



UNIVERSITY OF
ARKANSAS

Title IX Office

Sexual Misconduct Annual Report

July 1, 2018 – June 30, 2019

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Dear University of Arkansas students, faculty and staff,

During the 2018-2019 academic year, the University of Arkansas Title IX Office continued to advance its mission of eliminating barriers to educational opportunities created by gender-based discrimination. The 2017-18 Sexual Misconduct Report was created as a first-of-its-kind report, seeking to provide greater transparency and a clearer understanding of the number and type of issues reported to the University Title IX Office on an annual basis. This Report seeks to continue that effort by updating those figures and reporting on new campus initiatives.

This Report serves as an appropriate outlet to briefly address how Title IX reporting has potentially created an increase in on-campus sexual assault reports. A law known as the “Clery Act” requires that certain University employees report their knowledge of alleged criminal activity that may have occurred within the geographical boundaries of campus. The campus Title IX Coordinator is tasked, as one of these employees, with reporting any alleged crimes to university police for inclusion into a daily campus crime log, and into an annually published campus security report. Similar to this obligation, all university faculty and most staff are required under Title IX and university policy to report allegations of sexual misconduct to the Title IX Coordinator. It’s our hope that increases in campus-wide training for university employees, including student-employees, as well as consistent efforts to inform the campus about how to report sexual misconduct, are helping ensure that allegations of sexual misconduct are being reported. The fact that 44 more reports were received during the 2018-19 academic year than the previous year seems to indicate that our efforts to inform the campus about how to report alleged crimes are having an impact. It’s important to note that while some reported allegations turn out to be untrue, unsubstantiated and/or never reported to police, it’s important that the Title IX office receive each and every one of them and investigate them promptly.

One consequence of the intertwining of Title IX (all responsible employees must report to the Title IX Coordinator) and Clery Act (the Title IX Coordinator must report to UAPD for daily and annual crime statistics) obligations is that inevitably some allegations of sexual assault – that turn out to be untrue, unsubstantiated and/or never reported to police – will still be publicly reported. For example, a Resident Assistant in University Housing is thoroughly trained to report to the Title IX Office any and all allegations of sexual misconduct, even if those allegations are rumor-based, provided to them by third-parties, and even if they lack the names of individuals involved. Upon receiving that report, the Title IX Office promptly informs UAPD of the existence of the report, the date/time of the allegations, and its location, if that location is within the geographical boundaries of campus property. The Title IX Office then initiates an investigation by contacting the appropriate information-sources, but as this Report illustrates, there are a number of obstacles that may prevent additional information from ever becoming available. Even in situations where it is discovered that an allegation is unsubstantiated, or if the alleged victim confirmed the allegation to be untrue, a report has likely already appeared on the daily crime log and in many cases has already been reported by media outlets.

Any report of sexual misconduct is taken very seriously. Our hope is that this Report helps our campus community, visitors and others understand more about the process for reporting and our process for reviewing allegations. Understanding those processes and any potential obligations, is crucial to our efforts to prevent and eliminate sexual misconduct.

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

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

Title IX Team



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Title IX Student Advisory Committee

The Title IX Office recognizes the importance of student feedback and participation in the efforts put forth by the University towards preventing sexual misconduct. Incorporating students in the conversation is one of the many ways the Title IX Office seeks to improve inclusivity and transparency in their processes. In response to this understanding, the Title IX Student Advisory Committee was formed in the Fall of 2018 and met regularly during the Spring 2019 semester. This group will continue to work together and meeting during the 2019-2020 academic year.

The Title IX Student Advisory Committee is a group of students who are dedicated to the prevention of sexual misconduct at the University of Arkansas via education, training, and outreach. The committee provides feedback to the Title IX Coordinator on a range of topics, such as campus climate, training and educational programs, and accessibility and perceptions regarding the reporting process. In 2018, the Committee began working on several projects to bolster campus understanding of what the Title IX Office's roles are in preventing sexual misconduct and deliberating on reports of sexual misconduct.

The Title IX Office would like to recognize the following 2018 members of the Student Advisory Committee, as well as those not listed, for volunteering their time to help improve education and training regarding sexual misconduct and prevention at the U of A, and for promoting sexual safety and respect on and off campus:

Abigail Blanford
Teah-Marie Bynion
Maria Calderon
Kaley Collins
Victoria Copeland
Emma Dillon
Kelly Dundon
Sandra Ezigbo
Karleigh Ferrell
Terrah Graves
Riley Hoogerwerf
Caroline McCarty
William Motazed
Allie Rice
Kathryn Rideout
Paige Serzen
Garrett Sims
Kasey Sisson
Joshua Snyder
Meghan Varner
Carly Beth Waschka
Daniel Webster
Julianna Wilkins

Ways to Stay Informed and Connected

The Title IX office, in coordination with other University offices, provides several ways in which students can remain informed about reporting options, access to support, and other necessary information that may be needed regarding sexual misconduct. Below is a list of contact information for the Title IX office and the ways U of A distributes information among students, faculty, and staff:

Title IX Office:

- **Campus location**

410 Administration Building
Fayetteville, AR 72701

- **Telephone**

Office: (479) 575-7111

- **Web sites**

About Title IX and other information:

titleix.uark.edu

To Report: ***report.uark.edu***

Ways Information is Distributed:

- Posters/Flyers/Stickers throughout campus
- Website
- Email
- In-person and online education and training programs
- New Student Advising and Orientation
- University Courses
- University Policy outlined in syllabi and other coursework
- Newspaper articles i.e., Arkansas Newswire, Arkansas Traveler, etc.
- Campus organizations, groups, evidence-based program events

Campus Education and Training

The University is committed to providing access to resources and training focused on the prevention and elimination of sexual misconduct. The University continues to utilize required sexual assault and harassment prevention training to all new freshmen, new graduate students and transferring students.

More Than 7,500 Undergraduate Students Completed Sexual Assault Prevention Training for Undergraduates in 2018-2019.

Approximately 1,900 Graduate level students Completed Sexual Assault Prevention Training for Grad Students in 2018-2019.

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

More Than 1,200 Employees Completed Prevention and Reporting Training for Faculty and Staff in 2018-2019.

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

In 2018-2019, the Title IX coordinator also facilitated in-person training to hundreds of university employees, by presenting to individual departments and units.

Resources

If you or someone you know needs additional help or information, stay connected with these and other resources by visiting the Title IX website at titleix.uark.edu/resources.php. In case of an emergency, always dial 911.

On-Campus:

- Title IX Coordinator
- Deputy Title IX Coordinators
- University of Arkansas Police Department
- STAR Central Office
- Counseling & Psychological Services (CAPS)
- Student Standards and Conduct
- U of A Cares
- The Rave Guardian Safety App

Off-Campus:

- City Police Departments
- Northwest Medical Center-Willow Creek Women's Hospital
- Community Clinic
- Northwest Arkansas Free Health Center
- Ozark Guidance
- Employee Assistance Program
- Northwest Arkansas Rape Crisis Center
- Arkansas Addiction Recovery Centers

Policy and Process

The Role of the Title IX Office

The mission of the Title IX Office is to eliminate barriers to educational opportunities that may be created by gender-based discrimination and sexual misconduct. Therefore, the Title IX Office must function as a neutral fact-finder in determining: 1) whether or not a violation occurred as defined by University policy and 2) the sanctions that must be given in response to the violation.

What is a report?

A report is an allegation, or claim, that someone has committed an act of sexual misconduct against another person. A report is an initial, informal complaint, which undergoes a preliminary investigation by the Title IX Office.

A report becomes a formal complaint when the individual who reported (complainant) requests that the University move forward with a deeper investigation into the allegations, or if the Title IX Coordinator and other officials deem that the occurrence may endanger the safety of the individual or others on and off campus. For the allegation to be substantiated, and for the described act to be deemed a policy violation, the Title IX Office must consider all evidence, testimonies and circumstances provided by the case.

The Title IX Office encourages everyone to report any suspected or probable acts of sexual misconduct in order to determine a course of action that will provide a safe and non-discriminatory environment in which people can access educational opportunities at the University of Arkansas.

Investigation

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

Determination

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

Appeal

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

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

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

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

What is Sexual Misconduct?

Examples include, but are not limited to:

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

What is Consent?

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

Respondent and Complainant Rights

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

Policy and Process (continued)

Retaliation

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

Reporting Options

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

Emergency Department.

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

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

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

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

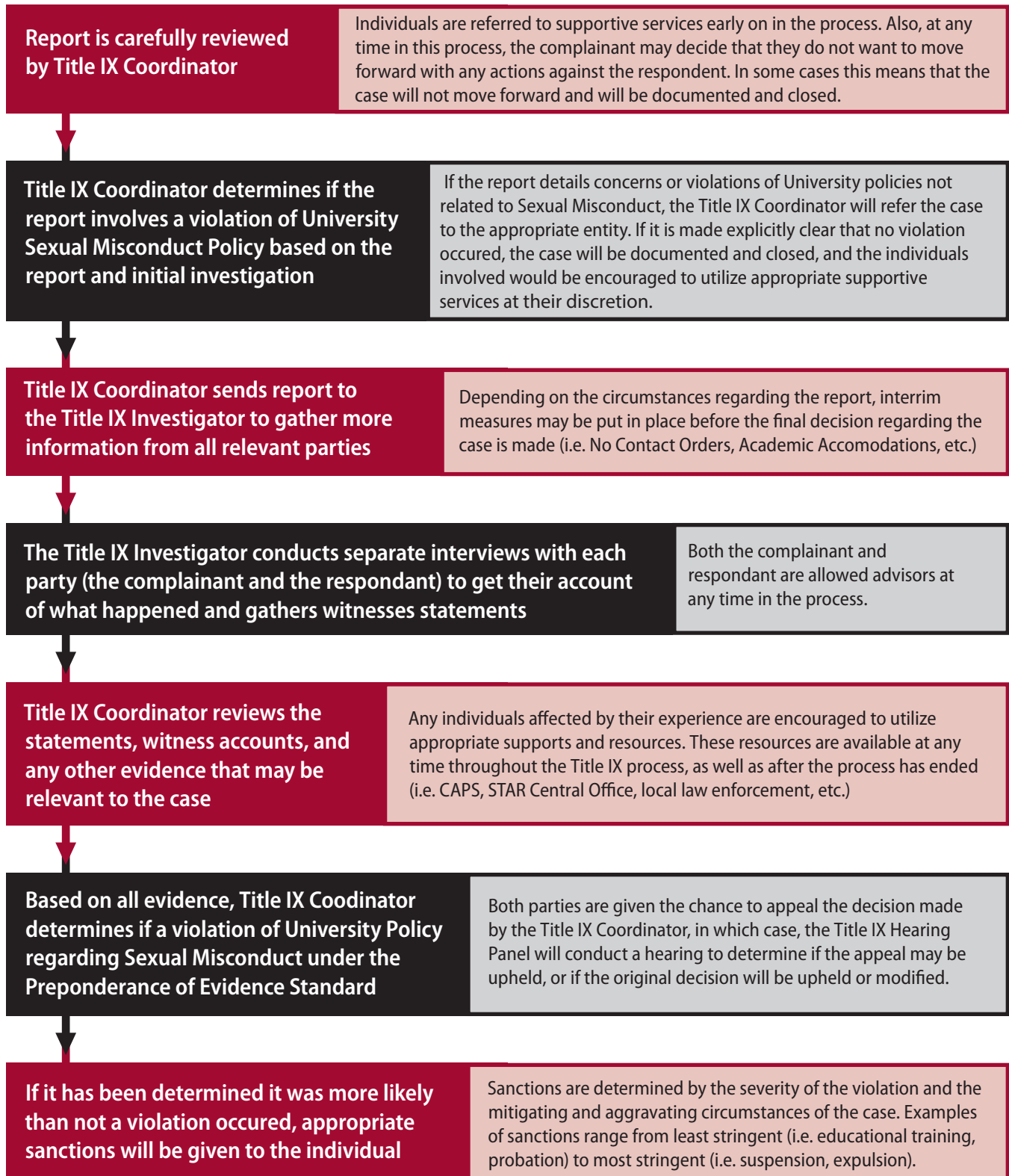
Students can also report a violation to a "confidential employee." University employees who have a clear role of confidentiality or licensure of confidentiality are not required to report. Confidential employees include: counseling providers, health service workers and victim advocates.

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

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

Reporting Process Flowchart

What happens after a report is made to the Title IX Office?



Support and Interim Measures from Title IX Office

Outreach and Support

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

In 2018-2019, the Title IX Office offered Outreach and Support to 121 students.

In 2018-2019, the Title IX Office issued 11 No Contact Orders.

No Contact Orders

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

Academic Accommodations

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

2018-19 Resolutions of Sexual Misconduct

	Sexual Assault and Non- Consensual Sexual Contact	Relationship Violence ⁵	Stalking	Sexual Exploitation	Sexual Harassment	Total
Respondent unknown, not identified by complainant or not affiliated with university ⁶	17	6	2	0	11	36
Complainant declined to participate or pursue formal complaint against respondent ⁷	16	5	3	0	14	38
University honored request by complainant for limited or no action ⁸	2	1	2	1	3	9
Available evidence did not support a charge of policy violation or necessitate further university investigation ⁹	11	9	3	0	27	50
Respondent found "responsible" for violating policy and sanctioned	2	0	0	1	0	3
Respondent found "not responsible" for violating policy	7	0	0	0	0	7
Matter referred to appropriate university department	0	5	0	0	18	23
TOTAL	55	26	10	2	73	163

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

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

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

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

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

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

Appendix – Definitions of Policy Violations¹¹

Dating Violence

Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the alleged victim and the existence of such relationship shall be based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

Domestic Violence

Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury, or assault between family or household members; or any sexual conduct between family or household members, whether minors or adults, that constitutes a crime under the laws of this state. Family or household members means spouses, former spouses, parents and children, persons related by blood within the fourth degree of consanguinity, any children residing in the household, persons who presently or in the past have resided or cohabited together, persons who have or have had a child in common, and persons who are presently or in the past have been in a dating relationship together. (See also, Arkansas Code Annotated § 9-15-103 — "Domestic Abuse")

Non-Consensual Sexual Contact

Non-consensual sexual contact is any intentional sexual touching, however slight, with any object by a male or female upon a male or a female that is without consent and/or by force. Sexual contact includes intentional contact with the breasts, buttock, groin, or genitals, or touching another with any of these body parts, or making another person touch you or themselves with or on any of these body parts; any intentional bodily contact in a sexual manner, though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth or other orifice.

Sexual Assault An actual or attempted sexual contact with another person without that person's consent. Sexual assault includes, but is not limited to involvement in any sexual contact when the victim is unable to consent; intentional and unwelcome touching of, or coercing, forcing, or attempting to coerce or force another to touch a person's intimate parts (defined as genital area, groin, inner thigh, buttocks, or breast); and sexual intercourse without consent. Acts defined as sexual assault include rape, date rape, acquaintance rape, and gang rape, but may also include sexual touching of another person against his or her will, and forcing an unwilling person to touch another person sexually. Sexual assault occurs when such acts are committed either by force, threat, or intimidation, or through the use of the victim's mental or physical helplessness, of which the assailant was aware or should have been aware.

Sexual Harassment

Sexual harassment is unwelcome, gender-based spoken, written or symbolic action or physical conduct that is sufficiently severe, persistent or pervasive that it has the effect of unreasonably interfering with, limiting or denying someone the ability to participate in or benefit from the university's educational programs. The unwelcome behavior may be based on power differentials, the creation of a hostile environment or retaliation.

Stalking

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others or suffer substantial emotional distress.

¹¹ See the University of Arkansas Sexual Assault and Sexual Harassment Policy (Fayetteville Policy 418.1). vcfa.uark.edu/policies/fayetteville/oeoc/4181.php

University of Arkansas Responsible Employee Guide



A Guide to Reporting Allegations of Sexual Misconduct

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

DID YOU KNOW?

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

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

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

IDENTIFYING WHEN TO REPORT A CONCERN

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

Examples

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

REPORTING

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

If you fail to timely report a concern:

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

YOUR RESPONSE TO THESE SITUATIONS

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

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

Resources You Should Provide the Individual:

On-Campus Resources:

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

How to Report

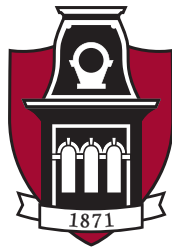
Contact the University of Arkansas
Title IX Coordinator:

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

- Online Reporting at report.uark.edu







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