff person responsible for deciding the appeal, and provide a copy of the appeal decision or outcome.
- k. Indicate the final outcome of the complaint (e.g., complaint dismissed due to inability to corroborate allegations, accused found guilty of violating Code of Conduct and suspended for one school year, etc.)

**Response:**

Please see the attached spreadsheet titled ***"OCR Response 14 A-K"***, as well as the exhibit marked ***Response to Request No. 14.***

- 15. For the time period indicated above, please provide a list of students who have been subject to a no-contact order (or the like). For each student, please provide the following information:
  - a. The student's name or unique identifier;
  - b. The date of the no-contact order;
  - c. The reason the no-contact order was put in place; and
  - d. Whether the student made a complaint of discrimination or harassment prior to the no-contact order being put in place.

**Response:**

Please see the attached, marked ***Response to Request No. 15.***

- 16. Copies of any sexual harassment/sexual violence reports and/or complaints submitted online through any applicable University website.

**Response:**

The sexual harassment/sexual violence reports and/or complaints received since 2013 are reflected in **Response to Request No. 14**. To date, no reports of sexual harassment/sexual violence reports and/or complaints have been received via any online reporting system, although a number of cases have been received via email to the Title IX Coordinator.

17. Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) data for the most recent three academic years for which Clery Act data is available.

**Response:**

The University's most recent Clery Act Annual Security Reports can be found using the following links:

- a. 2012: [http://uapd.uark.edu/\\_resources/clery-reports/Clery\\_Report\\_2012.pdf](http://uapd.uark.edu/_resources/clery-reports/Clery_Report_2012.pdf)
- b. 2013: [http://uapd.uark.edu/\\_resources/clery-reports/Clery\\_Report\\_2013.pdf](http://uapd.uark.edu/_resources/clery-reports/Clery_Report_2013.pdf)
- c. 2014: [http://uapd.uark.edu/\\_resources/clery-reports/Clery\\_Report\\_2014.pdf](http://uapd.uark.edu/_resources/clery-reports/Clery_Report_2014.pdf)

18. Explain how the University handles requests for confidentiality regarding complaints of sexual assault or harassment.

**Response:**

In accordance with OCR's 2014 guidance, and as published in the University's 2014 Annual Security Report, the University handles requests for confidentiality in the following manner:

"Respecting one's right to privacy is important to UAF. Students and employees can be assured that when they share information with medical, police, and/or University officials, such information will be handled professionally and within the framework of each agency's governing body privacy limitations (e.g., state law, licensing, FERPA, etc.).

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

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

steps to prevent retaliation but will also take strong responsive action if it occurs.

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

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

19. Copies of the following documents regarding the alleged sexual harassment of a [REDACTED] (OCR Case No. [REDACTED]) from [REDACTED] to [REDACTED], including:

- a. Any complaint(s) he made to any UAF staff (including counselors, UAF police department staff, Title IX Coordinators, etc.):
- b. Any investigative notes, summaries, witness statements, findings, etc...
- c. Any hearing panel/appeals panel documents.
- d. Any documents requested above (Request No. 17. a.-c.) pertaining to a claim of sexual harassment brought forth against [REDACTED] on or about [REDACTED]

**Response to 19(a)-(c):**

[REDACTED]

[REDACTED]

**Response to 19(d):**

[REDACTED]

[REDACTED]

20. A summary of any steps taken by the UAF to investigate [REDACTED] claim(s) of sexual harassment from [REDACTED] to [REDACTED], the results of the UAF's investigation, any interim steps taken during the UAF's investigation, and the conclusion reached by the UAF at the end of its investigation.

**Response:**

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

21. Copies of the following documents regarding an alleged sexual assault of [REDACTED] (OCR Case No. [REDACTED] that occurred in [REDACTED], including:

- a. Any complaints of sexual assault she made to any UAF staff (including counselors, UAF police department staff, Title IX Coordinators, etc.).
- b. Any investigative notes, summaries, witness statements, findings, etc..
- c. Any hearing panel/appeals panel documents.

**Response:**

Please see the attached, marked **Response to Request No. 21**.

22. A summary of any steps taken by the UAF to investigate [REDACTED] claim of sexual assault on or about [REDACTED], the results of the UAF's investigation, any interim steps taken during the UAF's investigation, and the conclusion reached by the UAF at the end of its investigation.

**Response:**

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

23. Copies of the following documents regarding an alleged sexual assault of a [REDACTED] [REDACTED] (OCR Case [REDACTED]) in [REDACTED], including:
- a. Any complaints of sexual assault she made to any UAF staff (including counselors, UAF police department staff, Title IX Coordinators, etc...).
  - b. Any investigative notes, summaries, witness statements, findings, etc...
  - c. Any hearing panel/appeals panel documents.

**Response:**

Please see the attached, marked **Response to Request No. 23**.

24. A summary of any steps taken by the UAF to investigate [REDACTED] claim of sexual assault in [REDACTED], the results of the 'AF's investigation, any interim steps taken during the 'AF's investigation, and the conclusion reached by the UAF at the end of its investigation.

**Response:**

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[illegible]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

25. Any other information the UAF believes would be helpful in resolving this matter.

**Response:**

The University of Arkansas has zero-tolerance for sexual assault and sex offenses committed against students, employees, visitors to the campus, and other persons who use University facilities. The university has devoted considerable effort to building a strong program of support and to train and increase awareness about preventing and addressing sexual assault and related misconduct. As part of these efforts, in the fall of 2014, to allow for a stronger focus on Title IX-related matters.

Because of unforeseeable circumstances, there has been an unfortunate turnover in this position since 2014, which the university has made a priority to address.

Initially, Dr. Monica Holland, then Executive Director of the Office of Academic Initiatives and Integrity, was selected to serve as Interim Title IX Coordinator. During her tenure, a nationwide search was conducted to fill the position permanently and Dr. Holland was chosen for the permanent position. However, the Title IX Coordinator and the Associate Dean of Students positions were open simultaneously; Dr. Holland was selected as the finalist for both positions and chose to accept the position of Associate Dean of Students rather than the Title IX Coordinator position. With Dr. Holland's vacating the Title IX position in the fall of 2015, Nicole Ferguson was asked to serve as the Interim Title IX Coordinator, while continuing her responsibilities as Case Manager for Student Affairs. In January 2016, Ms. Ferguson resigned as Interim Title IX Coordinator to focus full-time on her duties in Student Affairs. In February 2016, the University's Compliance Officer, Missy Milton, then took on the role of Interim Title IX Coordinator until she had to resign in April 2016 due to [REDACTED]

During this time period, the University conducted several unsuccessful nationwide searches to fill the Title IX Coordinator position. Ultimately, in April 2016, the University decided to reorganize this function and named Dr. Danielle Wood, the Director of the Office of Equal Opportunity and Compliance, as the permanent Title IX Coordinator. Because Dr. Wood will continue her responsibilities as Director of OEOC, the decision was made to create a Senior Deputy Title IX Coordinator position, which will report to Dr. Wood and be responsible for handling the student-on-student cases as well as supervising the Deputy Title IX Coordinators. The university has been actively interviewing applicants for the Senior Title IX Deputy Coordinator position and anticipates extending an offer within the next couple of weeks. In addition to these efforts, in the spring of 2016, four new Deputy Title IX Coordinators were added to the existing team of two to provide additional Title IX support.

All of these staffing changes have been made to provide the campus with the resources necessary to strengthen the UAF's outreach, training, and prevention programs for faculty,

staff, and students. As noted in the Responses above and in the attached documentation, the UAF has put considerable effort in its awareness campaigns and shown support for student-led efforts as well as ensuring that the topics of sexual harassment and sexual assault are discussed and considered. It is a part of the UAF's campus culture for which the UAF takes pride.

To further address the three student complaints that are the subject of OCR's inquiry, the UAF's position is that each of these cases was properly investigated and that University officials responded appropriately and in a proactive manner:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

UAF officials hope this information is helpful as OCR works to evaluate the pending

complaints. University officials stand ready to provide additional information or other assistance to OCR. The UAF reserves the right to supplement this response if other responsive material is identified and as measures are implemented that are relevant to OCR's inquiry.