



UNIVERSITY OF
ARKANSAS™

**University of Arkansas
Sexual Assault Prevention and
Awareness**

Title IX – U of A is Committed



Title IX Coordinator

Danielle L. Wood, Ed.D.
Director and Title IX Coordinator
Office of Equal Opportunity and Compliance
4 West Avenue Annex
1 University of Arkansas
Fayetteville, AR 72701
Office: 479-575-4019
Email: titleix@uark.edu

Deputy Title IX Coordinators

Dr. Karen Hodges
Executive Director, All
Deputy Title IX Coordinator
Academic Integrity & Initiatives
Mailstop: ARKU634
Office: (479) 575-5229
Email: klhodges@uark.edu

Kalesha McGraw
Asst. Director of Admissions
School of Law
Waterman Hall 193
Fayetteville, AR
Office: (479) 5785-7645
Email: Kmcgraw@uark.edu

Dr. Charles Small
Assistant Athletic Director – Academic Services
Jones Family Student-Athlete Success Ctr.
1229 Meadow Street
Fayetteville, AR 72701
Office: (479) 575-4424
Email: clsmall@uark.edu

Dr. Shane Barker
Director of Advising
Fulbright College Advising Center
MAIN 518
Fayetteville, AR 72701
Office: (479) 575-3007
Email: sxb028@uark.edu

The IX Commandments

Thorough	Reliable	Impartial
Prompt	Effective	Equitable
End the Discrimination	Prevent its Recurrence	Remedy the effects upon the victim & community

Investigation

Process

Remedies

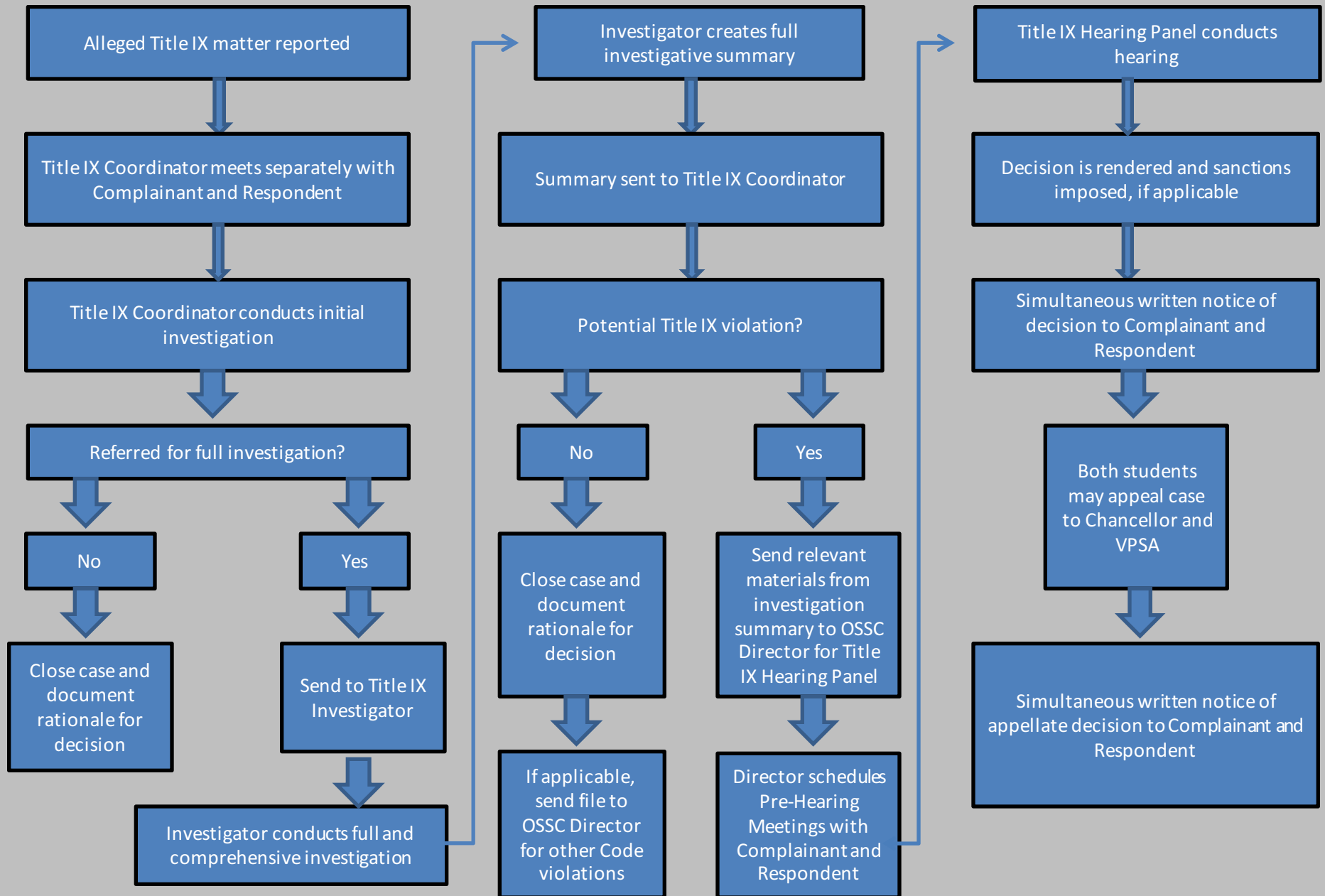
Awareness Training (for Students)

- Haven EverFi – Existing training becomes mandatory for all students beginning Fall 2016
- Ongoing OEOC and OGC training presentations for students:
 - Bystander Intervention
 - Resident Assistant Protocols
 - Pregnant and Parenting Students
 - Student-Athletes
 - Greek Life
 - Alcohol EDU

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, UAF 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?

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)

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

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)

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

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

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

**Questions
&
Answers**