

## **DISCRIMINATION, HARASSMENT, RETALIATION AND SEXUAL MISCONDUCT**

UA Cossatot is committed to providing an environment that emphasizes the dignity and worth of every member of its community and that is free from harassment and discrimination based upon race, color, religion, national origin, service in the uniformed services (as defined in state and federal law), veteran status, sex, age, pregnancy, physical or mental disability or genetic information. Such an environment is necessary to a healthy learning, working and living atmosphere. Accordingly, all acts of discrimination, harassment and sexual misconduct are strictly prohibited. (Also, see College Policy 206).

### **TITLE IX**

Title IX of the Education Amendments of 1972 states:

“No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal financial assistance.”

Implementing Regulations at: 20 U.S.C. § 1681 & 34 C.F.R. Part 106

Title IX protects the college community from sexual discrimination, harassment and misconduct in a school's education programs and activities. Title IX protects the college community in connection with all academic, educational, extracurricular, athletic and other college programs, whether those programs take place on college property, in college transportation, as a class or training program sponsored by the college, or at another location or elsewhere.

All complaints or concerns about conduct that may violate policy should be submitted to the Title IX Coordinator, Title IX Assistant Coordinator or to a Title IX Deputy either in person or by calling 1-800-844-4471.

- Coordinator, Justin White-De Queen
- Assistant Coordinator, Kelly Plunk-De Queen
- Deputy, Toyia Witherspoon-Nashville
- Deputy, Nikki Evans-Ashdown
- Deputy, Erika Buenroostro-De Queen

UA Cossatot has a no-tolerance policy regarding retaliation for reporting, providing information, exercising one's rights or responsibilities, or otherwise being involved in the process of responding to, investigating, or addressing allegations of Title IX. Individuals taking part in retaliation, intimidation, threats, coercion, or discrimination, undertaken or attempted either directly or by someone acting on behalf of another, will be subject to immediate disciplinary action.

#### **Filing a Report with Local Law Enforcement**

In some instances, sexual misconduct may constitute both a violation of college policy and criminal activity. The college grievance process is not a substitute for instituting legal action. The college encourages individuals to report alleged sexual misconduct promptly to campus officials and to law enforcement authorities, where appropriate. Individuals may also contact any of the following for assistance in filing a report with local law enforcement:

#### **Campus Police Officers**

**De Queen**-Monte Stringfellow

Cell Phone: 870-582-5639

**Nashville**-Hector Cortez

Cell Phone: 870-582-5743

**Ashdown**-Jason Curtis

Cell Phone: 870-898-5640

### **Local City Police Department**

#### **De Queen Police Department**

220 N. Second Street  
870-642-2213 or  
911 for emergency

#### **Nashville Police Department**

426 Main Street  
870-845-3434 or  
911 for emergency

#### **Ashdown Police Department**

745 Locust Avenue  
870-898-5640 or  
911 for emergency

### **Student and Visitor Responsibility to Report**

Students and visitors to the college are strongly encouraged to report allegations of discrimination, harassment, retaliation and sexual misconduct to the Title IX Coordinator, Assistant Coordinator, or a Title IX Deputy. A report should be made as soon as possible after the incident in order to facilitate an effective response. The longer a report is delayed, the more difficult it will be for the college to investigate. Reports may be made by the person experiencing the misconduct or by a third party, such as a witness or someone who is told of the misconduct.

### **Mandatory Employee Reporting**

In order to enable the college to respond effectively and to proactively stop instances of discrimination, harassment, retaliation and sexual misconduct, all employees must, within 24 hours of receiving information regarding a potential violation of this policy, report information to the Title IX Coordinator, Assistant Coordinator, or a Title IX Deputy. Only employees who are statutorily prohibited from reporting such information (e.g., licensed health-care professionals) are exempt from these reporting requirements.

### **Off-Campus Conduct**

Conduct that occurs off campus can be the subject of a complaint or report and will be evaluated to determine whether it violates policy. Allegations of off-campus sexual misconduct are of particular concern and should be brought to the college's attention.

### **Confidentiality**

Subject to the other provisions of this policy and the requirements of law, every possible effort will be made to ensure that all information received as part of the college's Complaint/Grievance Procedure is treated discreetly. All parties to the complaint are required to maintain the confidentiality of all information received during this process. However, it is not possible to guarantee that all complaints will remain confidential because of the college's obligation to investigate allegations of misconduct. All requests to maintain confidentiality shall be directed to the Title IX Coordinator who has the authority to make such determinations.

Except as compelled by law or in the interest of fairness, just resolution or health and safety considerations, disclosure of information contained in complaints, their substance, procedures and the results of investigations will be limited to the immediate parties, witnesses and other appropriate officials. Limited disclosure may also be necessary to conduct a full and impartial investigation.

### **Availability of Counseling and Advocacy**

Counseling and other mental health services for victims of sexual assault are available in the community. Students who are victims of sexual assault should immediately contact UA Cossatot Police.

Community mental health agencies, counselors, and psychotherapists in private practice can provide individual and group therapy. Women's shelters or domestic violence and rape crisis programs may assist in making referrals for individual counseling and support groups and identifying non-counseling campus and community resources that may be of additional help and service as a victim advocate upon request.

### **Pregnancy and Postpartum**

Students requesting accommodations for pregnancy or postpartum must follow the Disability Support Services procedure for requesting academic accommodations.

## **SEX OFFENDER NOTIFICATION**

In accordance with University of Arkansas System Policy 525.1 and UA Cossatot Policy 535, notification of staff and students of the presence of a registered sex offender will follow these general guidelines.

Campus Notification applies to all offenders required to register under Act 989. The plan will include the following: Offender's name and risk level, scope of notification, date of notification, how the notification took place, names of those who prepared the plan and date the plan was made.

Each Offender is assigned a risk level assessment for his/her potential to re-offend. This assessment is determined using a procedure by which an offender's history and characteristics are reviewed in order to assign the offender to one of three levels of risk of re-offense, which help determine the plan of action for the offender's community notification.

Students who fail to register as a sex offender with UA Cossatot when required to do so by law will be subject to immediate arrest and expulsion. Information regarding all public notices of level three and level four sex offenders who are registered with UA Cossatot is available on the College Website.

### **PROCESS FOR NOTIFICATION**

1. Upon notification by the offender, the level of offense will be confirmed using the Arkansas Crime Information Center (ACIC) website [www.acic.org](http://www.acic.org).
2. A meeting of the Community Notification Committee will be convened within 5 business days of notification by the offender to discuss plans for notification.
3. Notification of staff and/or students will be determined based on the level of the offense.
4. A meeting will be scheduled with the offender and the administrator on the campus to be attended. The administrator will present the written plan of notification and any limitations placed on the offender while attending the college.
5. If notification of staff and/or students is deemed prudent, notification will be given to the campus community within 5 business days of the Community Notification Committee meeting

### **LEVELS OF OFFENSE AND NOTIFICATION PLAN**

**LEVEL 1:** low risk individuals with no prior history of sexually acting out, strong antisocial tendencies, sexual compulsions or psychological factors impairing judgment.

**Level 1 Notification:** Notification will be given to the UA Campus Police and the Community Notification Committee.

**LEVEL 2:** Typically offenders in this category have a history of sexual offending where notification inside the home is insufficient. Community notification requires notice to the offender's known victim preference and those likely to come into contact with the offender. If the level two offender was 18 or older at the time of the crime and the victim was 14 or younger at the time for the crime, this offender should appear on the web site information.

**Level 2 Notification:** Notification will be given to the UA Campus Police and the Community Notification Committee. Notification will be given to persons of known victim preference that may likely come in contact with the offender.

**LEVEL 3:** Typically offenders in this category have a history of repeat sexual offending, and/or strong antisocial, violent or predatory personality characteristics. These are individuals whose offense and criminal history require notification throughout the community.

**Level 3 Notification:** Notification will be given to the UA Campus Police and the Community Notification Committee. Notification will be given to all persons attending classes or working on the campus of attendance. Students and employees will be directed to the ACIC website as well as the local law enforcement website to view a photograph and description of the offender.

**LEVEL 4:** Sexually Violent Predator refers to a person who has been adjudicated guilty of a sex offense or acquitted on the grounds of mental disease or defect of a sex offense that makes the person likely to engage in predatory sex offenses. The designation indicates that the highest and most visible means of community notification is required.

**Level 4 Notification:** Notification will be given to the UA Campus Police and the Community Notification Committee. Notification will be given to all persons attending classes or working on the campus of attendance. Students and employees will be directed to the ACIC website as well as the local law enforcement website to view a photograph and description of the offender.