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# 

# **Rights of Members of the SouthArk Community with Regard to Sexual or Gender Based Misconduct**

All employees, administrators, staff, visitors, and students of South Arkansas Community College have a right to be free from sexual or gender based harassment, sexual or gender based violence, and sexual or gender based discrimination. These rights mandate that everyone is held responsible for behaving in a professional and lawful manner on campus. SouthArk does not discriminate on the basis of sex and questions regarding Title IX may be referred to the Title IX coordinator, at [TitleIXCoordinator@southark.edu](mailto:TitleIXCoordinator@southark.edu?subject=Title%20IX) or to the Office for Civil Rights. South Arkansas Community College has a zero tolerance policy for gender-based misconduct. Once any allegation of misconduct is reported, an investigation of these allegations will take place, and sanctions may result if a violation of the policy is determined to have occurred. The implementation of the policy against gender-based misconduct is an assurance that each violation will be investigated thoroughly and sanctioned. The following Clery Act policies and procedures are set forth to maintain consistent enforcement of this act and to comply with its reporting requirements. The policies and procedures also serve to guide faculty, staff, administrators, students, and other interested stakeholders in conducting themselves according to the Act while on campus or at school sponsored activities.

The college’s Title IX Coordinator oversees compliance with all aspects of the sex/gender harassment, discrimination and misconduct policy. The Coordinator reports directly to Dr. Jones, President of SouthArk, and is housed in Student Services, Room 211. Questions about this policy should be directed to the Title IX Coordinator. Anyone wishing to make a report relating to discrimination or harassment may do so by reporting the concern to the college’s Title IX Coordinator:

Vanessa Williams

SouthArk Student Center

311 South West Avenue

El Dorado, AR 71730

Telephone 870-875-7235

Fax 870-864-7137

Email: TitleIXCoordinator@southark.edu

Additionally, anonymous reports can be made by complainants and/or third parties using the online reporting form located at [here](http://www.libsurveys.com/loader.php?id=3ea6ea4bda0980fb438ea03d4cc1b791). Note that these anonymous reports may prompt a need for the institution to investigate.

Individuals experiencing harassment or discrimination always have the right to file a formal grievance with government authorities:

Office for Civil Rights

U.S. Department of Education

1999 Bryan Street, Suite 1620

Dallas, Texas 75201-6810

Telephone: 214-661-9600

FAX: 214-661-9587; TDD: 800-877-8339

Email: [OCR.Dallas@ed.gov](mailto:OCR.Dallas@ed.gov)

# **https://tse2.mm.bing.net/th?id=OIP.Md7e9e1302a0582a43a9a31d1291f9030o0&pid=15.1&P=0&w=260&h=165Preservation of Evidence**

Evidence of sexual or gender based misconduct and the attacker’s identity may be left on the complainant’s body. Therefore, it is important that a complainant not wash in any way until he/she has been examined at the Medical Center of South Arkansas, or other medical facility. Complainants of sexual or gender based misconduct should go in for an exam as quickly as possible. The hospital staff will collect forensic evidence, check for injuries, and deal with the possibility of exposure to sexually transmitted diseases.

# **Reporting**

## **For Immediate Assistance**

Go to a safe location, and if injured, seek immediate medical attention. If you are sexually assaulted, you may seek assistance by contacting any of the following:

|  |  |
| --- | --- |
| Campus Police | 870-864-7125 main  870-814-7958 West cell phone  870-310-5788 East cell phone  870-665-1908 East cell phone  999 from any campus phone |
| South Arkansas Regional Health Center  Medical Center of South Arkansas | 870-862-7921  870-863-2000 |
| Vice President for Student Services | 870-864-7128 |
| Turning Point | 870-862-3672 |
| Women’s Crisis Center of South Arkansas  Compassion’s Foundation | 870-836-0375  870-235-1414 |
| On Campus Security Phones (Red) | Whitfield, Computer Technology Building, El Dorado Conference and  Student Center, Library on West Campus |
|  | Atrium of the Center for Workforce Development, Student Lobby of McGehee Building |
| Blue Light Emergency Phones | Parking lots between the Library and Computer Technology Building,  Health Science, and Conference Center on West Campus |
|  | Parking lot between the McGehee Classroom Building and the  Workforce Development Building on East Campus |
| El Dorado Police Department | 911 for Emergency; 870-863-4141 |

If you are off campus and in an emergency situation, call the El Dorado Police Department or dial (911). Whether the assault occurs off or on campus, you may report the assault directly to both the El Dorado Police Department and SouthArk Campus Security Staff.

When consulting campus resources, all parties should be aware of confidentiality, privacy, and mandatory reporting in order to make informed choices.

# 

# **To Discuss Confidentially**

If a complainant desires that details of the incident be kept confidential and not be formally investigated, he or she should speak with a counselor at South Arkansas Regional Health Center, Turning Point, Compassion’s Foundation, or Women’s Crisis Center of South Arkansas. In addition, complainants may speak with clergy or chaplains. Complainants can seek advice and support from the aforementioned resources who are not required to tell anyone else his or her private, personally identifiable information unless there is cause for fear for his or her safety or the safety of others. However, when speaking

to the SouthArk counselor there are some exceptions when it comes to confidentiality:

1. Complainant discloses that he/she plans to harm self or others
2. Complainant discloses that he or she has been the victim of child abuse and/or perpetrator of child abuse
3. Complainant discloses abuse of an elderly person or a person who is mentally incompetent
4. By court order.

SouthArk reserves sole discretion and the right to take whatever measures it deems necessary in response to an allegation of sexual or gender based misconduct in order to protect complainants’ rights and personal safety and the SouthArk community. If the Title IX Coordinator determines the possibility of an ongoing threat, the matter will be investigated using the Title IX process.

Please note that the counselor at SouthArk may not take confidential reports related to Title IX violations as the counselor’s primary role is that of Title IX Coordinator. This policy and exceptions are a part of the informed consent that anyone seeking counseling at SouthArk will sign before the counseling relationship is initiated, therefore guaranteeing a complainant’s ability to make an informed choice. Those who are referred for counseling services as part of remediation or accommodation related to a Title IX report will see a licensed counselor on staff assigned by SouthArk.

# **Non-Confidential Reporting**

Complainants are encouraged to speak to officials of SouthArk to make formal reports of incidents (deans, vice presidents, faculty, staff, campus security, Title IX coordinator, human resources). SouthArk considers these people to be responsible employees. Notice to them is official notice to the institution. These employees must report the incident immediately to the Title IX Coordinator. Complainants have the right and can expect to have incidents of sexual or gender based misconduct to be taken seriously by SouthArk and properly resolved through administrative procedures. Formal reporting means that only people who need to know will be told and information will be shared only as necessary with investigators, witnesses, and the accused individual.

# **Remediation**

SouthArk reserves sole discretion and the right to take whatever measures it deems necessary in response to an allegation of sexual or gender based misconduct in order to protect complainants’ rights and personal safety and the SouthArk community. Such measures include, but are not limited to, reassignment of classes as available or removal from classes, interim suspension from campus pending the outcome of an investigation, tuition reimbursement, and reporting the matter to law enforcement.

# **Filing a Complaint**

Complainants of sexual or gender based misconduct usually have two avenues to consider in filing a complaint. These options are not mutually exclusive. The first offers a SouthArk process and the second a criminal process. One, both, or either may be pursued.

1. A complainant who wishes to have his or her case reviewed administratively, within the institution, should contact the Title IX Coordinator, Vice President for Student Services, or any other SouthArk staff or faculty member. The person receiving the report will ensure complainant’s immediate safety and then notify the Title IX Coordinator who will activate the Title IX Investigative team.
2. A complainant who wishes to have his or her case handled criminally should contact the SouthArk Campus Security Department or the El Dorado Police Department. A SouthArk staff member will accompany a complainant if requested.

If the complaint is against the Title IX Coordinator, a report should be made to the Vice President for Student Services. The complainant may also make a report to the Office of Civil Rights.

# http://www.southark.co/images/news/southark-intern.jpg

# **Student/Employee Rights**

## **Reporting**

* Complainants have the right to notify law enforcement and to be assisted by campus authorities in doing so.
* Complainants have the right to decline to report to law enforcement.
* Complainants have the right to have their cases referred for administrative campus investigation and review.

## **Fair Process**

* All complainants and respondents have the right for reported grievances to be reviewed through the procedures outlined in this policy.
* Complainants and respondents have the same opportunity to have advisors of their choice present at any stage in the campus investigative and adjudicative process.
* Both the complainant and respondent will be informed of the outcome of any campus disciplinary hearing alleging sexual or gender based misconduct or discrimination.
* Complainants and witnesses will receive amnesty for minor student misconduct such as alcohol or drug violations that is secondary to the alleged incident.
* Complainants and their supporters have the unfettered right to be free from retaliation.
* The right to review all documentary evidence available regarding the allegation, including the investigative report, subject to the privacy limitations imposed by state and federal law.
* The right to be informed of the names of all witnesses who will be called to give testimony, except in cases where a witness’s identity will not be revealed to the responding party for compelling safety reasons (this does not include the name of the reporting party, which will always be revealed.)
* The right to be informed of and have access to on and off campus resources for medical, health, and counseling services
* All respondents have the right to question all witnesses through the written submittal of questions to the investigators. The investigators will submit these questions to the Title IX coordinator for appropriateness before submitting them to the witnesses. The Title IX Coordinator will notify the respondent if/when questions are not submitted with justifications for this decision in writing.

The College will not tolerate intentional false reporting of incidents. It is a violation of the Student Code of Conduct.

## **Advocacy and Support**

* Complainants and respondents will be notified of counseling services and off-campus resources by the Title IX coordinator, Vanessa Williams, or by the Vice President for Student Services, Dr. Derek Moore. Other campus staff may also inform complainants of this information at the time of the initial report.
* All parties in the administrative judicial process are entitled to have others (i.e., an advisor) present during investigatory interviews.
* Campus Security is available to assist complainants who wish to seek assistance for court-ordered no-contact orders. Campus Security must have a copy of said order in order for it to be enforced. Campus Security has no authority to compel the courts to issue such orders. Campus Security does have the authority to enforce school-issued no-contact orders and will do so.

## **Temporary Measures**

Complainants will be notified of, and have the right to receive, no-contact administrative orders and adjustments to academic arrangements whether or not there is a formal complaint.

# **Consent**

Consent is knowing, voluntary, and clear permission by word or action to engage in mutually agreed upon sexual activity or contact.

Since individuals may experience the same interaction in different ways, it is the responsibility of each party to make certain that the other has consented before engaging in the activity.

A person can withdraw consent at any time during sexual activity by expressing in words or actions that he or she no longer wants the act to continue, and, if that happens, the other person must stop immediately. Continued pressure can be coercive and is also a violation of this policy.

* Silence or the absence of resistance alone is not consent.
* Consent to some sexual contact cannot be presumed to be consent for other sexual activity.
* A current or previous dating relationship is not sufficient to constitute consent.
* In order to give consent in Arkansas, one must generally be at least 16 years of age.
* Mixed messages from your partner are a clear indication that you should stop.
* Do not share intimate content, pictures, images, and videos that are shared with you.

## **Slide backgroundForce as a Factor in Consent**

Force is the direct or indirect use of physical force and/or imposing on someone physically to gain sexual access. There is no requirement that parties resist the sexual advance or request, but resistance is a clear demonstration of non-consent. A potential partner could feel intimidated or coerced by the other party. A power advantage may exist simply because of one party’s gender or physical presence.

**Coercion**

Coercion is unreasonable pressure for sexual activity. When someone makes clear to the other party that he or she does not want sex, that he or she wants to stop, or that he or she does not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

# **Incapacitation**

Sexual activity with someone a party knows to be or should know to be incapacitated constitutes a violation of this policy.

* Incapacitation can occur mentally or physically from developmental disability, by alcohol or other drug use, or blackout.
* The question of what the respondent should have known is objectively based on what a reasonable person in the place of the respondent, sober and exercising good judgment, would have known about the condition of the complainant.
* Incapacitation is a state where someone cannot make rational, reasonable decisions because he or she lacks the capacity to give knowing consent (to understand the who, what, when, where, why, or how of his/ her sexual interaction).
* This policy also covers a person whose incapacity results from mental disability, sleep, unconsciousness, involuntary physical restraint, or from the taking of rape drugs.

### **Incapacitation as a Factor in Consent**

Consent must be “knowing” to be valid. A person cannot consent if he or she is unable to understand what is happening or is disoriented, helpless, asleep, or unconscious for any reasons, including because of voluntary or involuntary use of alcohol or other drugs. An individual who engages in sexual activity when the individual knows or should know that the other person is incapacitated has violated this policy.

Possession, use, distribution, and administering of incapacitating drugs is prohibited and is a violation of this policy.

It is not an excuse that the accused party of sexual misconduct was intoxicated and therefore did not realize the incapacity of the other.

This policy is applicable regardless of the sexual orientation and/or gender identity of individuals engaging in sexual or activity.

# 

# **Sexual or Gender Based Misconduct Violations**

Sexual or gender based misconduct offenses include, but are not limited to:

1. Sexual or gender based harassment
2. Non-Consensual Sexual Contact (or attempts to commit same)
3. Non-Consensual Sexual Intercourse (or attempts to commit same)
4. Sexual exploitation

## **Sexual Harassment**

Sexual harassment is unwelcome, sexual, sex-based and/or gender-based verbal, written, online and/or physical conduct.

Anyone experiencing sexual or gender based harassment in any SouthArk program is encouraged to report it immediately to the Title IX Coordinator. Remedies, education and/or training and possible sanctions will be provided in response.

Sexual or gender based harassment may be disciplined when it takes the form of quid pro quo harassment, retaliatory harassment and/or creates a hostile environment.

### **Hostile Environment**

A hostile environment is created when sexual or gender based harassment is:

1. Sufficiently severe, *or*
2. Persistent or pervasive, *and*
3. Objectively offensive that it

Unreasonably interferes with, denies, or limits someone’s ability to participate in or benefit from SouthArk’s education and/or employment program.

**Quid Pro Quo Harassment**

Quid Pro Quo is unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature by a person having power or authority over another. This conduct constitutes sexual harassment when submission to such sexual conduct is made either explicitly or implicitly a term or condition of rating or evaluating an individual’s educational or employment progress, development or performance. This includes when submission to such conduct would be a condition for access to receiving the benefits of any education or employment program.

Examples include: An attempt to coerce an unwilling person into a sexual relationship; to repeatedly subject a person to egregious, unwelcome sexual attention; to punish a refusal to comply with a sexual based request; to condition a benefit on submitting to sexual advances; sexual or gender based violence; intimate partner violence; stalking; gender-based bullying.

### **Retaliatory Harassment**

SouthArk will not retaliate against someone filing a complaint and will make reasonable attempts to keep a victim safe from other retaliatory harassment or behavior. As part of SouthArk’s obligation, the college can issue a no contact directive or make other accommodations to ensure the accused or a third party does not retaliate for any complaint. Additionally, the college will not take adverse action against the complainant-victim for his or her complaint. Any retaliation can and should be reported in a formal Title IX complaint to the Title IX Coordinator and will result in a separate investigation as a policy violation. If the respondent is found responsible for committing a retaliatory act, he or she will receive the same sanction he or she would have received if found responsible for committing the initial sexual or gender based misconduct violation.

### **Other Examples of Sexual or Gender Based Harassment**

* A professor insists that a student have sex with him/her in exchange for a good grade. This is harassment regardless of whether the student accedes to the request.
* A student repeatedly sends sexually or gender based oriented jokes around an email list he/she created, even when asked to stop, causing one recipient to avoid the sender on campus.
* Explicit sexual or gender based pictures are displayed in a professor’s office.
* Two supervisors frequently “rate” several employees’ bodies and sex appeal, commenting suggestively about their clothing and appearance.

### **Non-Consensual Sexual Contact**

Non-consensual sexual contact is defined as: Any intentional sexual touching, however slight, with any object, by a person upon another person that is without consent and/or by force.

Sexual touching includes, but is not limited to, any bodily contact with breasts, buttocks, groin, genitals, mouth or other bodily orifice of another individual, or making another touch you or themselves with any of these body parts, or any other bodily contact in a sexual manner.

### **Non-Consensual Sexual Intercourse**

Non-consensual sexual intercourse is defined as: Any sexual penetration or intercourse (anal, oral, or vaginal), however slight, with any object, by a person upon another person, that is without consent and/or by force.

Sexual intercourse includes, but is not limited to, vaginal or anal penetration by a penis, tongue, finger, or object, or oral copulation by mouth to genital contact or genital to mouth contact no matter how slight the penetration or contact.

### **Sexual Exploitation**

Sexual exploitation occurs when one person takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise fall under other sexual or gender based misconduct offenses.

Examples of sexual exploitation include, but are not limited to, engaging in the following activities without the other person(s)’ consent:

* Sexual voyeurism
* Taking pictures or recording another in a sexual act or any other private activity
* Exposing one’s genitals or breasts in non-consensual circumstances or inducing another to expose his or her genitals or breasts
* Prostitution of another person
* Engaging in sexual activity with another person while knowingly infected with HIV or other sexually transmitted disease and without informing the other person of the infection.

### **Dating Violence**

Dating violence or intimate partner violence can properly be defined as follows:

1. Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury or assault between persons who are presently or in the past have been in a dating relationship together; or
2. Any sexual conduct between persons who are presently or in the past have been in a dating relationship together, whether minors or adults, that constitutes a crime under the laws of this state.

The term “dating relationship” means a romantic or intimate social relationship between two individuals that is determined by examining the following factors:

* 1. The length of the relationship;
  2. The type of the relationship; and
  3. The frequency of interaction between the two (2) individuals involved in the relationship.

The term “dating relationship” does not include a casual relationship or ordinary fraternization between two individuals in a business or social context.

### **Domestic Violence**

Domestic abuse means:

1. Physical harm, bodily injury, assault or the infliction of fear of imminent physical harm, bodily injury or assault between family or household members; or
2. 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.

### **Stalking**

Stalking I:

A person commits stalking in the first degree if he or she knowingly engages in a course of conduct that would place a reasonable person in the victim's position under emotional distress and in fear for his or her safety or a third person's safety, and the actor:

Stalking II:

A person commits stalking in the second degree if he or she knowingly engages in a course of conduct that harasses another person and makes a terroristic threat with the purpose of placing that person in imminent fear of death or serious bodily injury or placing that person in imminent fear of the death or serious bodily injury of his or her immediate family.

Course of conduct" means a pattern of conduct composed of two (2) or more acts, separated by at least thirty-six (36) hours, but occurring within one (1) year, including without limitation an act in which the actor directly, indirectly, or through a third party by any action, method, device, or means follows, monitors, observes, places under surveillance, threatens, or communicates to or about a person or interferes with a person's property.

"Emotional distress" means significant mental suffering or distress. "Emotional distress" does not require that the victim sought or received medical or other professional treatment or counseling; and "Harasses" means an act of harassment.

Examples of Stalking:

* Stalking I. A student repeatedly shows up outside of another student’s classroom telling other students that he is waiting for this student to get out of class. This complainant informs the teacher and other students that this is not welcomed, but the respondent keeps showing up outside of the door and even at the complainant’s place of employment requesting that they go out on a date together.
* Stalking II. A student working as a tutor received flowers and gifts delivered to the Learning Center. After learning the gifts were from a student she recently tutored, the tutor thanked the student and stated that it was not necessary and would appreciate the gift deliveries to stop. The student then started leaving notes of love and gratitude on the tutor’s car both on campus and at home. Asked again to stop, the student stated by email, “You can ask me to stop, but I’m not giving up. We are meant to be together, and I’ll do anything necessary to make you have the feelings for me that I have for you.” When the tutor did not respond, the student emailed again, “You cannot escape me.”

Any other SouthArk policies may fall within this section when a violation is motivated by the actual or perceived membership of the complainant’s sex or gender.

### **OTHER MISCONDUCT OFFENSES (WILL FALL UNDER TITLE IX WHEN SEX OR GENDER-BASED)**

1. Threatening or causing physical harm, extreme verbal abuse, or other conduct which threatens or endangers the health or safety of any person
2. Discrimination, defined as actions that deprive other members of the community of educational or employment access, benefits or opportunities on the basis of gender
3. Intimidation, defined as implied threats or acts that cause an unreasonable fear of harm in another
4. Hazing, defined as acts likely to cause physical or psychological harm or social ostracism to any person within the college community, when related to the admission, initiation, pledging, joining, or any other group-affiliation activity (as defined further in the Hazing Policy)
5. Bullying, defined as repeated and/or severe aggressive behavior likely to intimidate or intentionally hurt, control or diminish another person, physically or mentally (that is not speech or conduct otherwise protected by the 1st Amendment)
6. Nonconsensual repeated communication including in-person communication, telephone calls, voice messages, text messages, email messages, social networking site postings, instant messages, postings of pictures or information on websites, written letters, gifts, ordering goods or services, or any other communications that are undesired

Please note that the above list is not exhaustive.

# **Pregnant/Parenting Students**

## **SouthArk Absence Policy**

Students are expected to attend all classes in which they are enrolled. If a student is absent from a class session, it is the student’s responsibility to make arrangements to complete or make up any work missed. No make-up work for missed classes will be allowed without the approval of the instructor. Students who enroll late must assume all responsibility for work missed. Classes not attended as a result of late enrollment may be counted toward excessive absences. Students not attending the entire class period may be counted absent for that period. An instructor may drop students with a grade of “WE” if students have been absent for an excessive number of days. Warning letters will be sent to the students advising them of the consequences of nonattendance and urging them to contact their instructors immediately. Excessive absences are defined as follows:

Regular Semester

Courses which meet once a week...............................................................................2 absences

Courses that meet twice per week .............................................................................3 absences

Courses that meet four times per week......................................................................5 absences

Summer Session

Courses that meet four times per week in a five week session..................................3 absences

Courses which meet two evenings per week in a 10 week session …………………….....3 absences

Students enrolled in special programs or individualized instruction should contact their program director/instructor regarding specific attendance requirements for the program/course. Some of the selective-admission, health-science programs have specific criteria regarding attendance. Students are encouraged to refer to program policies in these matters.

## **Jury Duty/Military/Official School Function**

Scheduled absences are those that occur due to college-related activities or as a result of summons to jury duty or military duty. Classes missed as a result of scheduled absences will not be counted as excessive absences if the instructor is notified and provided documentation prior to the absence(s). Make-up work for scheduled absences will be at the discretion of the instructor.

In all instances, documentation must be provided to the instructor within 24 hours of receipt. Documentation should come from an appropriate party on letterhead or other official stationery with a signature and contact information. Documentation should list the corresponding dates of the leave.

## **Medical leave**

For medical-related absences, documentation must include written notice from the treating medical professional documenting time needed off related to medical reasons and time student may resume classes. The medical reason does not need to be listed on the documentation; the documentation must include only that there is a medical reason, the amount of time the student needs to be absent, and the time the student should be able to return to classes. Students who elect to work at home while on excused leave must meet with their instructors to make arrangements to do so. Working on coursework while on medical leave is not a requirement but can be requested by students. If students request that they be allowed to work at home while on an excused leave, the instructor will make every reasonable effort to ensure that the student is able to do so.

For students who have a medical condition necessitating time off or accommodation:

1) They may work at home on assignments if they choose to if on medical leave approved by a medical professional

2) Receive appropriate accommodations related to coursework (i.e., excused from labs with potentially harmful chemicals, have a larger desk, etc.)

3) Resume their studies where they left off once they return to classes

4) Be allowed to make up any missed work related to medical leave

5) Receive incompletes on their transcripts until coursework is completed, according to the incomplete grade contract

6) Be given a reasonable time frame in which to complete missed coursework

**Students are strongly encouraged to meet with instructors to formulate a plan for coursework prior to taking a medical leave whenever possible. The student should turn in medical documentation indicating approved leave to each instructor.**

# **Sanctions**

The following sanctions may be imposed upon any member of the community found to have violated the sex/gender-based misconduct policy. Factors considered in sanctioning are defined by the Student Handbook/Catalog and the Administrative Procedures Manual. The following are the typical sanctions that may be imposed upon students or organizations singly or in combination:

Student Sanctions (listed below and defined in [Student Handbook or Catalog])

* Warning
* Probation
* Suspension
* Expulsion
* Withholding Diploma
* Revocation of Degree

Employee Sanctions (listed below and defined in APM 2.15a)

* Informal Discussion and Counseling
* Organizational Sanctions
* Oral Warning
* Written Warning
* Probation/Suspension
* Termination/Discharge
* Other Sanctions

# https://tse2.mm.bing.net/th?id=OIP.Mf31cae155a305cec65e82ba225bcb360o0&pid=15.1&P=0&w=200&h=150

# **Sanctioning for Sexual or Gender Based Misconduct**

Any person found responsible for violating the Non-Consensual Sexual Contact policy (where no intercourse has occurred) will likely receive a sanction ranging from probation to expulsion, depending on the severity of the incident, and taking into account any previous disciplinary violations.

Any person found responsible for violating the Non-Consensual Sexual Intercourse policy will likely face a recommended sanction of suspension or expulsion (student) or suspension or termination (employee).

Any person found responsible for violating the Sexual Exploitation or Sexual or Gender Based Harassment policies will likely receive a recommended sanction ranging from warning to expulsion or termination, depending on the severity of the incident, and taking into account any previous disciplinary violations.

The decision-making body reserves the right to broaden or lessen any range of recommended sanctions in the case of serious mitigating circumstances or egregiously offensive behavior. Neither the initial sanctioning officers nor any appeals body or officer will deviate from the range of recommended sanctions unless compelling justification exists to do so.

# **Retaliation**

Accusing complainants and their supporters have the unfettered right to be free form retaliation. Retaliation is defined as any adverse reaction taken against a person for alleging harassment, or for supporting a party bringing a grievance, or for assisting in providing information relevant to a claim of harassment and will be investigated immediately and adjudicated separately. Retaliation includes, but is not limited to, intimidation, threats or menacing behavior, coercion, or discriminatory actions. Retaliation is a serious violation and may result in immediate removal from the college. If a respondent is found responsible for committing retaliation based on an investigation, he or she will receive sanction(s) equal to what he or she would have received if found responsible for the sexual or gender based misconduct alleged in the original complaint.

# **Procedures**

## **Initial Review**

The Title IX Coordinator or designee will explain SouthArk conduct and procedures, including the difference between administrative procedure and criminal reporting; no-contact orders and remedial action; and confidentiality and privacy. Generally, the next step will be for the staff member to meet with the accused at a different time to notify him or her of the allegation and possible remedial actions.

Reports made to any responsible employee will be shared confidentially with the Title IX Coordinator and with SouthArk Campus Security per federal reporting requirements. In regard to reports to Campus Security, all personally identifiable information will be kept confidential unless the complainant chooses otherwise.

SouthArk has an obligation to investigate allegations of sexual or gender based misconduct as provided for in this policy.

# **Investigation**

All college employees have a duty to report, unless they fall under the “Confidential Reporting” section described previously. Reporting parties may want to consider carefully whether they share personally identifiable details with non-confidential employees, as those details must be shared by the employee with the Title IX Coordinator and/or Deputy Coordinators. At SouthArk, the counselor also serves as the Title IX Coordinator, so reporting parties must keep in mind that this person’s primary role in sexual or gender based misconduct cases is as the Title IX Coordinator and any reports of sexual or gender based misconduct made may not be kept confidential. Employees must share all details of the reports they receive. Generally, climate surveys, classroom writing assignments, human subjects research, or events such as Take Back the Night marches or speak-outs do not provide notice that must be reported to the Coordinator by employees. Remedial actions may result without formal college action.

If a victim does not wish for his or her name to be shared, does not wish for an investigation to take place, or does not want a formal resolution to be pursued, the victim may make such a request to the Title IX Coordinator or Deputy Coordinators, who will evaluate that request in light of the duty to ensure the safety of the campus and comply with federal law. In cases indicating pattern, predation, threat, weapons and/or violence, the college will likely be unable to honor a request for confidentiality. In cases where the victim requests confidentiality and the circumstances allow the college to honor that request, the college will offer interim supports and remedies to the victim and the community, but will not otherwise pursue formal action. A reporting party has the right, and can expect, to have reports taken seriously by the college when formally reported, and to have those incidents investigated and properly resolved through these procedures.

In cases involving student/complainant grievances, SouthArk will use an investigative model. Trained faculty and/or staff investigators will interview the complainant and his/her witnesses as well as the respondent and his/her witnesses, share the reports with both parties, and allow for one or more responses from each.

## **Standard of Evidence**

SouthArk considers the greater weight of the credible evidence as its standard in conduct cases. Often referred to as the “preponderance of the evidence,” this standard asks decision makers to determine whether it is more likely than not that a violation occurred.

## **Past History**

The past sexual history or sexual character of a party will not be considered in an investigation unless such information is determined to be highly relevant by the Title IX Coordinator. The parties will be notified in advance if any such information is deemed relevant and will be introduced in the investigation process.

## **Sanction Statement**

SouthArk reserves the right to impose different sanctions, ranging from verbal warning to expulsion/termination, depending on the severity of the offense. SouthArk can consider the concerns and rights of both the complainant and respondent.

## **Final Outcome**

Both complainants and respondents may see the decision letters, receive survivor impact statements, and view and respond to written appeals.

## **Informal Resolution**

Before pursuing the Formal Resolution Process, every reasonable effort should be made to constructively resolve conflict with students, faculty, staff, or administrators. The person impacted should keep a written log that can aid in later investigation and resolution. Whenever possible and safe, the problematic behavior, conflict or misconduct should first be discussed by the impacted person and the person engaged in the problematic behavior, conflict or misconduct. The Office of the Title IX Coordinator [Supervisors, etc.] will facilitate such conversations, upon request, and monitor them for safety. Various conflict resolution mechanisms are available, including mediation. Mediation is not used when violent behavior is involved, when the Coordinator determines a situation is not eligible, or the parties are reluctant to participate in good faith. The college does not require an impacted party to contact the person involved or that person’s supervisor if doing so is impracticable, or if the impacted party believes that the conduct cannot be effectively addressed through informal means. If informal efforts are unsuccessful, the formal resolution process may be initiated. Either party has the right to end the informal process and begin the formal process at any time prior to resolution.

## **Formal Resolution Process for Reports of Misconduct by Employees**

The Title IX Investigative team includes a member(s) of Human Resources. The team will formally investigate reports or notice of discrimination and/or harassment by employees and address inquiries. The Human Resources Director will coordinate the college’s compliance efforts regarding employee-related reports.

Any member of the community can provide notice of discrimination and/or harassment in person, by phone, via email or in writing to Human Resources or the Title IX Coordinator. The Title IX Coordinator will share all information with Human Resources when the sexual or gender based misconduct is employee related.

## **Reporting Procedures for Complainants**

The following are recommended elements of a report:

* Clear and concise description of the alleged incident(s) (e.g.: when and where it occurred);
* Any supporting documentation and evidence;
* Clear demonstration of all informal efforts, if any, to resolve the issue(s) with the person involved and the person’s supervisor;
* This includes names, dates and times of attempted or actual contact along with a description of the discussion and the manner of communication made in the course of each effort;
* If contacting the person involved and/or the supervisor is impracticable, the reporting party should state the reasons why;
* The desired remedy sought;
* Name and all contact information for the reporting party;
* Signed by the reporting party.

An online reporting tool may be used [here](http://www.libsurveys.com/loader.php?id=3ea6ea4bda0980fb438ea03d4cc1b791). All reports can be made anonymously if the reporter chooses but when the reporter is the victim and chooses to withhold identification in an online report, an investigation will likely not occur.

## **Investigation Protocol**

If the reporting party wishes to pursue a formal resolution or if the college, based on the alleged policy violation, wishes to pursue a formal resolution, then the Title IX Coordinator appoints trained investigators to conduct the investigation, usually within two business days. Investigations are completed expeditiously, normally within 10-14 business days. Investigations may take longer when, for example, initial reports fail to provide direct first-hand information or in complex situations.

The college’s resolution will not typically be altered or precluded on the grounds that civil or criminal charges involving the same incident have been filed or that charges have been dismissed or reduced. However, the college may undertake a short delay (several days to weeks) in its investigation or resolution process, to comply with a law enforcement request for cooperation (e.g. to allow for criminal evidence collection) when criminal charges on the basis of the same behaviors that invoke this process are being investigated. The College will promptly resume its investigation and processes once notified by law enforcement that the initial evidence collection process is complete.

All investigations will be thorough, reliable and impartial, and will entail interviews with all relevant parties and witnesses, obtaining available evidence and identifying sources of expert information, if necessary.

The investigator or Title IX Coordinator will take the following steps (not necessarily in order):

* In coordination with campus partners (e.g. the campus Title IX Coordinator), initiate any necessary remedial actions;
* Determine the identity and contact information of the responding party;
* Identify the exact policies allegedly violated;
* Conduct an immediate initial inquiry to determine if there is reasonable cause to charge the responding party, and what policy violations should be alleged as part of the allegation;
* If there is insufficient evidence to support reasonable cause, the report should be closed with no further action;
* Meet with the reporting party to finalize his or her statement, and prepare the notice of charges on the basis of the initial inquiry;
* Commence a thorough, reliable and impartial investigation by developing a strategic investigation plan, including a witness list, evidence list, intended timeframe, and order of interviews for all witnesses and the responding party, who may be given notice prior to or at the time of the interview;
* Complete the investigation promptly, and without unreasonable deviation from the intended timeline of 10-14 business days;
* Provide regular updates to both the reporting and responding parties, as appropriate, throughout the investigation;
* Share the preliminary investigative report with the Title IX Coordinator which shall include facts, evidence, and a summary of witness interviews;
* After the Title IX Coordinator review of the investigative report, share with both the reporting and responding party so they can prepare written questions for other parties and submit those questions for appropriateness to the investigators
* Allow opportunity for both parties to respond to written questions
* Prepare Nonconsensual repeated communication including in-person communication, telephone calls, voice messages, text messages, email messages, social networking site postings, instant messages, postings of pictures
* Make a finding, based on a preponderance of the evidence (whether a policy violation is more likely than not)
* Share the findings and recommended sanctions with the responding and reporting parties.
* Share findings with Title IX Coordinator and deciding authority (Vice President for Student Services for students; Vice President for Finance and Administration for professional staff and classified employees; Vice President for Academic Affairs for faculty) for sanctions

At any point during the investigation, if it is determined there is no reasonable cause to believe that college policy has been violated, the Title IX Coordinator has authority to terminate the investigation and end resolution proceedings.

Where the responding party is found not responsible for the alleged violation(s), the investigation will be closed. Where a violation is found, the college will act to end the discrimination, prevent its recurrence, and remedy its effects on the victim and the college community. All parties will receive written notification of the outcome, to the extent permitted by or mandated by law. In cases involving sexual or gender based misconduct, sexual or gender based harassment, stalking and/or intimate partner violence, the written notification includes the finding, any resulting responsive actions, and the rationale for the decision. This written notification of final decision is delivered to the parties without undue delay between the notifications and explains appeals options.

## **Formal Resolution Process for Reports of Misconduct**

The Title IX investigative team is designated to formally investigate reports of sex or gender discrimination and/or harassment, to address inquiries and to implement the college’s compliance efforts regarding reports of misconduct, regardless of role of the reporting party.

Notice of a formal report can be made in person, by phone, via email or in writing to any responsible employee or the Title IX Coordinator. The preferred method of reporting is via the [online form](http://www.libsurveys.com/loader.php?id=3ea6ea4bda0980fb438ea03d4cc1b791). Upon receipt of a report, the Vice President for Student Services (where complainant’s primary role is a student) or Vice President for Finance and Administration (where complainant’s primary role is an employee) or Vice President for Academic Affairs (where complainant’s primary role is faculty) and Title IX Coordinator will confer on interim action, remediation for the reporting party (at no cost to the reporting party where possible), or other necessary remedial short-term actions.

If the reporting party wishes to pursue a formal resolution or if the college, based on the alleged policy violation, wishes to pursue a formal resolution, then the Title IX Coordinator appoints trained investigators to conduct the investigation, usually within two business days of determining that an investigation should proceed.

Where the responding party is found not responsible for the alleged violation(s), the investigation will be closed. Where the responding party is found responsible for committing the sexual or gender based misconduct, the Vice President for Student Services, Vice President for Finance and Administration, or Vice President for Academic Affairs will impose appropriate sanctions for the violation, after consultation with the Title IX Coordinator, when applicable. Notification of sanctions will be included in the outcome letter(s). The college will act to end the discrimination, prevent its recurrence, and remedy its effects on the victim and the college community.

The parties will receive written notification of the outcome, to the extent permitted or mandated by law. In cases involving sexual or gender based misconduct, sexual or gender based harassment, stalking and/or intimate partner violence, the written notification includes the finding, any resulting sanctions, and the rationale for the decision. This written notification of final decision is delivered to the parties without undue delay between the notifications, explains appeals options and procedures, and any changes to the results that could occur before the decision is finalized.

## **Participation of Advisors [or Advocates] in the Resolution Process**

All parties are entitled to an advisor [or advocate] of their choosing to guide and accompany them throughout the campus resolution process. The advisor [or advocate] may be a friend, mentor, family member, attorney or any other supporter a party chooses to advise them who is both eligible and available. People who will be called as witnesses may not serve as advisors [or advocates]. The parties may choose advisors [or advocates] from outside the campus.

The parties are entitled to be accompanied by their advisor in all meetings and interviews at which the party is entitled to be present, including intake, interviews, and appeals. Advisors [or advocates] should help their advisees prepare for each meeting, and are expected to advise ethically, with integrity and in good faith. The college cannot guarantee equal advisory rights, meaning that if one party selects an advisor [or advocate] who is an attorney, but the other party does not, or cannot afford an attorney, the college is not obligated to provide one.

Reporting parties may wish to contact organizations such as:

The Victim Rights Law Center (<http://www.victimrights.org>), or the

The National Center for Victims of Crime (<http://www.victimsofcrime.org>), which maintains the Crime Victim’s Bar Association.

All advisors [or advocates] are subject to the same campus rules, whether they are attorneys or not. Advisors [or advocates] may not present on behalf of their advisee in a meeting or interview and should request or wait for a break in the proceeding if they wish to interact with campus officials. Advisors [or advocates] may confer quietly with their advisees as necessary, as long as they do not disrupt the process. For longer or more involved discussions, the parties and their advisors should ask for breaks or step out of meetings to allow for private conversation. Advisors [or advocates] will typically be given a timely opportunity to meet in advance of any interview or hearing with the administrative officials conducting that interview or meeting. This pre-meeting will allow advisors [or advocates] to clarify any questions they may have, and allows the college an opportunity to clarify the role the advisor is expected to take.

Advisors [or advocates] are expected to refrain from interference with the college investigation and resolution. Any advisor [or advocate] who steps out of his or her role in any meeting under the campus resolution process will be warned once and only once. If the advisor [or advocate] continues to disrupt or otherwise fails to respect the limits of the advisor role, the advisor [or advocate] will be asked to leave the meeting. When an advisor [or advocate] is removed from a meeting, that meeting will typically continue without the advisor present. Subsequently, the Title IX Coordinator or a deputy will determine whether the advisor [or advocate] may be reinstated, may be replaced by a different advisor [or advocate], or whether the party will forfeit the right to an advisor [or advocate] for the remainder of the process.

The college expects that the parties will wish the college to share documentation related to the allegations with their advisors [or advocates]. The college provides a consent form that authorizes such sharing. The parties must complete this form before the college is able to share records with an advisor [or advocate]. The parties are not otherwise restricted from discussing and sharing information relating to allegations with others who may support them or assist them in preparing and presenting. Advisors [or advocates] are expected to maintain the privacy of the records shared with them by the college. These records may not be shared with 3rd parties, disclosed publicly, or used for purposes not explicitly authorized by the college. The college may seek to restrict the role of any advisor [or advocate] who does not respect the sensitive nature of the process or who fails to abide by the college’s privacy expectations.

The college expects an advisor [or advocate] to adjust their schedule to allow them to attend college meetings when scheduled. The college does not typically change scheduled meetings to accommodate an advisor’s [or advocate’s] inability to attend. The college will, however make provisions to allow an advisor [or advocate] who cannot attend in person to attend a meeting by telephone, video and/or virtual meeting technologies as may be convenient and available.

A party may elect to change advisors during the process, and is not locked into using the same advisor [or advocate] throughout.

Where an employee is a member of a union and entitled to a union representative in the process, that employee may be accompanied by the union representative as their advisor [or advocate] or may choose an advisor [or advocate] in addition to their union representative. In such cases, the other party may have two advisors [or advocates] as well.

The parties must advise the investigators of the identity of their advisors [or advocates] at least two (2) business days before the date of their first meeting with investigators. The parties must provide subsequent timely notice to the investigators if they change advisors [or advocates] at any time. No audio or video recording of any kind other than as required by institutional procedure is permitted during meetings with campus officials. (College constituents may choose to tape record sessions. If this is done, parties will be notified in writing.)

## **Requesting an Appeal**

In the event that the responding party accepts the findings of the investigation, those findings cannot be appealed. Sanctions imposed by the Vice President for Student Services or Vice President for Finance and Administration post-investigation can be appealed by any party according to the grounds, below. Post investigation, any party may appeal the findings and/or sanctions only under the grounds described, below.

**All sanctions imposed by the Vice President for Student Services (when respondent is a student) or Vice President for Finance and Administration (when respondent is an employee) or Vice President for Academic Affairs (when respondent is a faculty member) will be in effect during the appeal.** A request may be made to the appropriate vice president to delay implementation of the sanctions until the appeal is decided, but the presumptive stance of the institution is that the sanctions will go into effect immediately. Graduation, study abroad, committee work, work assignment, internships/ externships, etc. do NOT in and of themselves constitute exigent circumstances, and students or other respondents may not be able to participate in those activities during their appeal. In cases where the appeal results in reinstatement to the college or resumption of privileges, all reasonable attempts will be made to restore the student, employee, or faculty to their prior status, recognizing that some opportunities lost may be irreparable in the short term.

The decision of the appropriate vice president may be appealed by petitioning Title IX Coordinator. Any party who files an appeal request must do so in writing to the Title IX Coordinator within [3-5] business days of receiving the written decision, for a review of the decision or the sanctions imposed. The written decision will be provided 1) in person and/or mailed to the local mailing address of the respective party as indicated in college records and/or emailed to the parties’ college-issued email accounts. If there is no local address on file, mail will be sent to the parties’ permanent address. Once received in person, mailed or emailed, the notice of decision will be deemed presumptively delivered.

The Title IX Coordinator will share the appeal request with the other party (e.g., if the responding party files an appeal, the appeal is shared with the reporting party, who may also wish to file a response and/or bring their own appeal on separate grounds; this response or appeal will be shared with the initial appealing party). Based on the written requests/ responses or on interviews as necessary, the Student Services Committee or Employee Grievance Committee (when party filing the appeal is an employee or faculty) will send a letter of outcome for the appeal to all parties. The appeal bodies can take one of three possible actions:

* May dismiss an appeal request as untimely or ineligible
* May grant an appeal and remand the finding and/or sanction for further investigation or reconsideration
* May modify a sanction.

The original finding and sanction will stand if the appeal request is not timely or substantively eligible, and that decision is final. The party requesting appeal must show clear error as the original finding and/or a compelling justification to modify a sanction, as both finding and sanction are presumed to have been decided reasonably and appropriately during

the original process. Employees can appeal decisions made on Title IX violations by the Vice President for Finance and Administration or Vice President for Academic Affairs to the Grievance Committee by following policy [2.12](http://www.southark.edu/images/apm/apm-12-10-2018-v2.pdf) of the APM.

The ONLY grounds for appeal are as follows:

* A procedural [or substantive] error occurred that significantly impacted the outcome of the investigation (e.g. substantiated bias, material deviation from established procedures, etc.)
* To consider new evidence, unavailable during the original hearing or investigation, that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included.
* The sanctions imposed fall outside the range of sanctions designated for this offense and the cumulative conduct history of the responding party.

If remanded to re-open the investigation, the results of a revised investigation can be subsequently forwarded for reconsideration to the Student Services Committee or Employee Grievance Committee. If the appeal remands to either committee for review, the reconsideration of these teams is not appealable. In the case of employee grievances, the President of the College will make the final decision.

The procedures governing the hearing of appeals include the following:

* All parties should be timely informed of the status of requests for appeal, the status of the appeal consideration, and the results of the appeal decision;
* Appeals are not intended to be full re-hearings of the allegation (de novo). In most cases, appeals are confined to a review of the written documentation or record of the original hearing, and pertinent documentation regarding the grounds for appeal;
* Appeals decisions are to be deferential to the original investigative body, making changes to the finding only where there is clear error and to the sanction only if there is a compelling justification to do so;
* An appeal is not an opportunity for appeals officers to substitute their judgment for that of the original investigative team merely because they disagree with its finding and/or sanctions;
* Sanctions imposed are implemented immediately unless the Vice President for Student Services or Vice President for Finance And Administration or Vice President for Academic Affairs stays implementation in extraordinary circumstances, pending the outcome of the appeal.

The Student Services Committee (appeal body for students) will typically render a written decision on the appeal to all parties within five (5) business days from hearing of the appeal. The Student Services Committee’s decision to deny an appeal request is final. Employees must see section [2.12](http://www.southark.edu/operations-2/administrative-procedures-manual-apm/chapter-two/2-12-grievance-process) of the APM for applicable timelines.

## **Parental Notification**

The college reserves the right to notify parents/guardians of dependent students regarding any health or safety risk, change in student status or conduct situation, particularly alcohol and other drug violations. The college may also notify parents/guardians of non-dependent students who are under age 21 of alcohol and/or drug policy violations. Where a student is non-dependent, the college will contact parents/guardians to inform them of situations in which there is a significant and articulable health and/or safety risk. The college also reserves the right to designate which college officials have a need to know about individual conduct reports pursuant to the Family Educational Rights and Privacy Act.

# **Federal Statistical Reporting Obligations**

Certain campus officials – those deemed Campus Security Authorities - have a duty to report sexual or gender based assault, domestic violence, dating violence and stalking for federal statistical reporting purposes (Clery Act). All personally identifiable information is kept confidential, but statistical information must be passed along to campus law enforcement regarding the type of incident and its general location (on or off-campus, in the surrounding area, but no addresses are given) for publication in the Annual Security Report. This report helps to provide the community with a clear picture of the extent and nature of campus crime, to ensure greater community safety. Mandated federal reporters include: student/conduct affairs personnel, campus law enforcement, local police, student activities staff, human resources staff, advisors to student organizations and any other official with significant responsibility for student and campus activities. The information to be shared includes the date, the location of the incident (using Clery location categories) and the Clery crime category. This reporting protects the identity of the victim and may be done anonymously.

# **Federal Timely Warning Reporting Obligations**

Victims of sexual or gender based misconduct should also be aware that college administrators must issue immediate timely warnings for incidents reported to them that are confirmed to pose a substantial threat of bodily harm or danger to members of the campus community. The college will ensure that a victim’s name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the danger.

# **Additional Policy Interim Remedies**

The Title IX Coordinator (or designee) may provide interim remedies intended to address the short-term effects of harassment, discrimination and/or retaliation, i.e., to redress harm to the complainant and the community and to prevent further violations. The college will keep interim remedies and actions as private as possible.

These remedies may include, but are not limited to:

* Referral to counseling at South Arkansas Regional Health Center or other mental health provider
* Referral to the Employee Assistance Program
* Education to the community
* Altering work arrangements for employees
* Providing campus escorts
* Implementing contact limitations between the parties
* Offering adjustments to academic deadlines, course schedules, etc.

The college may interim suspend a student, employee or organization pending the completion of an investigation and resolution, particularly when in the judgment of the Title IX Coordinator and appropriate vice president the campus community may be jeopardized by the presence on-campus of the responding party or the ongoing activity of a student organization whose behavior is in question.

During an interim suspension or administrative leave, a student or employee may be denied access to college/campus events and activities. As determined by the Title IX Coordinator and the appropriate vice president, this restriction can include classes and/or all other college activities or privileges for which the student/employee/faculty might otherwise be eligible. At the discretion of the Title IX Coordinator and appropriate vice president, alternative coursework or work assignment options may be pursued to ensure as minimal an impact as possible on the responding party.

The institution will maintain as confidential any remediation or protective measures, provided confidentiality does not impair the institution’s abilityto provide the remediation or protective measures.

# **Slide backgroundOutcomes**

Most investigations will be concluded within 60 days. Investigators will prepare a summary report with finding and sanctioning recommendations for the appropriate vice president. The complainant and respondent will have an opportunity to review the report and offer comment/submit questions for other parties.

SouthArk’s appropriate vice president generally will question the investigators in a meeting and accept or reject the recommendations. If the vice president rejects the recommendations or adjusts the sanctions, he/she must do so within the framework of the policy and cite clear evidence in order to make adjustments. In this case, the appropriate vice president may return the report to the investigators for modification.

If a finding of “responsible” is assigned, the appropriate vice president may review a written impact statement submitted by the complainant, which may also include desired sanction outcomes. Such statements will be shared with the respondent.

# **Bystander Intervention**

Everyone has the power to intervene to prevent or stop sexual or gender based violence. There are two approaches: Proactive Bystander Strategies and Reactive Bystander Strategies.

## **Proactive Bystander Strategies**

In order to be a proactive bystander who helps prevent cases of sexual or gender based harassment or sexual or gender based violence, one can

* Work to create an environment where sexual or gender based violence is unacceptable
* Speak up when one hears people making statements that blame complainants
* Talk openly with friends about sexual or gender based issues and how to confront them
* Encourage friends to trust their instincts in order to stay safe
* Not laugh at sexist jokes or comments
* Look out for friends at parties and bars
* Attend an awareness event
* Empower survivors to tell their stories

## **Reactive Bystander Strategies**

In order to be a reactive bystander who positively intervenes in instances of sexual or gender based harassment or sexual or gender based violence, one can

* Get campus police or other authorities involved
* Create a distraction
* Get help
* Ask someone in a potentially dangerous situation if he/she is okay and/or wants to leave
* Make sure he/she gets home safely
* Intervene if one hears someone “targeting” another person
* Separate someone too intoxicated to consent from a potential perpetrator

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# **Reducing Risk of Victimization**

Sexual or gender based victimization is never the fault of the complainant, but that of the offender. However, these suggestions could reduce risk of victimization:

* If you have limits, make them known as early as possible
* Tell a sexual aggressor “NO” clearly and firmly
  + Attempt to remove yourself from the physical presence of the aggressor
* Find someone nearby and ask for help
* Take responsibility for alcohol intake and/or drug use
* Look out for your friends

If you find yourself about to initiate sexual behavior:

* Clearly communicate your intention to your sexual partner and give him/her a chance to clearly tell you his/her intentions
* DO NOT MAKE ASSUMPTIONS ABOUT CONSENT, or about someone’s sexual availability, or about whether they are physically and/or mentally able to consent. If there are any questions or ambiguity, then you DO NOT have consent
* Mixed messages from your partner are a clear indication that you should stop
* Do not take advantage of someone’s drunkenness or drugged state
* Understand that consent for one form of sexual behavior does not automatically give consent to any other form of sexual behavior
* Do not accept silence or passivity as indication of consent

# **Programs Offered at SouthArk**

SouthArk’ Title IX Coordinator along with Human Resources will facilitate required training for all incoming students and new employees. Furthermore, workshops and seminars can be requested. SouthArk utilizes Reach Out which is free in both the Apple Store and Google Play Stores, to facilitate learning about Title IX. SouthArk regularly uses poster campaigns as well as email campaigns to education the campus community. Programs will include options for bystander intervention.

*South Arkansas Community College (SouthArk) has borrowed from policies developed by NCHERM Group, LLC. The policy is specifically modified based on the practices and needs of South Arkansas Community College.*

*All parties governed by this policy should note that the electronic copy is the most up to date version of this document.*

*The reader should take notice that while every effort is made to ensure the accuracy of the information provided herein,*

*SouthArk reserves the right to make changes at any time without prior notice.*

# **Campus Officials**

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Col. Carey Tucker Vice President for Finance and Administration

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Dr. Michael Murders Vice President for Academic Affairs

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