

Victim Rights: Title IX Sex Discrimination, Sexual Harassment, Dating Violence, Domestic Violence, Sexual Assault, and Stalking

In accordance with the Clery Act, the Violence Against Women Act (VAWA), and Title IX, when a student or employee reports to Harding University that he or she has been a victim of sex discrimination including non-harassment discrimination (Differential Treatment and Retaliation) and Sexual Harassment (Quid Pro Quo Harassment, Hostile Environment Harassment, Sexual Assault, Domestic Violence, Dating Violence, Stalking, and Sexual Exploitation) whether the offense occurred on or off campus, the following information, services, and resources are available.

Prevention Programs: Harding University's commitment to providing a safe campus

Harding University offers an online training program to students and employees designed to promote awareness of Title IX and other sexual misconduct, including dating violence, domestic violence, sexual assault, and stalking. The training program also informs and educates victims about procedures that will be followed and the rights afforded to them.

The Department of Public Safety offers Rape Aggression Defense classes at least twice a year. The classes are designed to enhance students' and employees' safety and to increase awareness in how to avoid potentially dangerous situations.

The Department of Public Safety also offers training for Behavioral Intervention at least once a year. This class is designed (1) to promote awareness of dating violence, domestic violence, sexual assault, and stalking and (2) to provide information and guidance on how to safely intervene when confronted with these or similar occurrences.

Brochures regarding sexual-violence prevention are available in the Department of Public Safety, Office of Student Life, and the Counseling Center.

Amnesty

The University recognizes that sometimes an individual may be reluctant to report an instance of Sex Discrimination or participate in a complaint resolution process out of concern that other conduct relating to the incident (*e.g.*, use of alcohol or drugs or engaging in sexual contact outside of marriage) involves a violation of the University Student Code of Conduct or Standards of Conduct in the Employee Handbook. The University's overriding concern is for the safety of its students and employees, and the University strongly encourages all individuals to report any instance of Sex Discrimination. Therefore, to encourage reporting, an individual who reports a violation of the Title IX Sex Discrimination Policy in good faith or who participates in a complaint resolution process under the Title IX Sex Discrimination Policy will not be disciplined by the University for their own personal possession or consumption of alcohol or drugs or other policy violations in connection with the reported incident, except as outlined in the University Title IX and Other Sexual Misconduct Policy.

Amnesty will not apply to engaging in the distribution of illegal drugs. In addition, amnesty may not be extended in instances where any individual is harmed by the conduct constituting a violation of other University policies, where the individual engaging in a violation of another University policy holds a leadership role on campus, including a leadership role over students or employees, or where an employee is engaging in a violation of another University policy with a student. In those cases the University may still pursue disciplinary action for the alleged violation of other University policies. When amnesty is provided, the University may still impose educational or programming requirements or other non-disciplinary prevention measures to assist in avoiding further violations.

Reporting Information

- Report any incident of sex-based harassment, including sexual violence, to the Office of Student Life located in Student Center Room 218.
- Student Life will then assist with contacting a Title IX or Deputy Title IX Coordinator
- The victim of Dating Violence, Domestic Violence, Sexual Assault, and Stalking has the option to:
 - Decline to notify law enforcement authorities.
 - Notify law enforcement authorities themselves of the crime (by contacting the Searcy Police Department for incidents occurring within city limits or another law enforcement agency as appropriate).
 - Be assisted by Harding University officials in contacting local authorities of the crime if the victim so chooses.
- The incident may be reported to law enforcement personnel with the victim retaining the option of pressing charges immediately, at a later date, or not at all. The filing of criminal or civil charges against the alleged offender will not preclude disciplinary action on the part of the University, if the alleged offender is a student.
- Harding University will assist a victim who has obtained an order of protection, no contact order, restraining order or similar lawful orders issued by a criminal, civil, or tribal court. Public Safety will also assist the victim by contacting the Searcy Police Department for criminal enforcement of such an order.

Confidentiality

To the extent permissible by law, Harding University will protect the confidentiality of victims and other necessary parties by not including “personally identifying information or personal information” (as defined in 42 U.S.C. § 13925(a)) in records made available to the public.

Harding University will keep confidential any accommodations or protective measures provided to a victim, to the extent that maintaining such confidentiality would not impair Harding’s ability to provide the accommodations or protective measures.

Existing Services Available to Victims

Harding University provides annual written notification to students and employees regarding services available to victims of violence, assault, and stalking through (1) the Annual Security Report and (2) through an online training program. The services include:

Counseling: Victims of sexual assault may feel the need for personal counseling. Free counseling services are provided on campus by licensed professional counselors. Harding University officials may assist in arranging off-campus counseling services when preferred. Cost of off-campus counseling services is the responsibility of the student or employee.

Health: Harding University maintains a health care center for all students under the supervision of a registered nurse. Student Health Services provides care for illness, accidents, and emergencies that can be adequately treated by registered nurses. There are no fees for basic treatments or medications, with the exceptions of allergy shots and some vaccines (influenza, hepatitis A, hepatitis B, tetanus, tuberculosis skin tests). Students may also pay extra to see Harding’s nurse practitioner. The facility is located at 115 Dr. Jimmy Carr Drive. Call 501-279-4346 (campus extension 4346). Dial 0 to speak to the receptionist.

For emergency care, Unity Health maintains a 24-hour emergency facility located at 3214 E. Race Street in Searcy (501-268-6121).

Mental Health: [TimelyCare](#) delivers a new virtual health and well-being platform for students. The service provides 24/7 access to virtual care at no additional cost.

- What services are available?
 - TalkNow - 24/7, on-demand emotional support.
 - Scheduled Counseling - Select the day, time, and mental health provider of your choice. (12 visits per year)
 - Self-Care Content - Yoga and meditation sessions and group conversations with TimelyCare providers on a variety of health and well-being topics.
- The Harding University Counseling Center offers free counseling services for students and employees.
- Mental health issues that require inpatient treatment can be treated by the Unity Health White County Medical Center Compass Unit located at 1200 S. Main Street in Searcy. The phone number is 501-278-3100.

Victim Advocacy: White County Domestic Violence Prevention, Inc. provides victim advocacy assistance and also operates Hope Cottage battered women’s facility. The hotline number is 501-278-4673.

Legal Assistance: Free legal assistance may be obtained from the Center for Arkansas Legal Services located at 1300 W. 6th Street, Little Rock, AR 72201. The phone number is 800-952-9243.

Visa/Immigration Assistance: Visa and immigration assistance, as well as assistance with filing Violence Against Women petitions, is available through Catholic Charities Immigration Services located at 2500 N. Tyler Street, Little Rock, AR 72217. The phone number is 501-664-0340, ext. 314.

Financial Aid: The Harding University Office of Financial Aid can provide victims with financial aid-related services and information, such as how to apply for a leave of absence or about options for addressing concerns about loan repayment terms and conditions.

Law Enforcement Assistance:

Searcy Police Department
 101 N. Gum Street
 Searcy, AR 72143
 911 (Emergency)
 501-268-3531 (Non-Emergency)

White County Sheriff’s Department
 1600 E. Booth Rd.
 Searcy, AR 72143
 911 (Emergency)
 501-279-6279 (Non-Emergency)

Accommodations for Victims

Harding University will provide written notification to victims about options for, and available assistance in, changing academic, living, transportation, and working situations, if requested by the victim and if such accommodations are reasonably available, regardless of whether the victim reports the crime to law enforcement authorities.

Supportive Measures

Examples of possible supportive measures may include:

- Establishing a “no contact” directive prohibiting the parties involved from communicating with each other;
- Changing an individual’s on-campus residency, dining, or transportation arrangements;
- Special parking arrangements;
- Assistance in finding alternative housing;
- Changing an individual’s student or employee status or job responsibilities;

- Changing an individual's work or class schedule;
- Leaves of absence;
- Providing academic accommodations or providing assistance with academic issues;
- Providing security escorts;
- Increased security and monitoring of certain areas of campus;
- Providing a temporary cell phone;
- Access to counseling and medical services;
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Proceedings

When the University receives a complaint of potential Sex Discrimination, the University will promptly and equitably respond pursuant to the guidelines and procedures set forth in the Harding University [Title IX and Other Sexual Misconduct Policy](#). The right to confidentiality of all members of the academic community will be respected, insofar as possible.

Claims made by a student against another student are filed with the Office of Student Life located in Student Center Room 218. The Office of Student Life will then assist in contacting a Deputy Title IX Coordinator for Students to begin the resolution process. Claims made by a student against a faculty or staff member are filed with the Deputy Title IXZ Coordinator for Employees, Located in the Office of Human Resources, Ezell Building Room 130.

Title IX Investigators will conduct an investigation into the complaint of potential sex discrimination. The investigation will be conducted by persons who receive annual training on issues related to sex discrimination including non-harassment discrimination (Differential Treatment and Retaliation) and Sexual Harassment (Quid Pro Quo Harassment, Hostile Environment Harassment, Sexual Assault, Domestic Violence, Dating Violence, Stalking, and Sexual Exploitation) and on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.

The complainant and the respondent in a complaint resolution process involving allegations of Sexual Harassment including Sexual Assault, Dating Violence, Domestic Violence, and Stalking have the right to be accompanied to meetings by an advisor of their choice, who may be, but is not required to be, an attorney. If a member of the University community is serving as an advisor, the advisor should generally be free of conflicts in his or her position in the community. An individual has the right to decline a request to serve as an advisor in the University's complaint resolution process.

In matters under the formal grievance procedure, the Title IX Coordinator will typically designate a panel of three individuals to serve as the decision maker. The panel will conduct a live hearing to determine if there were any violations of the Title IX Sex Discrimination Policy, and what, if any, sanctions should be imposed.

At the live hearing, each party may communicate questions to his/her advisor that the party wants his/her advisor to ask of any party or witness. Before each question is asked, the decision maker will determine whether each proposed question is relevant and not otherwise impermissible. If the question is relevant and not otherwise impermissible, the advisor may ask the question of the party or witness. The decision maker will explain any decision to exclude a question as not relevant or otherwise impermissible. If the decision maker determines a question is irrelevant, the decision maker may give each party the opportunity to address the relevancy before the decision maker makes a determination. Further, the decision maker will give the party an opportunity to clarify or revise the question. If the party sufficiently clarifies or revises a question so that the question is relevant and not otherwise impermissible the advisor may ask the question.

The decision maker will apply the preponderance of the evidence standard to determine whether it is more likely than not that the respondent engaged in a violation of the policy. The presumption is that the respondent is not responsible for a policy violation. The respondent will be deemed responsible for a policy violation only if the decision maker concludes that there is sufficient evidence, by a “preponderance of evidence,” to support a finding that the respondent engaged in Sex Discrimination.

If the decision maker determines that the respondent is responsible for a policy violation, the decision maker typically will then determine what sanctions and remedies are warranted.

Notification of Determination

For complaints under the General Grievance Procedure (allegations of Non-Harassment Sex Discrimination and allegations of Sex-Based Harassment where neither party is a student): The written notice will include the determination as to whether Sex Discrimination occurred; the rationale for such determination; any disciplinary sanctions (if applicable); and the University’s procedures for the complainant and respondent to appeal.

The University will simultaneously send a written notice of the determination of the complaint to complainant and respondent. The written notice will include a description of the alleged Sex-Based Harassment; information about the policies and procedures that the University used to evaluate the allegations; the decision maker’s evaluation of the relevant and not otherwise impermissible evidence; the determination of whether Sex-Based Harassment occurred; the rationale for such determination; any disciplinary sanctions (if applicable); whether remedies will be provided to the complainant or any other students; and the University’s procedures for the complainant and respondent to appeal.

The written notice of determination will generally be received within twenty-five (25) calendar days from the date the live hearing concluded. In some cases, more time may be required. The determination of the decision maker may be appealed as provided below. In the event that no appeal is filed within the time periods prescribed below, the decision will be final and the sanctions, if any, will be effective.

Student Appeal Process

The parties may appeal in the following circumstances:

- Either the complainant or the respondent, if the respondent has received notice of the allegations, may appeal the University’s decision to dismiss a complaint of Sex Discrimination.
- Under the General Grievance Procedure and Heightened Grievance Procedure, either the complainant or the respondent may appeal the decisionmaker’s decision regarding responsibility.

Grounds for appeals are as follows:

- Procedural irregularity that would change the outcome;
- New evidence that would change the outcome and that was not reasonably available when the determination of responsibility or dismissal was made; and
- The Title IX Coordinator, investigator, or decision maker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome.

Appeals generally will be considered by one appointed appeal officer designated by the Title IX Coordinator. The University reserves the right to appoint any trained appeal officer who is free of conflict of interest or bias, including a third-party appeal officer. The parties will receive written notice of the appeal officer appointed. The

appeal officer will not be the Title IX Coordinator nor one of the decision makers or the investigator on the same matter.

The appeal officer will not rehear the case, but will review the appeal file and consider whether it is more likely than not that the above-listed grounds for appeal have been satisfied. The appeal officer may, in their discretion, seek additional information from the Title IX Coordinator, investigator, or another appropriate individual. If the appeal officer receives any additional information, the parties shall have an opportunity to review the additional information.

If the appeal officer determines there is insufficient evidence to conclude that it is more likely than not that one or more grounds for appeal have been satisfied, the appeal officer will dismiss the appeal. This dismissal decision is final and is not appealable. If the appeal officer dismisses the appeal, the sanctions, if any, will be effective on the date the appeal officer's decision is provided to the parties.

The appeal officer will simultaneously issue a written decision to the parties describing the result of the appeal and the appeal officer's rationale for the result. The University will strive to complete the appeal within twenty (20) calendar days following the appeal officer's receipt of the appeal file from the Title IX Coordinator; however, in some cases, more time may be required.

Sanctions and Remedies

The decision maker or sanctioning officer will impose sanctions and/or remedies as necessary to end the misconduct, prevent its recurrence, and address its effects. The University reserves the right to take whatever measures it deems necessary in response to an allegation of Sex Discrimination in order to protect the rights and personal safety of the complainant, students, faculty, staff, and other University community members and to ensure that Sex Discrimination does not continue or recur within the education program or activity.

Individuals who are found responsible under the Title IX and Other Sexual Misconduct Policy may face sanctions as appropriate for students, employees, visitors, or others, including, but not limited to the following sanctions. Each of these sanctions and other sanctions may be imposed alone or in combination for a respondent found responsible for Sex Discrimination:

- Required assessment, education, counseling, or training;
- Disciplinary probation;
- Warnings;
- Loss of privileges;
- Fines;
- Restitution;
- Behavioral contracts;
- Community service hours;
- Campus housing suspension, with reinstatement requirements that could include behavioral contracts, required assessment or education, demonstrated rehabilitation, and conditions upon the individual's presence on campus or at University events;
- Temporary or permanent restricted access to areas of campus, and campus events, activities, organizations, or courses;
- Conditions upon presence on campus or at University events;
- No trespass or no-contact directives;
- Removal or non-renewal of scholarships or honors;
- Suspension from the University with reinstatement requirements that could include behavioral contracts, required assessment or education, demonstrated rehabilitation, and conditions upon the individual's presence on campus or at University events;
- Expulsion from the University;
- Withholding of diploma or degree for a defined period of time or until the completion of assigned

sanctions;

- Temporary or permanent revocation of degree;
- Revocation of admission to the University;
- Loss of salary or benefit such as sabbatical or research or travel funding;
- Suspension of promotion and salary increases with reinstatement requirements that could include behavioral contracts, required assessment or education, demonstrated rehabilitation, and conditions upon the individual's presence on campus or at University events;
- Suspension or withdrawal of faculty privileges with reinstatement requirements that could include behavioral contracts, required assessment or education, demonstrated rehabilitation, and conditions upon the individual's presence on campus or at University events;
- Transfer or change of job or responsibilities;
- Reassignment or removal from an elected or appointed position;
- Formal censure;
- Demotion; and/or
- Termination of employment.

Protective Measures

In addition to reporting incidents, students who believe they are victims of dating violence, domestic violence, sexual assault, or stalking may:

- a. take advantage of free training and education programs offered by the Department of Public Safety;
- b. request options for and assistance with changing academic, living, transportation, and working situations when reasonably available;
- c. request that Harding University issue a letter of "no contact" against another student;
- d. contact the University Counseling Center for an appointment with a professional counselor.