

Sexual Assault**Policy Statement**

It is the policy of the University of Arkansas to prohibit sexual assault and to prevent sex offenses committed against students, employees, visitors to the campus, and other persons who use University facilities. Sexual assault is an extreme form of sexual harassment. Sexual harassment is prohibited by University policy and is a form of sex discrimination prohibited by Title VII of the Civil Rights Act of 1964 and by Title IX of the Education Amendments of 1972. Sexual assault is also a crime, defined by the Arkansas criminal code. (Adopted by the Campus Council, Sept. 23, 1993)

Definitions

Sexual assault may include any involuntary sexual act with which a person is threatened, coerced, or forced to engage in against her or his will or while temporarily or permanently incapacitated. Sexual assault may be committed by a stranger or by a person known by the victim.

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.

Consent is defined as clear, knowing and voluntary. Consent is active, not passive. Silence, in and of itself, cannot be interpreted as consent. Consent can be given by words or actions, as long as those words or actions create mutually understandable clear permission regarding willingness to engage in (and the conditions of) sexual activity. Consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity. Previous relationships or prior consent cannot imply consent to future sexual acts.

Responsibility to Report

Any student, faculty member, staff member, administrator, or visitor to the campus who has experienced or witnessed sexual assault should report the assault immediately to the University of Arkansas Police Department. If the assault occurred outside the jurisdiction of the University Police, they will assist in reporting it to the proper authorities. Sexual assault may also be reported to the Fayetteville Police Department, if it occurred within the city limits, or to the police of another municipality if the assault occurred within another township or city that has a police force.

Sexual assault may be reported to the Washington County Sheriff's Department if it occurred outside city limits but within the county. Sexual assault may also be reported to the University

Health Center's STAR Central Office (Office for Support, Training, Advocacy, and Resources on Sexual Assault and Relationship Violence) or to NWA Rape Crisis.

Preserving Evidence

It is important that evidence of sexual assault be preserved, because it may be needed for prosecuting the criminal case. Victims and others should not alter the scene of the attack. The victim should not change clothes, bathe or shower, douche, drink or eat anything, or brush her/his teeth before reporting the assault. Any items worn by the victim during the assault, but are not currently being worn, and any materials encountered during the assault (i.e., bed sheets, blankets, etc.) should be placed in a brown paper bag and brought along with the victim to a local hospital emergency department that has kits to collect and preserve evidence of rape and sexual assault.

Availability of Counseling and Advocacy

Counseling and other mental health services for victims of sexual assault are available on campus and in the community. Students and employees may use the Counseling and Psychological Services (CAPS) department of the University Health Center. The Psychological Clinic of the Department of Psychology may be able to provide assistance in some cases. Employees of the University may be able to seek help through the Employee Assistance Program. Community mental health agencies, such as the Ozark Guidance Center, and counselors and psychotherapists in private practice in the area can provide individual and group therapy.

STAR Central of the University Health Center and NWA Rape Crisis may assist with making referrals for individual counseling and support groups. STAR Central will assist victims with identifying non-counseling campus and community resources that may be of additional help and serve as a victim advocate upon request.

Education and Awareness Programs

The STAR Central Coordinator in the Department of Health Promotion and Education of the University Health Center is responsible for planning and coordinating campus education and awareness programs about all forms of sexual assault, including rape, acquaintance rape, domestic violence, dating violence, and other sex offenses. Programs are presented regularly throughout the academic year in residence halls, fraternities, sororities, and for other student organizations, academic classes, and in other settings that are likely to reach people throughout the campus community. Campus-wide education and awareness activities are also conducted during Sexual Assault Prevention and Awareness Week.

A peer education group, Rape Education Services by Peers Encouraging Conscious Thought (RESPECT), of the University Health Center provides sexual assault awareness, education, and prevention programs for the campus community. The STAR Central Coordinator supervises and advises the peer educators of RESPECT.

University Student Conduct System

When appropriate, the University of Arkansas Police Department or any member of the University community may refer allegations of sexual misconduct (as defined in the Code of

Student Life) by students to the Deputy Title IX Coordinator. The student conduct system, which is described in the Code of Student Life, provides a just and equitable process for addressing alleged infractions by students of the Code of Student Life, University of Arkansas policies, and/or other regulations or laws. The system is intended to educate students, to help them make responsible decisions, and to be accountable for their actions. All cases involving Sexual Misconduct and Sexual Harassment are resolved consistent with the provisions of Section I(c)(10) of the Code of Student Life (“Special Procedures for Cases Involving Sexual Harassment, Sexual Misconduct, Stalking, Domestic Violence, and/or Dating Violence”).

Complaints concerning allegations of sexual assault regarding faculty and staff members may be referred to the Compliance Officer with the Office of Equal Opportunity and Compliance.

Disciplinary Action

Students and employees who are found responsible for sexual assault may be subject to University disciplinary action. According to the circumstances of the case, possible sanctions for students may range from University Censure to Expulsion from the University and, for employees, from formal reprimand to dismissal.

Victims of sexual assault may receive assistance in making reasonable changes in their work, academic, or living situations. Students may request assistance in changing their living situations from University Housing. Requests for academic changes should be directed to the dean of the appropriate college. Employees may request assistance in changing their work situations from their supervisors or from the Department of Human Resources. Requests for such changes will be considered on the basis of their appropriateness and whether the requested change is reasonably available.

Coordination of Responses to Alleged Sexual Assault

The University has designated the University Compliance Officer as its Title IX Coordinator with overall responsibility for oversight of the University’s compliance with its obligations under Title IX, including, but not limited to, its obligations to investigate and respond to allegations of sexual assault.

Contact information is as follows:

University Compliance Officer/Title IX Coordinator
Office of Equal Opportunity and Compliance
346 N. West Avenue (West Avenue Annex)
479-575-4019

For allegations of sexual assault by faculty, staff or other persons (other than students), the Title IX Coordinator coordinates with UAPD and the University Health Center to ensure that allegations of sexual assault reported to University officials are investigated and that confirmed allegations are addressed through University personnel processes, as appropriate.

For allegations of sexual misconduct by students, the Deputy Title IX Coordinator, in consultation with the Title IX Coordinator, coordinates with UAPD and the University Health Center to ensure that allegations of sexual misconduct reported to University officials are

processed through the University student conduct system, as appropriate. The Deputy Title IX Coordinator reports to the Associate Dean of Students and the University Title IX Coordinator on all allegations of sexual assault processed through the student conduct system.

Contact information is as follows:

Executive Director, Academic Initiatives and Integrity
Deputy Title IX Coordinator
634 Arkansas Union
479-575-5229

October 3, 2013