

APPENDIX
Complaints of Sexual Harassment or Sexual Assault

I. SCOPE AND RELATIONSHIP TO TITLE IX

Reports and complaints regarding sexual harassment, sexual assault, relationship violence, stalking, and similar conduct should first be made to the Title IX Coordinator under the University's Title IX Policy for Complaints of Sexual Assault and Other Forms of Sexual Harassment (FPP 418.1). Complaints of sexual harassment or sexual assault that may negatively affect the campus community but are dismissed by the Title IX Coordinator based on lack of jurisdiction may be addressed under this policy or under the Code of Student Life, based on the alleged facts and circumstances and identity of the parties. The Title IX Coordinator will refer the complaints to the appropriate campus office based on the allegations. In such situations, the appropriate campus office will have discretion on whether to commence an investigation under this policy (FPP 214.1).

II. OFFICES HEARING COMPLAINTS; APPLICABLE DEFINITIONS

a. Employees

The Office of Equal Opportunity and Compliance is responsible for investigating complaints of discrimination and harassment against employees and other persons, such as contractors and visitors to campus, who are not students. This includes alleged discrimination (including sexual harassment) by affiliates, subcontractors, on-site contractual staff, agency employees, applicants for employment, third parties or community members, visitors to campus and others participating in campus programs or receiving campus services. Such complaints referred by the Title IX Coordinator will be reviewed for potential investigation under this policy.

b. Students

The Office of Student Standards and Conduct in the Division of Student Affairs is responsible for investigating complaints of harassment and discrimination against students in consultation with the Office of Equal Opportunity and Compliance. This includes alleged discrimination (including sexual harassment) by students and applicants for admission, and campus positions that are contingent upon an individual's status as a student, including but not limited to resident assistants, teaching assistants, graduate assistants and college work study. Such complaints referred by the Title IX Coordinator will be reviewed for potential investigation under the Code of Student Life:

<https://handbook.uark.edu/index.php>.

Additional information can be found on the University's Office of Student Standards and Conduct website: <https://ethics.uark.edu/>

Contact information is as follows:

Office of Student Standards and Conduct
Pomfret Hall B 110

University of Arkansas
Fayetteville, AR 72701
(479) 575-5170
judicial@uark.edu

Individuals may file a complaint via report.uark.edu

III. INVESTIGATION; INFORMAL RESOLUTION

After receiving the complaint from the Title IX Coordinator, the appropriate office (in consultation with the Office of Equal Opportunity and Compliance, as appropriate) will explore whether the matter constitutes a potential violation under the applicable policy and whether the matter can be resolved informally, without further investigation, disciplinary action, or a finding that discrimination or harassment has occurred. If the issue can be appropriately resolved informally, no further action will be taken.

The University reserves the right to address, as an administrative matter, conduct that does not constitute a violation of this policy, but nevertheless is inappropriate in a professional work or educational environment.

Allegations pertaining to sexual assault, dating violence, domestic violence and stalking will be investigated under the Campus Violence Policy and Procedures (Fayetteville Policies and Procedures 416.0), with coordination by the Office of Equal Opportunity and Compliance.

IV. CONSENSUAL RELATIONSHIPS

Consensual sexual relationships between faculty and their students or between supervisors and their employees in some instances may result in charges of sexual harassment.

Consensual relationships may lead other faculty and students or supervisors and coworkers to question the validity of grades, evaluations, and other interactions between the people involved in such a relationship. The integrity of the work of both people in the relationship may be compromised.

University faculty, administrators, and other supervisory staff should be aware that any sexual involvement with their students or employees could subject them to formal action if a sexual harassment complaint is subsequently made and substantiated, and that they bear the greater burden of responsibility should it be proven that the power differential between them made the relationship other than fully consensual. Even when both parties have consented to a relationship, it is the faculty member, administrator, or supervisor who may be held accountable for unprofessional behavior. Other students or employees may allege that the relationship creates a hostile or abusive environment affecting them. Graduate assistants, residence hall staff, tutors, and undergraduate course assistants who are professionally responsible for students will be held to the same standards of accountability as faculty in their relationships with students whom they instruct or evaluate.

When a consensual relationship exists between a student and a faculty member who has control over the student's academic work or status or between an employee and his or her supervisor, the resulting conflict of interest should be disclosed and addressed in accordance with university policies concerning conflict of interest.

V. EXTERNAL REPORTING

Although complainants are encouraged to resolve their grievances related to discrimination by utilizing the University's complaint processes, they may have the right to file a complaint directly with the appropriate agency. The contact information for the EEOC, OCR and NSF are as follows:

Equal Employment Opportunity Commission (EEOC)

820 Louisiana St., Suite 200
Little Rock, AR 72201
Toll Free: 1-800-669-4000
Telephone: 501-324-5060
TTY: 800-669-6820
Fax: 501-324-5991

Office for Civil Rights (OCR)

U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202
Telephone: 800-421-3481
TTY: 866-377-8642
Email: ocr@ed.gov

National Science Foundation (NSF)

Office of Diversity and Inclusion
2415 Eisenhower Ave.
Alexandria, VA 22314
Telephone: 703-292-8020
Fax: 703-292-9072
Email: programcomplaints@nsf.gov