Student Handbook 2026-2027
www.atu.edu/ozark

Mission

Arkansas Tech University, a state-supported institution of higher education, is dedicated to nurturing scholastic development, integrity, and professionalism. The university offers a wide range of traditional and innovative programs which provide a solid educational foundation for life-long learning to a diverse community of learners.

Ozark Campus Mission

Statement - Arkansas Tech University-Ozark Campus, in partnership with the community, will provide a quality educational environment which will enable all students to learn the skills and acquire the knowledge necessary for them to become contributing members in the workforce and in society.

Arkansas Tech University Board of Trustees - The Arkansas Tech University Board of Trustees reviews the institution's annual plan, approves budgets, and guides the educational programs of the institution.
Access to Campus Facilities - Most campus buildings and facilities are accessible to members of the campus, community, guests, and visitors during normal hours of business, Monday through Friday, and for designated periods of time on special events and occasions. Buildings may close earlier when classes are not in session (holiday, between terms, or on weekends). All requests for use of school facilities must be submitted to the Assistant to the Chancellor, (479)667-2117, one week or more prior to the event.
Crime Reporting Procedures - When a crime occurs, students should notify the Public Safety Officer at 479-508-3359 so proper action may be taken.
Selling and Soliciting on School Premises - Arkansas Tech-Ozark has an institutional Policy against salesmen, company representatives, or solicitors contacting students on the main campus or any satellite campuses. Students are requested to report any incident of soliciting to the Office of Student Services at their earliest convenience after a contact has been made. The name of the salesman or solicitor and the company represented should be included in the report. Contracts of other types of sales agreements should be brought to the Business Office.
Sign and Poster Display Policies -
Administrative and Academic Buildings: Posters and signs should only be placed on the bulletin boards on the inside of buildings. All posters and signs will be removed after two weeks.
Alvin F. Vest Student Union: Posters and signs can be placed on any bulletin board designated for student use. All posters and signs will be removed after two weeks.
Bulletin Boards: All signs placed on bulletin boards and doors must be limited in size to 14 in. by 18 in. All posters or signs must be identified as to the person or organization responsible for their display. All signs will be removed after two weeks. Bulletin boards exist for the use of persons and organizations within the Arkansas Tech-Ozark community. Commercial announcements are not to be placed on or in any campus location without the approval of the Office of Public Relations.
Handbills and Flyers: Placing handbills and fliers on automobiles parked on campus is prohibited. No handbills or fliers may be distributed on campus without approval from the Office of Public Relations, Charis Fox, cfox15@atu.edu.
Academic Policy - The catalog covers regulations and Procedures regarding academic policies at Arkansas Tech-Ozark. Each student should be familiar with the catalog and the departmental policies.
Inclement Weather Policy - In the event of inclement weather, Arkansas Tech-Ozark may be unable to operate our normal schedule. When campus is closed for inclement weather, the following television and radio stations will be notified by 6 a.m.:

KTCS Fort Smith
KDYN 92.7 Ozark
KHBS 40/29 Fort Smith
KFSM Channel 5 Fort Smith
KNWA Fayetteville
KARK Little Rock
KISR 93.7 Radio

B98 Radio 97.9
KMAG 99.1 Radio
Big Dog 95.9 Radio
KWHN AM 1320 Radio

When daytime classes are canceled, night classes are also canceled. The outlying areas sometimes experience inclement weather (snow, ice, etc.). Even though the campus is not closed during these events, all faculty, staff, and students are advised to use their judgment in determining if the roads are safe to travel. Remember, your safety is our utmost concern.

Fundraisers - Fundraiser requests must be approved by the Office of Student Services, which will review requests and notify the organization of its request status.
Food Sales - All food sales events must be approved by the Office of Student Services. The organizations responsible for selling food must accept responsibility for any illness that may occur from consumption of the food sold.
Social Functions/Activities - Any committee or officers representing a group of students, or an organization wishing to plan or host an event must have it approved and placed on the school calendar by the Vice Chancellor of Student Services. The Vice Chancellor of Student Services approves of the fundraising events.
All Arkansas Tech-Ozark activities must be properly monitored by an advisor or sponsor. The advisor or sponsor of the organization, or his/her designate, should be present throughout the entire time of the activity.
Off-Campus Events - Arkansas Tech-Ozark assumes no responsibility for non-students, the conduct of participants or for the financial and/or contractual obligations associated with off-campus events. Off-campus events, which are publicized on campus, must be approved by the appropriate advisor and the administration.
Financial Responsibility - Arkansas Tech-Ozark expects each organization to anticipate, and meet promptly, its financial obligations. Financial aspects of all events sponsored by recognized organizations shall have the approval of the faculty sponsor/advisor.
In the event of disbanding or inactivation of an organization, the primary responsibility for properly providing for close-out of organization accounts and disposition of remaining monies rests with the organization itself with the aid of the Office of Fiscal Affairs.
Scheduling Student Organizational Activities - An application for each date of an activity should be filed with the Vice Chancellor of Student Services in the Office of Student Services.
Speech and Demonstration Regulations - Arkansas Tech-Ozark recognizes and supports the rights of the members of the campus community and visitors to speak in public and to demonstrate in a lawful manner in outdoor areas of campus. "Outdoor areas of campus mean the generally accessible outside areas of an Arkansas Tech University campus where members of the campus community are commonly allowed, including, without limitation: (i) grassy areas; (ii) walkway; and (iii) other similar common areas.

Expressive activities protected und this Policy consist of speech and other conduct protected by the First Amendment to the United States Constitution, including without limitation:

1. Communicating through any lawful verbal, written or electronic means;
2. Participating in peaceful assembly;
3. Protesting
4. Making speeches, including without limitation those of guest speaker;
5. Distributing literature;
6. Making comments to the media
7. Carrying signs; and
8. Circulating petitions

In order to maintain safety, security, and order, and to ensure the orderly operation of the campus, Arkansas Tech University reserves the right to limit such activities by the following regulation regarding time, place and manner of such activities:

- Arkansas Tech University will remain neutral as to the content of any public demonstration, debate, speech, or other form of expression.

- Expressive activities occurring in the outdoor areas of campus shall occur between the hours of 8:00 a.m. and 8:00 p.m.
- There must be no obstruction of entrances or exits to buildings, classrooms, or offices (to enable regular operations).
    1 “Outdoors areas of campus” does not include outdoor areas where access by the majority of the campus community is restricted.

- There must be no interference with educational activities inside or outside of buildings.
- There must be on impediment to normal pedestrian or vehicular traffic or other disruptions of University activities, including sidewalks, roads, and parking areas all of which must remain unobstructed.
- There must be no interference with scheduled University ceremonies, events, or activities.
- Additional tables, chairs, and/or special accommodations for use in locations will not be provided by the University.
- There must be no true threats or expression directed to provoke imminent lawless actions and like to produce it.
- There must be no harassment. For the purpose of this Policy, harassment is defined as an expression that is so severe, pervasive, and subjectively and objectively offensive that it effectively denies access to an education opportunity or benefit provided by the university.
- There must be no material or substantial disruption. The phrase “material or substantial disruption” means a disruption that occurs when a person, with the purpose or knowledge of significantly hindering the expressive activity of another person or group, prevents the communication of a message of another person, or group, or events the transaction of the business of a lawful meeting, gathering or procession by:
    1. Engaging in fighting, violence, or other unlawful behavior; or
    2. Physically blocking or using threats of violence to prevent any person from attending, listening to, viewing, or otherwise participating in an expressive activity.

    “Material and substantially disrupts” DOES NOT INCLUDE conduct that is protected under the First Amendment to the United States Constitution or Arkansas Constitution, Article 2, §§4, 6, and 24, which includes without limitation: (i) lawful protests in an outdoor area of campus that is generally accessible to members of the campus community, except during times when the area has been reserved in advance for another event; or (ii) Minor, brief, or fleeting non-violent disruptions of events that are isolated and short in duration.

- Any display material must be completely removed at the conclusion of the event.
- When display materials are used, a representative must be present at all times.
- Damage or destruction of property owned or operated by the University, or damage to property belonging to students, faculty, staff, or guests of the University is prohibited. Persons or organizations causing such damage may be held financially responsible.
- Persons or organizations responsible for a demonstration, debate, speech, or other form of expression must remove all signs and litter from the area at the end of the event.
- There must be compliance with all applicable local, state, and federal laws and University policies, rules, and regulations.
- Use of sound and/or voice ramification is not permitted while classes are in session.
- No open flames.
- Any non-university information flyers or posters must be posted in the approved area set forth in the Student Handbook.
- Overnight camping and related camping items including, but not limited to, tents, sleeping bags, tarps, and other temporary shelters, are not permitted.
- No structures may be erected, and no items may be staked or inserted into the ground.

Any individual violating these regulations regarding time, place and manner will be subject to immediate eviction or removal from the campus without further warning by appropriate University agents or officials and may be subject to

appropriate legal action. Students or Registered Student Organizations violating these regulations may be subject to action as described in the Student Code of Conduct.

Nothing in this Policy is intended nor should it be understood as an endorsement or approval by Arkansas Tech University of any speech or demonstration, an invitation or license to speak or demonstrate or the granting of any right or permission to speak or demonstrate on campus beyond the right existing under federal and state law.

Freedom of Association

Arkansas Tech University campuses shall not deny a student organization any benefit or privilege that is available to any other student organization or otherwise discriminate against an organization based on the expression of that organization.

"Student organization", as that phrase is used in this Policy, means an officially recognized group at a state supported institution of higher education or a group seeking official recognition, composed of admitted students that receive or are seeking to receive benefits through the state supported institution of higher education.

Disability Services for Students

Technology and Academic Support
(479)667-2117
Arkansas Tech University Ozark Campus is committed to providing equal opportunities for higher education to academically qualified individuals who are disabled. Students with disabilities attending Arkansas Tech University Ozark Campus will be integrated as completely as possible into the university community. Arkansas Tech University Ozark Campus does not offer a specialized curriculum for students with disabilities, nor does it assume the role of a rehabilitation center. Tech does assume responsibility for modifying campus facilities and Procedures to accommodate individual needs where reasonable and without posing an undue hardship on the institution.

Services arranged through the Disabilities Coordinator include consideration of classroom and building accessibility, planning for adequate travel time between classes, note taking assistance, alternative testing, and similar types of accommodations. Per individual needs, students who may require academic support are encouraged to utilize the Student Success Lab for tutoring services.

Arkansas Tech University Ozark Campus is subject to and endorses both the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973. The Disabilities Coordinator serves as the coordinator for these federal programs. The Disabilities Coordinator is located in the Technology and Academic Support Building, Arkansas Tech University Ozark Campus, Ozark, AR 72949, and may be contacted through the Student Success Coordinator, Marana Fulmer-Gale, mfulmergale@atu.edu, (479)968-0337.

Academic Advising and Selecting a Program of Study

Student Services Conference Center
(479)667-2117
Arkansas Tech University-Ozark Campus encourages students to meet with an academic advisor for help in selecting a major field of study. The Ozark Campus Academic Advisor works closely with faculty to aid our students. The Academic Advisor is available to discuss major areas of interest, assist in planning for registration, and maintain a degree checklist of requirements to complete for graduation. While an academic advisor can guide the student, it is the student's responsibility to take an active role in their educational process by knowing what courses are required; complying with requirements for graduation application and degree audit; and gaining a general knowledge of requirements to complete their program successfully. Academic Advisors are in the Office of Student Services in the Student Services and Conference Center. To contact an academic advisor please call 479-667-2117 please contact lclifton@atu.edu, (479)508-3332 or Faith Johnson fjohnson5@atu.edu, (479)-508-3302.

**Students who are pursuing a program of study where admission is limited (Cardiovascular Technology, Cosmetology, Medical Assisting, Occupational Therapy Assistant, Paramedic/Emergency Medical Services, Physical Therapist Assistant, Practical Nursing and Registered Nursing), will be assigned a major of Certificate of Health Professions unless otherwise requested until admitted into their selected program.

Student Records

Student Services Conference Center
(479)667-2117

Student academic records are maintained in the Office of Student Services located in the Office of Student Services in the Student Services and Conference Center. Unofficial copies of academic records are available for guidance purposes to students and their advisors. All student records are maintained in compliance with the standards and guidelines of The Family Educational Rights and Privacy Act of 1974, Federal Law 93380. For more information, please contact Assistant Director of Academic Services, Brianna Ingram, bingram3@atu.edu, (479)508-3366

Student Financial Aid

Student Services Conference Center
(479)667-2117

Financial Aid is in the Office of Student Services. The primary purpose of student financial aid at Arkansas Tech University Ozark Campus is to assist students who, without aid, would be unable to attend college. Financial assistance consists of scholarships, grants, loans, and part-time employment, which may be offered to students singularly or in various combinations, depending upon the degree of need. In determining the extent of a student's need, the University must consider the financial support which may be expected from the income, assets, and other resources of the parents and the student. Aid awards by the University are considered supplementary to the efforts of the student's family in assisting their children with educational expenses. All awards are administered by the Financial Aid Office in accordance with the University's equal educational opportunity Policy. The University does not participate in individual financial aid agreements with other institutions. Application forms for all types of aid may be obtained from the Financial Aid Office. For more information, please contact Julie Schmalz, jschmalz2@atu.edu, (479)508-3322 or Winter Starr, wstarr@atu.edu, (479)508-3301.

Career Pathways Initiative

Student Services Conference Center
(479)667-2117

Career Pathways is an economic development program funded through a grant, designed to assist low income parents in meeting their educational and career graining goals that will ultimately lead to a high demand, high wage career. Career Pathways is designed for students interested in completing training and immediately entering into a career field that will help their family become self-sufficient. Students who have previously completed an associate's degree may not be eligible for direct services. For more information, please contact Whitney Parsons, wparsons@atu.edu, 479-508-3305

Student Support Services

Student Services Conference Center
(479)667-2117

The Student Support Services office at Arkansas Tech-Ozark is the Trio SSS grant program which is funded by the U.S. Department of Education to serve 140 students on the Ozark campus. The mission of the Student Support Services is to assist and retain eligible students in pursuit of a degree and ensure good academic standing of the participants it serves by providing comprehensive, individualized academic support. Eligibility is based on federally defined criteria where at least one of the following must be met:

1. First generation college student (neither parent has a bachelor's degree);
2. Limited income (income eligible per federal guidelines); or
3. Have a documented learning or physical disability.

An eligible student must need academic support and be either a U.S. Citizen or Permanent Resident who has not yet earned a bachelor's degree but is committed to using Student Support Services' resources and graduating from Arkansas

Tech-Ozark. There is no financial aid involved with this program, but the free program services that we will offer to our students will include but will not be limited to academic advising, career advising, tutoring, financial literacy and cultural enrichment, and transfer assistance. For more information, please contact Bethany Lucius, blucius@atu.edu, 479-508-3345 or Kimber Campbell, kcampbell26@atu.edu, 479-508-3345

Fitness Center
The fitness center is in the Health Sciences and Wellness Building and is open from 7 am to 9 pm Monday-Thursday and to Arkansas Tech Students possessing a current Student ID.

Computer Assistance, Campus Support Center, Office of Information Systems
Ross Pendergraft Library and Technology Center (RPL), Room 150
479-968-0646
campussupport@atu.edu

Software
Arkansas Tech University's academic computer labs, classrooms and virtual desktops provide various software titles.

Computer Use Policies
Arkansas Tech's computer use policies, guidelines, and other information concerning computing at https://support.atu.edu.

Internet Access
Campus wireless/Arkansas Tech University Wireless (ATU-Wireless) is designed for students, faculty and staff who use wireless-enabled laptop computers, smartphones, or similar devices. In addition, ATU-Wireless provides access to on-campus computing resources and the Internet. For more information and how to get connected, please visit https://atu.io/atuconnect.

Computer Assistance
You can receive assistance with computer-related problems from the Campus Support Center located in RPL 150, or by calling (479)-968-0646 or (866)-400-8022 or by sending an email to campussupport@atu.edu.

Duo Multi-Factor Authentication
Access to Arkansas Tech University's network and information systems are being protected by multi-factor authentication (MFA); all students will be prompted to enroll in Duo MFA. Instructions on setting up Duo can be found at https://atu.io/duohelp or by contacting the Campus Support Center at (479) 968-0646.

Ozark Campus Students and On-Campus Residency
Ozark campus students may live on campus at the Russellville campus. However, Ozark campus students are not required to live on campus.

To be eligible for on campus housing, Ozark campus students must meet unconditional admission requirements to the Arkansas Tech University or be accepted into the technical phase of the Occupational Therapy Assistant or Medical Assisting programs. Students under the age of 18 between August 21, 2024 and December 31, 2024 must sign the Arkansas Tech University waiver and Release of Liability for a Minor Living on Campus prior to being allowed to sign a housing contract and live in On-Campus housing. The Arkansas Tech University Waiver and Release of Liability for a Minor Living on Campus is available through the Office of Residence Life at http://www.atu.edu/reslife/. Students age 17 or under on or after January 1, 2026 are not permitted to live in University owned housing facilities.

Additional Residence Life regulations are available at https://www.atu.edu/reslife/.

Ozark campus students who meet the aforementioned requirements will be assessed the following additional fees because they are optioning into living on-campus.

1. Health and Wellness Fee ($9.90 per credit hour)
2. Student Activity Fee ($2.60) per credit hour)
3. Orientation Fee ($100 flat fee) New Students Only

Eligibility:
To be eligible to be a resident in a **University Residence Hall**, a person must be enrolled in, and remain enrolled in a minimum of nine (9) undergraduate semester hours each semester.

To be eligible to be a resident in the **University Commons,** person must be enrolled in, and remain enrolled in a minimum of nine (9) undergraduate semester hours each semester.

Initial preference for University Commons assignments will be given to those students who have earned a minimum of thirty (30) credit hours of college work and have a minimum cumulative grade point average of 2.50.
If space is available, exceptions to the minimum credit hour requirement may be made on a semester-by-semester basis for students who are completing degree requirements, upon written request to Residence Life.

Online Only students are eligible to live on campus but are not required to.

The University reserves the right not to contract with persons who are currently violating or have previously violated the terms and conditions of a housing contract or other University rules or regulations, or who have a past due balance with the University.

RECORDS
Family Educational Rights and Privacy Act
The Family Educational Rights and Privacy Act of 1974 (FERPA) assures confidentiality of education records containing information directly related to a presently enrolled student, a former student, or alumni. Absent certain specific exceptions, in order for Arkansas Tech University to honor a verbal or written request for information from a student's education records by anyone other than the student, a signed authorization form from the student must be on file. Authorization forms can be found by visiting www.atu.edu/ucounsel/. If a student wishes to authorize the release of information to a parent or guardian, they may complete the Disclosure to Parent form at http://www.atu.edu/ucounsel/documents/FERPA_Disclosure_Parent.pdf. Completed forms should be returned to the Office of Student Services. If the student wishes to authorize the release of information to someone other than a parent or legal guardian, they may complete the General Release Form at:
https://www.atu.edu/ucounsel/documents/FERPA_General_Release-2017.pdf Completed forms should be returned to the Office of Student Services.

Family Compliance Office
U.S. Department of Education
600 Independence Avenue, SW
Washington, D.C. 20202-4605
Directory Information: "Directory information" at Arkansas Tech-Ozark consists of the student's name, hometown, e-mail address, dates of attendance, major field of study, enrollment status (e.g. undergraduate or graduate), participation in officially recognized activities and sports, weight and height of members of athletic teams, degrees, honors and awards received.

This information may be made available upon request to members of the general public. If a student wishes to suppress from public distribution their directory information, they may complete the Request for Non-Disclosure of Directory Information at https://www.atu.edu/ucounsel/docs/FERPA_Non-Disclosure_Directory.pdf. If a student at Arkansas Tech-Ozark wishes for this information to be regarded as confidential, according to the provisions of the Family Educational

Rights and Privacy Act of 1974, they should notify the Vice-Chancellor of Student Services Richard Harris, rharris1@atu.edu, (479) 508-3310.

Affirmative Action

Affirmative Action Policy

Arkansas Tech University will provide equal opportunity in employment to all persons. This applies to all phases of the personnel process, including recruitment, hiring, placement, promotion, demotion, separation, transfer, training, compensation, discipline, and all other employment terms, conditions, and benefits. Arkansas Tech University prohibits discrimination based on race, color, religion, national origin, sex, age, disability, genetic information, or veteran status. Arkansas Tech University will provide a copy of this Policy to all applicants for employment. All faculty and staff will be notified annually of the Policy. Further, Arkansas Tech University will consider through a designated grievance Procedure the complaints of any person who feels that they has been discriminated against on the basis of race, color, religion, national origin, sex, age, disability, genetic information, or veteran status. Arkansas Tech University will have an Affirmative Action Plan that contains a set of specific and result-oriented Procedures to apply every good faith effort to achieve prompt and full utilization of minorities, women, those with disabilities, or veterans at all levels and all segments of its workforce where deficiencies exist. Additionally, Arkansas Tech University will continually monitor and evaluate its employment practices to ensure that they are free of bias or discrimination based upon race, color, religion, nation origin, sex, age disability, genetic information, or veteran status.

A copy of the Affirmative Action Plan, including specific responsibilities and provisions for implementation and compliance, will be made available upon request.

Responsibility for implementation and compliance with this Affirmative Action Policy has been delegated to the Affirmative Action officer, Ms. Kathleen Martin, Director of Human Resources, EEO Officer, affirmative.action@atu.edu.

Complaints

Complaints from students, faculty, staff, alumni, and others may be filed with the Office of the Chancellor by accessing the following link: https://www.atu.edu/ozark/studentcomplaints/index.php. When appropriate, a complaint will be referred to the department involved. Complaints are not considered official unless they are written.

Contact the Office of the Chancellor for further information.

For grades, course work, and other academic program related issues, students should follow the Student Academic Grievance Procedure in this handbook. For other conditions affecting a student's academic performance or learning environment, students should follow the Student Non-academic Grievance Procedure.

Student Non-Academic Grievance Procedure

Any alleged non-academic grievance (hereinafter referred to as "grievance") which a student may have regarding a University employee, an institutional regulation and/or the interpretation and application of such regulation may be considered under this Procedure. Grievance Procedures are of both an informal and formal nature and the informal means should be exhausted before filing a formal grievance. A non-academic grievance may include instances of discrimination which create conditions affecting a student's academic performance or learning environment.

Informal Grievance Procedure

1. The Procedure for an informal grievance is as follows:
2. The person should first discuss their grievance with the person responsible for the If the grievance remains unresolved, the Complainant may discuss it with the appropriate supervisory official.
3. If the grievance remains unresolved, the Complainant may discuss it with the appropriate supervisory official.
4. If the circumstances of the grievance prevent the use of the above listed steps, or if the appropriate official does not resolve the grievance within five (5) business days, the Complainant may discuss the grievance with the administrative head of that portion of the institution out of which the problem arose. In all cases, this should be one of the Chief Officers.

5. If the grievance resulted from a violation of stated student regulations, federal law, or the Arkansas Tech University affirmative action plan, the administrative head shall take immediate steps to enforce the stated regulation, law, or plan and resolve the grievance.
6. If the grievance involves questions of opinion not covered in stated policies, the administrative head shall counsel with the Complainant and departmental official(s) to resolve the grievance if possible.

Formal Grievance Procedure

When a grievance has not been resolved by informal means, the student may submit a written request to the appropriate administrative head to have the grievance considered by a formal grievance committee. In no case will such a request be granted prior to five (5) business days after an informal grievance has been initiated and the appropriate administrative head notified.

1. A request for a formal grievance hearing should include the written nomination of one member of the Student Services staff and one employee from the administrative area involved. (The second nomination may come from any administrative area by mutual agreement of the student and the administrative head.)
2. The administrative head will select two (2) of the three (3) students from the Student Government Association to complete the committee, which will be chaired by the administrative head, who will not vote, but only coordinate the hearing.
3. The Vice Chancellor of Student Services, or designee, shall serve as secretary and advisor to the committee, but will not vote. In matters concerning civil rights and equal opportunity, the affirmative action officer shall also serve as advisor, but shall have no vote.
4. The grievance committee will hear the grievance with such witnesses and evidence as it deems germane and shall present its recommendations in writing to the administrative head within three (3) business days of the hearing. The administrative head will render a decision within three (3) business days. Copies of the findings, recommendations, and decision will be made available to all parties.
5. The decision of the administrative head may be appealed in writing to the Chancellor, with a copy to the administrative head, within ten (10) business days of receipt of the decision.
6. The decision of the Chancellor shall be final and binding.

ADHE requires the certified institution to make a decision on the student grievance following the institution's public Policy. Inquiries into student grievances must be limited to AHECB certified (under Arkansas Code §6-61-301) courses/degree programs and institutions and to matters related to the criteria for certification.

Within 20 days of completing the institution's grievance Procedures, the student may file the complaint in writing with the ICAC Coordinator, Arkansas Department of Higher Education, 114 East Capitol, Little Rock, AR 72201.

The grievant must provide a statement from the institution verifying that the institution's appeal process has been followed. ADHE will notify the institution of the grievance within 15 days of the filing. Within 10 days after ADHE notification, the institution must submit a written response to ADHE. Other action may be taken by ADHE as needed.

Traffic Regulations

By authority of the Board of Trustees and in accordance with Act 328 of 1967, Arkansas Tech University requires all members of the faculty, staff, student body and classified personnel to register motor vehicles which they own or operate on the Ozark Campus or on land controlled by the University. All registrants shall abide by all traffic and parking regulations.

Registration of vehicles shall be accomplished at the time of regular registration for the fall, spring, or summer semesters at the Office of Student Accounts. All faculty, staff and students must present a current Arkansas Tech University ID card before a parking permit is issued. All vehicles on campus are required to register and display a current parking permit. Vehicles are defined as any self-propelled vehicle having two or more wheels.

Parking permits are valid from August 1 of one year through August 1 of the next year. Parking permits must be displayed by hanging them on the rear-view mirror so the number can be read through the front windshield from the outside; they may not be taped on the vehicle or laid on the dash or seat. These permits can be moved from vehicle to vehicle. Parking permits are the responsibility of the purchaser and must be removed prior to sale or transfer of the vehicle, upon

termination of employment, or withdrawal from the school. If a hangtag is lost or stolen it will be the responsibility of the student or school employee to purchase a replacement permit. There is no refund for the permit cost. Parking violation(s) may result in a fine being charged to a student's account.

The Arkansas Tech University-Ozark Campus will enforce the following violation(s) on campus property and will collect fines as stated in the list below.

Traffic regulations are available online at https://www.atu.edu/ozark/ATU%20Ozark%20Parking%20Regulations%2023-24.pdf.

Moving Violations

Reckless Driving: A.C.A. § 27-50-308 states that any person who drives a vehicle in such a manner as to indicate a wanton disregard for the safety of persons or property is guilty of reckless driving.

Careless Driving: A.C.A. § 27-51-104 states that it is unlawful to operate any vehicle in a careless manner as to evidence a failure to keep a proper lookout for other traffic, vehicular or otherwise, or in a manner as to evidence a failure to maintain proper control. Careless driving may also include, but is not limited to the following:

- Driving onto or across private property to avoid intersections, signs, or other traffic control devices.
- Driving in such a manner, or at such speed, as to cause skidding, spinning, or sliding of tires or vehicle.
- Driving too close to, or colliding with, parked, or stopped vehicles, fixtures, persons, or objects adjacent to road.
- Driving of vehicle with any part or object extended, in such fashion as to endanger persons or property.
- To operate a vehicle wherein or whereon passengers are located in such manner to be a danger to themselves.
- To operate a vehicle in any manner, when the driver is inattentive, and such inattention is not reasonable and prudent in maintaining vehicular control.

Campus Parking

All vehicles should have a parking permit, which may be purchased online through the students' OneTech account.

Parking for the Handicapped: Any vehicle found to be parked in an area designated for exclusive use of disabled persons (as defined in Section 75, 266-22 of Act 772) shall be subject to impoundment by the appropriate law enforcement agency according to Section 12 of Act 772, and the owner will be subject to a fine not less than $25 or not more than $100 for each offense plus applicable towing, impounding and related fees.

Handicapped Parking Decals: Handicapped parking decals may be obtained at the Arkansas State Revenue Office. Decals may be used by persons who are temporarily or permanently disabled, and are good for the duration of the disability, and may be used anywhere in the State of Arkansas. A statement from a physician is necessary to obtain the decal.

How to Purchase a Parking Permit

All students who park a car on campus are required to have a parking permit displayed. To purchase a permit, you will log in to your ATU OneTech account and will find a link on the home page. The link will take you to the Campus Automotive Registration System (CARS) page. From the CARS page you can enter or update your vehicle information in the system, confirm the address where you want the permit mailed, and you can purchase your parking permit. The system will automatically assign the correct color permit to you based on your student status. You must have at least one vehicle on your account to purchase a parking permit. Remember to print your temporary permit to use while waiting for your permanent one to arrive in the mail.

Accessible Parking

Arkansas Traffic Law Manual section 27-15-304 states, "Any vehicle found to be parked in an area designated for the exclusive use of any person with a disability, including the access aisle, on which is not displayed a special license plate, a special certificate, or an official designation of another state as authorized or which is found to be parked in an area designated for the exclusive use of any person with a disability, if operated by a person who is not a person with a disability

while not being used for the actual transporting of a person with a disability shall be subject to impoundment by the appropriate law enforcement agency." If found in violation of the law the person may be subject to a fine plus applicable towing, impoundment, and related fees as well as court costs. Disabled parking decals can be obtained at the Student Accounts, located in the Office of Student Services. Decals can be used by persons who are temporarily or permanently disabled and can be used anywhere in the state of Arkansas. A statement from a physician is necessary to obtain the decal.

Traffic and Parking Committee

The Traffic and Parking Committee reviews all appeals concerning traffic citations, informs students of changes in policies and regulations, and recommends methods of improving traffic and parking conditions on campus.

The committee is composed of the following members:

1. One (1) Student Services staff member.
2. One (1) Department of Public Safety advisor (non-voting member).
3. Seven (7) representatives Student Government Association.

The Traffic and Parking Committee will meet regularly at announced times to hear appeals about tickets. Appeals of citations must be filed within three (3) business days of receipt of the citation with the Office of Public Safety located in the Room 100 C in the Collegiate Center. Appeal Forms are located in the Office of Student Services. Students can appear in person before the Traffic and Parking Committee to speak on their own behalf or their written appeal will be read if they are not present. The decisions of the Traffic and Parking Committee are final. Students may also go before the Traffic and Parking Committee with materials concerning any other traffic and parking-related problems.

Annual Crime Statistics

Crime statistics for the three (3) most recent years can be found in the Annual Safety and Security Report at https://www.atu.edu/psafe/docs/2026_ATU_Ozark_ASFSR.pdf

.

Alcohol and other Drugs Prevention Program and Policy

This Policy is mandated by and complies with the provisions of the Drug-Free Schools and Communities Act Amendments of 1989 (Public Law 101-226). A copy of the biennial review may be obtained by contacting Craig Witcher, Counselor, cwitcher@atu.edu, 479-968-0329.

Standards of Conduct

Arkansas Tech University is committed to the maintenance of a drug and alcohol free work place and to a standard of conduct for employees and students that discourages the unlawful or unauthorized use, possession, storage, manufacture, distribution, or sale of alcoholic beverages, and any illicit drugs or drug paraphernalia in University buildings, any public campus area, in University housing units, in University vehicles, or at any University affiliated events held on or off-campus, which are sponsored by students, employees, and their respective campus organizations (including all fraternities and sororities). For Arkansas Tech University employees, compliance with this Policy is a term and condition of employment. For Arkansas Tech University students and student organizations, compliance with this Policy is a term and condition of continued enrollment/organizational registration.

Tobacco-Free Policy

Effective August 1, 2009, use of any tobacco product including, but not limited to, smoking, use of electronic cigarettes, dipping, or chewing tobacco is prohibited on campus. This Policy shall be enforced by the Arkansas Tech University Department of Public Safety.

"Campus" means all property, including buildings and grounds that are owned or operated by Arkansas Tech University.

"Electronic cigarette" (also known as "e-cig" or "e-cigarette") means a battery or USB powered device containing a nicotine-based liquid that is vaporized and inhaled, used to simulate the experience of smoking tobacco.

"Smoking" as that term is used in this Policy means inhaling, exhaling, burning, or carrying any:

a. Lighted tobacco product, including cigarettes, cigars, and pipe tobacco; and
b. Other lighted combustible plant material.

"Student" as that term is used in this Policy means an individual enrolled in a credit or non-credit course at Arkansas Tech University.

Student discipline
Students who violate this Policy shall be disciplined as follows:

a. First Offense: Written warning.
b. Second Offense: Six months' probation as defined in the Student Code of Conduct
c. Third and Subsequent Offenses: $50.00 fine.

Employee discipline
Employees who violate this Policy shall be disciplined as follows:

a. First Offense: Written warning.
b. Second Offense: Written reprimand placed in personnel folder.
c. Third and Subsequent Offenses: $50.00 fine.

Visitors/Independent Contractor Discipline
Visitors or employees of independent contractors who violate this Policy shall be disciplined as follows:

a. First Offense: Written warning.
b. Second Offense: Banned from campus.

Students may appeal their sanction pursuant to the terms of the Student Code of Conduct. All others may appeal the sanction imposed pursuant to this Policy by submitting a written appeal to the Human Resources Committee within five (5) business days of the infraction.
Pursuant to Act 734 of 2009, beginning August 1,2010, any person who smokes on campus shall in addition to the penalties set forth above, be guilty of a violation and upon conviction in Russellville District Court, shall be punished by a fine of not less than ($100) one hundred dollars nor more than ($500) five hundred dollars.

Pet Policy
To provide for the health, safety, and welfare of all persons on property owned or controlled by Arkansas Tech University, the following guidelines are established to control domestic animals on University property. Domestic animals are defined as any dog, cat, or other animal, including reptiles that are intended to be a pet or companion for a person.

Domestic animals are not permitted within buildings or on property owned or controlled by Arkansas Tech University, with the exception of domestic animals specifically trained and certified to aid persons with disabilities. These animals must be registered with the Office of Disability Services. The only exception to this Policy is for Jerry the Bulldog, official campus ambassador for Arkansas Tech University.

Legal Sanctions
Federal Penalties and Sanctions for Illegal Possession of a Controlled Substance – 1st conviction: Up to 1 year imprisonment and a fine of at least $1,000 but not more than $100,000 or bother. After 1 prior drug conviction: At least 15 days in prison, not to exceed 2 years and a fine of at least $2,500 but not more than $250,000 or both. After 2 or more prior drug convictions: At least 90 days in prison, not to exceed 3 years and a fine of at least $5,000 but not more than $250,000 or both. Special sentencing provisions for possession of crack cocaine are mandatory 5 to 20 years in prison and a fine of up to $250,000; both if (a) 1st conviction and the amount of crack possessed exceeds 5 grams, (b) 2nd crack conviction and the amount of crack possessed exceeds 3 grams (c) 3rd or subsequent crack conviction and the amount of crack possessed exceeds 1 gram. Personal and real property used to possess or to facilitate possession of a controlled substance may be forfeited if that offense is punishable by more than 1 year imprisonment. Vehicles, boats, aircraft, or any other conveyance used to transport or conceal a controlled substance may also be forfeited. Additional sanctions include civil fines of up to $10,000; denial of federal benefits, such as student loans, grants, contracts, and professional commercial licenses, up to 1 year for first offense, up to 5 years for second and subsequent offenses; and ineligibility to receive or purchase a firearm. Other sanctions vested within the authorities of individual federal agencies are revocation of certain federal licenses and benefits such as pilot licenses and public housing.

State of Arkansas Sanctions and Penalties

Underage DUI Law – The State of Arkansas' "Underage DUI (Driving Under the Influence) Law" (863) makes it an offense for a person under the age of 21 with a blood alcohol content of .02 or higher (approximately one can of beer, one glass of wine, or one drink of hard liquor) to operate a motorized vehicle. Penalties for a first offense can result in (1) suspension of driver's license for not less than 90 days; (2) a fine of no less than $100 nor more than $500; (3) assignment to public service work; and/or (4) completion of an alcohol and driving education program.

Driving While Intoxicated – A person who drives a motorized vehicle while influenced or affected by the ingestion of alcohol, a controlled substance, or any intoxicant commits the offense of driving while intoxicated. Penalties for such an offense may include (1) suspension of license for 6 months for the first offense with a blood alcohol content of at least .08; suspension of 180 days for the first offense with a blood alcohol content of .15 or more; suspension for 6 months for first offense if intoxicated by use of a controlled substance; (2) imprisonment for no less than 24 hours and no more than one year for the first offense (with additional imprisonment for subsequent offense); (3) fines of no less than $150 and no more than $1,000 for the first offense (with stiffer fines for subsequent offenses); (4) as an inability to pay fines will result in court-ordered public service work and (5) a requirement to complete an alcohol education program as prescribed and approved by a contractor with the Division of Behavioral Health Services, or an alcoholism treatment program licensed by the Division of Behavioral Health Services. A blood alcohol level in excess of .04 may be considered with other competent evidence in determining guilt or innocence. A blood alcohol level of .08 or more shall give rise to a presumption of intoxication.

Public Intoxication – A person commits the offense of "Public Intoxication" if (1) he appears in a public place manifestly under the influence of alcohol or a controlled substance to the degree that he is likely to endanger himself or other persons or property, or (2) he unreasonable annoys persons in his vicinity. Public intoxication is a Class C misdemeanor and can result in a fine of up to $500, and/or imprisonment in the county jail (or other authorized institution) for up to 30 days.

Drinking in Public – A person commits the offense of "Drinking in Public" if that person consumes alcohol in any public place. This includes consumption while in a vehicle on a street or highway. Penalties include a fine of up to $500, and/or imprisonment for up to 30 days. Possession of any alcoholic beverages in Tech residence halls or on any other University property is prohibited.

Possession of or Purchasing Alcohol by a Minor – It is illegal for a person under the age of 21 to possess/purchase alcohol. Penalties include a fine of up to $500, probation under the direction of the court, driver's license suspensions for a period of up to one year, and writing themes or essays on intoxicating liquors, wine, or beer.

Knowingly Furnishing to a Minor – A person commits the offense of "Knowingly Furnishing to a Minor" if, being an adult, they knowingly gives, procures, or otherwise furnishes alcoholic beverage to a minor. Such an offense is a Class A misdemeanor and can result in (1) a fine of up to $2,500 and/or (2) imprisonment in the county jail (or other authorized institution) for up to one full year.

Manufacture or Delivery of a Controlled Substance – It is unlawful for any person to manufacture, deliver, or possess with intent to manufacture or deliver, a controlled substance. Penalties for the manufacture or delivery of a controlled substance can range from up to 10 (ten) years to life, and fines up to $10,000, depending on the quantity and type of drug. In addition, real and personal property used in the manufacture, delivery, or importing of controlled substances may be forfeited to the government.

Manufacture or Delivery of a Counterfeit Substance – It is unlawful for any person to create, deliver, or possess with intent to deliver a counterfeit substance purporting to be a controlled substance. Penalties for the creating and/or delivery of a counterfeit substance can range from 1 to 20 years in prison and fines up to $15,000 depending on the type of drug being counterfeited.

Possession of a Controlled or Counterfeit Substance – It is unlawful for any person to possess a controlled substance or counterfeit substance. Penalties for possession of a controlled or counterfeit substance can range up to 30 years in prison and fines up to $15,000, depending on the type of drug (or counterfeit) possessed.

Possession of Open Container Containing Alcohol in a Motor Vehicle – (a.) It is unlawful for a person to possess an open alcoholic beverage container within an area of a motor vehicle that is (l) Designated to seat the driver or a passenger in the motor vehicle and the motor vehicle is in operation; or (2) Readily accessible to the driver or a passenger in the motor vehicle while in a seated position and the motor vehicle is located on a public highway or the right-of-way of a public highway. (b.) It is not an offense under this section if the open alcoholic beverage container is possessed: (1) Outside of the passenger area of the motor vehicle or other area of the motor vehicle commonly used for the transportation of

passengers such as in the trunk or cargo area of the motor vehicle. (2) in a locked area of a motor vehicle including without limitation a glove compartment or center console of the motor vehicle. (3) Behind the last upright seat or in an area not normally occupied by the driver or a passenger, in a motor vehicle. (4) By a passenger in a motor vehicle, but not the driver, as long as the open alcoholic beverage container is possessed within the living quarters of the motor vehicle or the area of the motor vehicle that is designated for passengers only, the open alcoholic beverage container is not readily accessible to the driver of the motor vehicle, and the motor vehicle is: (A) Designed, maintained, or used primarily for the transportation of persons for compensation; or (B) A recreational vehicle, motor home, or house trailer that is not equipped with a trunk. This is Class C Misdemeanor punishable by up to 30 days in jail and a fine of up to $500.

Alcohol and other Drugs Prevention Program and Policy

This Policy is mandated by and complies with the provisions of the Drug-Free Schools and Communities Act Amendments of 1989 (Public Law 101-226). A copy of the biennial review may be obtained by contacting Craig Witcher, Counselor, cwitcher@atu.edu, 479-968-0329.

Standards of Conduct. Arkansas Tech University is committed to the maintenance of a drug and alcohol free work place and to a standard of conduct for employees and students that discourages the unlawful or unauthorized use, possession, storage, manufacture, distribution, or sale of alcoholic beverages, and any illicit drugs or drug paraphernalia in University buildings, any public campus area, in University housing units, in University vehicles, or at any University affiliated events held on or off-campus, which are sponsored by students, employees, and their respective campus organizations (including all fraternities and sororities). For Arkansas Tech University employees, compliance with this Policy is a term and condition of employment. For Arkansas Tech University students and student organizations, compliance with this Policy is a term and condition of continued enrollment/organizational registration.

Legal Sanctions

Federal Penalties and Sanctions for Illegal Possession of a Controlled Substance – 1st conviction: Up to 1 year imprisonment and a fine of at least $1,000 but not more than $100,000 or bother. After 1 prior drug conviction: At least 15 days in prison, not to exceed 2 years and a fine of at least $2,500 but not more than $250,000 or both. After 2 or more prior drug convictions: At least 90 days in prison, not to exceed 3 years and a fine of at least $5,000 but not more than $250,000 or both. Special sentencing provisions for possession of crack cocaine are mandatory 5 to 20 years in prison and a fine of up to $250,000; both if (a) 1st conviction and the amount of crack possessed exceeds 5 grams, (b) 2nd crack conviction and the amount of crack possessed exceeds 3 grams (c) 3rd or subsequent crack conviction and the amount of crack possessed exceeds 1 gram. Personal and real property used to possess or to facilitate possession of a controlled substance may be forfeited if that offense is punishable by more than 1 year imprisonment. Vehicles, boats, aircraft, or any other conveyance used to transport or conceal a controlled substance may also be forfeited. Additional sanctions include civil fines of up to $10,000; denial of federal benefits, such as student loans, grants, contracts, and professional commercial licenses, up to 1 year for first offense, up to 5 years for second and subsequent offenses; and ineligibility to receive or purchase a firearm. Other sanctions vested within the authorities of individual federal agencies are revocation of certain federal licenses and benefits such as pilot licenses and public housing.

State of Arkansas Sanctions and Penalties

Underage DUI Law – The State of Arkansas' "Underage DUI (Driving Under the Influence) Law" (863) makes it an offense for a person under the age of 21 with a blood alcohol content of .02 or higher (approximately one can of beer, one glass of wine, or one drink of hard liquor) to operate a motorized vehicle. Penalties for a first offense can result in (1) suspension of driver's license for not less than 90 days; (2) a fine of no less than $100 nor more than $500; (3) assignment to public service work; and/or (4) completion of an alcohol and driving education program.

Driving While Intoxicated – A person who drives a motorized vehicle while influenced or affected by the ingestion of alcohol, a controlled substance, or any intoxicant commits the offense of driving while intoxicated. Penalties for such an offense may include (1) suspension of license for 6 months for the first offense with a blood alcohol content of at least .08; suspension of 180 days for the first offense with a blood alcohol content of .15 or more; suspension for 6 months for first offense if intoxicated by use of a controlled substance; (2) imprisonment for no less than 24 hours and no more than one year for the first offense (with additional imprisonment for subsequent offense); (3) fines of no less than $150 and no more than $1,000 for the first offense (with stiffer fines for subsequent offenses); (4) as an inability to pay fines will result in court-ordered public service work ; and (5) a requirement to complete an alcohol education program as prescribed and approved by a contractor with the Division of Behavioral Health Services, or an alcoholism treatment program licensed by

the Division of Behavioral Health Services. A blood alcohol level in excess of .04 may be considered with other competent evidence in determining guilt or innocence. A blood alcohol level of .08 or more shall give rise to a presumption of intoxication.

Public Intoxication – A person commits the offense of "Public Intoxication" if (1) he appears in a public place manifestly under the influence of alcohol or a controlled substance to the degree that he is likely to endanger himself or other persons or property, or (2) he unreasonable annoys persons in his vicinity. Public intoxication is a Class A misdemeanor and can result in a fine of up to $2,500, and/or imprisonment in the county jail (or other authorized institution) for up to 30 days.

Drinking in Public – A person commits the offense of "Drinking in Public" if that person consumes alcohol in any public place. This includes consumption while in a vehicle on a street or highway. Penalties include a fine of up to $2,500, and/or imprisonment for up to 30 days. Possession of any alcoholic beverages in Tech residence halls or on any other University property is prohibited.

Possession of or Purchasing Alcohol by a Minor – It is illegal for a person under the age of 21 to possess/purchase alcohol. Penalties include a fine of up to $500, probation under the direction of the court, driver's license suspensions for a period of up to one year, and writing themes or essays on intoxicating liquors, wine, or beer.

Knowingly Furnishing to a Minor – A person commits the offense of "Knowingly Furnishing to a Minor" if, being an adult, they knowingly give, procures, or otherwise furnishes alcoholic beverages to a minor. Such an offense is a Class A misdemeanor and can result in (1) a fine of up to $2,500 and/or (2) imprisonment in the county jail (or other authorized institution) for up to one full year.

Manufacture or Delivery of a Controlled Substance – It is unlawful for any person to manufacture, deliver, or possess with intent to manufacture or deliver, a controlled substance. Penalties for the manufacture or delivery of a controlled substance can range from three (3) years to life in prison, and fines up to $250,000, depending on the quantity and type of drug. In addition, real and personal property used in the manufacture, delivery, or importing of controlled substances may be forfeited to the government.

Manufacture or Delivery of a Counterfeit Substance – It is unlawful for any person to create, deliver, or possess with intent to deliver a counterfeit substance purporting to be a controlled substance. Penalties for the creating and/or delivery of a counterfeit substance can range from 1 to 20 years in prison and fines up to $15,000 depending on the type of drug being counterfeited.

Possession of a Controlled or Counterfeit Substance – It is unlawful for any person to possess a controlled substance or counterfeit substance. Penalties for possession of a controlled or counterfeit substance can range from 1 to 10 years in prison and fines up to $10,000, depending on the type of drug (or counterfeit) possessed.

Health Risks

Alcohol – Can cause short term effects such as loss of concentration and judgment; slowed reflexes; disorientation leading to higher risk of accidents and problem behavior; long term effects include risk of liver and heart damage, malnutrition, cancer, and other illnesses; can be highly addictive to some persons.

Amphetamines – Can cause short term effects such as rushed, careless behavior and pushing beyond your physical capacity, leading to exhaustion; tolerance increases rapidly; long term effects include physical and psychological dependence and withdrawal can result in depression and suicide; continued high doses can cause heart problems, infections, malnutrition, and death.

Cannabis (Marijuana) – Can cause short term effects such as slow reflexes; increases forgetfulness; alters judgment of space and distance; aggravates pre-existing heart and/or mental health problems; long term health effects include permanent damage to lungs, reproductive organs, and brain function; can interfere with physical, psychological, social development of young users.

Cocaine (Crack) – Can cause short term effects such as impaired judgment; increased breathing, heart rate, heart palpitations; anxiety, restlessness, hostility, paranoia, confusion; long term effects may include damage to respiratory and immune systems; malnutrition, seizures, and loss of brain function; highly addictive.

Designer Drugs/Synthetic Cannabinoids (bath salts, K2, spice) – Can cause short term effects such as elevated heart rate, blood pressure, and chest pain; hallucinations, seizures, violent behavior, and paranoia; may lead to lack of appetite, vomiting, and tremor; long-term use may result in kidney/liver failure; increased risk of suicide and death.

Hallucinogens (PCP, LSD, ecstasy, dextromethorphan) – Can cause extreme distortions of what's seen and heard induces sudden changes in behavior, loss of concentration, and memory; increases risk of birth defects in user's children; overdose can cause psychosis, convulsions, coma, and death; frequent and long-term use can cause permanent loss of mental function.

Inhalants (nitrous oxide, amyl nitrite, butyl nitrite, chlorohydrocarbons, hydrocarbons) – Can cause short term effects such as nausea, dizziness, fatigue, slurred speech, hallucinations, or delusions; may lead to rapid and irregular heart rhythms, heart failure, and death; long-term use may result in loss of feeling, hearing, and vision; can result in permanent damage to the brain, heart, lungs, liver, and kidneys.

Opiates/Narcotics (heroin, morphine, opium, codeine, oxycodone, China white) – Can cause physical and psychological dependence; overdose can cause coma, convulsions, respiratory arrest, and death; long term use leads to malnutrition, infection, and hepatitis; sharing needles is a leading cause of the spread of HIV and hepatitis; highly addictive, tolerance increases rapidly.

Sedatives – Can cause reduced reaction time and confusion; overdose can cause coma, respiratory arrest, Convulsions, and death; withdrawal can be dangerous; in combination with other controlled substances, can quickly cause coma, and death; long term use can produce physical and psychological dependence; tolerance increases rapidly.

Tobacco (cigarettes, cigars, chewing tobacco) – Smoking increases the risk for myocardial infarction (heart attack) and can cause cancer, particularly lung cancer and cancers of the larynx and mouth; can cause diseases of the respiratory tract such as COPD and emphysema as well as diseases of the cardiovascular system; nicotine is highly addictive.

Drug and Alcohol Programs

Arkansas Tech University utilizes evidenced-based strategic interventions, collaboration, innovation, and the incorporation of the wellness dimensions to reduce harmful consequences of alcohol and other drug use. Drug and alcohol programming includes, but is not limited to:

- All new undergraduate students on the Russellville Campus are required to complete Alcohol Edu® for College, an online alcohol education program.
- Administering and utilizing results from the Core Survey to determine problematic drinking behaviors specific to our campus to help inform programming and prevention efforts.
- Providing education and awareness activities.
- Offering substance-free social, extracurricular, and public service options.
- Creating a health-promoting normative environment.
- Restricting the marketing and promotion of alcohol and other drugs.
- Limiting availability of alcohol and other drugs.
- Developing and enforcing campus policies to address high-risk and illegal alcohol and other drug use, including the tobacco free campus Policy.
- Providing early intervention and referral for treatment.
- Providing education for students who have violated alcohol and/or marijuana policies.
- Opioid Rescue Kits

Arkansas Tech University has installed ## Opioid Overdose Rescue Kits across the campus in Ozark in accordance with the Act 811 of the 94th Arkansas General Assembly. These kits contain naloxone nasal spray. Naloxone can be used to reverse the effects of an opioid overdose. These kits can be found next to a fire extinguisher and/or AED on the first floor of all campus education buildings. Further information can be found on the Health and Wellness Center website.

Disciplinary Sanctions

Students violating the University Policy on alcohol or other drugs are subject to sanctions up to and including expulsion from the University and referral for prosecution. Any employee violating any criminal drug statute while in the workplace will be subject to discipline up to and including termination. The University may notify parents or guardians of students under age 21 who are found to be in violation of the drug or alcohol policies as set forth in the Student Code of Conduct.

Harassment (Sexual Misconduct) Prevention Program and Policy Information

Arkansas Tech University is committed to cultivating a culture of respect in which students can thrive in their education pursuits. All forms of harassment and sexual misconduct are prohibited on the Arkansas Tech University campus or in connection with any of the programs and activities it sponsors. Students committing sexual misconduct, whether on or off campus, are subject to University disciplinary action as well as possible criminal action. Sexual misconduct is any sexual act which violates the criminal laws of the State of Arkansas or laws of the United States including, but not limited to, sexual assault (non-consensual sexual contact or intercourse), domestic violence, dating violence, stalking, sexual exploitation,

and sexual harassment. The complete Sexual Misconduct Policy and Procedures are located in Article III, Section F of the Student Code of Conduct in this document.

Awareness and Prevention Programs

Sexual misconduct awareness and prevention programming is presented regularly each academic year through the collaborative efforts of the Office of Affirmative Action, Human Resources, and Student Services including the departments of Residence Life, the Health and Wellness Center, and Public Safety. Examples of educational and informational programming related to sexual misconduct and assault include but is not limited to the following:

- New Student Orientation.
- Mandatory annual completion of harassment (sexual misconduct) training, a course designed to increase awareness of harassment (sexual misconduct), hone bystander intervention skills, and help students know here to go for help.
- Guest speakers with related expertise are hosted by Registered Student Organizations.
- Counseling Services provides a variety of related educational and informational media for campus community use.
- The Department of Public Safety will walk with students to their vehicles after dark.
- The Jerry Cares campaign sponsored by Student Services raises awareness of a variety of safety initiatives, including harassment (sexual misconduct).

Reporting Harassment (Sexual Misconduct)

Arkansas Tech University strongly encourages reporting any form of harassment (sexual misconduct), including sexual assault, but we also recognize that the decision to report sexual or relationship violence is a deeply personal choice for survivors. Reports of harassment (sexual misconduct) can be made to the Title IX Office (www.atu.edu/titleix), and criminal reports can be made to the Department of Public Safety.

If you or someone you know may have been a victim of sexual assault, you are strongly encouraged to seek immediate assistance. Assistance can be obtained 24 hours a day, 7 days a week from the Arkansas Tech Department of Public Safety by dialing 911 or calling (479) 968-0222. If you are off-campus, assistance can be obtained 24 hours a day, 7 days a week from the Russellville Police Department by dialing 911.

Medical assistance can be requested by dialing 911 or going directly to the hospital. St. Mary's Regional Medical Center is located at 1808 West Main Street, Russellville, AR 72801, or Mercy Hospital located at 801 West River Street, Ozark, AR 72949. Nurses on staff in the emergency room are trained and equipped with the supplies necessary to perform a rape kit to preserve evidence. Treatment of injuries, preventative treatment for sexually transmitted diseases, and other health services are provided. If you decide to take this action, try not to shower, change clothes, eat or go to the bathroom before seeking medical attention so as to preserve any evidence.

During business hours (8 a.m. - 5 p.m., Monday through Friday), you are also strongly encouraged to contact Stacy Galbo, Arkansas Tech University's Title IX Coordinator by telephone at (479) 968-0407, by email at sgalbo2@atu, or Kathleen Martin, at (479)968-0583 ext. 200, or by e-mail kmartin51@atu.edu. On the Ozark campus, during business hours (8 a.m. to 5 p.m., Monday through Friday), contact Sandra Patterson, Arkansas Tech University-Ozark Campus Title IX Coordinator by telephone at (479)-508-8500, Ext 6532 by email at spatterson8@atu.edu, or in person at Room 154 of the Technology and Academic Support Building located at 1700 Helberg Lane.

The University encourages victims of sexual misconduct to talk to somebody about what happened so that victims can get the support they need, and so that the University can respond appropriately. Different employees on campus have different abilities to maintain a victim's confidentiality. Some employees are required to maintain near complete confidentiality; talking to them is sometimes called a "privileged communication." To see a counselor students can walk in at Doc Bryan 119 on the Russellville Campus or call 479-968-0329 to schedule an appointment.

For additional and more detailed information related to options for ongoing assistance and reporting, please see the Equal Opportunity, Harassment (Sexual Misconduct) Policy, and Nondiscrimination Policy and Procedures located in Article III, Section F of the Student Code of Conduct in this document.

Disciplinary Sanctions

The disciplinary process is outlined in the Sexual Misconduct Policy and Procedures located in Article III, Section F of the Student Code of Conduct. Sanctions imposed for disciplinary purposes by the University against those found responsible for sexual misconduct may include suspension or expulsion from the University. A list of all possible sanctions can be found in Article IV, Section D of the Student Code of Conduct.

Student Code of Conduct

Preface

Arkansas Tech University is dedicated to learning, the advancement of knowledge, and the development of ethically sensitive and responsible persons. Achieving these goals through a sound educational program and by implementing student conduct policies that encourage independence and maturity is a priority. Each member of the Arkansas Tech University community assumes an obligation to obey all rules and regulations made by properly constituted authorities, preserve faithfully all property provided for their education, and fulfill their duties as a student with diligence, fidelity, and honor.

Arkansas Tech University students are responsible for understanding all rules, regulations, and policies that shape the structure of our campus community. Students should read, understand, and follow the rules and regulations outlined in the Student Handbook and the Student Code of Conduct as well as those outlined in the Undergraduate or Graduate Catalogs. In compliance with the Constitution of the State of Arkansas, the Arkansas Tech University Board of Trustees is vested with authority to make regulations and policies, consistent with the laws of the land, for Arkansas Tech University. Students seeking interpretations of provisions within the Student Code of Conduct may contact Richard Harris, rharris1@atu.edu, Vice Chancellor of Student Services.

Article I: Definitions

A. The term **"University"** refers to Arkansas Tech University. Arkansas Tech University is herein referred to as ''Tech."
B. The term **"student"** refers to each person who is currently enrolled, full-time, or part-time, in any non-credit or credit courses pursuing undergraduate, graduate, or post-graduate/professional studies. For disciplinary purposes, under the Student Code of Conduct, a student is also defined as any individual who:
    1. attends post-secondary educational institutions other than Tech;
    2. was enrolled within the last twelve months, but is not enrolled during a current term;
    3. has been notified of acceptance for admission but has yet to be enrolled for study;
    4. withdraws after allegedly violating the Student Code of Conduct;
    5. is a non-temporary guest having continuous residence at any University housing property, even if not enrolled at the University.
C. The term **"faculty member"** refers to any person hired by the University to conduct classroom activities.
D. The term **"University official"** refers to any person employed by the University, performing assigned administrative or professional responsibilities.
E. The term **"member of the University community"** includes any person who is a student, faculty member, University official, or any other person employed by the University. The status of a person in a particular situation shall be determined by the Conduct Advisor in conjunction with the Student Conduct Administrator.
F. The term **"University premises"** includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the University. This includes adjacent streets and sidewalks.
G. The term **"organization"** refers to any number of persons who have complied with the formal registration requirements for University recognition including, but not limited to, Registered Student Organizations.
H. The term **"Student Conduct Administrator"** refers to the person designated by the Chancellor, to be responsible for the administration of the Student Code of Conduct.
I. The term **"conduct body"** refers to any persons authorized by the Student Conduct Administrator to determine whether a student has violated the Student Code of Conduct and impose sanctions.

J. The term “disciplinary proceeding” refers to a hearing, appeal, or Investigatory interview conducted by a university official
K. The term **"Conduct Advisor”** refers to a University official authorized on a case-by-case basis, by the Student Conduct Administrator, to investigate possible violation(s) of the Student Code of Conduct and impose sanctions upon students found to have violated the Student Code of Conduct.
L. The term **“appellate authority”** refers to any person or persons authorized to consider an appeal of a decision by a conduct body.
M. The term **"shall”** is used in the imperative tense.
N. The term **"may”** is used in the permissive tense.
O. The term **"Policy”** is defined as the written regulations of the University as found in, but not limited to, the Student Handbook, Housing Contract, Guide to Residence Hall Living, Parking and Traffic Regulations, and Graduate or Undergraduate Catalogs.
P. The term ‘‘**Complainant”** refers to any person(s) who submits a charge alleging a violation of a University Policy.
Q. The term **"Respondent”** refers to any student(s) accused of violating a University Policy.
R. The term “serious violation” refers to an alleged violation of the Student Code of Conduct that may result in University Suspension or University Expulsion should the Respondent accept responsibility for the alleged violation or is determined to be responsible at a hearing. The Student Conduct Administrator or designee will determine if an alleged violation has University Suspension or University Expulsion implications at the outset of the disciplinary process.
S. The term administrative file refers to all documents and evidence in the University’s possession or control that is relevant to an alleged violation of the Student Code of Conduct including disciplinary proceedings which the University will maintain. This does not apply to privileged documents, internal communications, or communications from nonparties that the institution does not intend to introduce as evidence at a disciplinary hearing.
T. The term “fully participate in allegations involving serious violation(s) means the opportunity for a Complainant, Respondent, or registered student organization to be provided an opportunity to be present and advised by an advisor of their choice.
U. The term “antisemitism” is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community instructions and religious facilities.

Article II: Student Code of Conduct Authority

While enrolled at the University, students are subject to delegated University authority. The Chancellor shall designate a Student Conduct Administrator, who shall, when necessary, identify other Conduct Advisors to assist with the administration of the conduct process. The Student Conduct Administrator will train the Conduct Advisors and members of the conduct body who are responsible for the discipline of students and may, through the disciplinary Procedures specified herein, impose sanctions for violation(s) of the Student Code of Conduct. University disciplinary action will not be stayed or suspended even if a case(s) is pending, in process, or determined in the civil or criminal courts.

A. The Vice Chancellor of Student Services is designated by the Chancellor to be responsible for overseeing the administration of the Student Code of Conduct.
B. The Student Conduct Administrator shall ensure that the composition of the conduct body follows the criteria set forth in this document. The Student Conduct Administrator shall also determine which Conduct Advisor(s) shall be authorized to hear each case.
C. The Vice Chancellor of Student Services shall develop policies for the administration of the conduct program and procedural rules for the conduct body, including hearings.
D. Decisions made by a conduct body shall be final. Appeal of a conduct body decision must follow the process outlined in the Student Code of Conduct.

Article III: General Conduct Expectations

A. **Jurisdiction of the University**

The Student Code of Conduct applies to the conduct of any University student that occurs 1) on University premises, or 2) at any University sponsored event or activity. In addition, the University may take action under the Student Code of Conduct based upon the off-campus behavior of a student if that behavior constitutes a safety or security threat to the campus and 1) directly affects any other University student, 2) substantially affects the University community or its objectives or 3) violates local, state, or federal law.

Each student is responsible under the Student Code of Conduct for their conduct occurring at any time prior to being awarded an applicable degree, even if the University does not discover the conduct until after awarding the degree. The Student Code of Conduct also applies to any student conduct that occurs during any interim period:

- before classes have begun or after classes have ended;
- During which the student's enrollment temporarily ceases.

The Student Code of Conduct may also apply to the student's conduct:

- if the student withdraws from the University, or leaves its premises, while a disciplinary matter is pending;
- retroactively as of the student's first admission application date if the student at any time has enrolled at the university

In the event the responding party is a former student who is not currently enrolled at the time the University is made aware of an alleged incident, the University may suspend the student conduct process and place a hold on the responding party's account which suspends future enrollment by the responding party. Further, the University reserves the right to resume the student conduct process should the former student seek reenrollment or readmission to Arkansas Tech University at a later date.

B. **Application of the Student Code of Conduct to Registered Student Organizations**

As a condition of Registered Student Organization status at Tech, groups agree to abide by the Student Code of Conduct, as well as by all other applicable University policies and local, state, and federal laws. Registered Student Organizations are herein referred to as "RSOs and/or RSO

1. **Charging a Registered Student Organization**

RSOs can generally be held responsible for violation(s) of the Student Code of Conduct when:

A. One or more officers or authorized members/representatives, acting in the scope of their organizational capacities, commit a violation;
B. One or more of its members commit a violation after the action that constitutes the violation was approved by a vote of the organization or was part of a committee assignment of the operation;
C. A violation occurs at an activity funded/sponsored (registered or unregistered) by the organization.
D. A violation occurs at an event funded/sponsored (registered or unregistered) by the organization;
E. One-tenth or more members of an organization or its officers permit, encourage, aid, or assist in committing a violation;
F. One-tenth or more of an organization or its officers fail to report to appropriate University authorities' knowledge or information about a violation.
G. One-tenth or more members of an organization or its officers issue a casual or formal invitation to another member to participate in a violation;
H. One or more members of alumni commit a violation in the name of the organization;
I. One or more members of an organization fail to satisfactorily complete the terms of any disciplinary penalty related to an organizational violation;
J. One or more members of an organization commit a violation while attending a function as a representative of the University including, but not limited to, competitions, conferences, and conventions;
K. One or more members willingly witness or observe a violation of the Student Code of Conduct and choose to remain present at the site of the violation (passive participation)
L. An organization fails to register an activity or event, on or off campus, with or without alcohol present, with the Department of Campus Life.

2. **Jurisdiction and Authority**
   A. Students, who are members of an RSO involved in a violation of the Student Code of Conduct, may be subject to discipline both as a member of the RSO and as an individual
   B. The Associate Dean for Student Conduct or designee shall be the Conduct Advisor for cases involving general RSOs.
   C. The Associate Dean for Student Conduct or designee shall be the Conduct Advisor for cases for all cases involving social Greek organizations.
   D. The Associate Dean for Student Conduct or Residence Life Staff Member shall be the Conduct Advisor for all cases involving students contracted for housing with the Department of Residence Life who violate the Student code of Conduct or housing rules and regulations.
   E. Under the direction of the Coordinator of Fraternity and Sorority Life, Greek governing councils (i.e., Interfraternity Council, College Panhellenic Council) shall be responsible for hearing cases for social Greek organizations affiliated with their respective council where their governing documents provide jurisdiction for incidents that do not involve a violation of the Student Code of Conduct. Registered social Greek organizations who violate the Student Code of Conduct
   F. The Student Conduct Administrator will maintain jurisdiction over all cases involving RSOs where there is a possible violation of the Student Code of Conduct including but not limited to, actions that may violate University Policy and/or local, state, or federal law; when there is a conflict of interest with one of the aforementioned Conduct Advisors; when the incident involves multiple violation(s); and/or all other incidents with possible sanctions.

3. **Interim Disciplinary Action**
   Information about interim disciplinary action is referenced in the Student Code of Conduct, Article IV, Section E.

4. **Conduct Bodies and Procedures**
   In determining whether or not an RSO violated the Student Code of Conduct, all Conduct Advisors and/or the conduct body shall make a decision as to whether or not the information presented establishes by a preponderance of evidence in support of the allegation, indicating that the information presented would lead a reasonable person to conclude that it was more likely than not that the RSO violated the Policy. Upon receipt of a complaint alleging a violation of the Student Code of Conduct by an RSO, the Student Code of Conduct Administrator will begin the investigative process. Pending the outcome of the investigation, the following means shall be utilized to resolve the allegations of RSO misconduct.
   A. **Preliminary Conference**
      Alleged violation(s) of the Student Code of Conduct shall require a preliminary conference with the president or primary contact of the accused RSO and a Conduct Advisor. In the preliminary conference, the Conduct Advisor shall review conduct Procedures and all available information with the RSO president or primary contact to determine whether or not a decision can be made regarding the RSOs responsibility without a formal hearing. The following Procedures apply to preliminary conferences:

      i. The accused RSO's president or primary contact on record shall be notified that they need to schedule a preliminary conference and shall be required to attend the scheduled preliminary conference. The accused RSO president or primary contact shall have no less than five (5) business days from the date of the notification to schedule the preliminary conference.

      ii. If the RSO president or primary contact agrees that the RSO should accept responsibility for the violation(s) and the recommended sanctions, an Informal Resolution agreement may be prepared and signed by the president or primary contact, on behalf of the RSO, and the Conduct Advisor. A signed Informal Resolution agreement shall constitute an acceptance of the finding and sanctions with no subsequent proceedings.

iii. The RSO president or primary contact has three (3) business days from the date of signing the Informal Resolution agreement to reconsider the agreement and request a formal hearing.

iv. If the RSO president or primary contact disagrees with the charge(s) and sanction(s), the matter shall be referred to the Student Affairs Conduct Board for a formal hearing.

v. If the RSO president or primary contact fails to attend the preliminary conference, the case will be scheduled for a formal hearing.

vi. The Conduct Advisor may also determine that the Respondent is not responsible or that insufficient evidence exists to reach a finding of responsibility for the alleged violation(s). This determination does not prevent the Department of Student Conduct from pursuing a subsequent complaint should new evidence become available.

5. Alternate Conflict Resolution

In some instances, when requested, Student Affairs may elect to enact an alternative conflict resolution pathway to address disputes within the RSO community that do not involve a violation of the Student Code of Conduct. At these times, an arbiter may be appointed by the Student Conduct Administrator. All parties must agree to the conflict resolution pathway and to be bound by the decision agreed to within the pathway with no right to appeal.

6. Academic Misconduct Cases

Information about academic misconduct cases is referenced in the Student Code of Conduct, Article V.

7.Hearing Procedures

Information about hearing Procedures are referenced in the Student Code of Conduct Article IV, Section C.

8. Appeals

Information about the appeal process is referenced in the Student Code of Conduct, Article IV, Section F.

9.Disciplinary Sanctions

The University cannot foresee all violations(s) of the Student Code of Conduct. As such, RSOs may be subject to disciplinary action when their behavior is disruptive to the operation of the University. The following sanctions may be imposed by a conduct body upon any RSO found to have violated the Student Code of Conduct (multiple sanctions may be imposed):

i. **Censure.** A censure is an official statement that the RSO has violated a University regulation and serves as a formal reprimand. A censure also indicates that future violation(s) will likely result in a more serious level of sanctioning.

ii. **Disciplinary Probation.** Disciplinary probation is a serious encumbrance on the RSOs good standing in the University community. Disciplinary probation will last at least one semester and any subsequent violation(s) during the probationary period will be viewed as both a violation of University regulations and a violation of the probation. At the end of the disciplinary probation period, all lost privileges shall be restored. If more than three (3) disciplinary probation sanctions are imposed on an RSO, within a five (5) year period, the RSO may be banned from the University community. Disciplinary probation is not a precondition to imposition of more serious sanctions.

iii. **Deferred Suspension.** Deferred suspension is a notice to an RSO that their actions are of such a serious nature that removal from the University for a period of time is recommended. The University will defer the suspension as long as the RSO meets all requirements set by the conduct body or Conduct Advisor. Any future violation(s) would result in immediate removal from the University for an indefinite period of time with the possibility of additional sanctions. At the end of the deferred suspension period, all lost privileges and eligibility shall be restored. No more than one deferred suspension shall be imposed on an RSO prior to the RSO being banned from the University community. While an RSO is serving a deferred suspension, they may not represent the University in any official capacity, such as intercollegiate events or major extracurricular activities including, but not limited to, campus recreation and homecoming activities.

iv. **Disciplinary Suspension.** Disciplinary suspension establishes a fixed period of time during which the RSO may not participate in any academic, extracurricular, or other activities of the University. At the end of the suspension period, the RSO may be again registered only upon the recommendation of the Dean of Students.

v. **Indefinite Dismissal.** Indefinite dismissal denies the RSO the right to participate in any academic, extracurricular, or other activities of the University. This is a permanent ban from the University

community.

vi. **Restrictions.** A restriction takes away a privilege that the RSO may or may not otherwise have had including, but not limited to:
- the ability to host guests on campus;
- the ability to reserve space on campus;
- the ability to attend athletic events;
- the ability to host/sponsor/co-sponsor specified events/activities;
- the ability to sponsor or place a student on any University election ballot;
- the ability to have contact with specified individuals or RSOs in the University community;
- the ability to host/sponsor/co-sponsor off-campus events/activities with or without alcohol present.

vii. **Educational Sanctions.** The conduct body may also impose educational sanctions that promote learning and understanding. These sanctions may be developed as necessary by a conduct body including, but not limited to:
- Sponsorship of an education program;
- Attendance at educational programs;
- Requirement of members to complete the Group Alcohol Workshop or other educational training programs;
- Attendance in conflict management training;
- Educational service hours;
- Attendance in ethics workshop/training;
- Reflective exercises.

viii. **Restitution.** RSOs may be required to restore any lost or damaged property and/or pay compensation for loss, injury, damage to or misappropriation of University property. This may take the form of appropriate service and/or monetary or material replacement.

ix. **Monetary Fines.** A penalty imposed by the conduct body involving the collection of fees from the RSO.

C. **Conduct Rules and Regulations**

Any student found to have committed or attempted to commit the following misconduct is subject to the disciplinary sanctions outlined in Article IV, Section D and Article III, Section B, 9.

1. Acts of dishonesty including, but not limited to:
   a. Furnishing false information or false reports to any University official, faculty member, or office;
   b. Forgery, alteration, unauthorized use or misuse of any University document, record, or instrument of identification;
   c. Tampering with the election of any University RSO or campus vote;
   d. Possible violation(s) of the Academic Dishonesty Policy or the Academic Misconduct Policy are administered separately through academic channels as outlined in Article V of the Student Code of Conduct. Certain behaviors may violate both the Academic Dishonesty/Misconduct Policies and the Student Code of Conduct. In these cases, one process or both processes may be utilized.
2. Material disruption or obstruction of teaching, research, administration, disciplinary proceedings, other University activities, including its public service functions on or off campus, or other authorized non-University activities, when the conduct occurs on University premises.
3. Attempted or actual theft of and/or damage to property of the University, services of the University, property of a member of the University community or other personal or public property.
4. Unauthorized possession, duplication, or use of keys to any University premises, or unauthorized entry to or use of University premises. Failure to report a lost key issued by the University to proper officials.
5. Sexual harassment between students or from a student to another member of the University community. Please see Sexual Harassment Policy located in Article III, Section E.

If you feel that you have been a victim of sexual harassment, please contact Sandra Patterson, Deputy Coordinator of Affirmative Action and Title IX, Technology and Academic Support, 479-667-2117, Ext 6532, spatterson8@atu.edu or affirmative.action@atu.edu.

6. Physical abuse, defined as intentional physical contact with any person when such conduct threatens or endangers the health and safety of that person(s), including fighting or physical altercation.
7. Threats defined as making statements, verbal or written, that communicate a clear and serious expression of intent to commit an act of violence upon a particular person or group of people.
8. Intimidation, defined as spoken or unspoken threats made with the intent to harass or alarm any individual or group, placing a person or group in fear of retaliation, bodily harm, or death.
9. Stalking, defined as behavior with the intent to harass or alarm any individual or group, subjecting an individual or group to uninvited interaction or the threat of uninvited interaction. Willfully, maliciously, and repeatedly following or harassing another person in a manner that would cause a reasonable person to feel frightened, intimidated, threatened, or harassed.
10. Harassment, defined as unwelcome conduct that is severe and pervasive and substantially interferes with the learning, working, or living environment, and which would detrimentally affect a reasonable person under the circumstances. Harassment is extreme, outrageous, or persistent acts or communications that are intended or reasonably likely to harass, intimidate, or humiliate another. Whether the alleged conduct constitutes prohibited harassment depends on the entire circumstances, including the nature, frequency, type, and duration of the conduct.
11. Hazing is defined at the following:
    https://www.atu.edu/studentconduct/docs/Hazing%20Prevention%20Policy_Stop%20Campus%20Hazing%20Act_Clean%20Version_3.pdf
    For more information pertaining to Arkansas Tech University's Hazin Prevention Policy please go to:
    https://www.atu.edu/fsl/nohazing.php
12. Cyberbullying, defined as using an electronic device, such as a computer or cell phone, to send electronic communication to harass, threaten, humiliate, defame, or intimidate a person or group of people.
13. Failure to comply with a request by an authorized University Official, either written or verbal, including resident assistants or law enforcement officers acting in performance of their duties, including failure to identify oneself and/or present his/her University identification card upon request.
14. False notification of an emergency, defined as providing a false report to 911, the Office of Public Safety or false activation of an emergency call station, panic button, or fire alarm.
15. Violation of University policies, rules or regulations including, but not limited to, Office of Residence Life regulations, may be considered a violation of the Student Code of Conduct.
16. Violation of local, state, or federal law on University premises or at University sponsored or supervised activities.
17. Illegal drugs, including the use, possession, manufacturing, distribution, or being found under the influence of marijuana, inhalants, narcotics, or other controlled substances and paraphernalia, except as expressly permitted by law. The University may notify parents or guardians of students under age 21 who are found to be in violation of this Policy. Use or possession of marijuana, including medical marijuana used or prescribed under the Arkansas Medical Marijuana Amendment of 2016, is strictly prohibited on campus. Any such use or possession is a violation of the Student Code of Conduct. Specifically, Act 740 of 2017 provides that the Arkansas Medical Marijuana Amendment of 2016 does not permit a person to possess, smoke, or otherwise engage in the medical use of marijuana on the grounds of a college or university.
18. Use of any tobacco product including, but not limited to, smoking, use of electronic cigarettes, vapor pens (with or without tobacco products), dipping, or chewing tobacco. See Tobacco-Free Policy located in this handbook for more details and definitions.
19. Improper use, possession, or distribution of legal drugs and/or prescription drugs without a prescription.
20. Alcohol, including use, possession, distribution, public intoxication, or being found under the influence of alcohol. The University may notify parents or guardians of students under age 21 who are found to be in violation of this Policy.
21. Unless otherwise permitted by law, use, possession, storage, or distribution of firearms, rifles, shotguns, pistols, explosive materials (including fireworks), archery equipment, ammunition/bullets, or any other weapons or dangerous instrumentality on the campus is prohibited and may result in immediate interim suspension of the student. This includes, but is not limited to, knives (with blades larger than 3 inches in length), blow guns, sling

shots, BB guns, paintball guns, airsoft guns, swords, pellet guns, toy guns, water guns, Nerf guns, and any other object used or threatened to be used as a weapon in which serious injury does or could result. Students owning firearms and/or other prohibited hunting materials should make arrangements for storage of these weapons off campus. This Policy may apply to blades of less than 3 inches when used in commission of other Policy violation(s). Effective September 1, 2017, provided that the concealed carry licensee has the enhanced carry endorsement/training required by Act 562 of 2017, and subject to the limitations in Act 859 of 2017 (i.e. designated collegiate athletic events and/or discipline or grievance meetings or hearings), carrying a concealed handgun in the buildings or on the grounds owned or leased by Arkansas Tech University is permitted. Pursuant to A.C.A. 5-73-322(d), the storage of a handgun by any person, concealed carry licensee or not, in a university-operated student dormitory or residence hall is prohibited under A.C.A. 5-73-119(c). Pursuant to A.C.A. 5-73-306, a concealed carry licensee may have a concealed handgun in a locked and unattended vehicle when the vehicle is in a university parking lot.

22. Destruction, vandalism, damage, or misuse of University or private property including, but not limited to, buildings, furniture, library materials, computer hardware, software and network, trees, shrubbery, or University files and records; violation of University rules for use of campus facilities; tampering with safety equipment including, but not limited to, fire alarms, fire equipment, or escape mechanisms and elevators.
23. Participation in a campus demonstration that infringes on the rights of other members of the University community; leading or inciting others to materially disrupt scheduled and/or normal activities within any campus building or area; intentional obstruction that unreasonably interferes with freedom of movement, either pedestrian or vehicle, on campus.
24. Obstruction of the free flow of pedestrian or vehicular traffic on University premises or at University sponsored or supervised functions.
25. Disorderly conduct; breach of peace; or aiding, abetting, or procuring another person to breach the peace on University premises or at functions sponsored by, or participated in by, the University. This includes but is not limited to behavior that is generally disruptive and causes public disturbance.
26. Use of bicycles, skateboards, longboards, scooters, or in-line and roller skates in restricted areas at the University. The possession, use, or storage of self-balancing scooters/hoverboards inside Arkansas Tech University buildings (Russellville campus, Ozark campus, and all auxiliary locations) is prohibited. For more information, please refer to the Bicycles, Skates, Skateboards, and Hoverboard policies located in the Campus Facilities section of this handbook.
27. Misuse of technology, theft or other abuse of computer time including, but not limited to: Unauthorized entry into a file to use, read, or change the contents or for any other unauthorized transfer of a file;
    a. Unauthorized use of another individual's identification and password;
    b. Use of computing facilities and resources to interfere with the work of another student, faculty member, or University official;
    c. Use of computing facilities and resources to send messages that adversely affect the University community and/or the pursuit of its objectives, including obscene or abusive messages;
    d. Use of computing facilities and resources to interfere with normal operation of the University computing system;
    e. Use of computing facilities and resources in violation of copyright law, including illegal file-sharing and downloading. Please see DMCA Violation Policy in Article III, Section D.
    A complete list of Tech's computer use policies can be found
    https://support.atu.edu/support/solutions/articles/7000019369-appropriate-use-of-computer-resources
28. Abuse of the judicial system including, but not limited to: Failure to obey the directions of a conduct body or University official;
    a. Falsification, distortion, or misrepresentation of information before a conduct body;
    b. Disruption or interference with conduct proceeding;
    c. Knowingly filing false charges that result in a conduct proceeding;
    d. Attempting to discourage an individual's proper participation in, or use of, the conduct system;
    e. Attempting to influence the impartiality of a member of a conduct body prior to and/or during the course of the conduct proceeding;

f. Harassment (verbal or physical) and/or intimidation of a member of a conduct body prior to, during, and/or after a conduct proceeding;
g. Failure to comply with the sanction(s) imposed under the Student Code of Conduct;
h. Influencing or attempting to influence another person to commit an abuse of the conduct system.

29. Knowingly being present at the commission of a violation and/or exhibiting passive approval and participation.
30. Misconduct abroad by any student who in any foreign country undertakes study or represents the University otherwise, remains subject to the Student Code of Conduct.
31. Endangerment or any action that unnecessarily places oneself or others in danger or physical harm.
32. Discrimination, defined as actions that deprive other members of the University community of educational or employment access, benefits, or opportunities on the basis of any protected category.
33. Bullying, defined as repeated or severe aggressive behavior likely to intimidate or intentionally hurt, control, or diminish another person, physically or mentally (that is not speech or conduct that is otherwise protected by the First Amendment.)
34. Residence hall violation(s) as outlined in the Guide to Residence Hall Living located in the On-Campus Living section of this handbook.
35. Any unauthorized use of electronic or other devices to make an audio or video recording of any person while on University premises without his/her prior knowledge, or without his/her effective consent when there is a reasonable expectation of privacy and/or recording is likely to cause injury or distress. This includes video voyeurism, but is not limited to, surreptitiously taking pictures of another person in a gym, locker room, residence hall room, or restroom.

If you feel that you have been a victim of sexual misconduct, please contact Sandra Patterson, Deputy Coordinator of Affirmative Action and Title IX, Technology and Academic Support Room 154, 479-667-2117, Ext, 6532, or spatterson8@atu.edu or affirmative.action@atu.edu.

D. Digital Millennium Copyright Act (DMCA) Violation, Procedures and Policy

Arkansas Tech University recognizes that downloading and sharing copyrighted material online without permission is both illegal and unethical. In compliance with the Digital Millennium Copyright Act of 1998, Arkansas Tech is obligated, based on federal regulations, to address and resolve any cases of copyright infringement brought to our attention via the Procedures listed below:

1. The Office of Information Systems staff or University counsel is made aware of copyright infringement through use of file sharing or peer-to-peer (P2P) software or through a Notice of Claimed Infringement, which includes the violation type, IP address, and IP port number. The port is restricted immediately when notification is made to Office of Information Systems personnel.
2. Office of Information Systems personnel links the IP information to a user.
3. In cases involving student users, Office of Information Systems personnel sends the student's name, T#, residence hall room location or alternate location of activity (if applicable), email address, "material in question" (Notice of Claimed Infringement), and date of activity to the Student Conduct Administrator.
4. A student conduct case is created and assigned to a Conduct Advisor. The case is adjudicated in accordance with Article IV of the Student Code of Conduct; the student will be provided a copy of the notice of copyright infringement. Internet access provided by Arkansas Tech is restricted until the student completes the conduct process.
5. If found responsible for violating the Policy, the student may receive sanctions including, but not limited to:
   a. 1st Offense: Restriction of Internet access from Arkansas Tech University for a period of 10 weeks; Educational sanctions; $75 monetary fine; Warning issued to students that the conduct was unlawful and could be subject to civil or criminal prosecution.
   b. 2nd Offense: Termination of Internet access from Arkansas Tech University for a minimum six (6) month period.
   c. 3rd Offense: University suspension for one (1) full semester and permanent termination of Internet access from Arkansas Tech University.

6. The student is responsible for the removal of any illegally downloaded material. If Arkansas Tech University officials receive notification of another violation, the student will be held accountable for the second offense, even if the same material from the original violation is detected due to the student's failure to remove the illegally downloaded material.
7. The Conduct Advisor notifies Office of Information Systems personnel of the date when the student's Internet access can be reactivated. Permission for re-activation will not be granted until the student signs the Notice of Illegal Downloading of Copyrighted Material form and completes all assigned sanctions.

E. Off-Campus Conduct

If a student engages in conduct off-campus or is charged only with an alleged off-campus violation of local, state, or federal laws, but not with any other violation of the Student Code of Conduct, disciplinary action may be taken and sanctions imposed if that behavior constitutes a safety or security threat to the campus and 1) directly affects any other University student, 2) substantially affects the University community or its objectives, or 3) allegedly violates local, state, or federal law.

University disciplinary proceedings may be instituted against a student who engages in conduct or is charged with violation of a law that is also a violation of the Student Code of Conduct if both violations result from the same factual situation, without regard to the pendency of civil litigation in court or criminal arrest and prosecution. Proceedings under the Student Code of Conduct will be conducted independently of any pending civil or criminal proceedings off campus.

When a student is charged by local, state, or federal authorities with a violation of law, the University will not request or agree to special consideration for that individual because of his or her status as a student. If the alleged offense is also the subject of a proceeding before a conduct body under the Student Code of Conduct, however, the University may advise off-campus authorities of the existence of the Student Code of Conduct and of how such matters will be handled internally within the University community. The University will cooperate fully with law enforcement and other agencies in the enforcement of criminal law on campus and in the conditions imposed by criminal courts for the rehabilitation of student violators. Individual students and faculty members, acting in their personal capacities, remain free to interact with governmental representatives as they deem appropriate.

If a complaint is brought forward to the University regarding an alleged violation of the Student Code of Conduct occurring off-campus, the same safety and security threat assessment and subsequent decision matrix (as described above) will be used to determine if disciplinary action may be taken or sanctions imposed. This includes alleged violations of the Equal Opportunity, Harassment (Sexual Misconduct), and Nondiscrimination Policy and Procedures, which upon meeting the threshold outlined in this policy, would be evaluated under Process B

F. Equal Opportunity, Harassment (Sexual Misconduct), and Nondiscrimination Policy and Procedures [Based on the ATIXA 2023 One Policy, Two Procedures Model. ©2023 ATIXA. Used with Permission]

The following Equal Opportunity, Harassment (Sexual Misconduct), and Nondiscrimination Policy and Procedures (hereinafter "Policy") were adopted by Arkansas Tech University (hereinafter "ATU") following the release of new Title IX regulations by the U.S. Department of Education. Officially published on May 19, 2020, the new Title IX regulations are effective and enforceable on August 14, 2020. This Policy was reviewed and updated in August 2022.

This Policy will be effective on August 14, 2020, and it replaces the existing Sexual Harassment Policy, the Sexual Misconduct Policy and Procedures, and the Non-Discrimination Policy.

Complaints received prior to August 14, 2020, will follow the appropriate ATU Policy published for the 2019-2020 academic year. All complaints received on or after August 14, 2020, will follow the Policy and Procedures outlined in this document.

1. Glossary

A complete glossary defining key terms used throughout this Policy is located in Appendix A. To ensure accurate interpretation of this Policy, please refer to Appendix A and review the meaning of key terms.

b. Rationale for Policy

ATU is committed to providing a workplace and educational environment, as well as other benefits, programs, and activities that are free from discrimination and harassment based on a protected characteristic, and retaliation for engaging in a protected activity. ATU values and upholds the equal dignity of all members of its community and strives to balance the rights of the parties in the grievance process during what is often a difficult time for all involved. To ensure compliance with federal, local, and state civil rights laws and

regulations, and to affirm its commitment to promoting the goals of fairness and equity in all aspects of the education program or activity, ATU has developed policies and Procedures that provide a prompt, fair, and impartial process for those involved in an allegation of discrimination or harassment on the basis of protected characteristic, and for allegations of retaliation.

The Title IX Office supports the Arkansas Tech University mission of student success, access, and excellence by cultivating a responsive campus community through education of federal laws and approaches to identify, prevent, and report discrimination, sexual misconduct, and retaliation. Title IX staff strive to conduct fair and equitable inquiries and investigations and implement stop, prevent, and remedy measures, including connecting those affected with campus and community resources. Arkansas Tech University is committed to fostering a safe and caring environment free from sexual and gender-based discrimination where students, faculty, and staff have the opportunity to succeed in their educational and professional pursuits.

c. Applicable Scope

The purpose of this Policy is the prohibition of all forms for discrimination. <Policy A> When an alleged Policy violation is reported, the allegations are subject to resolution using Arkansas Tech University's "Process A" or "Process B" as determined by the Title IX Coordinator or EEO Officer as described below. When the Respondent is a member of the ATU community, a formal complaint may be filed and a grievance process may be available regardless of the Complainant, who may or may not be a member of the ATU community. Community includes, but is not limited to, students, student organizations, faculty, administrators, staff, and third parties such as guests, visitors, volunteers, vendors, invitees, and campers. The Procedures below may be applied to incidents, to patterns, and/or to the campus climate, all of which may be addressed and investigated in accordance with this Policy

<Policy B>

d. Title IX Coordinator, ADA/504 Coordinator, and Equal Opportunity Officer

Multiple individuals work together to coordinate ATU's efforts related to intake, investigation, resolution, and implementation of supportive measures to stop, remedy, and prevent discrimination, harassment, and retaliation prohibited under this Policy.

- Stacy Galbo serves as the Title IX Coordinator and oversees sex-based discrimination compliance.
- Hunter Bramlitt serves as the ADA/504 Coordinator and oversees disability compliance for students.
- Kathleen Martin serves as the /Equal Employment Opportunity Officer (EEO) and Title V officer and oversees protected class discrimination, disability compliance for employees, and ATU's Affirmative Action and Equal Employment Opportunity plan.

e. Independence and Conflict-of-Interest

Stacy Galbo, Title IX Coordinator, manages the Title IX team and acts with independence and authority free from bias and conflicts of interest. As the Title IX Coordinator, Stacy Galbo oversees gender-based discrimination resolutions under this Policy. The members of the Title IX Staff are vetted and trained to ensure they are not biased for or against any party in a specific complaint, or for or against Complainants and/or Respondents, generally

Kathleen Martin, Director of Human Resources and EEO Officer/Deputy Title IX Coordinator/Title V Coordinator, acts with independence and authority free from bias and conflicts of interest. As the EEO Officer, Kathleen Martin oversees protected class discrimination resolutions under this Policy, specifically those in Process B.

In cases involving alleged serious violation by a Student Respondent, no individual will carry out more than one (1) of the following roles with respect to the disciplinary proceeding: advisor, Investigator, adjudicator, or appellate adjudicator.

To raise any concern involving bias, conflict of interest, misconduct, or discrimination by the Title IX Coordinator, Stacy Galbo, or the EEO Officer, Kathleen Martin, contacts Dr. Russell Jones ATU President, or designee. Concerns of bias, conflict of interest, misconduct, or discrimination committed by any other Title IX Team member should be reported to Stacy Galbo, Title IX Coordinator.

f. Administrative Contact Information

Complaints or notice of alleged Policy violation(s), or inquiries about or concerns regarding this Policy and Procedures, may be made to the following employees, which triggers the obligation for ATU to respond:

Stacy Galbo
Title IX Coordinator
[Focus-Gender discrimination, including sexual misconduct]
Doc Bryan Student Service Center, Suite 233
Russellville, AR 72801
479-968-0583 ext. 2678
Sgalbo2@atu.edu

Kathleen Martin
Director of Human Resources and EEO Officer/Deputy Title IX Coordinator
Human Resources
[Focus-All types of protected class discrimination]
Brown Building, Suite 420
Russellville, AR 72801
479-968-0396
kmartin51@atu.edu

Sandra Patterson
Project/Program Specialist and Deputy Title IX Coordinator/Investigator
Human Resources
[Focus-All types of protected class discrimination]
Technology and Academic Support Building, Room 154
Ozark, AR 72949
479-667-2117 ext. 6532
spatterson8@atu.edu

In addition to the Title IX Team members listed above, the following Officials with Authority listed below may also accept notice or complaints on behalf of ATU:

Hunter Bramlitt
Associate Dean for Student Wellness and ADA/504 Coordinator
Doc Bryan Student Services Center, Suite 119 Russellville, AR 72801
479-968-0329
jbramlitt@atu.edu

Will Cooper
Associate Dean for Student Conduct
Student Conduct
Doc Bryan Student Services Center, Suite 233
Russellville, AR 72801
479-968-0334
wcooper@atu.edu

William Titsworth
Assistant Dean for Student Conduct/Lead Investigator
Student Conduct and Title IX Office
Doc Bryan Student Services Center, Suite 233
Russellville, AR 72801
479-498-6083
wtitsworth@atu.edu

Tammy Dougan
Chief of Public Safety Public Safety
716 North El Paso Avenue
Russellville, AR 72801
479-3177125
tdougan@atu.edu

ATU has also classified many employees as Responsible Employees. These employees are mandated to share any

report or knowledge they have that a member of the ATU community is experiencing harassment, discrimination, and/or retaliation with the Title IX Coordinator. The section titled "Responsible Employees" details which employees have this responsibility and the EEO Officer.

Inquiries may be made externally to:

Office for Civil Rights (OCR)
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202-1100
Customer Service Hotline #: (800) 421-3481
Facsimile: (202) 453-6012
TDD#: (877) 521-2172
Email: OCR@ed.gov
Web: http://www.ed.gov/ocr

For discrimination complaints by employees:
Equal Employment Opportunity Commission (EEOC)
1-800-669-4000
https://www.eeoc.gov/
Little Rock Area Office
820 Louisiana Street, Suite 200
Little Rock, AR 72201 Phone: 1-800-669-4000
Facsimile: 501-324-5991
TDD#: 1-800-669-6820

g. Notice/Complaints of Discrimination, Harassment, and/or Retaliation

Notice or complaints of discrimination, harassment, and/or retaliation may be made using any of the following options:

1. File a report or Formal Complaint with, or give verbal notice to, the Title IX Coordinator, the EEO Officer, or any of the ATU administrators listed directly above. Such a report or Formal Complaint may be made at any time (including during non-business hours) by using the telephone number or email address, or by mail, to the office listed for the Title IX Coordinator, the EEO Officer, or any other official listed in Section 6 above.
2. Report online, using the reporting form posted at https://cm.maxient.com/reportingform.php?ArkansasTechUniv&layout_id=2. Anonymous reports are accepted but can give rise to a need to investigate to determine if the parties can be identified. If not, no further formal action is taken, though measures intended to protect the community may be enacted. ATU tries to provide supportive measures to all Complainants, which may be impossible with an anonymous report that does not identify the Complainant.

Because reporting carries no obligation to initiate a formal response, and because ATU respects Complainant requests to dismiss complaints unless there is a compelling threat to health and/or safety, the Complainant is largely in control and should not fear a loss of confidentiality by making a report that allows ATU to discuss and/or provide supportive measures.

As used in this Policy, the term "Formal Complaint" means a document or electronic submission (such as by electronic mail or through an online portal provided by ATU for this purpose) that contains the Complainant's physical or digital signature, or otherwise indicates that the Complainant is the person filing the complaint, and requests that ATU investigate the allegations. If notice is submitted in a form that does not meet this standard, the Title IX Coordinator or the EEO Officer will contact the Complainant to ensure that it is filed correctly.

h. Supportive Measures

ATU will offer and implement appropriate and reasonable supportive measures to the parties upon receiving notice of alleged harassment, discrimination, and/or retaliation.

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, and as reasonably available. They are offered, without fee or charge to the parties, to restore or preserve access to ATU's education program or activity, including measures designed to protect the safety of all parties and/or ATU's educational environment and/or to deter harassment, discrimination, and/or retaliation.

The Title IX Coordinator or the EEO Officer promptly makes supportive measures available to the parties upon receiving notice or a complaint. At the time that supportive measures are offered, ATU will inform the Complainant, in writing, that they may file a Formal Complaint with ATU either at that time or in the future, if they have not done so already. The Title IX Coordinator or the EEO Officer works with the Complainant to ensure that their wishes are considered with respect to any planned and implemented supportive measures.

ATU will maintain the confidentiality of the supportive measures, provided that confidentiality does not impair ATU's ability to provide these supportive measures.

ATU will strive for as minimal an academic/occupational impact on the parties as possible. ATU will implement measures in a way that does not unreasonably burden the other party.

These actions may include, but are not limited to:

- Referral to counseling, medical, and/or other healthcare services
- Referral to the employee Assistance Program
- Referral to community-based service providers
- Visa and immigration assistance
- Student financial aid counseling
- Education to the institutional community or community subgroup(s)
- Altering campus housing assignment(s)
- Altering work arrangements for employees or student-employees
- Safety planning
- Providing campus safety escorts
- Providing transportation accommodations
- Implementing contact limitations (no contact directives) between the parties
- Academic support, extensions of deadlines, or other course/program-related adjustments
- Campus ban letters
- Timely warnings
- Class schedule modifications, withdrawals, or leaves of absence
- Increased security and monitoring of certain areas of the campus
- Any other actions deemed appropriate by the Title IX Coordinator or the EEO Officer

Violations of no contact directives or other restrictions may be referred to appropriate student or employee conduct processes for enforcement.

i. Emergency Removal

ATU can act to remove a Respondent entirely or partially from its education program or activities partially or entirely on an emergency basis when an individualized safety and risk analysis has determined that an immediate threat to the physical health or safety of any student or other individual justifies removal. This risk analysis is performed by the Title IX Coordinator and/or the EEO Officer in conjunction with the CARE Team, the campus behavioral intervention team, using its standard objective violence risk assessment Procedures.

When an emergency removal is imposed, the student, employee, or two (2) representatives from a student organization will be given notice of the action and the option to request to meet with Stacy Galbo, Title IX Coordinator, or Kathleen Martin, Director of Human Resources and EEO Officer/Deputy Title IX Coordinator, prior to such action/removal being imposed, or as soon as reasonably possible thereafter, to show cause why the action/removal should not be implemented or should be modified. In cases involving an alleged serious violation by a student Respondent, they will be notified in writing within twenty-four (24) hours of the emergency removal and the notice will explain the University's reasons for the removal. Within three (3) business days of the written notice noted above, unless waived by the student Respondent, an interim hearing will be convened to determine whether there is substantial evidence that the student Respondent poses a risk to the health or safety of any student or other individual and the that the emergency removal is appropriate to mitigate that risk.

This meeting is not a hearing on the merits of the allegation(s), but rather is an administrative process intended to determine solely whether the emergency removal is appropriate. If this meeting is not requested within 24 hours of the issuance of the notice, objections to the emergency removal will be deemed waived. A Complainant and their Advisor may be permitted to participate in this meeting if the Title IX Coordinator or the EEO Officer determines it is equitable to do so. This section also applies to any restrictions that a coach or athletic

administrator may place on a student-athlete arising from allegations related to Title IX. There is no appeal process for emergency removal decisions.

A Respondent may be accompanied by an Advisor of their choice when meeting with the Title IX Coordinator or the EEO Officer for the show cause meeting. The Respondent will be given access to a written summary of the basis for the emergency removal prior to the meeting to allow for adequate preparation.

The Title IX Coordinator or the EEO Officer has sole discretion under this Policy to implement or modify an emergency removal and to determine the conditions and duration. Violation of an emergency removal under this Policy will be grounds for discipline within the student or employee conduct process, which may include expulsion or termination.

ATU will implement the least restrictive emergency actions possible in light of the circumstances and safety concerns. As determined by the Title IX Coordinator or the EEO Officer, these actions could include, but are not limited to:

- removing a student from a residence hall,
- temporarily reassigning an employee,
- restricting a student's or employee's access to or use of facilities or equipment,
- allowing a student to withdraw or take grades of incomplete without financial penalty,
- authorizing an administrative leave, or;
- suspending a student's participation in extracurricular activities, student employment, student organizational leadership, or intercollegiate/intramural athletics.

At the discretion of the Title IX Coordinator or the EEO Officer, alternative coursework options may be pursued to ensure as minimal an academic impact as possible on the parties.

When the Respondent is an employee, or a student employee, accused of misconduct in the course of their employment, existing provisions for interim action are applicable instead of the above emergency removal process.

j. Promptness

All allegations are acted upon promptly by ATU once it has received notice or a Formal Complaint. Complaints can take 60-90 business days to resolve, typically. There are always exceptions and extenuating circumstances that can cause a resolution to take longer, but ATU will avoid undue delays within its control.

Any time the general timeframes for resolution outlined in ATU Procedures will be delayed, ATU will provide written notice to the parties of the delay, the cause of the delay, and an estimate of the anticipated additional time that will be needed as a result of the delay.

k. Confidentiality/Privacy

Every effort is made by ATU to preserve the confidentiality of reports[1]. Unless required by law or this Policy, ATU will not share the identity of any individual who has made a report or Formal Complaint of harassment, discrimination, or retaliation; any Complainant; any individual who has been reported to be the perpetrator of harassment, discrimination, or retaliation; any Respondent, or any witness, except as permitted by the Family Educational Rights and Privacy Act or its implementing regulations (FERPA), (20 U.S.C. 1232g and FERPA regulations, 34 C.F.R. § 99); or as required by law; or to carry out the purposes of 34 C.F.R. Part 106, including any investigation, hearing, or grievance proceeding arising under these policies and Procedures.

ATU reserves the right to determine which ATU officials have a legitimate educational interest in being informed about incidents that fall under this Policy, pursuant to the Family Educational Rights and Privacy Act (FERPA). Only a small group of officials who need to know will typically be told about the complaint, including, but is not limited to: Human Resources, Division of Student Affairs, ATU Department of Public Safety, and the CARE Team. Information will be shared as necessary with Investigators, decision-Makers, witnesses, and the parties. The circle of people with this knowledge will be limited as much as possible to preserve the parties' rights and privacy.

ATU may contact parents/guardians to inform them of situations in which there is a significant and articulable health and/or safety risk but will usually consult with the student first before doing so.

Confidentiality and mandated reporting are addressed more specifically later in this Policy.

[1] For the purpose of this Policy, privacy and confidentiality have distinct meanings. **Privacy** means that information related to a complaint will be shared with a limited number of ATU employees who "need to know" in order to assist in the assessment, investigation, and resolution of the complaint. All employees who are involved in ATU's response to notice under this Policy receive specific training and guidance about sharing and safeguarding private information in accordance with state and federal law. The privacy of student education records will be protected in accordance with the Family Educational Rights and Privacy Act ("FERPA"), as outlined in ATU's FERPA Policy. The privacy of employee records will be protected in accordance with Human Resources policies. **Confidentiality** exists in the context of laws that protect certain relationships, including those who provide services related to medical and clinical care, mental health providers, counselors, and ordained clergy. The law creates a privilege between certain health care providers, mental health care providers, attorneys, clergy, spouses, and others, with their patients, clients, parishioners, and spouses. ATU has designated individuals who have the ability to have privileged communications as Confidential Resources. More information about Confidential Resources can be found in this Policy. When information is shared by a Complainant with a Confidential Resource, the Confidential Resource cannot reveal the information to any third party except when an applicable law or a court order requires or permits disclosure of such information. For example, information may be disclosed when: (1) the individual gives written consent for its disclosure; (2) there is a concern that the individual will likely cause serious physical harm to self or others; or (3) the information concerns conduct involving suspected abuse or neglect of a minor under the age of 18, elders, or individuals with disabilities. Non-identifiable information may be shared by Confidential Resources for statistical tracking purposes as required by the federal Clery Act. Other information may be shared as required by law.

I. Jurisdiction of ATU

This Policy, and the Procedures in Process A, apply to the education program and activities of ATU. Specifically, they apply to conduct that takes place on the campus or on property owned or controlled by ATU, at ATU-sponsored events, or in buildings owned or controlled by ATU's recognized student organizations. The Respondent must be a member of ATU's community in order for ATU's policies to apply.

This Policy, and the Procedures in Process A and Process B, can also be applicable to the effects of off-campus misconduct that effectively deprives a person of access to ATU's education program or activities. ATU may also extend jurisdiction to off-campus and/or to online conduct when the Title IX Coordinator or the AA?EEO Officer determines that the conduct affects a substantial ATU interest.

Regardless of where the conduct occurred, ATU will address notice/complaints to determine whether the conduct occurred in the context of its employment or education program or activity and/or has continuing effects on campus (including virtual learning and employment environments) or in an off campus sponsored program or activity. A substantial ATU interest includes:

1. Any action that constitutes a criminal offense as defined by law. This includes, but is not limited to, single or repeat violation(s) of any local, state, or federal law.
2. Any situation in which it is determined that the Respondent poses an immediate threat to the physical health or safety of any student, employee, or other individual.
3. Any situation that significantly impinges upon the rights, property, or achievements of others, significantly breaches the peace, and/or causes social disorder.
4. Any situation that substantially interferes with the educational interests or mission of ATU.

If the Respondent is unknown or is not a member of the ATU community, the Title IX Coordinator or the EEO Officer will assist the Complainant in identifying appropriate campus and local resources and support options. If criminal conduct is alleged, ATU can assist in contacting local or campus law enforcement if the individual would like to file a police report. Further, even when the Respondent is not a member of ATU's community, supportive measures, remedies, and resources may be provided to the Complainant by contacting the Title IX Coordinator or the AA/EO Officer.

In addition, ATU may take other actions as appropriate to protect the Complainant against third parties, such as barring individuals from ATU property and/or events.

All vendors serving ATU through third-party contracts are subject to the policies and Procedures of their employers and to these Policies and Procedures to which their employer has agreed to be bound by their contracts.

When the Respondent is enrolled in or employed by another institution, the Title IX Coordinator or the AA/ EEO Officer can assist the Complainant in liaising with the appropriate individual at that institution, as it may be

possible to pursue action through that institution's policies.

Similarly, the Title IX Coordinator or the EEO Officer may be able to assist and support a student or employee Complainant who experiences discrimination in an externship, study abroad program, or other environment external to ATU where harassment or nondiscrimination policies and Procedures of the facilitating or host organization may give recourse to the Complainant.

m. Time Limits on Reporting

There is no time limitation on providing notice or submitting a Formal Complaint to the Title IX Coordinator or the EEO Officer. However, if the Respondent is no longer subject to ATU's jurisdiction and/or significant time has passed, the ability to investigate, respond, and provide remedies may be more limited or impossible.

Acting on notice/complaints significantly impacted by the passage of time (including, but not limited to, the rescission or revision of Policy) is at the discretion of the Title IX Coordinator or the EEO Officer, who may document allegations for future reference, offer supportive measures and/or remedies, and/or engage in informal or formal action, as appropriate.

When a notice/complaint is affected by significant time delay, ATU will typically apply the Policy and Procedures in place at the time the complaint is made.

n. Online Harassment and Misconduct

The policies of ATU cover online manifestations of any of the behaviors prohibited by this Policy, when those behaviors occur in, or have an effect on, ATU's education program or activities or when they involve ATU networks, technology, or equipment.

Although ATU may not control websites, social media, and other venues through which harassing communications are made, when such communications are reported to ATU, it will engage in a variety of means to address and mitigate the effects.

Members of the community are encouraged to be good digital citizens and to refrain from online misconduct, such as feeding anonymous gossip sites; sharing inappropriate content via social media; unwelcome sexual or sex-based messaging; distributing, or threatening to distribute, nude or semi-nude photos or recordings; breaches of privacy; or otherwise using the ease of transmission and/or anonymity of the Internet or other technology to harm another member of the ATU community.

Any online posting or other electronic communication by students, including cyber-bullying, cyber-stalking, cyber-harassment, etc., occurring completely outside of ATU's control (e.g., not on ATU networks, websites, or between ATU email accounts) will only be subject to this Policy when such online conduct can be shown to cause a substantial in-program disruption or infringement on the rights of others. Otherwise, such communications are considered speech protected by the First Amendment. Supportive measures for Complainants will be provided, but legally protected speech cannot be subjected to discipline.

Off-campus harassing speech by employees, whether online or in person, may be regulated by ATU only when such speech is made in an employee's official or work-related capacity.

o. Policy on Nondiscrimination

ATU adheres to all federal, state, and local civil rights laws and regulations prohibiting discrimination in public institutions of higher education.

A. Protected Characteristics

ATU does not discriminate against any employee, applicant for employment, student, or applicant for admission on the basis of:

- Color
- Sex
- Sexual orientation
- Gender identity
- Race
- Age
- National origin
- Religion
- Veteran status
- Genetic information
- Disability

- or any other protected category under applicable local, state, or federal law, including protections for those opposing discrimination or participating in any grievance process on campus or with the Equal Employment Opportunity Commission.

This Policy covers nondiscrimination in both employment and access to educational opportunities. Any member of the ATU community whose acts deny, deprive, or limit the educational or employment opportunities of any member of the ATU community, guest, or visitor on the basis of that person's actual or perceived protected characteristics listed above is in violation of ATU's Policy on nondiscrimination.

When brought to the attention of ATU, any such discrimination will be promptly and fairly addressed and remedied by ATU according to the grievance process described in either Process A or Process B.

B. Discrimination

Discrimination is different treatment with respect to a person's employment or participation in an Education Program or Activity based, in whole or in part, upon the person's actual or perceived Protected Characteristic(s). Discrimination can take two primary forms:

1. **Disparate Treatment Discrimination:**

   Any intentional differential treatment of a person or persons that is based on a person's actual or perceived Protected Characteristic(s) and that:

   a. Excludes a person from participation in;

   b. Denies the person benefits of; or

   c. Otherwise adversely affects a term or condition of a person's participation in an ATU program or activity.

2. **Disparate Impact Discrimination:**

   Disparate impact occurs when policies or practices that appear to be neutral unintentionally result in a disproportionate impact on a protected group or person that:

   a. Excludes a person from participation in;

   b. Denies the person benefits of; or

   c. Otherwise adversely affects a term or condition of a person's participation in an ATU program or activity.

C. Prohibition Against Antisemitism

"Antisemitism" means the same as defined by the International Holocaust Remembrance Alliance in its working definition of antisemitism, including its contemporary examples, as it was adopted on May 26, 2016. "Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities."

Discrimination or harassment that is motivated by or includes antisemitic intent by a student enrolled in the institution of higher education or an individual employed by the institution of higher education or that is a result of institution of higher education policies or programs on the institution of higher education campus will be treated in the same manner as any other form of discrimination prohibited by state or federal law.

This Policy covers nondiscrimination in both employment and access to educational opportunities. Any member of the ATU community whose acts deny, deprive, or limit the educational or employment opportunities of any member of the ATU community, guest, or visitor on the basis of that person's actual or perceived protected characteristics listed above is in violation of ATU's policy on nondiscrimination.

When brought to the attention of ATU, any such discrimination will be promptly and fairly addressed and remedied by ATU according to the grievance process described in either Process A or Process B.

p. Policy on Disability Discrimination and Accommodation

ATU is committed to full compliance with the Americans With Disabilities Act of 1990 (ADA), as amended, and Section 504 of the Rehabilitation Act of 1973, which prohibit discrimination against qualified persons with disabilities, as well as other federal, state, and local laws and regulations pertaining to individuals with disabilities.

Under the ADA and its amendments, a person has a disability if they have a physical or mental impairment that substantially limits a major life activity.

The ADA also protects individuals who have a record of a substantially limiting impairment or who are regarded as disabled by ATU, regardless of whether they currently have a disability. A substantial impairment is one that significantly limits or restricts a major life activity such as hearing, seeing, speaking, breathing, performing manual tasks, walking, or caring for oneself.

Hunter Bramlitt, Associate Dean for Student Wellness, has been designated as ATU's ADA/504 Coordinator responsible for overseeing efforts to comply with these disability laws, including responding to grievances and conducting investigations of any allegation of noncompliance or discrimination based on disability. Any complaints submitted electronically or reported to other individuals alleging discrimination based upon disability will be forwarded to Hunter Bramlitt.

Grievances related to disability status and/or accommodations will be addressed using Process B in this Policy. ATU will maintain these records in the Health and Wellness Center for a period of at least seven (7) years.

A. Students with Disabilities

ATU is committed to providing qualified students with disabilities with reasonable accommodations and support needed to ensure equal access to ATU academic programs, facilities, and activities.

All accommodations are made on an individualized basis. A student requesting any accommodation should first contact Ashlee Leavell, Assistant Dean for Student Wellness and Deputy Title IX Coordinator, who coordinates services for students with disabilities at sleavell8@atu.edu. Students may also submit a request electronically at https://denali.accessiblelearning.com/ATU/ApplicationStudent.aspx.

The staff in the Disability Services Office reviews documentation provided by the student and, in consultation with the student, determines which accommodations are appropriate for the student's particular needs and academic program(s) in accordance with ATU's applicable policies.

B. Employees with Disabilities

Pursuant to the ADA, ATU will provide reasonable accommodation(s) to all qualified employees with known disabilities when their disability affects the performance of their essential job functions, except when doing so would be unduly disruptive or would result in undue hardship to ATU.

An employee with a disability is responsible for submitting a request for an accommodation to Kathleen Martin, Director of Human Resources and EEO Officer/Deputy Title IX Coordinator, and providing necessary documentation at kmartin51@atu.edu. The Director of Human Resources will work with the employee's supervisor to identify which essential functions of the position are affected by the employee's disability and what reasonable accommodations could enable the employee to perform those duties in accordance with ATU's applicable policies.

q. Policy on Discriminatory Harassment

Students, staff, administrators, and faculty are entitled to an employment and educational environment that is free of discriminatory harassment. This Policy is not meant to inhibit or prohibit educational content or discussions inside or outside of the classroom that include germane, but controversial, or sensitive subject matters protected by academic freedom.

The sections below describe the specific forms of legally prohibited harassment that are also prohibited under ATU Policy. When speech or conduct is protected by academic freedom and/or the First Amendment, it will not be considered a violation of ATU Policy. All offense definitions encompass actual and/or attempted offenses.

A. Discriminatory Harassment

Discriminatory harassment constitutes a form of discrimination that is prohibited by ATU Policy. Discriminatory harassment is defined as unwelcome conduct by any member or group of the community on the basis of actual or perceived characteristics in a class protected by Policy or law.

ATU does not tolerate discriminatory harassment of any employee, student, visitor, or third party. ATU will investigate harassment when reported.

A hostile environment is one that unreasonably interferes with, limits, or effectively denies an individual's educational or employment access, benefits, or opportunities[2]. This discriminatory effect results from harassing verbal, written, graphic, and/or physical conduct that is severe or pervasive and objectively offensive.

When discriminatory harassment rises to the level of creating a hostile environment, ATU may also impose sanctions on the Respondent through application of either Process A or Process B in this Policy.
ATU reserves the right to address offensive conduct and/or harassment that 1) does not rise to the level of creating a hostile environment, or 2) that is of a generic nature and not based on a protected characteristic. Addressing such conduct may not result in the imposition of discipline under the Equal Opportunity, Harassment (Sexual Misconduct), and Nondiscrimination Policy and Procedures, but may be addressed through respectful conversation, remedial actions, education, and/or other ATU policies or Procedures. For assistance with Informal Resolution mechanisms, employees should contact the Director of Human Resources, and students should contact the Associate Dean for Student Conduct.

B. Sexual Harassment

The U.S. Department of Education's Office for Civil Rights (OCR), the Equal Employment Opportunity Commission (EEOC), and the State of Arkansas regard sexual harassment, a specific form of discriminatory harassment, as an unlawful discriminatory practice.
Acts of sexual harassment may be committed by any person upon any other person, regardless of the sex, sexual orientation, and/or gender identity of those involved.
ATU has adopted the following definition of sexual harassment in order to address the unique environment of an academic community. Two definitions are required by federal law. While they overlap, they are not identical, and they each apply as noted.

Title VII/FHA Sexual Harassment applies to situations where an employee is subjected to workplace sexual harassment or where a situation involves a residential Complainant in ATU-provided housing.

a. Unwelcome verbal, written, graphic, and/or physical conduct;
b. that is severe or pervasive and objectively offensive;
c. on the basis of sex/gender, that
d. unreasonably interferes with, limits, or effectively denies an individual's educational or employment access, benefits, or opportunities.

[2] This definition of hostile environment is based on Federal Register / Vol. 59, No. 47 / Thursday, March 10, 1994: Department of Education Office for Civil Rights, Racial Incidents and Harassment Against Students at Educational Recipients Investigative Guidance. http://www.ed.gov/about/offices/list/ocr/docs/race394.html.

Title IX Sexual Harassment, as an umbrella category, includes the offenses of sexual harassment, sexual assault, domestic violence, dating violence, and stalking. This definition applies to all Formal Complaints that fall within Title IX jurisdiction as determined by the Title IX Coordinator. Sexual harassment includes:
Conduct on the basis of sex/gender, or that is sexual in nature that satisfies one or more of the following:

1. **Quid Pro Quo:**
   a. an employee of ATU,
   b. conditions the provision of an aid, benefit, or service of ATU,
   c. on an individual's participation in unwelcome sexual conduct.
2. **Sexual Harassment (Hostile Environment):**
   a. unwelcome conduct,
   b. determined by a reasonable person,
   c. to be so severe, and
   d. pervasive, and
   e. objectively offensive,
   f. that it effectively denies a Complainant equal access to ATU's education program or activity[3].
3. **Sexual assault, any sexual act directed against a Complainant, defined as:**
   A. Rape:
      - Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person,
      - without their consent,

- including instances where they are incapable of giving consent because of age[4], or because of temporary or permanent mental or physical incapacity.

B. Sodomy:

- Oral or anal sexual intercourse with a Complainant,
- forcibly, and/or
- against their will (non-consensually), or
- not forcibly or against their will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

C. Sexual Assault with an Object:

- The use of an object or instrument to penetrate,
- however slightly,
- the genital or anal opening of the body of the Complainant,
- forcibly, and/or
- against their will (non-consensually), or
- not forcibly or against their will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

[3] Unwelcomeness is subjective and determined by the Complainant (except when the Complainant is younger than the age of consent). Severity, pervasiveness, and objective offensiveness are evaluated based on the totality of the circumstances from the perspective of a reasonable person in the same or similar circumstances ("in the shoes of the Complainant"), including the context in which the alleged incident occurred and any similar, previous patterns that may be evidenced.

[4] Per state law.

D. Fondling:

- The touching of the private body parts of the Complainant (buttocks, groin, breasts),
- for the purpose of sexual gratification,
- forcibly, and/or
- against that person's will (non-consensually), or
- not forcibly or against their will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

E. Sex Offenses, Non-forcible:

i. Incest:

- Non-forcible sexual intercourse,
- between persons who are related to each other,
- within the degrees wherein marriage is prohibited by Arkansas law.

ii. Statutory Rape:

- Non-forcible sexual intercourse,
- with a person who is under the statutory age of consent of 14.

4. Dating Violence, defined as:

a. violence,
b. on the basis of sex,
c. committed by a person,
d. who is in or has been in a social relationship of a romantic or intimate nature with the Complainant.

i. The existence of such a relationship shall be determined based on the Complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition—

a) Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuses
b) Dating violence does not include acts covered under the definition of domestic

violence.

5. **Domestic Violence, defined as[5]:**
   a. violence,
   b. on the basis of sex,
   c. committed by a current or former spouse or intimate partner of the Complainant under family or domestic violence laws of Arkansas, and
   d. includes the use or attempted use of physical abuse or sexual abuse, or a pattern of any other coercive behavior committed, enabled, or solicited to gain or maintain power and control over a Complainant, including verbal, psychological, economic, or technological abuse that may or may not constitute criminal behavior, by a person who-
   e. is a current or former spouse or intimate partner of the Complainant, or person similarly situated to a spouse of the Complainant;
   f. is cohabitating, or has cohabitated, with the Complainant as a spouse or intimate partner;
   g. shares a child in common with the Complainant;
   h. commits acts against a youth or adult Complainant who is protected from those acts under the family or domestic violence laws of the jurisdiction.

[5] Per VAWA Reauthorization 2022, 34 U.S.C. 12291.

Economic abuse, in the context of domestic violence, dating violence, and abuse in later life, means behavior that is coercive, deceptive, or unreasonably controls or restrains a person's ability to acquire, use, or maintain economic resources to which they are entitled, including using coercion, fraud, or manipulation to—

a. Restrict a person's access to money, assets, credit, or financial information;
b. Unfairly use a person's personal economic resources, including money, assets, and credit, for one's own advantage; or
c. Exert undue influence over a person's financial and economic behavior or decisions, including forcing default on joint or other financial obligations, exploiting powers of attorney, guardianship, or conservatorship, or failing or neglecting to act in the best interests of a person to whom one has a fiduciary duty.

Technological abuse means an act or pattern of behavior that occurs within domestic violence, sexual assault, dating violence or stalking and is intended to harm, threaten, intimidate, control, stalk, harass, impersonate, exploit, extort, or monitor, except as otherwise permitted by law, another person, that occurs using any form of technology, including but not limited to: Internet-enabled devices, online spaces and platforms, computers, mobile devices, cameras and imaging programs, apps, location tracking devices, or communication technologies, or any other emerging technologies.

Abuse later in life means neglect, abandonment, economic abuse, or willful harm of an adult aged 50 or older by an individual in an ongoing relationship of trust with the victim *or* domestic violence, dating violence, sexual assault, or stalking of an adult aged 50 or older by any individual. This definition does not include self-neglect.

To categorize an incident as Domestic Violence under this Policy, the relationship between the Respondent and the Complainant must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have an intimate relationship.

6. **Stalking, defined as:**
   a. engaging in a course of conduct,
   b. on the basis of sex,
   c. directed at the Complainant, that
      i. would cause a reasonable person to fear for the person's safety, or
      ii. the safety of others, or
      iii. suffer substantial emotional distress.

For the purposes of this definition—

- Course of conduct means two or more acts, including, but not limited to, acts in which the Respondent directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's

property.

- Reasonable person means a reasonable person under similar circumstances and with similar identities to the Complainant.
- Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

ATU reserves the right to impose any level of sanction, ranging from a warning up to and including suspension or expulsion/termination, for any offense under this Policy. The most serious offenses are likely to result in suspension/expulsion/termination.

C. Force, Coercion, Consent, and Incapacitation[6]

As used in the offenses above, the following definitions and understandings apply:

Force: Force is the use of physical violence and/or physical imposition to gain sexual access. Force also includes threats, intimidation (implied threats), and coercion that is intended to overcome resistance or produce consent (e.g., "Have sex with me or I'll hit you" which elicits the response "Okay, don't hit me, I'll do what you want.").

Sexual activity that is forced is, by definition, non-consensual, but non-consensual sexual activity is not necessarily forced. Silence or the absence of resistance alone is not consent. Consent is not demonstrated by the absence of resistance. While resistance is not required or necessary, it is a clear demonstration of non-consent.

Coercion: Coercion is unreasonable pressure for sexual activity. Coercive conduct differs from seductive conduct based on factors such as the type and/or extent of the pressure used to obtain consent. When someone makes clear that they do not want to engage in certain sexual activity, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

---

[6] The State of Arkansas defines consent as follows: There is a lack of consent if a person engages in a sexual act with another person by forcible compulsion or with a person who is incapable of consent because they is physically helpless, mentally defective or mentally incapacitated, or because of a victim's age. Arkansas Code §§ 5-14- 103; 5-14-125.

- **"Mentally defective"** means that a person suffers from a mental disease or defect that renders the person:
  - incapable of understanding the nature and consequences of a sexual act; or
  - is unaware a sexual act is occurring.
  - Note: a determination that a person is mentally defective shall not be based solely on the person's IQ. Arkansas Code §§ 5-14-101(4).
- **"Mentally incapacitated**" means that a person is temporarily incapable of appreciating or controlling the person's conduct as a result of the influence of a controlled or intoxicating substance:
  - administered to the person without the person's consent; or
  - that renders the person unaware a sexual act is occurring. Arkansas Code §§ 5-14-101(5).
- "**Physically helpless**" means that a person is:
  - unconscious;
  - physically unable to communicate a lack of consent; or
  - rendered unaware that a sexual act is occurring. Arkansas Code §§ 5-14-101(7)
  - A nursing home patient was unable to communicate lack of consent and, thus, was "physically helpless" within meaning of statute for attempted rape purposes; victim was blind, unable to speak, and confined to bed or wheelchair, and victim could only grunt, raise her hand, and shake her head from side to side to communicate. Dabney v. State, 1996, 930 S.W.2d 360, 326 Ark. 382.
- Note: When criminality of conduct depends on a victim's being incapable of consent because they is mentally defective or mentally incapacitated, it is an affirmative defense that the actor reasonably believed that the victim was capable of consent. Arkansas Code §§ 5-14-102(e).

The existence of forcible compulsion in a rape case does not depend on the quantum of force that is applied but rather on whether the act is consummated against the victim's will. Hillman v. State, 569 S.W.3d 372 (Arkansas 2019), which is applicable to criminal prosecutions for sex offenses in Arkansas but may differ from the definition used on campus to address Policy violation(s).

Consent is:

- knowing, and
- voluntary, and
- clear permission
- by word or action
- to engage in sexual activity.

Individuals may perceive and experience the same interaction in different ways. Therefore, it is the responsibility of each party to determine that the other has consented before engaging in the activity.

If consent is not clearly provided prior to engaging in the activity, consent may be ratified by word or action at some point during the interaction or thereafter, but clear communication from the outset is strongly encouraged.

For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct. Reasonable reciprocation can be implied consent. For example, if someone kisses you, you can kiss them back (if you want to) without the need to explicitly obtain their consent to being kissed back.

Consent can also be withdrawn once given, as long as the withdrawal is reasonably and clearly communicated. If consent is withdrawn, that sexual activity should cease within a reasonable immediate time.

Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). A current or previous intimate relationship is not sufficient to constitute consent.

If an individual expresses conditions on their willingness to consent (e.g., use of a condom) or limitations on the scope of their consent, those conditions and limitations must be respected.

The existence of consent is based on the totality of the circumstances evaluated from the perspective of a reasonable person in the same or similar circumstances, including the context in which the alleged misconduct occurred and any similar and previous patterns that may be evidenced.

Incapacitation: A person cannot consent if they are unable to understand what is happening or are disoriented, helpless, asleep, or unconscious, for any reason, including by alcohol or other drug consumption. As stated above, a Respondent violates this Policy if they engage in sexual activity with someone who is incapable of giving consent.

It is a defense to a sexual assault Policy violation that the Respondent neither knew nor should have known the Complainant to be physically or mentally incapacitated. Intoxication of the Respondent does not excuse the known or should have known standard. “Should have known” is an objective, reasonable person standard that assumes that a reasonable person is both sober and exercising good judgment.

Incapacitation occurs when someone cannot make rational, reasonable decisions because they lack the capacity to give knowing/informed consent (e.g., to understand the “who, what, when, where, why, or how” of their sexual interaction).

Incapacitation is determined through consideration of all relevant indicators of an individual’s state and is not synonymous with intoxication, impairment, and/or being drunk.

This Policy also covers a person whose incapacity results from a temporary or permanent physical or mental health condition, involuntary physical restraint, and/or the consumption of incapacitating substances.

D. Other Civil Rights Offenses

In addition to the forms of sexual harassment described above, which are covered by Title IX, ATU additionally prohibits the following offenses as forms of discrimination that may be within or outside of Title IX when the act is based upon the Complainant’s actual or perceived protected characteristics.

1) **Sexual Exploitation**, defined as:
   a. an individual taking non-consensual or abusive sexual advantage of another,

b. for their own benefit or for the benefit of anyone other than the person being exploited, and
c. that conduct does not otherwise constitute sexual harassment under this Policy.

Examples of Sexual Exploitation include, but are not limited to:

- Sexual voyeurism (such as observing or allowing others to observe a person undressing or using the bathroom or engaging in sexual acts, without the consent of the person being observed)
- Indecent exposure
- Invasion of sexual privacy (e.g. doxing)
- Taking pictures, video, or audio recording of another in a sexual act, or in any other sexually related activity when there is a reasonable expectation of privacy during the activity.
- Disseminating sexual pictures or videos without the consent of all photographed or videoed parties, including the making or posting of non-consensual pornography
- Exceeding the boundaries of consent (such as allowing another person to hide in a closet and observe sexual activity.
- Prostituting another person
- Engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or a sexually transmitted disease (STD) or infection (STI), without informing the other person of the virus, disease, or infection
- Causing or attempting to cause the incapacitation of another person (through alcohol, drugs, or any other means) for the purpose of compromising that person's ability to give consent to sexual activity, or for the purpose of making that person vulnerable to non-consensual sexual activity
- Misappropriation of another person's identity on apps, websites, or other venues designed for dating or sexual connections (e.g., spoofing)
- Forcing a person to take an action against that person's will by threatening to show, post, or share information, video, audio, or an image that depicts the person's nudity or sexual activity
- Knowingly soliciting a minor for sexual activity
- Engaging in sex trafficking
- Creation, possession, or dissemination of child pornography
- Threatening or causing physical harm, extreme verbal, emotional, or psychological abuse, or other conduct which threatens or endangers the health or safety of any person; and,
- Discrimination, defined as actions that deprive, limit, or deny other members of the community of educational or employment access, benefits, or opportunities.
- Creating or disseminating synthetic media, including images, videos, or audio representations of individuals doing or saying sexually related things that never happened, or placing identifiable real people in fictitious pornographic or nude situations without their consent (i.e., Deepfakes)

Violation of any other ATU policies may constitute a Civil Rights Offense when a violation is motivated by actual or perceived protected characteristics, and the result is a discriminatory limitation or denial of employment or educational access, benefits, or opportunities.

Sanctions for the above-listed Civil Rights Offenses range from warning up to and including suspension or expulsion/termination.

E. Failure to Comply/Process Interference

Intentional failure to comply with the reasonable directives of the Title IX Coordinator or EEO Officer in the performance of their official duties, including with the terms of a no contact order

Intentional failure to comply with emergency removal or interim suspension terms

Intentional failure to comply with sanctions

Intentional failure to adhere to the terms of an Informal Resolution agreement

Intentional failure to comply with mandated reporting duties as defined in the Policy

Intentional interference with a resolution process, including, but not limited to:

1) Destroying or concealing evidence
2) Seeking or encouraging false testimony or providing false testimony or evidence
3) Intimidating or bribing a witness or party

ATU Consensual Relations Policy

Sexual relations between employees and those with whom they also have an academic evaluative or supervisory relationship are fraught with the potential for exploitation. The respect and trust accorded a professor or staff member by a student, as well as the power exercised by the professor, or other staff member, in an academic or evaluative role, make voluntary consent by the subordinate suspect. Even when both parties have previously consented, circumstances could change and conduct that was once welcome could become unwelcome and the development of a sexual relationship renders both the employee and the institution vulnerable to possible later allegations of sexual harassment in light of the significant power differential that exists between individuals in unequal positions.

In their relationships with students, members of the faculty, as well as employees whose position may be perceived as one of authority, are expected to be aware of their professional responsibilities and to avoid apparent or actual conflicts of interest, favoritism, or bias. When a sexual relationship exists, effective steps should be taken to ensure unbiased evaluation or supervision takes place.

An employee, whether faculty or staff, should not develop a dating or sexual relationship with a student whenever the employee is in a "position of authority", real or perceived, over that student. An employee is in a "position of authority" whenever they is that student's teacher, or when the employee is either evaluating or supervising the student. This includes resident assistants and students over whom they have direct responsibility. The "position of authority" may also include formally advising the student or when that student is a major in the employee's department or college.

A supervisor, whether faculty or staff, should also not develop a dating or sexual relationship with an employee when the supervisor has a "position of authority", real or perceived, with respect to the employee.

Should a dating or sexual relationship develop or exist, the person with the greater position of authority must consult with an appropriate supervisor immediately. Failure to self-report such relationships may result in disciplinary action. The supervisor, with advice from University Counsel, shall develop a mechanism to ensure that objective evaluation is achieved, that conflicts of interest are avoided, and that the interest of the other individual and University are fully

protected. This will likely result in the removal of the employee from the supervisory or evaluative responsibility or shift the individual out of being supervised or evaluated by someone with whom they have a consensual relationship.

ATU reserves the right to impose any level of sanction, ranging from a reprimand up to and including suspension or expulsion/termination, for any offense under this Policy.

r. Retaliation

ATU defines Retaliation as:

Acts of alleged retaliation should be reported immediately to the Title IX Coordinator or the EEO Officer and will be promptly investigated. ATU will take all appropriate steps to protect individuals who fear that they may be subjected to retaliation.

ATU and any member of ATU's community are prohibited from taking or attempting to take materially adverse action by intimidating, threatening, coercing, harassing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by law or Policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this Policy and Procedure. Acts of retaliation should be reported immediately to the Title IX Coordinator or the EEO Officer and will be promptly investigated. ATU will take all appropriate steps to protect individuals who fear that they may be subjected to retaliation.

The exercise of rights protected under the First Amendment does not constitute retaliation.

Pursuing disciplinary action against those who make materially false statement in bad faith in the course of a grievance proceeding under this Policy and Procedure does not constitute retaliation, provided that the determination regarding responsibility, by itself, is not sufficient to conclude that any party has made a

materially false statement in bad faith.

s. Responsible Employees

Many ATU employees are mandated to report actual or suspected discrimination, harassment, and/or retaliation to the Title IX Coordinator immediately, though there are some limited exceptions. The employees are called Responsible Employees and include the following:

- President
- Chancellor
- Vice Presidents
- Chief Officers
- Associate Vice Presidents
- Assistant Vice Presidents
- Academic Dean
- Academic Department Heads and Program Chairs
- Dean of Students
- Associate Deans
- Assistant Deans
- Area Coordinators
- Athletic Director
- Head Coaches
- Assistant Coaches
- Faculty Advisors for Student Groups
- Employees in the Department of Public Safety
- Resident Directors
- Resident Assistants

Specific names associated with each of these positions can be located on the Title IX website.

To make informed choices, it is important to be aware of confidentiality and mandatory reporting requirements when consulting campus resources. On campus, some resources may maintain confidentiality and are not required to report actual or suspected discrimination, harassment, and/or retaliation in a way that identifies the parties. They may offer options and resources without any obligation to inform an outside agency or campus official unless a Complainant has requested the information be shared.

If a Complainant expects formal action in response to their allegations, reporting to an Official with Authority (the names of the Officials with Authority are provided in this Policy) can connect them with resources to report alleged crimes and/or Policy violation(s), and these employees will immediately pass reports to the Title IX Coordinator (and/or police, if desired by the Complainant or required by law), who will act when an incident is reported to them.

The following sections describe the reporting options at ATU for a Complainant or third-party:

A. Confidential Resources

If a Complainant would like the details of an incident to be kept confidential, the Complainant may speak with:

- On-campus licensed professional counselors
- On-campus health service providers
- Off-campus (non-employees):
    - Licensed professional counselors and other medical providers
    - Local rape crisis advocates
    - Domestic violence advocates
    - Local or state assistance agencies
    - Clergy/chaplains
    - Attorneys

All of the above-listed individuals will maintain confidentiality when acting under the scope of their licensure, professional ethics, professional credentials, or designation, except in extreme cases of immediacy of threat or

danger or abuse of a minor/elder/individual with a disability, or when required to disclose by law or court order.

ATU employees who have confidentiality as described above, and who receive reports within the scope of their confidential roles will timely submit anonymous statistical information for Clery Act purposes unless they believe it would be harmful to their client or patient.

Licensed professional counselors at ATU are available to help students free of charge and may be consulted on an emergency basis during normal business hours.

At ATU confidential reports can be made to the licensed counselors and health care professionals staffed in the Health and Wellness Center. For more information on the Health and Wellness Center please visit https://www.atu.edu/hwc/.

You may also contact a licensed counselor or health care provider directly by calling 479-968-0329.

B. Responsible Employees and Formal Notices/Complaints

Responsible employees (including student employees), except for those who are designated as Confidential Resources, must promptly share with the Title IX Coordinator or the EEO Officer all known details of a report made to them in the course of their employment.

Responsible employees must also promptly share all details of behaviors under this Policy that they observe or have knowledge of, even if not reported to them by a Complainant or third-party.

Complainants may want to carefully consider whether they share personally identifiable details with non-confidential Responsible Employees, as those details must be shared with the Title IX Coordinator or the EEO Officer.

Generally, disclosures in climate surveys, classroom writing assignments or discussions, human subjects research, or at events such as "Take Back the Night" marches or speak outs do not provide notice that must be reported to the Title IX Coordinator by employees, unless the Complainant clearly indicates that they desire a report to be made or a seek a specific response from ATU.

Supportive measures may be offered as the result of such disclosures without formal ATU action.

Failure of a Responsible Employee, as described above in this section, to report an incident of harassment, discrimination, and/or retaliation of which they become aware is a violation of ATU Policy, can be subject to disciplinary action for failure to comply/failure to report.

Though this may seem obvious, when a Responsible Employee is engaged in harassment or other violation(s) of this Policy, they still have a duty to report their own misconduct, though ATU is technically not on notice when a harasser is also a Responsible Employee unless the harasser does in fact report themselves.

Finally, it is important to clarify that a Responsible Employee who is a target of harassment or other misconduct under this Policy is not required to report their own experience, though they are, of course, encouraged to do so.

t. When a Complainant Does Not Wish to Proceed

If a Complainant does not wish for their name to be shared, does not wish for an investigation to take place, and/or does not want a Formal Complaint to be pursued, they may make such a request to the Title IX Coordinator and/or the EEO Officer, who will evaluate that request in light of the duty to ensure the safety of the campus and to comply with state or federal law.

The Title IX Coordinator and/or the EEO Officer has ultimate discretion over whether ATU proceeds when the Complainant does not wish to do so, and in the case of alleged sex discrimination, the Title IX Coordinator or EEO Officer may sign a Formal Complaint to initiate a grievance process usually upon completion of an appropriate violence risk assessment. The Title IX Coordinator's decision should be based on results of the violence risk assessment that show a compelling risk to health and/or safety that requires ATU to pursue formal action to protect the community. A compelling risk to health and/or safety may result from evidence of patterns of misconduct, predatory conduct, threats, abuse of minors, use of weapons, and/or violence.

ATU may be compelled to act on alleged employee misconduct irrespective of a Complainant's wishes. The Title IX Coordinator must also consider the effect that non-participation by the Complainant may have on the availability of evidence and ATU's ability to pursue a formal grievance process fairly and effectively.

When the Title IX Coordinator executes the written complaint, they do not become the Complainant. The Complainant is the individual who is alleged to be the victim of conduct that could constitute a violation of this Policy.

When ATU proceeds, the Complainant (and/or their Advisor) may have as much or as little involvement in the

process as they wish. The Complainant retains all rights of a Complainant under this Policy irrespective of their level of participation. Typically, when the Complainant chooses not to participate, the Advisor may be appointed as proxy for the Complainant throughout the process, acting to ensure and protect the rights of the Complainant, though this does not extend to the provision of evidence and testimony.

Note that ATU's ability to remedy and respond to notice may be limited if the Complainant does not want ATU to proceed with an investigation and/or grievance process. The goal is to provide the Complainant with as much control over the process as possible, while balancing ATU's obligation to protect its community.

In cases in which the Complainant requests confidentiality/no formal action and the circumstances allow ATU to honor that request, ATU will offer Informal Resolution options, supportive measures, and remedies to the Complainant and the community, but will not otherwise pursue formal action.

If the Complainant elects to take no action, they can change that decision if they decide to pursue a Formal Complaint at a later date. Upon making a Formal Complaint, the complaint will be investigated and resolved through these Procedures. Delays may cause limitations on access to evidence, or present issues with respect to the status of the parties.

u. Federal Timely Warning Obligations

Parties reporting sexual assault, domestic violence, dating violence, and/or stalking should be aware that under the Clery Act, ATU must issue timely warnings for Clery crimes, occurring within the Clery geography, reported to them that pose a serious or on-going threat to the campus community.

ATU will ensure that a Complainant'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 potential danger.

v. False Allegations and Evidence

Deliberately false and/or malicious accusations under this Policy are a serious offense and may be subject to appropriate disciplinary action. This does not include allegations that are made in good faith but are ultimately shown to be erroneous or do not result in a Policy violation determination.

Additionally, witnesses and parties knowingly providing false evidence, tampering with or destroying evidence, or deliberately misleading an official conducting an investigation, hearing, or Informal Resolution can be subject to discipline under applicable ATU policies.

w. Amnesty for Students

The ATU community encourages the reporting of misconduct and crimes by Complainants and witnesses. Sometimes, Complainants or witnesses are hesitant to report to ATU officials or participate in resolution processes because they fear that they themselves may be in violation of certain policies, such as underage drinking or use of illicit drugs at the time of the incident. Respondents may hesitate to be forthcoming during the process for the same reasons.

It is in the best interests of the ATU community that Complainants choose to report misconduct to ATU officials, that witnesses come forward to share what they know, and that all parties be forthcoming during the process.

To encourage reporting and participation in the process, ATU maintains a Policy of offering parties and witnesses amnesty from minor Policy violation(s) – such as underage consumption of alcohol or the use of illicit drugs – related to the incident.

Amnesty does not apply to more serious allegations such as physical abuse of another or illicit drug distribution. The decision not to offer amnesty to a Respondent is based on neither sex nor gender, but on the fact that collateral misconduct is typically addressed for all students within a progressive discipline system, and the rationale for amnesty – the incentive to report serious misconduct – is rarely applicable to a Respondent with respect to a Complainant.

Sometimes, students are hesitant to assist others for fear that they may get in trouble themselves. For example, an underage student who has been drinking or using marijuana might hesitate to help take an individual who has experienced sexual assault to the Department of Public Safety.

ATU maintains a Policy of amnesty for students who offer help to others in need. Although Policy violation(s) cannot be overlooked, ATU may provide purely educational options with no official disciplinary finding, rather than punitive sanctions, to those who offer their assistance to others in need.

x. Federal Statistical Reporting Obligations

Certain campus officials – those deemed Campus Security Authorities – have a duty to report the following for federal statistical reporting purposes (Clery Act):

i. All "primary crimes," which include criminal homicide, rape, fondling, incest, statutory rape, robbery, aggravated assault, burglary, motor vehicle theft, and arson;
ii. Hate crimes, which include any bias motivated primary crime as well as any bias-motivated larceny or theft, simple assault, intimidation, or destruction/damage/vandalism of property;
iii. VAWA[7] -based crimes, which include sexual assault, domestic violence, dating violence, and stalking; and
iv. Arrests and referrals for disciplinary action for weapons-related law violation(s), liquor-related law violation(s), and drug law violation(s).

All personally identifiable information is kept private, but statistical information must be shared with the Department of Public Safety regarding the type of incident and its general location (on or off-campus or in the surrounding area, but no addresses are given) for publication in the Annual Security Report and daily crime log.

y. Preservation of Evidence

The preservation of evidence is critical to potential criminal prosecution and to obtaining restraining orders/protective orders and is particularly time sensitive. Complainants should consider preserving evidence by taking the following actions:

- Evidence in the form of text and voice messages will be lost in most cases if the Complainant changes their phone number.
  - Make a secondary recording of any voice messages and/or save the audio files to a cloud server.
  - Take screenshots and/or a video recording of any text messages or other electronic messages (e.g., Instagram, Snapchat, Facebook).
- Save copies of email and social media correspondence, including notifications related to account access alerts.
- Take time stamped photographs of any physical evidence including notes, gifts, etc. in place when possible.
- Save copies of any messages, to include those showing any request for no further contact.
- Obtain copies of call logs showing the specific phone number being used rather than a saved contact name if possible.

In cases of sexual assault, these additional actions should be considered:

- Seek forensic medical assistance at a local hospital, ideally within 96 hours of the incident (sooner is better), and this exam is paid for by the State of Arkansas. In Russellville, Saint Mary's Regional Medical Center is located at 1808 West Main Street. In Ozark, Mercy Hospital is located at 801 West River.
- Avoid urinating, showering, bathing, washing hands or face, or douching, if possible, but evidence may still be collected even if you do.
- If oral sexual contact took place, refrain from smoking, eating, drinking, or brushing teeth.
- If clothes are changed, place soiled clothes in a paper bag (plastic destroys evidence).
- Seeking medical treatment can be essential even if it is not for the purposes of collecting forensic evidence.

[7] VAWA is the Violence Against Women Act, enacted in 1994 codified in part at 42 U.S.C. sections 13701 through 14040.

PROCESS A

RESOLUTION PROCESS FOR ALLEGED VIOLATIONS OF THE POLICY ON EQUAL OPPORTUNITY, HARASSMENT (SEXUAL MISCONDUCT), AND NONDISCRIMINATION (KNOWN AS PROCESS A)

1. Overview

ATU will act on any formal notice/complaint of violation of the Equal Opportunity, Harassment (Sexual Misconduct), and Nondiscrimination Policy and Procedures ("the Policy") that is received by the Title IX Coordinator, the AA/ EEO Officer, or any other Official with Authority by applying these Procedures, known as Process A.

Process A applies only to qualifying allegations of Title IX sexual harassment (including sexual assault, dating violence, domestic violence, and stalking, as defined in this Policy) involving students, staff, administrators, or faculty members.
If other policies are invoked, such as policies on protected characteristic harassment or discrimination, please see Appendix C for a description of the Procedures applicable to the resolution of such offenses, known as Process B.

Process B can also apply to sexual harassment (including sexual assault, dating violence, domestic violence, and stalking, as defined in this Policy) when jurisdiction does not fall within Process A, as determined by the Title IX Coordinator.
The Procedures below may be used to address collateral misconduct by the Respondent arising from the investigation of or occurring in conjunction with reported misconduct (e.g., vandalism, physical abuse of another), when alleged violation(s) of the Policy are being addressed at the same time. All other allegations of misconduct unrelated to incidents covered by this Policy will be addressed through Procedures described in the student, staff, and faculty handbooks.

2. Notice/Complaint

Upon receipt of a Formal Complaint or notice of an alleged Policy violation by the Title IX Coordinator, the Title IX Coordinator initiates a prompt initial assessment to determine the next steps ATU needs to take. The Title IX Coordinator will contact the Complainant to offer supportive measures and determine whether the Complainant wishes to file a Formal Complaint.
The Title IX Coordinator will initiate at least one of three responses:

1. Offer supportive measures because the Complainant does not want to file a Formal Complaint
2. An Informal Resolution (upon submission of a Formal Complaint)
3. A Formal Grievance Process including an investigation and a hearing (upon submission of a Formal Complaint)

ATU uses the Formal Grievance Process to determine whether or not this Policy has been violated. If so, ATU will promptly implement effective remedies designed to ensure that ATU is not deliberately indifferent to harassment or discrimination, their potential recurrence, or their effects.

[8] Anywhere this Procedure indicates "Title IX Coordinator" or the EEO Officer may take actions or, ATU may substitute a trained designee.

3. Initial Assessment

Following receipt of a Formal Complaint or notice of an alleged violation of this Policy, the Title IX Coordinator[9] engages in an initial assessment, typically within one (1) to five (5) business days. The steps in an initial assessment can include:

- If notice is given, the Title IX Coordinator seeks to determine if the person impacted wishes to make a Formal Complaint, and will assist them to do so, if desired.
    - If they do not wish to do so, the Title IX Coordinator determines whether to initiate a complaint themselves because a violence risk assessment indicates a compelling threat to health and/or safety.
- If a Formal Complaint is received, the Title IX Coordinator assesses its sufficiency and works with the Complainant to make sure it is correctly completed.
- The Title IX Coordinator attempts to meet with the Complainant to discuss and offer supportive measures, ensure the Complainant is aware of the right to have an Advisor, and to review the ATU First Conversation Checklist.
- The Title IX Coordinator works with the Complainant to determine whether the Complainant prefers a supportive and remedial response, an Informal Resolution option, or a formal investigation and grievance process.
    - If a supportive and remedial response is preferred, the Title IX Coordinator works with the Complainant to identify their needs, determine appropriate support, and implement accordingly. No Formal Grievance Process is initiated, though the Complainant can elect to initiate one later,

if desired.

- If an Informal Resolution option is preferred, the Title IX Coordinator assesses whether the complaint is suitable for Informal Resolution, which informal mechanism may serve the situation best or is available and may seek to determine if the Respondent is also willing to engage in Informal Resolution.
- If a Formal Grievance Process is preferred by the Complainant, the Title IX Coordinator determines if the alleged misconduct falls within the scope of the 2020 Title IX regulations:
  - If it does, the Title IX Coordinator will initiate the formal investigation and grievance process, directing the investigation to address, based on the nature of the complaint:
    - an incident, and/or
    - a pattern of alleged misconduct, and/or
    - a culture/climate issue.
  - If the alleged misconduct does not fall within the scope of the Title IX regulations, the Title IX Coordinator determines that the regulations do not apply and will "dismiss" that aspect of the complaint, if any. The Title IX Coordinator will then assess which policies may apply, if any, and may refer the matter for resolution under Process B or applicable University Policy. Please note that dismissing a complaint under Title IX regulations is solely a procedural requirement under Title IX and does not limit ATU's authority to address a complaint with another appropriate process and remedies.

---

[9] If circumstances require, the ATU President or designee, or the Title IX Coordinator will designate another person to oversee the resolution process should an allegation be made about the Title IX Coordinator or the Title IX Coordinator be otherwise unavailable or unable to fulfill their duties.

- If the Complainant prefers an Informal Resolution option or a Formal Grievance Process and the Title IX Coordinator initially determines that the alleged misconduct falls within the scope of Title IX regulations, the Title IX Coordinator will attempt to meet with the Respondent to provide them with a copy of the Formal Complaint, discuss and offer supportive measures, ensure the Respondent is aware of the right to have an Advisor, and to review the ATU First Conversation Checklist. After the Title IX Coordinator provides the Respondent with a copy of the Formal Complaint, the Respondent has five (5) business days to respond, in writing, to the Formal Complaint submitted by the Complainant. This information is used as part of the Title IX Coordinator's initial assessment of the alleged misconduct.

A. Violence Risk Assessment

In some cases, the Title IX Coordinator may determine that a Violence Risk Assessment (VRA) should be conducted by the CARE Team as part of the initial assessment. A VRA can aid in nine (9) critical and/or required determinations, including:

1. Emergency removal of a Respondent on the basis of immediate threat to an individual or community's physical health/safety;
2. Whether the Title IX Coordinator should pursue/sign a Formal Complaint absent a willing/able Complainant;
3. Whether the scope of the investigation should include an incident, and/or pattern of misconduct, and/or climate of hostility/harassment;
4. To help identify potential predatory conduct;
5. To help assess/identify grooming behaviors;
6. Whether it is reasonable to try to resolve a complaint through Informal Resolution, and, if so, what approach may be most successful;
7. Whether to permit a voluntary withdrawal by the Respondent;
8. Assessment of appropriate sanctions/remedies (to be applied post-hearing);
9. Whether a Clery Act Timely Warning or campus ban is needed.

Threat assessment is the process of evaluating the actionability of violence by an individual against another

person or group following the issuance of a direct or conditional threat. A VRA is a broader term used to assess any potential violence or danger, regardless of the presence of a vague, conditional, or direct threat.

VRAs require specific training and are typically conducted by psychologists, clinical counselors, social workers, case managers, law enforcement officers, student conduct officers, or other CARE Team (ATU's behavioral intervention team) members. A VRA authorized by the Title IX Coordinator will occur in collaboration with the CARE Team. Where a VRA is required by the Title IX Coordinator, a Respondent refusing to cooperate may result in a charge of failure to comply within the appropriate student or employee conduct process.

A VRA is not an evaluation for an involuntary behavioral health hospitalization, nor is it a psychological or mental health assessment. A VRA assesses the risk of actionable violence, often with a focus on targeted/predatory escalations, and is supported by research from the fields of law enforcement, criminology, human resources, and psychology.

More about ATU's process for VRA can be found in Appendix B.

D. Dismissal (Mandatory and Discretionary)[10]

ATU must dismiss a Formal Complaint or any allegations therein if, at any time during the investigation or hearing, it is determined that:

- The conduct alleged in the Formal Complaint would not constitute Title IX sexual harassment as defined above, even if proved

[10] These dismissal requirements are mandated by the 2020 Title IX Regulations, 34 C.F.R. Part 106.45.

The conduct did not occur in an educational program, or activity controlled by ATU (including buildings or property controlled by recognized student organizations), and/or ATU does not have jurisdiction over the Respondent

- The conduct did not occur against a person in the United States
- At the time of filing a Formal Complaint, the Complainant is not participating in or attempting to participate in the education program or activity of ATU, and based on the information available, the Title IX Coordinator has determined that they do not need to sign a Formal Complaint on behalf of ATU.

ATU may dismiss a Formal Complaint or any allegations therein if, at any time during the investigation or hearing:

1. A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein
2. The Respondent is no longer enrolled in or employed by ATU
3. Specific circumstances prevent ATU from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein

Upon any dismissal, ATU will promptly send written notice of the dismissal and the rationale for doing so simultaneously to the parties.

This dismissal decision is appealable by any party under the Procedures for appeal. The decision not to dismiss is also appealable by any party claiming that a dismissal is required or appropriate. A Complainant who decides to withdraw a complaint may later request to reinstate it or refile it.

A complaint dismissed under Process A may be reviewed under an alternate ATU Policy or process including Process B.

4. Counterclaims

ATU is obligated to ensure that the grievance process is not abused for retaliatory purposes, thus counterclaims made with retaliatory intent will not be permitted. ATU permits the filing of counterclaims but uses an initial assessment, described above, to assess whether the allegations in the counterclaim are made in good faith.

Counterclaims determined to have been reported in good faith will be processed using the resolution process below. Investigation of such claims may take place after resolution of the underlying initial complaint, in which case a delay may occur.

Counterclaims may also be resolved through the same investigation as the underlying complaint, at the discretion of the Title IX Coordinator. When counterclaims are not made in good faith, they will be considered retaliatory and may constitute a violation of this Policy.

5. **Right to an Advisor**

The parties may each have one (1) Advisor of their choice present with them for all meetings, interviews, and hearings within the resolution process, if they so choose. The parties may select whoever they wish to serve as their Advisor as long as the Advisor is eligible and available[11].

Choosing an Advisor who is also a witness in the process creates potential for bias and conflict of interest. A party who chooses an Advisor who is also a witness can anticipate that issues of potential bias will be explored by the hearing Decision-Maker(s).

[11] "Available" means the party cannot insist on an Advisor who simply doesn't have inclination, time, or availability. Also, the Advisor cannot have institutionally conflicting roles, such as being a Title IX administrator who has an active role in the matter, or a supervisor who must monitor and implement sanctions.

A. Who Can Serve as an Advisor

The Advisor may be a friend, mentor, family member, attorney, or any other individual a party chooses to advise, support, and/or consult with them throughout the resolution process. The parties may choose Advisors from inside or outside of the ATU community.

The Title IX Coordinator will also offer to assign a trained Advisor to any party if the party so chooses. If the parties choose an Advisor from the pool available from ATU, the Advisor will be trained by ATU and be familiar with ATU's resolution process.

If the parties choose an Advisor from outside the pool of those identified by ATU, the Advisor may not have been trained by ATU and may not be familiar with ATU policies and Procedures.

Parties also have the right to choose not to have an Advisor in the initial stages of the resolution process, prior to a hearing.

B. Advisor's Role in Meetings and Interviews

The parties may be accompanied by their Advisor in all meetings and interviews at which the party is entitled to be present, including intake and interviews. Advisors should help the parties prepare for each meeting and are expected to advise ethically, with integrity, and in good faith.

ATU cannot guarantee equal Advisory rights, meaning that if one party selects an Advisor who is an attorney, but the other party does not or cannot afford an attorney, ATU is not obligated to provide an attorney.

C. Advisors in Hearings/ATU-Appointed Advisor

Under the Title IX regulations, a form of indirect questioning is required during the hearing but must be conducted by the parties' Advisors. The parties are not permitted to directly question each other or any witnesses. If a party does not have an Advisor for a hearing, ATU will appoint a trained Advisor for the limited purpose of conducting any questioning of the parties or witnesses.

D. Pre-Interview Meetings

Advisors and their advisees may request to meet with the administrative officials conducting interviews/meetings in advance of these interviews or meetings. This pre-meeting allows Advisors to clarify and understand their role and ATU's policies and Procedures.

E. Advisor Violations of ATU Policy

All Advisors are subject to the same ATU policies and Procedures, whether they are attorneys or not, and whether they are selected by a party or assigned by ATU. Advisors are expected to advise their advisees without disrupting proceedings. Advisors should not address ATU officials in a meeting or interview unless invited to (e.g., asking procedural questions). The Advisor may not make a presentation or represent their advisee during any meeting or proceeding and may not speak on behalf of the advisee to the Investigator(s) or other Decision-Maker(s) except during a hearing proceeding during questioning.

The parties are expected to ask and respond to questions on their own behalf throughout the investigation phase of the resolution process. Although the Advisor generally may not speak on behalf of their advisee, the Advisor may consult with their advisee[12], either privately as needed, or by conferring or passing notes during any resolution process meeting or interview. For longer or more involved discussions, the parties and their Advisors should ask for breaks to allow for private consultation.

[12] Subject to the state law provisions or ATU Policy above.

Any Advisor who oversteps their role as defined by this Policy, or who refuses to comply with ATU's established rules of decorum for the hearing, will be warned. If the Advisor continues to disrupt or otherwise fails to respect the limits of the Advisor role, the meeting/interview/hearing may be ended, or other appropriate measures implemented, including ATU requiring the party to use a different Advisor or providing a different ATU-appointed Advisor. Subsequently, the Title IX Coordinator will determine how to address the Advisor's non-compliance and future role.

F. Sharing Information with the Advisor

ATU expects that the parties may wish to have ATU share documentation and evidence related to the allegations with their Advisors. ATU provides a consent form that authorizes ATU to share such information directly with a party's Advisor. The parties must either complete and submit this form to the Title IX Coordinator or provide similar documentation demonstrating consent to a release of information to the Advisor before ATU is able to share records with an Advisor.

If a party requests that all communication be made through their attorney Advisor, ATU may comply with that request at the discretion of the Title IX Coordinator.

G. Privacy of Records Shared with Advisor

Advisors are expected to maintain the privacy of the records shared with them. These records may not be shared with third parties, disclosed publicly, or used for purposes not explicitly authorized by ATU. ATU may seek to restrict the role of any Advisor who does not respect the sensitive nature of the process or who fails to abide by ATU's privacy expectations.

H. Expectations of an Advisor

ATU generally expects an Advisor to adjust their schedule to allow them to attend ATU meetings/interviews/hearings when planned, but ATU may change scheduled meetings/interviews/hearings to accommodate an Advisor's inability to attend, if doing so does not cause an unreasonable delay. This process will not be delayed by the unavailability of an Advisor.

ATU may also make reasonable provisions to allow an Advisor who cannot attend in person to attend a meeting/interview/hearing by telephone, video conferencing, or other similar technologies as may be convenient and available.

I. Expectations of the Parties with Respect to Advisors

A party may elect to change Advisors during the process and is not obligated to use the same Advisor throughout. The parties are expected to inform the Investigator(s) of the identity of their Advisor at least two (2) business days before the date of their first meeting with Investigators (or as soon as possible if a more expeditious meeting is necessary or desired).

The parties are expected to provide timely notice to the Title IX Coordinator if they change Advisors at any time. It is assumed that if a party changes Advisors, consent to share information with the previous Advisor is terminated, and a release for the new Advisor must be secured. Parties are expected to inform the Title IX Coordinator of the identity of their hearing Advisor at least two (2) business days before the hearing, if the Advisor has changed after initial selection/assignment.

6. Resolution Processes

Resolution proceedings are private. All persons present at any time during the resolution process are expected to maintain the privacy of the proceedings in accordance with ATU Policy. Although is there is an expectation of privacy around what Investigators share with parties during interviews, the parties have discretion to share their own knowledge and evidence with others if they so choose. ATU encourages parties to discuss any sharing of information with their Advisors before doing so.

The formal grievance process is ATU's primary resolution approach unless Informal Resolution is elected by all parties and ATU.

A. Informal Resolution

Three options for Informal Resolution are detailed in this section:

- **Supportive Resolution.** When the Title IX Coordinator can resolve the matter

informally by providing supportive measures only to remedy the situation.

- **Alternative Resolution.** When the parties agree to resolve the matter through an alternate resolution mechanism including mediation, restorative practices, facilitated dialogue, etc. as described below, often before a formal investigation takes place.
- **Accepted Responsibility.** When the Respondent accepts responsibility for violating Policy, and desires to accept the recommended sanction(s) and end the resolution process.

To initiate Informal Resolution, a Complainant must submit a Formal Complaint, as defined above. A Respondent who wishes to initiate Informal Resolution should contact the Title IX Coordinator.

It is not necessary to pursue Informal Resolution first in order to pursue a Formal Grievance Process, and any party participating in Informal Resolution can stop the process at any time and begin or resume the Formal Grievance Process.

Prior to implementing Informal Resolution, ATU will provide the parties with written notice of the reported misconduct and any sanctions (only in the case of Accepted Responsibility) or measures/terms that may result from participating in such a process, including information regarding any records that will be maintained or shared by ATU.

ATU will obtain voluntary, written confirmation that all parties wish to resolve the matter through Informal Resolution before proceeding and will not pressure the parties to participate in Informal Resolution. Results of complaints resolved by Informal Resolution are not applicable.

B. Alternate Resolution Approaches

Alternate Resolution is an informal approach, including mediation, restorative practices facilitated dialogue, etc. by which parties reach a mutually agreed upon resolution of a complaint. All parties must consent to the use of an Alternate Resolution approach.

The Title IX Coordinator may look to the following factors to assess whether Alternate Resolution is appropriate, or which form of Alternate Resolution may be most successful for the parties:

- The parties' amenability to Alternate Resolution
- Likelihood of potential resolution, taking into account any power dynamics between the parties
- The nature and severity of the allege misconduct
- The parties' motivation to participate
- Civility of the parties
- Results of a violence risk assessment/ongoing risk analysis
- Disciplinary history of the Respondent
- Whether an emergency removal is needed
- Skill of the Alternate Resolution facilitator with this type of complaint
- Complaint complexity
- Emotional investment/capability of the parties
- Rationality of the parties
- Goals of the parties
- Adequate resources to invest in Alternate Resolution (time, staff, etc.)

The ultimate determination of whether Alternate Resolution is available or successful is to be made by the Title IX Coordinator. The parties may not enter into an agreement that requires ATU to impose specific sanctions, though the parties can agree to certain restrictions or other courses of action. The only Informal Resolution Process that can result in sanctions levied by ATU is "Accepted Responsibility."

The Title IX Coordinator has discretion to determine if an investigation will be paused during Informal Resolution, or if it will be limited, or will continue during the Informal Resolution process. The Title IX Coordinator is authorized to facilitate a resolution that is acceptable to all parties, and/or to accept a resolution that is proposed by the parties, usually through their Advisors, including terms of confidentiality, release, and non-disparagement.

The Title IX Coordinator maintains records of any resolution that is reached, and failure to abide by the resolution agreement may result in appropriate responsive/disciplinary actions (e.g., referral for formal resolution, referral to the conduct process for failure to comply). Results of complaints resolved by

Alternate Resolution are not appealable.

C. Respondent Accepts Responsibility for Alleged Violations

The Respondent may accept responsibility for all or part of the alleged Policy violation(s) at any point during the resolution process. If the Respondent indicates an intent to accept responsibility for all of the alleged misconduct, the formal process will be paused, and the Title IX Coordinator will determine whether Informal Resolution can be used according to the criteria above.

If Informal Resolution is applicable, the Title IX Coordinator will determine whether all parties and ATU are able to agree on responsibility, sanctions/restrictions, and/or remedies. If so, the Title IX Coordinator implements the accepted finding that the Respondent is in violation of ATU Policy and implements agreed-upon sanctions/restrictions and/or remedies in coordination with other appropriate administrator(s), as necessary. This result is not subject to appeal once all parties indicate their written assent to all agreed upon resolution terms.

If either the Complainant or the Respondent objects to the proposed sanction(s), then the Hearing Board will convene for the exclusive purpose of determining a sanction(s), which determination may be subject to appeal as outlined in this Policy.

When a resolution is accomplished, the appropriate sanction(s) or responsive actions are promptly implemented in order to effectively stop the harassment or discrimination, prevent its recurrence, and remedy the effects of the discriminatory conduct, both on the Complainant and the community.

7. Formal Grievance Process Pool

The Formal Grievance Process relies on a pool of administrators ("the Pool") to carry out the process. The list of Pool members and a description of the Pool can be found at https://www.atu.edu/titleix/pool.php.

A. Pool Member Roles

Members of the Pool are trained annually, and can serve in in the following roles, at the direction of the Title IX Coordinator:

- To act as an Advisor to the parties
- To serve as a hearing facilitator (process administrator, no decision-making role)
- To serve as a Decision-Maker regarding the complaint

B. Pool Member Appointment

The Title IX Coordinator, in consultation with the President, appoints the Pool, which acts with independence and impartiality. Although members of the Pool[13] are typically trained in a variety of skill sets and can rotate amongst the different roles listed above in different complaints, ATU can also designate permanent roles for individuals in the Pool, using others as substitutes or to provide greater depth of experience when necessary. This process of role assignment may be the result of particular skills, aptitudes, or talents identified in members of the Pool that make them best suited to particular roles.

C. Pool Member Training

Pool members receive annual training jointly. This training includes, but is not limited to:

- The scope of ATU's Equal Opportunity, Harassment (Sexual Misconduct), and Non-discrimination Policy and Procedures

[13] External, trained third-party neutral professionals may also be used to serve in Pool roles. This does not preclude ATU from having all members of the Pool go through an application and/or interview/selection process.

- How investigation and hearings are conducted that protect the safety of Complainants and Respondents, and promote accountability
- Implicit bias
- Disparate treatment
- Reporting, confidentiality, and privacy requirements
- Applicable laws, regulations, and federal regulatory guidance
- How to implement appropriate and situation-specific remedies
- Trauma-informed practices pertaining to investigations and resolutions processes
- How to uphold fairness, equity, and due process
- How to weigh evidence
- How to conduct questioning
- How to assess credibility
- Impartiality and objectivity
- How to render findings and generate clear, concise, evidence-based rationales
- The definitions of all offenses
- How to apply definitions used by ATU with respect to consent (or the absence or negation of consent) consistently, impartially, and in accordance with Policy
- How grievance processes are conducted including hearings, appeals, and Informal Resolution processes
- How to serve impartially by avoiding prejudgment of the facts at issue, conflicts of interest, and bias against Respondents and/or Complaints, and on the basis of sex, race, religion, and other protected characteristics
- Any technology to be used at a live hearing
- Issues of relevance of questions and evidence
- Issues of relevance to create an investigation report that fairly summarizes relevant evidence
- How to determine appropriate sanctions in reference to all forms of harassment, discrimination, and/or retaliation allegations
- Recordkeeping

Specific training is also provided for other members of the Title IX Staff, including Appeal Decision-Makers, intake personnel, Investigators, and Chairs. All Pool members are required to attend these trainings annually. The materials used to train all members of the Pool are publicly posted at http://www.atu.edutitleix/trainingmaterial.php

D. Pool Membership

The Hearing Panel will have three (3) members. The composition of the Hearing Panel will be two (2) faculty or staff members and will be chaired by a representative from Student Affairs or Human Resources.

The Pool includes representatives who can rotate, upon appointment, to serve in either the Advisor or Decision-Maker role.

Pool members are appointed for one-year terms which are renewable. Individuals who are interested in serving in the Pool are encouraged to contact the Title IX Coordinator.

8. Formal Grievance Process: Notice of Investigation and Allegations

The Title IX Coordinator will provide written Notice of the Investigation and Allegations (the "NOIA") to the Respondent upon commencement of the Formal Grievance Process. The NOIA is also copied to the Complainant, who is to be given advance notice of when the NOIA will be delivered to the Respondent.

The NOIA will include:

- A meaningful summary of all allegations
- The identity of the involved parties (if known)
- The precise misconduct being alleged
- The date and location of the alleged incident(s) (if known)
- The specific policies implicated
- A description of the applicable Procedures

- A statement of the potential sanctions/responsive actions that could result
- A statement that ATU presumes the Respondent is not responsible for the reported misconduct unless and until the evidence supports a different determination
- A statement that determinations of responsibility are made at the conclusion of the process and that the parties will be given an opportunity during the review and comment period to inspect and review all directly related and/or relevant evidence obtained
- A statement about ATU's Policy on retaliation
- Information about the confidentiality of the process
- Information on the need for each party to have an Advisor of their choosing and suggestions for ways to identify an Advisor
- A statement informing the parties that ATU's Policy prohibits knowingly making false statements, including knowingly submitting false information during the resolution process
- Detail on how the party may request disability accommodations during the resolution process
- The name(s) of the Investigator(s), along with a process to identify, in advance of the interview process, to the Title IX Coordinator any conflict of interest that the Investigator(s) may have
- An instruction to preserve any evidence that is directly related to the allegations

Amendments and updates to the NOIA may be made as the investigation progresses and more information becomes available regarding the addition or dismissal of various allegations.

Notice will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address(es) of the parties as indicated in official ATU records, or emailed to the parties' ATU issued email or designated accounts. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

9. **Resolution Timeline**

ATU will make a good faith effort to complete the resolution process within a sixty-to-ninety (60-90) business-day time period, including appeal (if any), which can be extended as necessary for appropriate cause by the Title IX Coordinator, who will provide notice and rationale for any extensions or delays to the parties as appropriate, as well as an estimate of how much additional time will be needed to complete the process.

10. **Appointment of Investigator(s)**

Once the decision to commence a formal investigation is made, the Title IX Coordinator appoints an Investigator(s) to conduct the investigation This information is provided to the parties in the NOIA.

11. **Ensuring Impartiality**

Any individual materially involved in the administration of the resolution process, including the Title IX Coordinator, Investigator(s), and Decision-Maker(s) may neither have nor demonstrate a conflict of interest or bias for a party generally, or for a specific Complainant or Respondent.

The Title IX Coordinator will vet the assigned Investigator(s) to ensure impartiality by ensuring there are no actual or apparent conflicts of interest or disqualifying biases. The parties may, at any time during the resolution process, raise a concern regarding bias or conflict of interest, and the Title IX Coordinator will determine whether the concern is reasonable and supportable. If so, another Pool member will be assigned and the impact of the bias or conflict, if any, will be remedied. If the source of the conflict of interest or bias is the Title IX Coordinator, concerns should be raised with. Amy Pennington, Vice President for Student Affairs, at apennington@atu.edu.

The Formal Grievance Process involves an objective evaluation of all relevant evidence obtained, including evidence that supports that the Respondent engaged in a Policy violation and evidence that supports that the Respondent did not engage in a Policy violation. Credibility determinations may not be based solely on an individual's status or participation as a Complainant, Respondent, or witness.

ATU operates with the presumption that the Respondent is not responsible for the reported misconduct unless and until the Respondent acknowledges responsibility or is determined to be responsible for a Policy violation by the preponderance of the evidence standard.

12. **Investigation Timeline**

Investigations are completed expeditiously, normally within sixty (60) business days, though some investigations may take weeks or even months, depending on the nature, extent, and complexity of the allegations, availability of witnesses, law enforcement involvement, etc.

ATU will make a good faith effort to complete investigations as promptly as circumstances permit and will

communicate regularly with the parties to update them on the progress and timing of the investigation. A student Respondent alleged of a serious violation will be provided with a copy of the Arkansas Student Due Process and Protection Act at the inception of the disciplinary matter and will not be questioned by the University until at least twenty-four (24) hours after the receipt Arkansas Student Due Process and Protection Act provided that the campus law enforcement's ability to investigate a possible criminal violation is not impeded.

Delays in the Investigation Process and Interactions with Law Enforcement

ATU may undertake a short delay in its investigation (several days to a few weeks) if circumstances require. Such circumstances include but are not limited to: a request from law enforcement to temporarily delay the investigation, the need for language assistance, the absence of parties and/or witnesses, and/or health conditions.

ATU will communicate the anticipated duration of the delay and reason to the parties in writing and provide the parties with status updates if necessary. ATU will promptly resume its investigation and resolution process as soon as feasible. During such a delay, ATU will implement supportive measures as deemed appropriate.

ATU action(s) or processes are not typically altered or precluded on the grounds that civil or criminal charges involving the underlying incident(s) have been filed or that criminal charges have been dismissed or reduced.

13. Steps in the Investigation Process

All investigations are thorough, reliable, impartial, prompt, and fair. Investigations involve interviews with all available relevant parties and witnesses; obtaining available, relevant evidence; and identifying sources of expert information, as necessary. All parties have a full and fair opportunity, through the investigation process, to suggest witnesses and questions, to provide evidence and expert witnesses, and to fully review and respond to all evidence on the record. Recordings of interviews are not provided to the parties, but the parties will have the ability to review their interview summary once the Investigator(s) has completed the summary document. All other interview summaries will be available for review when the draft investigation report is released.

At the discretion of the Title IX Coordinator, investigations can be combined when complaints implicate a pattern, collusion, and/or other shared or similar actions.

The Investigator(s) typically take(s) the following steps, if not already completed (not necessarily in this order):

- Determine the identity and contact information of the Complainant
- Assist the Title IX Coordinator, if needed, with identifying all policies implicated by the alleged misconduct and notify the Complainant and Respondent of all of the specific policies implicated
- Assist the Title IX Coordinator, if needed, with conducting an initial assessment to determine if the allegations indicate a potential Policy violation
- Commence a thorough, reliable, and impartial investigation by identifying issues and developing a strategic investigation plan, including a witness list, evidence list, intended investigation timeframe, and order of interviews for all parties and the witnesses
- Provide each interviewed party and witness an opportunity to review and verify the Investigator's summary notes of the relevant evidence/testimony from their respective interviews and meetings
- Make good faith efforts to notify the parties of any meeting or interview involving the other party, in advance when possible
- When participation of a party is expected, provide that party with written notice of the date, time, and location of the meeting, as well as the expected participants and purpose
- Interview all available, relevant witnesses and conduct follow-up interviews as necessary
- Allow each party the opportunity to suggest witnesses and questions they wish the Investigator(s) to ask of the other party and/or witnesses, and document in the report which questions were asked, with a rationale for any changes or omissions
- Complete the investigation promptly without unreasonable deviation from the intended timeline
- Provide regular status updates to the parties throughout the investigation
- Prior to the conclusion of the investigation, provide the parties and their respective Advisors (if so desired by the parties) with a list of witnesses whose information may be used to render a finding within the

draft investigation report

- Write a comprehensive investigation report fully summarizing the investigation, all witness interviews, and addressing all relevant evidence. Appendices including relevant physical or documentary evidence will be included
- Gather, assess, and synthesize evidence, but make no conclusions, and render no recommendations as part of their report
- Prior to the conclusion of the investigation, provide the parties and their respective Advisors (if so desired by the parties) a secured electronic or hard copy of the draft investigation report as well as an opportunity to inspect and review all of the evidence obtained as part of the investigation that is directly related to the reported misconduct, including evidence upon which ATU does not intend to rely in reaching a determination, for a ten (10) business day review and comment period so that each party may meaningfully respond to the evidence. The parties may elect to waive the full ten (10) business days.
- May elect to respond in writing in the investigation report to the parties' submitted responses and/or to share the responses between the parties for additional responses
- Incorporate relevant elements of the parties' written responses into the final investigation report, include any additional relevant evidence, make any necessary revisions, and finalize the report. The Investigator(s) should document all rationales for any changes made after the review and comment period
- Share the draft report with the Title IX Coordinator for their review and feedback
- Incorporate any relevant feedback and share the final report with all parties and their Advisors through secure electronic transmission or hard copy at least ten (10) business days prior to a hearing

14. Role and Participation of Witnesses in the Investigation

Witnesses (as distinguished from the parties) who are employees of ATU are expected to cooperate with and participate in ATU's investigation and resolution process. Student witnesses and witnesses from outside the ATU community are encouraged to cooperate with ATU investigations and to share what they know about a complaint. Although in-person interviews for parties and all potential witnesses are ideal, circumstances (e.g., study abroad, summer break) may require individuals to be interviewed remotely. Skype, Zoom, FaceTime, WebEx, or similar technologies may be used for interviews if the Investigator(s) determine that timeliness or efficiency dictate a need for remote interviewing. ATU will take steps to reasonably ensure the security/privacy of remote interviews.

Witnesses may also provide written statements in lieu of interviews or choose to respond to written questions, if deemed appropriate by the Investigator(s), though not preferred.

15. Recording of Interviews

No unauthorized audio or video recording of any kind is permitted during the resolution process. If Investigator(s) elect to audio and/or video record interviews, all involved parties must be made aware of audio and/or video recording. Recordings of interviews are not provided to the parties or witnesses, but the parties and/or witnesses will have the ability to review the summary of their interview once the Investigator(s) has completed the summary document.

16. Evidentiary Considerations in the Investigation

Neither the investigation nor the hearing consider: 1) incidents not relevant or not directly related to the possible violation(s), unless they evidence a pattern; or 2) questions and evidence about the Complainant's sexual predisposition; or (3) questions and evidence about the Complainant's prior sexual behavior, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

Within the boundaries stated above, the investigation and the hearing can consider character evidence generally, if offered, but that evidence is unlikely to be relevant unless it is fact evidence or relates to a pattern of conduct.

17. Referral for Hearing

Provided that the complaint is not resolved through Informal Resolution, once the final investigation report is shared with the parties, the Title IX Coordinator will refer the matter for a hearing.

The hearing cannot be less than ten (10) business days from the conclusion of the investigation when the final investigation report is transmitted to the parties and the Decision-Makers–unless all parties and the Decision-Makers agree to an expedited timeline.

The Title IX Coordinator or designee will select appropriate Decision-Makers from the Pool and provide a copy of the investigation report.

18. Hearing Decision-Makers Composition

ATU will designate a three (3) member panel from the Pool, at the discretion of the Title IX Coordinator. One of the three (3) members will be appointed as Chair by the Title IX Coordinator.

The Decision-Maker(s) will not have had any previous involvement with the complaint. The Title IX Coordinator may elect to have an alternate from the Pool sit in throughout the hearing process in the event that a substitute is needed for any reason.

Those who have served as Investigators will be witnesses in the hearing and therefore may not serve as Decision-Makers. Those who are serving as Advisors for any party may not serve as Decision-Makers in that matter.

The Title IX Coordinator may not serve as a Decision-Maker or Chair in the matter but may serve as an administrative facilitator of the hearing if their previous role(s) in the matter do not create a conflict of interest. Otherwise, a designee may fulfill the facilitator role. The hearing will convene at a time and venue determined by the Chair.

19. Additional Evidentiary Considerations in the Hearing

Any evidence that the Decision-Maker(s) determine(s) is relevant and credible may be considered.

Previous disciplinary action of any kind involving the Respondent may not be used unless there is an allegation of a pattern of misconduct but may be considered in determining an appropriate sanction upon a determination of responsibility because ATU uses a progressive discipline system. In this case, the information is only considered at the sanction stage of the process, and is not shared until then.

The parties may each submit a written impact statement and/or mitigation statement prior to the hearing for the consideration of the Decision-Maker(s) at the sanction stage of the process when a determination of responsibility is reached. Any such statement should be submitted to the Title IX Coordinator.

After post-hearing deliberation, the Decision-Makers render a determination based on the preponderance of the evidence standard, whether it is more likely than not that the Respondent violated the Policy as alleged.

20. Notice of Hearing

No less than ten (10) business days prior to the hearing, the Title IX Coordinator or the Chair will send notice of the hearing to the parties. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

The notice will contain:

- A description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable hearing Procedures, and a statement of the potential sanctions/responsive actions that could result.
- The time, date, and location of the hearing.
- Description of any technology that will be used to facilitate the hearing.
- Information about the option for the live hearing to occur with the parties located in separate rooms using technology that enables the Decision-Makers and parties to see and hear a party or witness answering questions. Such a request must be raised with the Title IX Coordinator or the Chair at least five (5) business days prior to the hearing.
- A list of all those who will attend the hearing, along with an invitation to object to any Decision-Maker on the basis of demonstrated bias or conflict of interest. This must be raised with the Title IX Coordinator at least five (5) business days prior to the hearing.
- Information on how the hearing will be recorded and how the parties can access the recording after the hearing.
- A statement that if any party or witness does not appear at the scheduled hearing, the hearing may be held in their absence. For compelling reasons, the Chair may reschedule the hearing.
- Notification that the parties may have the assistance of an Advisor of their choosing at the hearing and will be required to have one present for any questions they may desire to ask. The party must notify

the Title IX Coordinator if they wish to conduct cross-examination and do not have an Advisor, and ATU will appoint one. Each party must have an Advisor present if they intend to cross-examine others. There are no exceptions.

- A copy of all the materials provided to the Decision-Makers about the complaint, unless they have already been provided.
- An invitation to each party to submit to the Title IX Coordinator an impact and/or mitigation statement pre-hearing that the Decision-Makers will review during any sanction determination.
- An invitation to contact the Title IX Coordinator to arrange any disability accommodations, language assistance, and/or interpretation services that may be needed at the hearing, at least seven (7) business days prior to the hearing.

Hearings for possible violation(s) that occur near or after the end of an academic term (assuming the Respondent is still subject to this Policy) and are unable to be resolved prior to the end of term will typically be held immediately after the end of the term or during the summer, as needed, to meet the resolution timeline followed by ATU and remain within the 60-90 business day goal for resolution.

In these cases, if the Respondent is a graduating student, a hold may be placed on graduation and/or official transcripts until the matter is fully resolved (including any appeal). Employees who do not have 12-month contracts are still expected to participate in resolution proceedings that occur during months between contracts.

21. Alternative Hearing Participation Options

If a party or parties prefer not to attend or cannot attend the hearing in person, the party should request alternative arrangements from the Title IX Coordinator or the Chair at least five (5) business days prior to the hearing. The Title IX Coordinator or the Chair can arrange to use technology to allow remote testimony without compromising the fairness of the hearing. Remote options may also be needed for witnesses who cannot appear in person. Any witness who cannot attend in person should let the Title IX Coordinator or the Chair know at least five (5) business days prior to the hearing so that appropriate arrangements can be made.

22. Pre-Hearing Preparation

After any necessary consultation with the parties, the Chair will provide the names of persons who have been asked to participate in the hearing, all pertinent documentary evidence, and the final investigation report to the parties at least ten (10) business days prior to the hearing.

Any witness scheduled to participate in the hearing must have been first interviewed by the Investigator(s) or have proffered a written statement or answered written questions, unless all parties and the Chair assent to the witness's participation in the hearing. For any evidence, excluding testimony, that is first offered at the hearing, the Chair may allow the new evidence to be introduced, delay the hearing, or may instruct that the investigation needs to be re-opened to consider that evidence. The Chair may also determine that the new information is not relevant, was not submitted in a timely manner, and may not be introduced. In which case, the hearing will continue. The Chair may invite explanations or persuasive statements regarding the introduction of new evidence from the parties.

The parties will be given a list of the names of the Decision-Makers at least five (5) business days in advance of the hearing. All objections to any Decision-Maker must be raised in writing, detailing the rationale for the objection, and must be submitted to the Title IX Coordinator as soon as possible and no later than two (2) days prior to the hearing. Decision-Makers will only be removed if the Title IX Coordinator concludes that their actual or perceived bias or conflict of interest precludes an impartial hearing of the complaint.

The Title IX Coordinator or Chair will give the Decision-Makers a list of the names of all parties, witnesses, and Advisors at least five (5) business days in advance of the hearing. Any Decision-Maker who cannot make an objective determination must recuse themselves from the proceedings when notified of the identity of the parties, witnesses, and Advisors in advance of the hearing. If a Decision-Maker is unsure of whether a bias or conflict of interest exists, they must raise the concern to the Title IX Coordinator as soon as possible.

During the ten (10) business day period prior to the hearing, the parties have the opportunity for continued review and comment on the final investigation report and available evidence. That review and comment can be shared with the Chair at the pre-hearing meeting or at the hearing and will be exchanged between each party by the Chair.

23. Pre-Hearing Meetings

The Chair may convene a pre-hearing meeting(s) with the parties and/or their Advisors and invite them to submit the questions or topics they (the parties and/or their Advisors) wish to ask or discuss at the hearing, so that the Chair can rule on their relevance ahead of time to avoid any improper evidentiary introduction in the hearing or to provide recommendations for more appropriate phrasing.

However, this advance review opportunity does not preclude the Advisors from asking a question for the first time at the hearing or from asking for a reconsideration on a pre-hearing ruling by the Chair based on any new information or testimony offered at the hearing.

The Chair, only with full agreement of the parties, may decide in advance of the hearing that certain witnesses do not need to be present if their testimony can be adequately summarized by the Investigator(s) in the investigation report or during the hearing.

At each pre-hearing meeting with a party and their Advisor, the Chair will consider arguments that evidence identified in the final investigation report as relevant is, in fact, not relevant. Similarly, evidence identified as directly related but not relevant by the Investigator(s) may be argued to be relevant. The Chair may rule on these arguments pre-hearing and will exchange those rulings between the parties prior to the hearing to assist in preparation for the hearing. The Chair may consult with legal counsel and/or the Title IX Coordinator or ask them to attend pre-hearing meetings.

The pre-hearing meeting(s) will not be recorded. The pre-hearing meetings may be conducted as separate meetings with each party/Advisor, with all parties/Advisors present at the same time, remotely, or as a written-only exchange. The Chair will work with the parties to establish the format.

24. Hearing Procedures

At the hearing, the Decision-Makers have the authority to hear and make determinations on all allegations of discrimination, harassment, and/or retaliation and may also hear and make determinations on any additional alleged Policy violation(s) that occurred in concert with the discrimination, harassment, and/or retaliation, even though those collateral allegations may not specifically fall within the Equal Opportunity, Harassment (Sexual Misconduct), and Nondiscrimination Policy and Procedures.

Participants at the hearing will include the Chair, any additional panelists, the hearing facilitator (if needed), the Investigator(s) who conducted the investigation, the parties (or three (3) organizational representatives when an organization is the Respondent), Advisors to the parties, any called witnesses, and anyone providing authorized accommodations, interpretation, and/or assistive services.

The Chair will answer all questions of Procedure.

Anyone appearing at the hearing to provide information will respond to questions on their own behalf.

The Chair will allow witnesses who have relevant information to appear at a portion of the hearing to respond to specific questions from the Decision-Makers and the parties, and the witnesses will then be excused.

25. Joint Hearings

In hearings involving more than one Respondent and/or involving more than one Complainant who has accused the same individual of substantially similar conduct, the default Procedure will be to hear the allegations jointly. However, the Title IX Coordinator may permit the investigation and/or hearings pertinent to each Respondent or complaint to be conducted separately if there is a compelling reason to do so. In joint hearings, separate determinations of responsibility will be made for each Respondent and/or for each complaint with respect to each alleged Policy violation. The Investigator(s) may remain present for the duration of the hearing.

26. The Order of the Hearing – Introductions and Explanation of Procedure

The Chair explains the Procedures and introduces the participants. The Chair then conducts the hearing according to the hearing script. At the hearing, recording, witness logistics, party logistics, curation of documents, separation of the parties, and other administrative elements of the hearing process are managed by a non-voting hearing facilitator appointed by the Title IX Coordinator, if needed. The hearing facilitator may attend to: logistics of rooms for various parties/witnesses as they wait; flow of parties/witnesses in and out of the hearing space; ensuring recording and/or virtual conferencing technology is working as intended; copying and distributing materials to participants, as appropriate, etc.

27. Investigator(s) Presentation of Final Investigation Report

The Investigator(s) will then present a summary of the final investigation report, including items that are contested and those that are not, and will be subject to questioning by the Decision-Makers and the parties (through their Advisors). The Investigator(s) may be present during the entire hearing process, but not during deliberations.

Neither the parties nor the Decision-Makers should ask the Investigator(s) their opinions on credibility, recommended findings, or determinations, and Advisors and parties will refrain from discussion of or questions for Investigator(s) about these assessments. If such information is introduced, the Chair will direct that it be disregarded.

28. Testimony and Questioning

Once the Investigator(s) presents the report and responds to questions, the parties and witnesses may provide relevant information in turn, beginning with the Complainant, and then in the order determined by the Chair. The parties/witnesses will submit to questioning by the Decision-Makers and then by the parties through their Advisors.

All questions are subject to a relevance determination by the Chair. The Advisor, who will remain seated during questioning, will pose the proposed question orally, electronically, or in writing (orally is the default, but other means of submission may be permitted by the Chair upon request if agreed to by the parties and the Chair), the proceeding will pause to allow the Chair to consider the question, and the Chair will determine whether the question will be permitted, disallowed, or rephrased.

The Chair may invite explanations or persuasive statements regarding relevance with the Advisors if the Chair so chooses. The Chair may decide to call a recess to review relevancy and other arguments. During a recess, the Chair may choose to confer with the Title IX Coordinator. The Chair will then state their decision on the question for the record and advise the party/witness to whom the question was directed, accordingly. The Chair will explain any decision to exclude a question as not relevant, or to reframe it for relevance.

The Chair will limit or disallow questions on the basis that they are irrelevant, unduly repetitious (and thus irrelevant), or abusive. The Chair has final say on all questions and determinations of relevance. The Chair may consult with the Title IX Coordinator and/or legal counsel on any questions of admissibility. The Chair may ask Advisors to frame why a question is or is not relevant from their perspective but will not entertain argument from the Advisors on relevance once the Chair has ruled on a question.

If the parties raise an issue of bias or conflict of interest of an Investigator or Decision-Maker at the hearing, the Chair may elect to address those issues, consult with legal counsel, and/or refer them to the Title IX Coordinator, and/or preserve them for appeal. If bias is not in issue at the hearing, the Chair should not permit irrelevant questions that probe for bias.

29. Refusal to Submit to Cross-Examination and Inferences

Any party or witness may choose not to offer evidence and/or answer questions at the hearing, either because they do not attend the hearing, or because they attend but refuse to participate in some or all questioning. The Decision-Maker(s) can only rely on whatever relevant evidence is available through the investigation and hearing in making the ultimate determination of responsibility. The Decision-Maker(s) may not draw any inference solely from a party's or witness's absence from the hearing or refusal to submit to cross-examination or answer other questions.

30. Hearing Recordings

Hearings (but not deliberations) are recorded by ATU for purposes of review in the event of an appeal. The parties may not record the proceedings and no other unauthorized recordings are permitted.

The Decision-Makers, the parties, their Advisors, and appropriate administrators of ATU will be permitted to listen to the recording in a controlled environment as determined by the Title IX Coordinator. No person will be given or be allowed to make a copy of the recording without permission of the Title IX Coordinator.

31. Deliberation, Decision-making, and Standard of Proof

The Decision-Makers will deliberate in closed session to determine whether the Respondent is responsible for the Policy violation(s) in question. A simple majority vote is required to determine the finding. The preponderance of the evidence standard of proof is used. The hearing facilitator may be invited to attend the deliberation by the Chair, but is there only to facilitate procedurally, not to address the substance of the allegations.

When there is a finding of responsibility on one or more of the allegations, the Decision-Makers may then consider the previously submitted party impact and/or mitigation statement(s) in determining appropriate sanction(s). Each of the parties may request to review any impact and/or mitigation statement (s) upon receipt of the Notice of Outcome letter. The Decision-Makers will also review any pertinent conduct history provided by the Title IX Coordinator and will determine the appropriate sanction(s).

The Chair will, in collaboration with the other Decision-Makers, then prepare a written statement detailing all

findings and final determinations, the rationale(s) explaining the decision(s), the evidence used in support of the determination(s), the evidence not relied upon in the determination(s), any credibility assessments, and any sanction(s) and will deliver the statement to the Title IX Coordinator.

This statement must be submitted to the Title IX Coordinator within two (2) business days of the end of deliberations unless the Title IX Coordinator grants an extension. If an extension is granted, the Title IX Coordinator will notify the parties.

32. Notice of Outcome

Using the deliberation statement, the Chair will work with the Title IX Coordinator to prepare a Notice of Outcome letter. The Chair will then share the letter, which includes the final determination, rationale, and any applicable sanction(s) with the parties and their Advisors within three (3) business days of finalizing the Decision-Makers' deliberation statement.

The Notice of Outcome will be shared with the parties simultaneously. Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official ATU records, or emailed to the parties' ATU-issued email or otherwise approved account. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

The Notice of Outcome will articulate the specific alleged Policy violation(s), including the relevant Policy section(s), and will contain a description of the procedural steps taken by the ATU from the receipt of the misconduct report to the determination, including any and all notifications to the parties, interviews with parties and witnesses, site visits, methods used to obtain evidence, and hearings held.

The Notice of Outcome will specify the finding on each alleged Policy violation; the findings of fact that support the determination; conclusions regarding the application of the relevant Policy to the facts at issue; a statement of, and rationale for, the result of each allegation to the extent ATU is permitted to share such information under state or federal law; any sanction(s) issued which ATU is permitted to share according to state or federal law; and whether remedies will be provided to the Complainant to ensure access to ATU's educational or employment program or activity.

The Notice of Outcome will also include information on when the results are considered to be final by ATU, will note any changes to the outcome and/or sanctions(s) that occur prior to finalization, and the relevant Procedures and bases for appeal.

33. Sanctions

Factors considered when determining a sanction/responsive action may include, but are not limited to:

- The nature, severity of, and circumstances surrounding the violation(s)
- The Respondent's disciplinary history
- The need for sanctions/responsive actions to bring an end to the discrimination, harassment, and/or retaliation
- The need for sanctions/responsive actions to prevent the future recurrence of discrimination, harassment, and/or retaliation
- The need to remedy the effects of the discrimination, harassment, and/or retaliation on the Complainant and the community
- The impact on the parties
- Any other information deemed relevant by the Decision-Makers

The sanctions will be implemented as soon as is feasible, either upon the outcome of any appeal or the expiration of the window to appeal without an appeal being requested.

The sanctions described in this Policy are not exclusive of, and may be in addition to, other actions taken, or sanctions imposed by external authorities.

If it is later determined that a party or witness intentionally provided false or misleading information, that action could be grounds for reopening a grievance process at any time, and/or referring that information to another process for resolution.

A. Student Sanctions

The following are the common sanctions that may be imposed upon students or registered student organizations singly or in combination[14]:

- Warning: A formal statement that the conduct was unacceptable and a warning that further violation of any ATU Policy, Procedure, or directive will result in more severe sanctions/responsive

actions.

- Probation: A written reprimand for violation of institutional Policy, providing for more severe disciplinary sanctions in the event that the student or registered student organization is found in violation of any institutional Policy, Procedure, or directive within a specified period of time. Terms of the probation will be articulated.
- Loss of Privileges: Suspension or denial of rights and privileges for a designated period of time, and may include denial of specified social privileges, exclusion from co-curricular activities, exclusion from designated areas of campus, no-contact directives, and/or other measures deemed appropriate.

[14] Subject to ATU's Organizational Code of Conduct

- Monetary Fines: A penalty imposed involving the collection of fees from the student.
- Restitution: Compensation for loss, injury, damage to or misappropriation of ATU property. This may take the form of appropriate service and/or monetary or material replacement.
- Educational Sanctions: Educational sanctions may be assigned to promote learning and understanding. These sanctions may be developed as necessary by a conduct body including, but not limited to:
  - Sponsorship of an education program;
  - Attendance at educational programs;
  - Requirement of members to complete educational training programs;
  - Attendance in conflict management training;
  - Educational service hours;
  - Attendance in ethics workshop/training;
  - Reflective exercises.
  - Research exercises.
- Discretionary Sanctions: Work assignments, service to ATU, or other related sanctions.
- Holds: Withholding of grades, the right to register for classes, official transcript, and/or degree.
- Housing Suspension: Separation of the student from ATU housing for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified.
- Housing Expulsion: Permanent separation of the student from ATU housing.
- University Suspension: Termination of student status for a definite period of time and revocation of rights to be on campus for any reason or to attend ATU-sponsored events. Conditions for readmission may be specified. Students who return from suspension are automatically placed on probation for a definite period of time.
- University Expulsion: Permanent termination of student status and revocation of rights to be on campus for any reason or to attend ATU-sponsored events.
- Loss of Scholarship: Scholarships awarded by ATU or ATU-related programs may be partially or fully revoked.
- Withholding Diploma: ATU may withhold a student's diploma for a specified period of time and/or deny a student participation in commencement activities if the student has an allegation pending or as a sanction if the student is found responsible for an alleged violation.
- Revocation of Admission or Degree: ATU reserves the right to revoke admission, or a degree previously awarded from ATU for fraud, misrepresentation, and/or other violation of ATU policies, Procedures, or directives in obtaining admission or the degree, or for other serious violation(s) committed by a student prior to graduation.
- Organizational Sanctions: Censure, Disciplinary Probation, Deferred Suspension, Disciplinary Suspension, Indefinite Dismissal, Restrictions, Educational Sanctions, Restitution, and Monetary Fines.
- Other Actions: In addition to or in place of the above sanctions, ATU may assign any other sanctions as deemed appropriate.

B. Employee Sanctions

Responsive actions for an employee who has engaged in harassment, discrimination, and/or retaliation include:

- Warning – Verbal or Written
- Performance Improvement Plan/Management Process
- Required Training or Education
- Probation
- Denial of Pay Increase/Pay Grade
- Loss of Oversight or Supervisory Responsibility
- Demotion
- Transfer/Reassignment/Assignment to a New Supervisor
- Suspension/Administrative Leave with Pay
- Suspension/Administrative Leave without Pay
- Termination
- Other Actions: In addition to or in place of the above sanctions, ATU may assign any other sanctions as deemed appropriate.

34. Withdrawal or Resignation Before Complaint Resolution

A. Students: Should a student Respondent decide to not participate in the resolution process, the process proceeds absent their participation to a reasonable resolution. Should a student Respondent permanently withdraw from ATU, the resolution process typically ends with a dismissal, as ATU no longer has disciplinary jurisdiction over the withdrawn student.

Regardless of whether the complaint is dismissed or pursued to completion of the resolution process, ATU will continue to address and remedy any systemic issues or concerns that may have contributed to the alleged violation(s), and any ongoing effects of the alleged harassment, discrimination, and/or retaliation. The student who withdraws or leaves while the process is pending may not return to ATU in any capacity. Admissions and Human Resources will be notified accordingly. Such exclusion applies to all campuses of ATU. A hold will be placed on their ability to be readmitted. They may also be barred from ATU property and/or events.

If the student Respondent only withdraws or takes a leave for a specified period of time (e.g., one semester or term), the resolution process may continue remotely and, if found in violation, that student is not permitted to return to ATU unless and until all sanctions, if any, have been satisfied.

B. Employees: Should an employee Respondent resign with unresolved allegations pending, the resolution process typically ends with dismissal, as ATU no longer has disciplinary jurisdiction over the resigned employee. However, ATU may continue the resolution process when, at the discretion of the Title IX Coordinator and/or EEO Officer, doing so may be necessary to address safety and/or remedy any ongoing effects of the alleged harassment, discrimination, and/or retaliation.

Regardless of whether the complaint is dismissed or pursued to completion of the resolution process, ATU will continue to address and remedy any systemic issues or concerns that contributed to the alleged violation(s), and any ongoing effects of the alleged harassment, discrimination, and/or retaliation.

The employee who resigns with unresolved allegations pending is not eligible for academic admission or rehire at ATU or any campus of ATU, and the records retained by the Title IX Coordinator and/or the Director of Human Resources and EEO Officer will reflect that status.

All ATU responses to future inquiries regarding employment references for that individual will include that the former employee resigned during a pending disciplinary matter.

35. Appeals

Any party may submit a written request for appeal ("Request for Appeal") to the Title IX Coordinator within seven (7) business days of the delivery of the Notice of Outcome letter.

The Request for Appeal will be forwarded to the appropriate Appeal Decision-Maker(s) for consideration to determine if the request meets the grounds for appeal (a Review for Standing).

This review is not a review of the merits of the appeal, but solely a determination as to whether the request meets the grounds and is timely filed.

Respondent is a student or non-faculty employee:

Student appeals will be decided by the Vice President for Student Affairs. Employee appeals will be decided by the appropriate Vice President or Athletic Director.

Respondent is a faculty member:

If the Respondent is a faculty member with tenure or with a special or probationary appointment, the Procedures set forth in the Academic Termination Policies and Procedures section of the Faculty Handbook shall govern the Respondent's appeal.

A. Grounds for Appeal

Appeals are limited to the following grounds:

1. A procedural irregularity that affected the outcome of the matter
2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter
3. The Title IX Coordinator, Investigator(s), or Decision-Makers had a conflict of interest or bias for or against Complainants or Respondents generally or the specific Complainant or Respondent that affected the outcome of the matter

If any of the grounds in the Request for Appeal do not meet the grounds in this Policy, that request will be denied by the Appeal Decision-Maker(s), and the parties and their Advisors will be notified in writing of the denial and the rationale.

If any of the grounds in the Request for Appeal meet the grounds in this Policy, then the Appeal Decision-Maker(s) will notify all parties and their Advisors, the Title IX Coordinator, and, when appropriate, the Investigator(s) and/or the original Decision-Makers.

All other parties and their Advisors, the Title IX Coordinator, and, when appropriate, the Investigator(s) and/or the original Decision-Makers will be mailed, emailed, and/or provided a hard copy of the Request for Appeal with the approved grounds and then be given three (3) business days to submit a response to the portion of the appeal that was approved and involves them. All responses, if any, will be forwarded by the Appeal Decision-Maker(s) to all parties for review and comment.

The non-appealing party (if any) may also choose to appeal at this time. If so, that will be reviewed to determine if it meets the grounds of this Policy by the Appeal Decision-Maker(s) and either denied or approved. If approved, it will be forwarded to the party who initially requested an appeal, the Title IX Coordinator, the Investigator(s), and/or original Decision-Makers, as necessary, who will submit their responses, if any, in three (3) business days. Any such responses will be circulated for review and comment by all parties. If not approved, the parties will be notified accordingly, in writing.

Neither party may submit any new requests for appeal after this time period. The Appeal Decision-Maker(s) will collect any additional information needed and all documentation regarding the approved grounds for appeal and the subsequent responses and will render a decision in no more than five (5) business days, barring exigent circumstances. All decisions apply the preponderance of the evidence standard.

A Notice of Appeal Outcome will be sent to all parties simultaneously. The Notice of Appeal Outcome will specify the finding on each ground for appeal, any specific instructions for remand or reconsideration, any sanction(s) that may result which ATU is permitted to share according to state or federal law, and the rationale supporting the essential findings to the extent ATU is permitted to share under state or federal law.

Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official ATU records, or emailed to the parties' ATU-issued email or otherwise approved account. Once mailed, emailed and/or received in-person, notice will be presumptively delivered.

B. Sanctions Status During the Appeal

Any sanctions imposed as a result of the hearing are stayed (i.e., not implemented) during the appeal process. Supportive measures may be reinstated, subject to the same supportive measure Procedures above.

If any of the sanctions are to be implemented immediately post-hearing, but pre-appeal, then emergency removal Procedures (detailed above) for a show cause meeting on the justification for doing so must be permitted within 48 hours of implementation.

ATU may still place holds on official transcripts, diplomas, graduations, and course registration pending the outcome of an appeal when the original sanctions included separation.

C. Appeal Considerations

- Appeals are not intended to provide for a full re-hearing of the allegation(s). In most cases, appeals are confined to a review of the written documentation or record of the original hearing and pertinent

documentation regarding the specific grounds for appeal.

- Decisions on appeal are to be deferential to the original determination, making changes to the finding only when there is clear error and to the sanction(s)/responsive action(s) only if there is a compelling justification to do so.
- An appeal is not an opportunity for the Appeal Decision-Maker to substitute their judgment for that of the original Decision-Makers merely because they disagree with the finding and/or sanction(s).
- The Appeal Decision-Maker may consult with the Title IX Coordinator and/or legal counsel on questions of Procedure or rationale, for clarification, if needed. Documentation of all such consultation will be maintained.
- Appeals granted should normally be remanded (or partially remanded) to the original Investigator(s) and/or Decision-Makers for reconsideration.
- Once an appeal is decided, the outcome is final. Further appeals are not permitted, even if a decision or sanction is changed on remand (except in the case of a new hearing).
- In rare cases where error cannot be cured by the original Investigator(s) and/or the Decision-Makers (as in cases of bias), the Appeal Decision-Maker(s) may order a new investigation and/or a new hearing with new Investigator(s) and/or Decision-Makers.
- The results of a new hearing can be appealed, once, on any of the three available appeal grounds.
- In cases that result in reinstatement to ATU or resumption of privileges, all reasonable attempts will be made to restore the Respondent to their prior status, recognizing that some opportunities lost may be irreparable in the short term.

36. Long-Term Remedies/Other Actions

Following the conclusion of the resolution process, and in addition to any sanctions implemented, the Title IX Coordinator and/or the EEO Officer may implement additional long-term remedies or actions with respect to the parties and/or the campus community that are intended to stop the harassment, discrimination, and/or retaliation, remedy the effects, and prevent reoccurrence.

These remedies/actions may include, but are not limited to:

- Referral to counseling and health services
- Referral to the Employee Assistance Program
- Education to the individual and/or the community
- Permanent alteration of housing assignments
- Permanent alteration of work arrangements for employees
- Provision of campus safety escorts
- Climate surveys
- Policy modification and/or training
- Provision of transportation accommodations
- Implementation of long-term contact limitations between the parties
- Implementation of adjustments to academic deadlines, course schedules, etc.

At the discretion of the Title IX Coordinator and/or the EEO Officer, certain long-term support or measures may also be provided to the parties even if no Policy violation is found.

When no Policy violation is found, the Title IX Coordinator and/or the EEO Officer will address any remedies to be provided by ATU to the Respondent to ensure no effective denial of educational access.

ATU will maintain the confidentiality of any long-term remedies/actions/measures, provided confidentiality does not impair ATU's ability to provide these services.

37. Failure to Comply with Sanctions and/or Interim and Long-term Remedies and/or Responsive Actions

All Respondents are expected to comply with the assigned sanctions, responsive actions, and/or corrective actions within the timeframe specified by the final Decision-Makers, including the Appeal Decision-Maker(s).

Failure to abide by the sanction(s)/action(s) imposed by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanction(s)/action(s), including suspension, expulsion, and/or termination from ATU. A hold will only be lifted when compliance is achieved to the satisfaction of the Title IX Coordinator or the EEO Officer.

38. Recordkeeping

ATU will maintain for a period of at least seven (7) years following the conclusion of the resolution process, records

of:

1. Each sexual harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript required under federal regulation
2. Any disciplinary sanctions imposed on the Respondent
3. Any remedies provided to the Complainant designed to restore or preserve equal access to ATU's education program or activity
4. Any appeal and the result therefrom
5. Any Informal Resolution and the result therefrom
6. All materials used to train Title IX Coordinators, Investigators, Decision-Makers, and any person who facilitates an Informal Resolution process. ATU will make these training materials publicly available on ATU's website
7. Any actions, including any supportive measures, taken in response to a report or Formal Complaint of sexual harassment, including:
    a. The basis for all conclusions that the response was not deliberately indifferent
    b. Any measures designed to restore or preserve equal access to ATU's education program or activity
    c. If no supportive measures were provided to the Complainant, document the reasons why such a response was not clearly unreasonable in light of the known circumstances

ATU will also maintain any and all records in accordance with state and federal laws.

39. Disabilities Accommodations in the Resolution Process

ATU is committed to providing reasonable accommodations and support to qualified students, employees, or others with disabilities to ensure equal access to ATU's resolution process.

Anyone needing such accommodations or support should contact either Ashlee Leavell, Assistant Dean for Student Wellness and Deputy Title IX Coordinator, who coordinates services for students at sleavell8@atu.edu or Kathleen Martin, Director of Human Resources and EEO Officer and Deputy Title IX Coordinator, who coordinates services for employees at kmartin51@atu.edu. These individuals will review the request and, in consultation with the person requesting the accommodation and the Title IX Coordinator, determine which accommodations are appropriate and necessary for full participation in the process.

40. Revision of this Policy and Procedures

This Policy and Procedures for incidents ocurring any previous policies addressing harassment, sexual misconduct, discrimination, and/or retaliation on or after August 14, 2020, under Title IX and will be reviewed and updated annually by the Title IX Coordinator and the EEO Officer. ATU reserves the right to make changes to this document as necessary, and once those changes are posted online, they are in effect.

During the resolution process, the Title IX Coordinator or the EEO Officer may make minor modifications to Procedures that do not materially jeopardize the fairness to be provided to any party, such as to accommodate summer schedules. The Title IX Coordinator and EEO Officer may also vary Procedures materially with notice (on the institutional website, with the appropriate effective date identified) upon determining that changes to law or regulation require Policy or procedural alterations not reflected in this Policy and Procedures.

If government laws or regulations change – or court decisions alter – the requirements in a way that impacts this document, this document will be construed to comply with the most recent government laws, regulations, or court holdings. This document does not create legally enforceable protections beyond the protection of the background state and federal laws which frame such policies and codes, generally. This Policy and Procedures are effective August 14, 2020.

APPENDIX A: GLOSSARY

- Advisor means a person chosen by a party or appointed by ATU to accompany the party to meetings related to the resolution process, to advise the party on that process, and to conduct questioning for the party at the hearing, if any.
- Appeal Decision-Maker means the person or panel who accepts or rejects a submitted appeal request, determines whether an error occurred that substantially affected the investigation or original determination, and directs corrective action accordingly.
- Arkansas Tech University herein referenced as "ATU".
- Complainant means an individual who is alleged to be the victim of conduct that could constitute harassment or discrimination based on a protected characteristic or retaliation for engaging in a protected activity.
- Confidential Resource means an employee who is not mandated to report notice of harassment, discrimination, and/or retaliation (irrespective of Clery Act Campus Security Authority Status).
- Day means a business day when the ATU is in normal operation.
- Decision-Maker means the person or panel who hears evidence, determines relevance, and makes the final determination of whether this Policy has been violated and/or assigns sanctions.
- Directly Related Evidence is evidence connected to the complaint, but which is neither inculpatory (tending to prove a violation) nor exculpatory (tending to disprove a violation) and cannot be relied upon by the Decision-Maker(s). Compare to Relevant Evidence, below.
- Education program or activity means locations, events, or circumstances where ATU exercises substantial control over both the Respondent and the context in which the harassment, discrimination, and/or retaliation occurs and also includes any building owned or controlled by a student organization that is officially recognized by ATU.
- Final Determination is a conclusion by preponderance of the evidence of whether or not the alleged conduct did or did not violate Policy.
- Finding is a conclusion by the preponderance of the evidence that the conduct did or did not occur as alleged (as in a "finding of fact").
- Formal Complaint means a document submitted or signed by a Complainant or signed by the Title IX Coordinator alleging a Respondent engaged in harassment or discrimination based on a protected characteristic or retaliation for engaging in a protected activity and requesting that ATU investigate the allegation(s).
- Formal Grievance Process means a method of formal resolution designated by ATU to address conduct that falls within the policies included below, and which complies with the requirements of the Title IX regulations (34 C.F.R. § 106.45) and the Violence Against Women Act § 304.
- Grievance Process Pool includes any Investigator's, hearing Decision-Makers, Appeal Decision-Makers, and Advisors who may perform any or all of these roles (though not at the same time or with respect to the same complaint).
- Hearing Decision-Maker Panel refers to those who have decision-making and sanctioning authority within the ATU's Formal Grievance process.
- Informal Resolution means a complaint resolution agreed to by the Parties and approved by the Title IX Coordinator that occurs prior to a formal Final Determination being reached.
- Investigator means the person(s) authorized by ATU to gather facts about an alleged violation of this Policy, assess relevance and credibility, synthesize the evidence, and compile this information into an investigation report of relevant evidence and file of directly related evidence.
- Notice means that an employee, student, or third-party informs the Title IX Coordinator or other Official with Authority of the alleged occurrence of harassing, discriminatory, and/or retaliatory conduct.
- Official with Authority (OWA) means an employee of ATU explicitly vested with the authority to institute corrective measures for harassment, discrimination, and/or retaliation on behalf of ATU.
- Parties include the Complainant(s) and Respondent(s), collectively.
- Process A means the Formal Grievance Process used to address qualifying allegations of sexual harassment, sexual assault, dating violence, domestic violence, and stalking involving students, staff, administrator, or faculty members.
- Process B means the administrative resolution Procedures detailed in Appendix C that apply only when Process A does not, as determined by the Title IX Coordinator.

- Recipient means a postsecondary education program that is a recipient of federal funding.
- Relevant Evidence is evidence that tends to prove (inculpatory) or disprove (exculpatory) an issue in the complaint.
- Remedies are post-final determination actions directed to the Complainant and/or the community as mechanisms to address safety, prevent recurrence, and restore access to ATU's educational program.
- Respondent means an individual who has been reported to be the perpetrator of conduct that could constitute harassment or discrimination based on a protected characteristic or retaliation for engaging in a protected activity under this Policy.
- Resolution means the result of an Informal Resolution or Formal Grievance Process.
- Responsible Employee means an employee of ATU who is mandated by Policy to share knowledge, notice, and/or reports of harassment, discrimination, and/or retaliation with the Title IX Coordinator[15].
- Sanction means a consequence imposed by ATU on a Respondent who is found to have violated this Policy.
- Sexual Harassment is the umbrella category including the offenses of sexual harassment, sexual assault, stalking, dating violence, and domestic violence.
- Student refers to each person who is currently enrolled, full-time, or part-time, in any non-credit or credit courses pursuing undergraduate, graduate, or post-graduate/professional studies. For the purposes of this Policy and under the ATU Student Code of Conduct, a student may also be defined as any individual who is a concurrently enrolled high school student.
- Title IX Coordinator is at least one official designated by ATU to ensure compliance with Title IX and ATU's Title IX program. References to the Coordinator throughout this Policy may also encompass a designee of the Coordinator for specific tasks.
- Title IX Team refers to the Title IX Coordinator, any deputy coordinators, and any member of the Grievance Process Pool.

---

[15] Not to be confused with a Mandated Reporter who is obligated by state law to report child abuse, elder abuse, and/or abuse of individuals with disabilities to appropriate officials, though these responsibilities may overlap with those who have mandated reporting responsibility in this Policy. The ATU administrator designated to receive information from Responsible Employees may vary depending upon the type of alleged discrimination, harassment, or retaliation (e.g., on the basis of sex, on the basis of race, on the basis of disability).

APPENDIX B: VIOLENCE RISK ASSESSMENT (VRA)

Threat assessment is the process of assessing the actionability of violence by an individual against another person or group following the issuance of a direct or conditional threat. A Violence Risk Assessment (VRA) is a broader term used to assess any potential violence or danger, regardless of the presence of a vague, conditional, or direct threat.

The implementation of VRAs require specific training and are typically conducted by psychologists, clinical counselors, social workers, case managers, law enforcement officers, student conduct officers, and/or other Behavioral Intervention Team (BIT) (sometimes also known as CARE teams) members.

A VRA occurs in collaboration with the BIT, CARE, and/or threat assessment team and must be understood as an on-going process, rather than a singular evaluation or meeting. A VRA is not an evaluation for an involuntary behavioral health hospitalization, nor is it a psychological or mental health assessment.

A VRA assesses the risk of actionable violence, often with a focus on targeted/predatory escalations, and is supported by research from the fields of law enforcement, criminology, human resources, and psychology.

When conducting a VRA, the assessor(s) use an evidence-based process consisting of:

1. An appraisal of risk factors that escalate the potential for violence
2. A determination of stabilizing influences that reduce the risk of violence
3. A contextual analysis of violence risk by considering environmental circumstances, hopelessness, and suicidality; catalyst events; nature and actionability of threat; fixation and focus on target; grievance collection; and action and time imperative for violence
4. The application of intervention and management approaches to reduce the risk of violence

To assess an individual's level of violence risk, the Title IX Coordinator will initiate the violence risk assessment process through the CARE Team. The CARE Team will assign a trained individual(s) to perform the assessment, according to the specific nature of the Title IX case.

The assessor(s) will follow the process for conducting a violence risk assessment as outlined in the CARE Team Policy and Procedures and will rely on a consistent, research-based, reliable system that allows the for the evaluation of the risk levels.

Some examples of formalized approaches to the VRA process include: The NaBITA Risk Rubric[16], The Structured Interview for Violence Risk Assessment (SIVRA-35)[17], Violence Risk Assessment of the Written Word (VRAWW) [18], Workplace Assessment of Violence Risk (WAVR-21)[19], Historical Clinical Risk Management (HCR-20)[20], and MOSAIC[21].

The VRA is conducted independently from the Title IX process, informed by it, but free from outcome pressure. The individual(s) conducting the assessment will be trained to mitigate any bias and provide the analysis and findings in a fair and equitable manner.

The CARE Team member(s) conducts a VRA process and makes a recommendation to the Title IX Coordinator as to whether the VRA indicates there is a substantial, compelling, and/or immediate risk to health and/or safety of an individual or the community.

---

16 www.nabita.org

17 www.nabita.org/resources/assessment-tools/sivra-35/

18 https://www.nabita.org/training/vraww/

19 www.wavr21.com

20 http://hcr-20.com/

21 https://www.mosaicmethod.com/

APPENDIX C: PROCESS B

It is the Policy of ATU to maintain a University community as a place of study and work for students, staff, and faculty, free of harassment and discrimination. All students, staff, and faculty should be aware both that ATU is concerned and prepared to act to prevent and correct such behavior.

ATU may use Process B of this Policy for all protected-characteristic discrimination complaints, except for gender discrimination complaints that meet the qualifications to be heard under Process A in compliance with Title IX regulations

published by the U. S. Department of Education in May 2020.

Please note the following:

- Process B is applicable for gender discrimination complaints when the Title IX Coordinator determines Process A is inapplicable, or offenses subject to Process A have been dismissed.
- If Process A is applicable, Process A must be applied in lieu of Process B.
- ATU can substitute any alternative process instead of Process B, if desired.
- In compliance with federal law, VAWA Section 304 requirements apply to Process B or any alternative process for reports that fall under VAWA.
- Title IX requirements outside of Section 106.30 (based on the original 1975 regulations, etc.) may also be applicable to Process B.

PROCESS B: RESOLUTION PROCESS FOR ALLEGED VIOLATIONS OF THE EQUAL OPPORTUNITY, HARASSMENT (SEXUAL MISCONDUCT), AND NONDISCRIMINATION

ATU will act on complaints of alleged violation(s) of the Equal Opportunity, Harassment (Sexual Misconduct), and Nondiscrimination Policy and Procedures that is received by the Title IX Coordinator and/or the EEO Officer, as articulated in the process outlined in this document.

The Procedures described below apply to all allegations of harassment, discrimination, and/or retaliation on the basis of protected characteristic status involving students, staff, faculty members, or third parties.

These Procedures may also be used to address collateral misconduct arising from the investigation of or occurring in conjunction with harassing, discriminatory, and/or retaliatory conduct (e.g., vandalism, physical abuse of another). All other allegations of misconduct unrelated to incidents covered by this Policy will be addressed through the Procedures elaborated in the respective student, faculty, and staff handbooks.

1. Filing a Complaint

Formal Complaints of discrimination, harassment, and/or retaliation may be made using any of the following options:

A. File a written Formal Complaint with the Title IX Coordinator and/or the EEO Officer[22]

B. Report online, using the reporting form posted at https://cm.maxient.com/reportingform.php?ArkansasTechUniv&layout_id=2. Anonymous reports are accepted but can give rise to a need to investigate to determine if the parties can be identified. If not, no further formal action is taken, though measures intended to protect the community may be enacted. ATU tries to provide supportive measures to all Complainants, which may be impossible with an anonymous report that does not identify the Complainant.

Because reporting carries no obligation to initiate a formal response, and because ATU respects Complainant requests to dismiss complaints unless there is a compelling threat to health and/or safety, the Complainant is largely in control and should not fear a loss of confidentiality by making a report that allows ATU to discuss and/or provide supportive measures. As used in this Policy, the term "Formal Complaint" means a document or electronic submission (such as by electronic mail or through an online portal provided by ATU for this purpose) that contains the Complainant's physical or digital signature, or otherwise indicates that the Complainant is the person filing the complaint, and requests that ATU investigate the allegations. If notice is submitted in a form that does not meet this standard, the Title IX Coordinator and/or the EEO Officer will contact the Complainant to ensure that it is filed correctly.

An individual who believes that they have been subjected to discrimination, harassment, and/or retaliation should contact the Title IX Coordinator and/or the EEO Officer who will review the facts represented.

The individual, if they are a faculty member, may additionally contact the Faculty Welfare Committee representative. No person shall be subject to restraints, interference, or reprisal for action taken in good faith to report or to seek advice in matters of discrimination, harassment, and/or retaliation.

[22] If circumstances require, the President will designate another person to oversee the process below should an allegation be made about the Title IX Coordinator and/or EEO Officer or should they be otherwise unavailable or unable to fulfill their duties.

2. Initial Assessment

Following receipt of a Formal Complaint within the Title IX Coordinator and/or the EEO Officer engages in an initial assessment, typically within one to five (1-5) business days. The steps in an initial assessment can include those listed below.

1. **Complainant's Initial Meeting with the Title IX Coordinator or EEO Officer**
   The Title IX Coordinator or EEO Officer will contact the Complainant to schedule an initial meeting. If the Complainant is not the alleged victim, the Title IX Coordinator or EEO Officer also will contact the alleged victim as soon as possible to schedule an initial meeting. All mentions of the "Complainant" in items 1-7 of this subsection also apply to the alleged victim if the Complainant is not the alleged victim. At this initial meeting (or these initial meetings, in the case of a Complainant who is not the alleged victim), the Title IX Coordinator or EEO Officer will, as applicable:
   1. Provide the Complainant a copy of this Policy;
   2. If not already submitted, request that the Complainant submit a written Formal Complaint which the Complainant may, if they agree to disclose the information, provide details regarding the allegation, including the name of the accused individual and the date, location, and general nature of the alleged violation;
   3. Review the ATU First Conversation Checklist
   4. Ensure the Complainant is aware of the right to have an Advisor
   5. Explain processes for Informal Resolution and Formal Complaint Resolution of the Complaint;
   6. Explain the steps involved in an investigation;
   7. Discuss confidentiality standards and concerns with the Complainant;
   8. Determine whether the Complainant wishes to pursue a resolution (informal or formal) through ATU, or no resolution of any kind;
   9. Discuss non-retaliation Policy;
   10. Discuss with the Complainant, as appropriate, possible supportive measures that can be provided to the Complainant, at no cost, during the pendency of the investigative and resolution processes. ATU may implement such measures if requested, appropriate, and reasonably available, whether a complaint has been filed or not. Supportive measures may include, but are not limited to:
   11. <NEW TEXT, match list of supportive measures provided in Policy>

2. **Respondent's Initial Meeting with the Title IX Coordinator or EEO Officer**
   If the Complainant wishes to pursue an informal or formal resolution through ATU or if the ATU otherwise deems that a further investigation is warranted, as soon as is reasonably practicable after the Title IX Coordinators or the EEO Officer's initial meeting with the Complainant (and if applicable, the alleged victim), the Title IX Coordinator or EEO Officer will schedule an initial meeting with the Respondent. During the initial meeting with the Respondent, the Title IX Coordinator or the EEO Officer will, as applicable:
   1. Provide Respondent with a copy of the Formal Complaint;
   2. Provide Respondent with a copy of this Policy;
   3. Review the ATU First Conversation Checklist;
   4. Ensure the Respondent is aware of the right to have an Advisor;
   5. Explain the ATU's Procedures for Informal Resolution Process and Formal Complaint Resolution Process of the Complaint; (Share option being pursued by Complainant);
   6. Explain the steps involved in an investigation;
   7. Discuss confidentiality standards and concerns with the Respondent;
   8. Discuss non-retaliation Policy;
   9. Discuss with the Respondent, as appropriate, possible supportive measures that can be provided, at no cost, during the pendency of the investigative and resolution processes. ATU may implement such measures if requested, appropriate, and reasonably available, whether a complaint has been filed or not. Supportive measures may include, but are not limited to:
      a. issuing no-contact directives to prevent any contact between the Complainant, the Respondent, witnesses and/or third parties;

b. providing the Complainant an escort to ensure that they can move safely between classes, work, and/or activities;
c. changing a Complainant's or a Respondent's on-campus housing or dining, if any, to a different on-campus location and providing assistance from ATU support staff in completing the relocation;
d. arranging to dissolve a campus housing contract and offering a pro-rated refund;
e. changing work arrangements;
f. rescheduling class work, assignments, and examinations without penalty;
g. arranging for the Complainant to take an incomplete in a class; or
h. moving the Complainant or the Respondent from one class section to another without penalty;
i. permitting a temporary withdrawal from ATU;
j. providing alternative course completion options without penalty;
k. providing counseling services;
l. providing academic support services such as tutoring.
m. <Notes: Says to Match list on previous page?>

10. After the Title IX Coordinator or EEO Officer provides the Respondent with a copy of the Formal Complaint, the Respondent has five (5) business days to respond, in writing, to the Formal Complaint submitted by the Complainant. This information is used as part of the Title IX Coordinator's or EEO Officer's initial assessment of the alleged misconduct.

3. Violence Risk Assessment

In some cases, the Title IX Coordinator and/or the EEO Officer may determine that a Violence Risk Assessment (VRA) should be conducted by the CARE Team as part of the initial assessment. A VRA can aid in nine (9) critical and/or required determinations, including:

1. Interim suspension of a Respondent who is a threat to an individual or the community's physical health/safety;
2. Whether the Title IX Coordinator and/or the EEO Officer should pursue a Complaint absent a willing/able Complainant;
3. Whether the scope of the investigation should include an incident, and/or pattern of misconduct, and/or climate of hostility/harassment;
4. To help identify potentially predatory conduct;
5. To help assess/identify grooming behaviors;
6. Whether it is reasonable to try to resolve a complaint through Informal Resolution, and, if so, what approach may be most successful;
7. Whether to permit a voluntary withdrawal by the Respondent;
8. Assessment of appropriate sanctions/remedies (to be applied post-hearing);
9. Whether a Clery Act Timely Warning or campus ban is needed.

More about the ATU's process for VRA can be found in Appendix B.

3. Resolution Options

Based on the initial assessment, ATU will initiate one of three responses:

- **Supportive Response** – measures to help restore the Complainant's education/work access, as described in the Policy.
- **Informal Resolution Process** – may be used for less serious offenses and only when all parties agree to Informal Resolution, or when the Respondent is willing to accept responsibility for violating Policy.
- **Formal Complaint Resolution Process** – investigation of alleged Policy violation(s) and recommended finding, subject to a determination by the Decision-Makers and the opportunity to appeal.

The process followed considers the preference of the parties but is ultimately determined at the discretion of the Title IX Coordinator or the EEO Officer. At any point during the initial assessment or formal investigation, if the Title IX Coordinator or the EEO Officer determines that reasonable cause does not support the conclusion that this Policy has been violated, the process will end, and the parties will be notified. The Complainant may request that the Title IX Coordinator or the EEO Officer review the reasonable cause determination and/or re-open the formal investigation. This decision lies in the sole discretion of the Title IX Coordinator or the EEO Officer, but the request is

usually only granted in extraordinary circumstances.

Proceedings are private. All persons present at any time during the resolution process are expected to maintain the privacy of the proceedings in accord with ATU Policy. While there is an expectation of privacy around what is discussed during interviews, the parties have discretion to share their own experiences with others if they so choose but are encouraged to discuss with their Advisors first before doing so.

Informal Resolution Process

Informal Resolution is applicable when the parties voluntarily agree to resolve the matter through Informal Resolution, when the Respondent accepts responsibility for violating Policy, or when the Title IX Coordinator and/or the EEO Officer can resolve the matter informally by providing remedies to resolve the situation. The Title IX Coordinator and/or the EEO Officer has discretion to determine if an investigation will be paused during Informal Resolution, or if it will be limited, or will continue during the Informal Resolution process.

It is not necessary to pursue Informal Resolution first in order to pursue Formal Complaint Resolution Process, and any party participating in Informal Resolution can stop the process at any time and request the Formal Complaint Resolution Process. Further, if an Informal Resolution fails after the resolution is finalized, Formal Complaint Resolution Process may be pursued.

A. Informal Resolution Remedies

ATU methods for resolving complaints informally include, but are not limited to:

- Mediating between the Complainant and the Respondent
- Aiding in the modification of the situation in which the alleged misconduct occurred
- Assisting a department or division with the resolution of a situation
- Arranging for a documented meeting between the Respondent and an ATU official that involves, at a minimum, a discussion of the requirements of the Policy

Institutionally imposed sanctions are not possible as the result of this process, though the parties may agree to accept terms and/or appropriate remedies.

B. Respondent Accepts Responsibility for Alleged Violations

At any time prior to the date of the hearing, the Respondent may elect to acknowledge their actions and take responsibility for the alleged conduct. In such a situation, the Title IX Coordinator or the EEO Officer will propose sanction(s). If the Complainant and the Respondent agree to such proposed sanction(s), then the complaint will be resolved without a hearing and without any further rights of appeal by any party. If either the Complainant or the Respondent objects to such proposed sanction(s), then the Hearing Board will convene for the exclusive purpose of determining a sanction(s), which determination may be subject to appeal as outlined in this Policy.

Formal Complaint Resolution Process

The Formal Complaint Resolution Process can be pursued at any time during the process for any behavior for which the Respondent has not accepted responsibility that would constitute conduct covered by the Equal Opportunity, Harassment (Sexual Misconduct), and Nondiscrimination Policy if proven. The Formal Complaint Resolution Process starts with a thorough, reliable, and impartial investigation and concludes with a hearing.

The Title IX Coordinator or the EEO Officer will provide notice of the allegations and investigation to the Respondent upon commencement of the Formal Complaint Resolution Process. This notice is also copied to the Complainant. Notification will be made in writing, include a meaningful summary of the allegations, policies allegedly violated, if known at the time, and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official ATU records, or emailed to the parties' ATU-issued or designated email account. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered. Alternatively, the policies allegedly violated can be provided at a later date, in writing, as the investigation progresses, and details become clearer.

Once the decision is made to commence an investigation, the Title IX Coordinator appoints Investigator(s) to conduct the investigation The Title IX Coordinator or the EEO Officer will vet the assigned Investigator(s) to ensure impartiality by ensuring there are no conflicts of interest or disqualifying bias. The parties may, at any time during the resolution process, raise a concern regarding bias or conflict of interest, and the Title IX Coordinator and/or the AA/EO Officer will determine whether the concern is reasonable and supportable. If so, another Investigator(s) will be assigned and the impact of the bias or conflict, if any, will be remedied. If the bias or conflict relates to the Title IX Coordinator or the EEO Officer, concerns should be raised with Amy Pennington Vice President for Student Affairs or with General Counsel, Eric Walker, respectively.

ATU aims to complete all investigations within a sixty (60) business day time period, which can be extended as

necessary for appropriate cause by the Title IX Coordinator or the EEO Officer, with notice to the parties as appropriate. Investigations can take weeks or even months, depending on the nature, extent, and complexity of the allegations, availability of witnesses, police involvement, etc. ATU will make a good faith effort to complete the investigation as promptly as circumstances permit and will communicate regularly with the parties to update them on the progress and timing of the investigation. ATU may undertake a short delay in its investigation (several days to weeks, to allow evidence collection) when criminal charges based on the same behaviors that invoke ATU's resolution process are being investigated by law enforcement. ATU will promptly resume its investigation and resolution process once notified by law enforcement that the initial evidence collection process is complete. ATU action(s) are not typically altered or precluded on the grounds that civil or criminal charges involving the underlying incident(s) have been filed or that criminal charges have been dismissed or reduced.

Investigations involve interviews with all relevant parties and witnesses, obtaining available, relevant evidence, and identifying sources of expert information, as necessary.

All parties have a full and fair opportunity, through the investigation process, to suggest witnesses and questions, to provide evidence, and to fully review and respond to all evidence on the record.

4. **Resolution Process Pool**

The Formal Complaint Resolution Process relies on a pool of officials ("Pool") to carry out the process. The list of members and a description of the Pool can be found at https://www.atu.edu/titleix/pool.php. Members of the Pool are trained annually in all aspects of the resolution process and can serve in any of the following roles, at the direction of the Title IX Coordinator and the EEO Officer:

- To act as an Advisor to the parties
- To serve as a hearing facilitator (process administrator, no decision-making role)
- To serve as a Decision-Maker regarding the complaint

The Title IX Coordinator and the EEO Officer, in consultation with the President, appoints the Pool, which acts with independence and impartiality.

The Pool members receive annual training jointly. This training includes, but is not limited to:

- The scope of ATU's Equal Opportunity, Harassment (Sexual Misconduct), and Non-discrimination Policy and Procedures
- How investigation and hearings are conducted that protect the safety of Complainants and Respondents, and promote accountability
- Implicit bias
- Disparate treatment
- Reporting, confidentiality, and privacy requirements
- Applicable laws, regulations, and federal regulatory guidance
- How to implement appropriate and situation-specific remedies
- Trauma-informed practices pertaining to investigations and resolution processes
- How to uphold fairness, equity, and due process
- How to weigh evidence
- How to conduct questioning
- How to assess credibility
- Impartiality and objectivity
- How to render findings and generate clear, concise, evidence-based rationales
- The definitions of all offenses
- How to apply definitions used by ATU with respect to consent (or the absence or negation of consent) consistently, impartially, and in accordance with Policy
- How grievance processes are conducted including hearings, appeals, and Informal Resolution processes
- How to serve impartially, by avoiding prejudgment of the facts at issue, conflicts of interest, and bias against Respondents and/or Complainants, and on the basis of sex, race, religion, and other protected characteristics
- Any technology to be use
- Issues of relevance of questions and evidence
- Issues of relevance to create an investigation report that fairly summarizes relevant evidence
- How to determine appropriate sanctions in reference to all forms of harassment and discrimination

allegations
- Recordkeeping

Specific training is also provided for other members of the Title IX Staff, including Appeal Decision-Makers, intake personnel, and Advisors (who are ATU employees), Investigators, and Chairs. All Pool members are required to attend this annual training.

The Hearing Panel will have three (3) members. The composition of the Hearing Panel will be two (2) faculty or staff members and will be chaired by a representative from Student Affairs or Human Resources. The pool includes those representatives who can rotate, upon appointment, to serve in either the Advisor or Decision-Maker role. Pool members are usually appointed to one-year terms, which are renewable. Individuals who are interested in serving in the Pool are encouraged to contact the Title IX Coordinator or the EEO Officer.

5. Counterclaims

ATU permits the filing of counterclaims, but uses the initial assessment, described above, to assess whether the allegations are made in good faith. If they are, the allegations will be processed using the resolution Procedures in this Policy, typically after resolution of the underlying allegation.

A delay in the processing of counterclaims is permitted, accordingly. Occasionally, allegations and counterclaims can be resolved through the same investigation, at the discretion of the Title IX Coordinator or the EEO Officer. When counterclaims are not made in good faith, they will be considered retaliatory, and may constitute a violation of this Policy.

6. Advisors

The parties may each have one (1) Advisor[23] of their choice present with them for all meetings and interviews within the resolution processes, if they so choose. The parties may select whomever they wish to serve as their Advisor as long as the Advisor is eligible and available[24].

Choosing an Advisor who is also a witness in the process creates potential for bias and conflict of interest. A party who chooses an Advisor who is also a witness can anticipate that issues of potential bias will be explored by the hearing Decision-Maker(s).

A. Who Can Serve as an Advisor

The Advisor may be a friend, mentor, family member, attorney, or any other individual a party chooses to advise, support, and/or consult with them throughout the resolution process. The parties may choose Advisors from inside or outside of the ATU community.

The Title IX Coordinator and/or the EEO Officer will also offer to assign a trained Advisor to any party if the party so chooses. If the parties choose an Advisor from the pool available from ATU, the Advisor will be trained by ATU and be familiar with ATU's resolution process.

If the parties choose an Advisor from outside the pool of those identified by ATU, the Advisor may not have been trained by ATU and may not be familiar with ATU policies and Procedures.

Parties also have the right to choose not to have an Advisor in the initial stages of the resolution process, prior to a hearing.

B. Advisors in Hearings/ATU-Appointed Advisor

A form of indirect questioning is allowed during the hearing but must be conducted by the parties' Advisors. The parties are not permitted to directly cross-examine each other or any witnesses. If a party does not have an Advisor for a hearing, ATU will appoint a trained Advisor for the limited purpose of conducting any questioning of the parties or witnesses.

A party may reject this appointment and choose their own Advisor, but they may not proceed without an Advisor. If the party's Advisor will not conduct questioning, ATU will appoint an Advisor who will do so thoroughly, regardless of the participation or non-participation of the advised party in the hearing itself. Extensive questioning of the parties and witnesses will also be conducted by the Decision-Maker(s) during the hearing.

---

[23] This could include an attorney, advocate, or support person. The law permits one Advisor for each party (witnesses are not entitled to Advisors within the process, though they can be advised externally)

[24] "Available" means the party cannot insist on an Advisor who simply doesn't have inclination, time, or availability. Also, the Advisor cannot have institutionally conflicting roles, such as being a Title IX administrator who has an active role in the matter, or a supervisor who must monitor and implement sanctions.

C. Advisor's Role

The parties may be accompanied by their Advisor in all meetings and interviews at which the party is entitled to be present, including intake and interviews. Advisors should help the parties prepare for each meeting and are expected to advise ethically, with integrity, and in good faith.

ATU cannot guarantee equal Advisory rights, meaning that if one party selects an Advisor who is an attorney, but the other party does not or cannot afford an attorney, ATU is not obligated to provide an attorney.

D. Pre-Interview Meetings

Advisors and their advisees may request to meet with the administrative officials conducting interviews/meetings in advance of these interviews or meetings. This pre-meeting allows Advisors to clarify and understand their role and ATU's policies and Procedures.

E. Advisor Violations of ATU Policy

All Advisors are subject to the same ATU policies and Procedures, whether they are attorneys or not, and whether they are selected by a party or assigned by ATU. Advisors are expected to advise their advisees without disrupting proceedings. Advisors should not address ATU officials in a meeting or interview unless invited to (e.g., asking procedural questions). The Advisor may not make a presentation or represent their advisee[25] during any meeting or proceeding and may not speak on behalf of the advisee to the Investigator(s) or other Decision-Maker(s) except during a hearing proceeding, during questioning.

The parties are expected to ask and respond to questions on their own behalf throughout the investigation phase of the resolution process. Although the Advisor generally may not speak on behalf of their advisee, the Advisor may consult with their advisee, either privately as needed, or by conferring or passing notes during any resolution process meeting or interview. For longer or more involved discussions, the parties and their Advisors should ask for breaks to allow for private consultation.

Any Advisor who oversteps their role as defined by this Policy, or who refuses to comply with ATU's established rules of decorum for the hearing, will be warned. If the Advisor continues to disrupt or otherwise fails to respect the limits of the Advisor role, the meeting/interview/hearing may be ended or other appropriate measures implemented, including ATU requiring the party to use a different Advisor or providing a different ATU-appointed Advisor. Subsequently, the Title IX Coordinator and/or the EEO Officer will determine how to address the Advisor's non-compliance and future role.

F. Sharing Information with the Advisor

ATU expects that the parties may wish to have ATU share documentation and evidence related to the allegations with their Advisors.

ATU provides a consent form that authorizes ATU to share such information directly with a Party's Advisor. The parties must either complete and submit this form to the Title IX Coordinator or provide similar documentation demonstrating consent to a release of information to the Advisor before ATU and/or the EEO Officers able to share records with an Advisor.

If a party requests that all communication be made through their attorney Advisor, ATU may comply with that request at the discretion of the Title IX Coordinator and/or EEO Officer.

G. Privacy of Records Shared with Advisor

Advisors are expected to maintain the privacy of the records shared with them. These records may not be shared with third parties, disclosed publicly, or used for purposes not explicitly authorized by ATU. ATU may seek to restrict the role of any Advisor who does not respect the sensitive nature of the process or who fails to abide by ATU's privacy expectations.

[25] Subject to the state law provisions or ATU Policy above.

H. Expectations of an Advisor

ATU generally expects an Advisor to adjust their schedule to allow them to attend ATU meetings/interviews/hearings when planned, but ATU may change scheduled meetings/interviews/hearings

to accommodate an Advisor's inability to attend, if doing so does not cause an unreasonable delay.
ATU may also make reasonable provisions to allow an Advisor who cannot attend in person to attend a meeting/interview/hearing by telephone, video conferencing, or other similar technologies as may be convenient and available.

I. Expectations of the Parties with Respect to Advisors

A party may elect to change Advisors during the process and is not obligated to use the same Advisor throughout. The parties are expected to inform the Investigator(s) of the identity of their Advisor at least two (2) business days before the date of their first meeting with the Investigator(s) (or as soon as possible if a more expeditious meeting is necessary or desired).

The parties are expected to provide timely notice to the Title IX Coordinator and/or the EEO Officer if they change Advisors at any time. It is assumed that if a party changes Advisors, consent to share information with the previous Advisor is terminated, and a release for the new Advisor must be secured. Parties are expected to inform the Title IX Coordinator and/or the EEO Officer of the identity of their hearing Advisor at least two (2) business days before the hearing, if the Advisor has changed after initial selection/assignment.

7. Investigation

Both the Complainant and the Respondent will be individually interviewed as a part of the investigation as will any witnesses or persons who have information related to the Formal Complaint. Documents relevant to the Formal Complaint will also be examined. A student Respondent alleged of a serious violation will be provided a copy of the Arkansas Student Due Process and Protection Act at the inception of the disciplinary matter and will not be questioned by the University until at least twenty-four (24) hours after the receipt of the Arkansas Student Due Process and Protection Act provided that campus law enforcement's ability to investigate a possible criminal violation is not impeded.

The Investigator(s) typically take the following steps, if not already completed (not necessarily in this order):

- Determine the identity and contact information of the Complainant
- Assist, if needed, in identifying all policies implicated by the alleged misconduct
- Assist the Title IX Coordinator or the EEO Officer, if needed, with conducting an initial assessment to determine if there is reasonable cause to believe the Respondent has violated Policy
- If there is insufficient evidence to support reasonable cause, the process is closed with no further action
- Commence a through, reliable, and impartial investigation by developing a strategic investigation plan, including a witness list, evidence list, intended investigation timeframe, and order of interviews for all parties and witnesses
- Provide each interviewed party and witness an opportunity to review and verify the Investigator's summary notes of the relevant evidence/testimony from their respective interviews and meetings
- Make good faith efforts to notify the parties of any meeting or interview involving the other party, in advance when possible
- Interview all relevant individuals and conduct follow-up interviews as necessary
- Allow each party the opportunity to suggest witnesses and questions they wish the Investigator(s) to ask of the other party and witnesses
- Complete the investigation promptly and without unreasonable deviation from the intended timeline
- Provide regular status updates to the parties throughout the investigation
- Prior to the conclusion of the investigation, summarize for the parties the list of witnesses whose information will be used to render a finding within the draft investigation report
- Write a comprehensive investigation report fully summarizing the investigation and all evidence
- Provide parties with a copy of the draft investigation report when it is completed
- Provide each party with a full and fair opportunity to respond to the report in writing within ten (10) business days and incorporate that response into the report
- Investigator(s) may choose to respond in writing in the report to the responses of the parties, and/or to share the responses between the parties for their responses, while also ensuring that they do not create a never-ending feedback loop
- Gather, assess, and synthesize evidence but make no conclusion and render no recommendations as part of their report

- Share the draft report with the Title IX Coordinator or the EEO Officer for review and feedback
- Provide the final report to the Title IX Coordinator or the EEO Officer

Investigations are completed expeditiously, normally within sixty (60) business days, though some investigations take weeks or even months, depending on the nature, extent, and complexity of the allegations, availability of witnesses, police involvement, etc.

ATU will make a good faith effort to complete investigations as promptly as circumstances permit and will communicate regularly with the parties to update them on the progress and timing of the investigation.

8. **Resolution Timeline**

ATU will make a good faith effort to complete the resolution process within a sixty-to-ninety (60-90) business day time period, including appeal, (if any) which can be extended as necessary for appropriate cause by the Title IX Coordinator or the EEO Officer, who will provide notice and rationale for any extensions or delays to the parties as appropriate, as well as an estimate of how much additional time will be needed to complete the process.

9. **Ensuring Impartiality**

Any individual materially involved in the administration of the resolution process, including the Title IX Coordinator, the EEO Officer, Investigator(s), and Decision-Maker(s) may neither have nor demonstrate a conflict of interest or bias for a party generally, or for a specific Complainant or Respondent.

The Title IX Coordinator or the EEO Officer will vet the assigned Investigator(s) to ensure impartiality by ensuring there are no actual or apparent conflicts of interest or disqualifying biases. The parties may, at

any time during the resolution process, raise a concern regarding bias or conflict of interest, and the Title IX Coordinator will determine whether the concern is reasonable and supportable. If so, another Pool member will be assigned and the impact of the bias or conflict, if any, will be remedied. If the source of the conflict of interest or bias is the Title IX Coordinator and/or the EEO Officer, concerns should be raised with Amy Pennington, Vice President for Student Affairs, at apennington@atu.edu, or the Eric Walker, General Counsel, ewalker@atu.edu, respectively.

The Formal Complaint Resolution Process involves an objective evaluation of all relevant evidence obtained, including evidence which supports that the Respondent engaged in a Policy violation and evidence which supports that the Respondent did not engage in a Policy violation. Credibility determinations may not be based solely on an individual's status or participation as a Complainant, Respondent, or witness.

ATU operates with the presumption that the Respondent is not responsible for the reported misconduct unless and until the Respondent is determined to be responsible for a Policy violation by the preponderance of the evidence standard.

10. **Additional Details of the Investigation Process**

A. Witness responsibilities

Witnesses (as distinguished from the parties) who are employees of ATU are expected to cooperate with and participate in ATU's investigation and resolution process. Student witnesses and witnesses from outside the ATU community are encouraged to cooperate with ATU investigations and to share what they know about a complaint. Failure to participate may hinder ATU's ability to stop, remedy, and prevent the described forms of discrimination and harassment.

Although in-person interviews for parties and all potential witnesses are ideal, circumstances (e.g., study abroad, summer break) may require individuals to be interviewed remotely. Skype, Zoom, FaceTime, WebEx, or similar technologies may be used for interviews if the Investigator(s) determine that timeliness or efficiency dictate a need for remote interviewing. ATU will take appropriate steps to reasonably ensure the security/privacy of remote interviews. Witnesses may also provide written statements in lieu of interviews or choose to respond to written questions, if deemed appropriate by the Investigator(s), though not preferred.

B. Remote processes

Parties and witnesses may be interviewed remotely by phone, video conferencing, or similar technologies if the Investigator(s) or Decision-Makers determine that timeliness or efficiency dictates a need for remote interviewing. Where remote technologies are used, ATU makes reasonable efforts to ensure privacy, and that any technology does not work to the detriment of any party or subject them to unfairness.

C. Recording

No unauthorized audio or video recording of any kind is permitted during the resolution process. If Investigator(s) elect to audio and/or video record interviews, all involved parties must be made aware of audio and/or video recording.

Recordings of interviews are not provided to the parties or witnesses, but the parties and/or witnesses will have the ability to review the summary of their interview once the Investigator(s) has completed the summary document.

D. Evidence

Neither the investigation nor the hearing will consider: (1) incidents not relevant or not directly related to the possible violation(s), unless they evidence a pattern; or (2) questions and evidence about the Complainant's sexual predisposition; or (3) questions and evidence about the Complainant's prior sexual behavior, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

Within the boundaries stated above, the investigation and the hearing can consider character evidence generally, if offered, but that evidence is unlikely to be relevant unless it is fact evidence or relates to a pattern of conduct. Investigator(s) and/or Decision-Makers may elect to decline hearing from witnesses solely classified as character witnesses.

Previous disciplinary action of any kind involving the Respondent may be considered in determining an appropriate sanction(s) upon a determination of responsibility because ATU uses a progressive discipline system. This information is only considered at the sanctioning stage of the process.

The parties may each submit a written impact and/or mitigation statements to the Title IX Coordinator or the EEO Officer prior to the hearing for the consideration of the Decision-Maker(s) at the sanctioning stage of the process if a determination of responsibility is reached.

After post-hearing deliberation, the Decision-Makers render a determination based on the preponderance of the evidence standard, whether it is more likely than not that the Respondent violated the Policy as alleged.

11. Referral for Hearing

Provided that the complaint is not resolved through Informal Resolution, once the final investigation report is shared with the parties, the Title IX Coordinator or the EEO Officer will refer the matter for a hearing.

The hearing cannot be less than ten (10) business days from the conclusion of the investigation, when the final investigation report is transmitted to the parties and the Decision-Makers, unless all parties and the Decision-Makers agree to an expedited timeline. The Title IX Coordinator or the EEO Officer will select appropriate Decision-Makers from the Pool.

12. Hearing Panel Composition

ATU will designate a three (3) member panel from the Pool, at the discretion of the Title IX Coordinator or EEO Officer. One of the three (3) members will be appointed as Chair by the Title IX Coordinator or the EEO Officer.

The Decision-Maker(s) will not have had any previous involvement with the complaint. The Title IX Coordinator or EEO Officer may elect to have an alternate from the Pool sit in throughout the resolution process in the event that a substitute is needed for any reason.

Those who have served as Investigators will be witnesses in the hearing and therefore may not serve as Decision-Makers. Those who are serving as Advisors for any party may not serve as Decision-Makers in that matter.

The Title IX Coordinator or EEO Officer may not serve as a Decision-Maker or Chair in the matter but may serve as an administrative facilitator of the hearing if their previous role(s) in the matter do not create a

conflict of interest. Otherwise, a designee may fulfill this facilitator role. The hearing will convene at a time and venue determined by the Chair.

13. Notice of Hearing

No less than ten (10) business days prior to the hearing, the Title IX Coordinator, EEO Officer, or the Chair will send notice of the hearing to the parties. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

The notice may contain:

- A description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable hearing Procedures, and a statement of the potential sanctions/responsive actions that could result.
- The time, date, and location of the hearing.
- Information about the option for the live hearing to occur with the parties located in separate rooms using technology that enables the Decision-Makers and parties to see and hear a party or witness answering questions. Such a request must be raised with the Title IX Coordinator, EEO Officer, or the Chair at least five (5) business days prior to the hearing.
- A list of all those who will attend the hearing, along with an invitation to object to any Decision-Maker on the basis of demonstrated bias. This must be raised with the Title IX Coordinator or the EEO Officer at least five (5) business days prior to the hearing.
- An invitation to each party to submit to the Chair the questions or topics (the parties and their Advisors) wish to ask or discuss at the hearing, so that the Chair can rule on their relevance ahead of time to avoid any improper evidentiary introduction in the hearing or provide recommendation for more appropriate phrasing. However, this advance review opportunity does not preclude the Advisors from asking at the hearing for a reconsideration based on any new information or testimony offered at the hearing. The Chair will document and share their rationale for any relevance determination.
- Notification in advance of the hearing of any witnesses that do not need to be present if the Chair has determined their testimony can be adequately summarized by the Investigator(s) in the investigation report or during the hearing and both parties are in full agreement.
- Information on how the hearing will be recorded and how the parties can access the recording for the parties after the hearing.
- A statement that if any party or witness does not appear at the scheduled hearing, the hearing may be held in their absence. For compelling reasons, the Chair may reschedule the hearing.
- Notification that the parties may have the assistance of an Advisor of their choosing at the hearing and will be required to have one present for any questions they may desire to ask. The party must notify the Title IX Coordinator or the EEO Officer if they wish to conduct cross-examination and do not have an Advisor, and ATU will appoint one. Each party must have an Advisor present if the intend to cross-examine others. There are no exceptions.
- A copy of all the materials provided to the Decision-Makers about the complaint, unless they have already been provided.
- An invitation to each party to submit to the Title IX Coordinator and/or EEO Officer an impact and/or mitigation statement pre-hearing that the Decision-Makers will review during any sanction determination.
- An invitation to contact the Title IX Coordinator or EEO Officer to arrange any disability accommodations, language assistance, and/or interpretation services that may be needed at the hearing, at least seven (7) business days prior to the hearing.

Hearings for possible violation(s) that occur near or after the end of an academic term (assuming the Respondent is still subject to this Policy) and are unable to be resolved prior to the end of term will typically be held immediately after the end of the term or during the summer, as needed, to meet the resolution timeline followed by ATU and remain within the 60-90 business day goal for resolution. In these cases, if the Respondent is a graduating student, a hold may be placed on graduation and/or official transcripts until the matter is fully resolved (including any appeal). Employees who do not have 12-month contracts are still expected to participate in resolution proceedings that occur during months between contracts.

14. Hearing Procedures

At the hearing, the Decision-Makers have the authority to hear and make determinations on all allegations of discrimination, harassment, and/or retaliation and may also hear and make determinations on any additional

alleged Policy violation(s) that occurred in concert with the discrimination, harassment, and/or retaliation, even though those collateral allegations may not specifically fall within the Equal Opportunity, Harassment (Sexual Misconduct), and Nondiscrimination Policy and Procedures.

Participants at the hearing will include the Chair, any additional panelists, the hearing facilitator, if needed, the Investigator(s) who conducted the investigation, the parties (or three (3) organizational representatives when an organization is the Respondent), Advisors to the parties, any called witnesses, and anyone providing authorized accommodations, interpretation, and/or assistive services.

The Chair will answer all questions about Procedure. Anyone appearing at the hearing to provide information will respond to questions on their own behalf.

The Chair will allow witnesses who have relevant information to appear at a portion of the hearing in order to respond to specific questions from the Decision-Makers and the parties and will then be excused. The Investigator(s) may remain present for the duration of the hearing.

15. **Joint Hearings**

In hearings involving more than one Respondent and/or involving more than one Complainant who has accused the same individual of substantially similar conduct, the default Procedure will be to hear the allegations jointly. However, the Title IX Coordinator or the EEO Officer may permit the investigations and/or hearings pertinent to each Respondent or complaint to be conducted separately if there is a compelling reason to do so. In joint hearings, separate determinations of responsibility will be made for each Respondent and/or for each complaint with respect to each alleged Policy violation.

16. **The Order of the Hearing – Introductions and Explanation of Procedure**

The Chair explains the Procedures and introduces the participants. The Chair then conducts the hearing according to the hearing script. At the hearing, recording, witness logistics, party logistics, curation of documents, separation of the parties, and other administrative elements of the hearing process are managed by a non-voting hearing facilitator appointed by the Title IX Coordinator or the EEO Officer. The hearing facilitator may attend to logistics of rooms for various parties/witnesses as they wait; flow of parties/witnesses in and out of the hearing space; ensuring recording and/or virtual conferencing technology is working as intended; copying and distributing materials to participants, as appropriate, etc.

17. **Investigator(s) Presentation of Final Investigation Report**

The Investigator(s) will then present a summary of the final investigation report, including items that are contested and those that are not, and will be subject to questioning by the Decision-Makers and the parties (through their Advisors). The Investigator(s) may be present during the entire hearing process, but not during deliberations.

Neither the parties nor the Decision-Makers should ask the Investigator(s) their opinions on credibility, recommended findings, or determinations, and Advisors and parties will refrain from discussion of or questions for Investigator(s) about these assessments. If such information is introduced, the Chair will direct that it be disregarded.

18. **Testimony and Questioning**

Once the Investigator(s) presents the report and responds to questions, the parties and witnesses may provide relevant information in turn, beginning with the Complainant, and then in the order determined by the Chair. The parties/witnesses will submit to questioning by the Decision-Makers and then by the parties through their Advisors. All questions are subject to a relevance determination by the Chair. The Advisor, who will remain seated during questioning, will pose the proposed question orally, electronically, or in writing (orally is the default, but other means of submission may be permitted by the Chair upon request if agreed to by the parties and the Chair), the proceeding will pause to allow the Chair to consider the question, and the Chair will determine whether the question will be permitted, disallowed, or rephrased.

The Chair may invite explanation or persuasive statements regarding relevance with the Advisors if the Chair so chooses. The Chair may decide to call a recess to review relevancy and other arguments. During a recess, the Chair may choose to confer with the Title IX Coordinator. The Chair will then state their decision on the question for the record and advise the party/witness to whom the question was directed, accordingly. The Chair will explain any decision to exclude a question as not relevant, or to reframe it for relevance.

The Chair will limit or disallow questions on the basis that they are irrelevant, unduly repetitious (and thus irrelevant), or abusive. The Chair has final say on all questions and determinations of relevance. The Chair may consult with the Title IX Coordinator, the EEO Officer, and/or legal counsel on any questions of admissibility. The

Chair may ask advisors to frame why a question is or is not relevant from their perspective but will not entertain argument from the advisors on relevance once the Chair has ruled on a question.

If the parties raise an issue of bias or conflict of interest of an Investigator or Decision-Maker at the hearing, the Chair may elect to address those issues, consult with legal counsel, and/or refer them to the Title IX Coordinator, and/or preserve them for appeal. If bias is not in issue at the hearing, the Chair should not permit irrelevant questions that probe for bias.

19. **Decision**

The Decision-Makers will deliberate in closed session to determine whether the Respondent is responsible for the Policy violation(s) in question. A simple majority vote is required to determine the finding. The preponderance of the evidence standard of proof is used. The hearing facilitator may be invited to attend the deliberation by the Chair, but is there only to facilitate procedurally, not to address the substance of the allegations.

When there is a finding of responsibility on one or more of the allegations, the Decision-Makers may then consider the previously submitted party impact and/or mitigation statements in determining appropriate sanction(s).

The Decision-Makers will review the statements and any conduct history provided by the Title IX Coordinator and/or the EEO Officer and will determine the appropriate sanction(s).

The Chair in collaboration with the other Decision-Makers, will then prepare a written deliberation statement and deliver it to the Title IX Coordinator or AA/ EEO Officer.

The statement must be submitted to the Title IX Coordinator or EEO Officer within two (2) business days of the end of deliberations unless the Title IX Coordinator or EEO Officer grants an extension. If an extension is granted, the Title IX Coordinator or EEO Officer will notify the parties.

20. **Notice of Outcome**

Using the deliberation statement, the Chair will work with the Title IX Coordinator or the EEO Officer to prepare a Notice of Outcome. Chair will then share the letter, including the final determination, rationale, and any applicable sanction(s) with the parties and their Advisors within three (3) business days of receiving the Decision-Makers' deliberation statement as permitted to share under state or federal law.

The Notice of Outcome will then be shared with the parties simultaneously. Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official ATU records, or emailed to the parties' ATU-issued email or otherwise approved account. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

The Notice of Outcome will detail when the determination is considered final. Unless based on an acceptance of violation by the Respondent, the determination may be appealed by either party.

21. **Sanctions**

Factors considered when determining any sanction/responsive action may include, but are not limited to:

- The nature, severity of, and circumstances surrounding the violation(s)
- The Respondent's disciplinary history
- The need for sanctions/responsive actions to bring an end to the discrimination, harassment, and/or retaliation
- The need for sanctions/responsive actions to prevent the future recurrence of discrimination,

harassment, and/or retaliation

- The need to remedy the effects of the discrimination, harassment, and/or retaliation on the Complainant and the community
- The impact on the parties
- Any other information deemed relevant by the Decision-Makers

The sanction(s) will be implemented as soon as is feasible, either upon the outcome of any appeal or the expiration of the window to appeal without an appeal being requested.

The sanctions described in this Policy are not exclusive of, and may be in addition to, other actions taken, or sanctions imposed, by outside authorities.

If it is later determined that a party or witness intentionally provided false or misleading information, that action could be grounds for reopening a grievance process at any time, and/or referring that information to another process for resolution.

A. Student Sanctions

The following are the common sanctions that may be imposed upon students or registered student organizations singly or in combination[26]:

- Warning: A formal statement that the conduct was unacceptable and a warning that further violation of any ATU Policy, Procedure, or directive will result in more severe sanctions/responsive actions.
- Probation: A written reprimand for violation of institutional Policy, providing for more severe disciplinary sanctions in the event that the student or registered student organization is found in violation of any institutional Policy, Procedure, or directive within a specified period of time. Terms of the probation will be articulated.
- Loss of Privileges: Suspension or denial of rights and privileges for a designated period of time, and may include denial of specified social privileges, exclusion from co-curricular activities, exclusion from designated areas of campus, no-contact directives, and/or other measures deemed appropriate.
- Monetary Fines: A penalty imposed involving the collection of fees from the student.
- Restitution: Compensation for loss, injury, damage to or misappropriation of ATU property. This may take the form of appropriate service and/or monetary or material replacement.
- Educational Sanctions: Educational sanctions may be assigned to promote learning and understanding. These sanctions may be developed as necessary by a conduct body including, but not limited to:
    - Sponsorship of an education program;
    - Attendance at educational programs;
    - Requirement of members to complete educational training programs;
    - Attendance in conflict management training;
    - Educational service hours;
    - Attendance in ethics workshop/training;
    - Reflective exercises.
- Discretionary Sanctions: Work assignments, service to ATU, or other related sanctions.
- Holds: Withholding of grades, the right to register for classes, official transcript, and/or degree.
- Housing Suspension: Separation of the student from ATU housing for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified.
- Housing Expulsion: Permanent separation of the student from ATU housing.

[26] Subject to ATU's RSO Code of Conduct sanctions.

- University Suspension: Termination of student status for a definite period of time and revocation of rights to be on campus for any reason or to attend ATU-sponsored events. Conditions for readmission may be specified. Students who return from suspension are automatically placed on probation for a definite period of time.
- University Expulsion: Permanent termination of student status and revocation of rights to be on campus for any reason or to attend ATU-sponsored events.
- Loss of Scholarship: <Language to match other lists>
- Withholding Diploma: ATU may withhold a student's diploma for a specified period of time and/or deny a student participation in commencement activities if the student has an allegation pending or as a sanction if the student is found responsible for an alleged violation.
- Revocation of Admission or Degree: ATU reserves the right to revoke admission, or a degree previously awarded from ATU for fraud, misrepresentation, and/or other violation of ATU policies, Procedures, or directives in obtaining admission or the degree, or for other serious violation(s) committed by a student prior to graduation.
- Organizational Sanctions: Censure, Disciplinary Probation, Deferred Suspension, Disciplinary Suspension, Indefinite Dismissal, Restrictions, Educational Sanctions, Restitution, and Monetary Fines.
- Other Actions: In addition to or in place of the above sanctions, ATU may assign any other sanctions as deemed appropriate.

B. Employee Sanctions

Responsive actions for an employee who has engaged in harassment, discrimination, and/or retaliation include:

- Warning – Verbal or Written
- Performance Improvement Plan/Management Process
- Required Training or Education
- Probation
- Denial of Pay Increase/Pay Grade
- Loss of Oversight or Supervisory Responsibility
- Demotion
- Transfer/Reassignment/Assignment to a New Supervisor
- Administrative Leave/Suspension with Pay
- Administrative Leave/Suspension without Pay
- Termination
- Other Actions: In addition to or in place of the above sanctions, ATU may assign any other sanctions as deemed appropriate.

22. Withdrawal or Resignation While Charges are Pending

Students: If a student has an allegation pending for violation of the Equal Opportunity, Harassment (Sexual Misconduct), and Nondiscrimination Policy and Procedures, ATU may place a hold on a student's ability to graduate and/or to receive an official transcript/diploma.

Should a student decide to not participate in the resolution process, the process proceeds absent their participation to a reasonable resolution. Should a student Respondent permanently withdraw from ATU, the resolution process ends, as ATU no longer has disciplinary jurisdiction over the withdrawn student.

However, ATU will continue to address and remedy any systemic issues, variables that may have contributed to the alleged violation(s), and any ongoing effects of the alleged harassment, discrimination, and/or retaliation. The student who withdraws or leaves while the process is pending may not return to ATU. Such exclusion applies to all campuses of ATU. A hold will be placed on their ability to be readmitted. They may also be barred from ATU property and/or events.

If the student Respondent only withdraws or takes a leave for a specified period of time (e.g., one semester or term), the resolution process may continue remotely, and that student is not permitted to return to ATU unless and until all sanctions have been satisfied.

Employees: Should an employee Respondent resign with unresolved allegations pending, the resolution process ends, as ATU no longer has disciplinary jurisdiction over the resigned employee.

The employee who resigns with unresolved allegations pending is not eligible for rehire at ATU or any campus of ATU, and the records retained by the Title IX Coordinator and/or the Director of Human Resources and EEO Officer will reflect that status.

All ATU responses to future inquiries regarding employment references for that individual will include that the former employee resigned during a pending disciplinary matter.

23. Appeals

Any party may submit a written request for appeal ("Request for Appeal") to the Title IX Coordinator or the EEO Officer within seven(7) business days of the delivery of the written finding of the Decision-Maker(s).

The Request for Appeal will be forwarded to the appropriate Appeal Decision-Maker(s) for consideration to determine if the request meets the grounds for appeal (a Review for Standing).

This review is not a review of the merits of the appeal, but solely a determination as to whether the request meets the grounds and is timely filed.

Respondent is a student or non-faculty employee:

Student appeals will be decided by the Vice President for Student Affairs. Employee appeals will be decided by the appropriate Vice President or Athletic Director.

Respondent is a faculty member:

If the Respondent is a faculty member with tenure or with a special or probationary appointment, the Procedures set forth in the Academic Termination Policies and Procedures section of the Faculty Handbook shall govern the Respondent's appeal.

Appeals are limited to the following grounds:

1. A procedural irregularity that affected the outcome of the matter
2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter
3. The Title IX Coordinator or EEO Officer, Investigator(s), or Decision-Makers had a conflict of interest or bias for or against Complainants or Respondents generally or the specific Complainant or Respondent that affected the outcome of the matter

If any of the grounds in the Request for Appeal do not meet the grounds in this Policy, that request will be denied by the Appeal Decision-Maker(s) and the parties, and their Advisors will be notified in writing of the denial and the rationale.

If any of the grounds in the Request for Appeal meet the grounds in this Policy, then the Appeal Decision-Maker(s) will notify all parties and their Advisors, the Title IX Coordinator or

EEO Officer, and, when appropriate, the Investigator(s) and/or the original Decision-Makers.

All other parties and their Advisors, the Title IX Coordinator or the EEO Officer, and, when appropriate, the Investigator(s) and/or the original Decision-Makers will be mailed, emailed, and/or provided a hard copy of the Request for Appeal with the approved grounds and then be given three (3) business days to submit a response to the portion of the appeal that was approved and involves them. All responses, if any, will be forwarded by the Appeal Decision-Maker(s) to all parties for review and comment.

The non-appealing party (if any) may also choose to appeal at this time. If so, that will be reviewed to determine if it meets the grounds of this Policy by the Appeal Decision-Maker(s) and either denied or approved. If approved, it will be forwarded to the party who initially requested an appeal, the Title IX Coordinator or the EEO Officer, the Investigator(s), and/or original Decision-Makers, as necessary, who will submit their responses, if any, in three (3) business days, which will be circulated for review and comment by all parties. If not approved, the parties will be notified accordingly, in writing.

Neither party may submit any new requests for appeal after this time period. The Appeal Decision-Maker(s) will collect any additional information needed and all documentation regarding the approved grounds for appeal and the subsequent responses and will render a decision in no more than five (5) business days, barring exigent circumstances. All decisions apply the preponderance of the evidence standard.

A Notice of Appeal Outcome will be sent to all parties simultaneously. The Notice of Appeal Outcome will specify the finding on each ground for appeal, any specific instructions for remand or reconsideration, any sanction(s) that may result which ATU is permitted to share according to state or federal law, and the rationale supporting the essential findings to the extent ATU is permitted to share under state or federal law.

Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official ATU records, or emailed to the parties' ATU-issued email or otherwise approved account. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

Any sanctions imposed as a result of the hearing are stayed (i.e., not implemented) during the appeal process. Supportive measures may be reinstated, subject to the same supportive measure Procedures above.

If any of the sanctions are to be implemented immediately post-hearing, but pre-appeal, then emergency removal Procedures (detailed above) for a show cause meeting on the justification for doing so must be permitted within 48 hours of implementation.

ATU may still place holds on official transcripts, diplomas, graduations, and course registration pending the outcome of an appeal when the original sanctions included separation.

Appeal Considerations

- Appeals are not intended to provide for a full rehearing of the allegation(s). In most cases, appeals are confined to a review of the written documentation or record of the original hearing and pertinent documentation regarding the specific grounds for appeal.
- Decisions on appeal are to be deferential to the original determination, making changes to the finding only when there is clear error and to the sanction(s)/responsive action(s) only if there is a compelling justification to do so.
- An appeal is not an opportunity for the Appeal Decision-Maker to substitute their judgment for that of the original Decision-Makers merely because they disagree with

the finding and/or sanction(s).

- The Appeal Decision-Maker may consult with the Title IX Coordinator or the EEO Officer on questions of Procedure or rationale, for clarification, if needed. Documentation of all such consultations will be maintained. Appeals granted should normally be remanded (or partially remanded) to the original Investigator(s) and/or Decision-Makers for reconsideration.
- Once an appeal is decided, the outcome is final. Further appeals are not permitted, even if a decision or sanction is changed on remand (except in the case of a new hearing).
- In rare cases where error cannot be cured by the original Investigator(s) and/or the Decision-Makers (as in cases of bias), the Appeal Decision-Makers may order a new investigation and/or hearing with new Investigator(s) and/or Decision-Makers.
- The results of a new hearing can be appealed, once, on any of the three available appeal grounds.
- In cases that result in reinstatement to ATU or resumption of privileges, all reasonable attempts will be made to restore the Respondent to their prior status, recognizing that some opportunities lost may be irreparable in the short term.

24. **Vice President for Student Affairs Certification - Long-Term Remedies/Actions**

At the conclusion of a disciplinary proceeding or an appeal that involves an alleged serious violation by a student respondent, the Vice President of Student Affairs will certify that the substantial rights of student complaints and respondents established by the Arkansas Student Due Process and Protection Act, have been followed. The certification will be maintained in the administrative file.

25. **Long-Term Remedies /Actions**

These remedies/actions may include, but are not limited to:

- Referral to counseling and health services
- Referral to the Employee Assistance Program
- Education to the community
- Permanent alteration of housing assignments
- Permanent alteration of work arrangements for employees
- Provision of campus safety escorts
- Climate surveys
- Policy modification
- Provision of transportation accommodations
- Implementation of long-term contact limitations between the parties
- Implementation of adjustments to academic deadlines, course schedules, etc.

At the discretion of the Title IX Coordinator or the EEO Officer, long-term remedies may also be provided to the Complainant even if no Policy violation is found.

When no Policy violation is found, the Title IX Coordinator or the EEO Officer will address any remedies to be provided by ATU to the Respondent.

26. **Failure to Complete Sanctions/Comply with Interim and Long-term Remedies/Responsive Actions**

All Respondents are expected to comply with conduct sanctions, responsive actions, and corrective actions within the timeframe specified.

Failure to abide by the sanction(s)/action(s) imposed by the date specified, whether by

refusal, neglect, or any other reason, may result in additional sanction(s)/responsive/corrective action(s), including suspension, expulsion, and/or termination from ATU. A hold will only be lifted when compliance is achieved to the satisfaction of the Title IX Coordinator or the EEO Officer.

27. **Recordkeeping**

ATU will maintain for a period of at least seven (7) years records of complaints filed under Process B. ATU will also maintain any and all records in accordance with state and federal laws.

28. **Disabilities Accommodation in the Resolution Process**

ATU is committed to providing reasonable accommodations and support to qualified students, employees, or others with disabilities to ensure equal access to the resolution process at ATU.

Anyone needing such accommodations or support should contact either Ashlee Leavell, Assistant Dean for Student Wellness and Deputy Title IX Coordinator, who coordinates services for students at sleavell@atu.edu or Kathleen Martin, Director of Human Resources and EEO Officer and Deputy Title IX Coordinator, who coordinates services for employees at kmartin51@atu.edu. These individuals will review the request and, in consultation with the person requesting the accommodation, and the Title IX Coordinator, determine which accommodations are appropriate and necessary for full participation in the process.

29. **Revision**

These policies and Procedures will be reviewed and updated annually by the Title IX Coordinator and the EEO Officer. ATU reserves the right to make changes to this document as necessary and once those changes are posted online, they are in effect.

The Title IX Coordinator or the EEO Officer may make minor modifications to these Procedures that do not materially jeopardize the fairness to be provided to any party, such as to accommodate summer schedules.

The Title IX Coordinator or the EEO Officer may also vary Procedures materially with notice (on the ATU website, with the appropriate effective date identified) upon determining that changes to law or regulation require Policy or procedural alterations not reflected in this Policy and Procedure.

Policy and Procedures in effect at the time of the resolution will apply to resolution of incidents, regardless of when the incident occurred.

If government regulations change in a way that impacts this document, this document will be construed to comply with the most recent government regulations.

This document does not create legally enforceable protections beyond the protection of the background state and federal laws which frame such policies and codes, generally.

This Policy was implemented in August 2020.

Appendix D: Suggested Actions for Victims of Sexual Assault

If you have experienced a form of sexual assault, please consider your options. ATU's first priority is to help you take steps to address your safety, medical needs, and emotional well-being. You are encouraged to take the following actions, as applicable, regardless of whether you have made a decision about whether to pursue a complaint at ATU or criminal charges.

1. **Ensure Your Physical Safety.**

   You may seek help from local law enforcement agencies by dialing 911.

2. **Seek Medical Assistance and Treatment.**

   Local options for medical care include the ATU Health and Wellness Center, Saint

Mary's Regional Medical Center in Russellville, and Mercy Hospital in Ozark. Even if you do not believe you have urgent medical needs, it is crucial that you obtain medical attention as soon as possible after experiencing sexual misconduct to determine the possibilities of physical injury and to prevent or treat sexually transmitted infections.

The Health and Wellness Center at Arkansas Tech University can help survivors of sexual misconduct sort through their feelings and begin the recovery process. The professionals at Counseling Services are trained to provide crisis intervention on short term and emergency issues. Counseling Services can also provide referral services for outside providers, law enforcement, and Title IX. Staff in the Health and Wellness Center can provide:

- Counseling services (free for all students)
- Sexually transmitted infection testing and treatment
- Women's health services

Saint Mary's Regional Medical Center in Russellville and Mercy Hospital in Ozark offer many services 24/7 for survivors of sexual and interpersonal violence such as:

- Prevention and treatment of sexually transmitted infections as well as pregnancy prevention
- Forensic evidence collection such as DNA and injury documentation
- Screening for the presence of sedative drugs such as Rohypnol or GHB (date-rape drugs)

3. **Preserve Evidence.**

The preservation of evidence is critical to potential criminal prosecution and to obtaining restraining orders/protective orders and is particularly time-sensitive. Complainants should consider preserving evidence by taking the following actions:

- Evidence in the form of text and voice messages will be lost in most cases if the Complainant changes their phone number.
    - Make a secondary recording of any voice messages and/or save the audio files to a cloud server.
    - Take screenshots and/or a video recording of any text messages or other electronic messages (e.g., Instagram, Snapchat, Facebook).
- Save copies of email and social media correspondence, including notifications related to account access alerts.
- Take time stamped photographs of any physical evidence including notes, gifts, etc. in place when possible.
- Save copies of any messages, to include those showing any request for no further contact.
- Obtain copies of call logs showing the specific phone number being used rather than a saved contact name if possible.

In cases of sexual assault, these additional actions should be considered:

- Seek forensic medical assistance at a local hospital, ideally within 96 hours of the incident (sooner is better), and this exam is paid for by the State of Arkansas. In Russellville, Saint Mary's Regional Medical Center is located at 1808 West Main Street. In Ozark, Mercy Hospital is located at 801 West River.
- Avoid urinating, showering, bathing, washing hands or face, or douching, if possible, but evidence may still be collected even if you do.

- If oral sexual contact took place, refrain from smoking, eating, drinking, or brushing teeth.
- If clothes are changed, place soiled clothes in a paper bag (plastic destroys evidence).
- Seeking medical treatment can be essential even if it is not for the purposes of collecting forensic evidence.

4. **Obtain Emotional Support.**

   The ATU Health and Wellness Center can assist victims sort through their feelings and begin the recovery process. The professionals in Counseling Services are trained to provide crisis intervention on short term and emergency issues. Counseling Services can also provide referral services for outside providers and law enforcement. Counseling is free of charge to all students. In some instances, the law may require the disclosure of information shared by students with counselors. However, absent a legal mandate to the contrary, Counseling Services are strictly confidential, are not part of students' ATU records, and will not be reported to other ATU personnel.

5. **Obtain Information/Report Misconduct.**

   You are encouraged to report incidents of sexual assault to ATU's Title IX Coordinator or other designated University individuals or offices as outlined in the Equal Opportunity, Harassment (Sexual Misconduct), and Nondiscrimination Policy and Procedures (even if you have filed a report directly with law enforcement). Further information about how to report sexual assault is provided in the Equal Opportunity, Harassment (Sexual Misconduct), and Nondiscrimination Policy and Procedures. ATU staff in the Title IX Office can help you access resources and can provide you with support and information, including information on the ATU's Procedures for investigating and addressing instances of sexual assault.

IMPORTANT CONTACT INFORMATION

ATU Resources

Title IX Office

Russellville
Stacy Galbo, Title IX Coordinator 479-968-0407
Sgalbo2@atu.edu
Doc Bryan Student Services Center, Suite 233 Russellville, AR 72801
Ashlee Leavell, Assistant Dean for Student Wellness/Deputy Title IX Coordinator 479-968-0302
Doc Bryan Student Services Center, Suite 141
sleavell8@atu.edu
Kathleen Martin, Director of Human Resources and EEO Officer/Deputy Title IX Coordinator 479-968-0396
715 North El Paso Ave
kmartin51@atu.edu

Title IX Office

Ozark
Sandra Patterson, Project/Program Specialist and
Deputy Title IX Coordinator 479-667-2117 ext.
6532
spatterson8@atu.edu
Technology and Academic
Support Building, Room 154
Ozark, AR 72949

Law Enforcement Resources

In case of emergency, dial 911.

On Campus – Russellville: Assistance can be obtained 24 hours a day, 7 days a week, from the Arkansas Tech University Department of Public Safety located at 716 North El Paso Avenue and available by telephone at 479-968- 0222 or dialing 911.

On Campus – Ozark: Assistance can be obtained from 8 am to 5 pm, Monday through Friday by contacting Officer David Spicer, Public Safety Officer, located at the Collegiate Career Center, Room 100C, 1700 Helberg Lane or by telephone at 479-508-3359 or dialing 911.

Community Resources

Saint Mary's Regional Medical Center
1808 West Main
Street, Russellville, AR
72801 479-968-2841
Mercy Hospital
801 West River, Ozark, AR 72949
479-667-4138
Victim Assistance Outreach Program
The 5th Judicial District Prosecuting Attorney's Office's Victim Assistance Outreach Program provides assistance with:

- Orders of Protection
- Contacting Law Enforcement Agencies
- VINE (Victim Identification and Notification Everyday)
- Arkansas Crime Victims Reparations Program (assists with financial compensation, counseling, lost wages, and funeral expenses)
- Referrals to other community services such as the Ozark Rape Crisis Center, River Valley Shelter, and Crisis Intervention Center
- Information on the criminal court process

The Arkansas Victim Assistance Coordinator for Pope County can be reached at 479-968-8600 and the Coordinator for Johnson and Franklin County can be reached at 479-705-0579.

Arkansas Coalition Against Sexual Assault
The Arkansas Coalition Against Sexual Assault provides a 24-hour Sexual Assault Crisis Response Hotline. The hotline telephone number is 1-800-656-4673 and the website can be located at https://www.arkcasa.org/.

Arkansas Coalition Against Domestic Violence
The U. S. Hotline number is 1-800-799-7233. List of domestic violence shelters throughout the state: https://www.domesticpeace.com/

Ozark Rape Crisis Center
With locations in Clarksville and Russellville, Arkansas, this entity provides 24-hour crisis intervention. The hotline telephone number is 1-800-818-1189 and the website can be located at https://www.ozarkrapecrisiscenter.org.

National Domestic Violence
Hotline
24-hour hotline: 1-800-799-
(SAFE) 7233
24-hour live chat:
www.thehotline.org

National Sexual Assault Hotline
24-hour hotline: 1-800-656-4673
24-hour online hotline: https://hotline.rainn.org/online

IMPORTANT CONTACT INFORMATION
ATU Resources
Title IX Office

Russellville
Stacy Galbo, Deputy Title IX Coordinator for Educational Outreach and Training/Title IX Investigator
479-964-0583 ext. 4714
sgalbo2@atu.edu
Doc Bryan Student Services Center, Suite 233
Russellville, AR 72801

Ashlee Leavell, Assistant Dean for Student Wellness/Deputy Title IX Coordinator
479-968-0302
Doc Bryan Student Services Center, Suite 141
sleavell8@atu.edu

Kathleen Martin, Director of Human Resources and EEO Officer/Deputy Title IX Coordinator
479-968-0396
Brown Hall, Suite 434
kmartin51@atu.edu

Ozark
Sandra Patterson, Project/Program Specialist and Deputy Title IX Coordinator
479-667-2117 ext. 6532
spatterson8@atu.edu

Technology and Academic Support Building, Room 154
Ozark, AR 72949

Law Enforcement Resources
In case of emergency, dial 911.

On Campus – Russellville: Assistance can be obtained 24 hours a day, 7 days a week, from the Arkansas Tech University Department of Public Safety located at 716 North El Paso Avenue and available by telephone at 479-968-0222.

On Campus – Ozark: Assistance can be obtained from 8 am to 5 pm, Monday through Friday by contacting Officer David Spicer, Project Program Manager, located at the Collegiate Center, Room 100C, 1700 Helberg Lane or by telephone at 479-508-3359.

Health and Wellness Center
Counseling Services and Health Services are available to students on both the Russellville and Ozark campuses by calling the Health and Wellness Center at 479-968-0329 or visiting in-person in the Doc Bryan Student Services Center, Suite 119, Russellville, AR. For more information on the Health and Wellness Center please visit https://www.atu.edu/hwc/.

You may also contact a licensed counselor or health care provider directly. A contact list is provided below:

Counseling Services:
Hunter Bramlitt, LPC, Associate Dean for Student Wellness, kdavis51@atu.edu
Janis Taylor, LPC, Counselor, jtaylor78@atu.edu
Hunter Bramlitt, LAC, Counselor, jbramlitt@atu.edu
Leann Watson, LPC, Counselor, lwatson12@atu.edu
Lindsay Keeter, LAC, lkeeter@atu.edu

Health Services:
Robin Joslin, APRN, Nurse Practitioner, rkoontz@atu.edu
Kyle Wewers, APRN, Nurse Practitioner, kwewers@atu.edu
Heather Stout, RN, Registered Nurse, hstout1@atu.edu
Dani Laroe, RN, Registered Nurse, klaroe@atu.edu
Community Resources
Saint Mary's Regional Medical Center
1808 West Main Street, Russellville, AR 72801
479-968-2841

Mercy Hospital
801 West River Street, Ozark, AR 72949
479-667-4138

Victim Assistance Outreach Program

The 5th Judicial District Prosecuting Attorney's Office's Victim Assistance Outreach Program aids with:

- Orders of Protection
- Contacting Law Enforcement Agencies
- VINE (Victim Identification and Notification Everyday)
- Arkansas Crime Victims Reparations Program (assists with financial compensation, counseling, lost wages, and funeral expenses)
- Referrals to other community services such as the Ozark Rape Crisis Center, River Valley Shelter, and Crisis Intervention Center
- Information on the criminal court process

The Arkansas Victim Assistance Coordinator for Pope County, can be reached at 479-968-8600 and the Coordinator for Johnson and Franklin County, can be reached at 479-705-0579.

Arkansas Coalition Against Sexual Assault

The Arkansas Coalition Against Sexual Assault provides a 24-hour Sexual Assault Crisis Response Hotline. The hotline telephone number is 1-800-656-4673 and the website can be located at https://acasa.us.

Arkansas Coalition Against Domestic Violence

The Arkansas Coalition Against Domestic Violence (ACVAD) is a non-profit organization that has served both rural and urban areas in Arkansas since its inception in 1981. The telephone is 1-800-269-4668 and the website can located at https://www.domesticpeace.com

Ozark Rape Crisis Center

With locations in Clarksville and Russellville, Arkansas, this entity provides 24-hour crisis intervention. The hotline telephone number is 1-800-818-1189 and the website can be located at https://www.ozarkrapecrisiscenter.org/.

National Domestic Violence Hotline

24-hour hotline: 1-800-799-(SAFE) 7233
24-hour live chat: www.thehotline.org

National Sexual Assault Hotline

24-hour hotline: 1-800-656-4673
24-hour online hotline: https://ohl.rainn.org/online/

Off-Campus Conduct

If a student is charged only with an off-campus violation of local, state, or federal laws, but now with any other violation of the Student Code of Conduct, disciplinary action may be taken and sanctions imposed if that behavior constitutes a safety or security threat to the campus and, substantially affects the safety or security of the University community.

Deleted:

University disciplinary proceedings may be instituted against a student charged with a violation of a law that is also a violation of the Student Code of Conduct if both violation(s) result from the same factual situation, without regard to the pendency of civil litigation in court or criminal arrest and prosecution. Proceedings under the Student Code of Conduct will be conducted independently of any pending civil or criminal proceedings off-campus.

When a student is charged by local, state, or federal authorities with a violation of law, the University will not request or agree to special consideration for that individual because of their status as a student. If the alleged offense is also the subject of a proceeding before a conduct body under the Student Code of Conduct, however, the University may advise off-campus authorities of the existence of the Student Code of Conduct and how such matters will be handled internally within the University community. The University will cooperate fully with law enforcement and other agencies in the enforcement of criminal law on campus and in the conditions imposed by criminal courts for the rehabilitation of student violators. Individual students and faculty members, acting in their personal capacities, remain free to interact with governmental representatives as they deem appropriate.

Article IV: Adjudication of Student Misconduct and Appeals Process

A. Filing Complaints

1. Any member of the University community may file a complaint against a student for alleged violation(s) of the Student Code of Conduct.
2. Complaints alleging a violation of the Student Code of Conduct should be submitted as soon as possible after the incident.
3. Complaints shall be prepared in writing and directed to the Student Conduct Administrator. The Student Conduct Administrator is Richard Harris Vice Chancellor of Student Services, Student Services Conference Center, rharris1@atu.edu Complaints may also be made online by utilizing the incident report form on the Student Conduct website https://cm.maxient.com/reportingform.php?ArkansasTechUniv.
4. The Student Conduct Administrator or designee will assign the case to a Conduct Advisor to initiate the conduct process.
5. The Respondent shall be presumed not responsible for a violation until the Respondent acknowledges responsibility or is determined to be responsible by a preponderance of the evidence at the conclusion of a disciplinary proceeding.

B. Preliminary Conference

1. The Conduct Advisor will present all charges, supporting documentation, and when available meeting notification to the Respondent in written form sent to the Official ATU email address (along with a text message alert) of the Respondent. This shall constitute full and adequate notice. Failure of a student to check their ATU email account, or the refusal or inability to accept the emailed notice, shall not constitute good cause for failure to comply with the notification. A student or RSO alleged of a serious violation will be provided with a copy of the Arkansas Student Due Process and Protection Act, at the inception of the disciplinary matter in the Preliminary Conference Summons Letter and the preliminary conference will not be scheduled until at least twenty-four (24) hours after the receipt of the summons. Additionally, a student or RSO alleged of a serious violation will be advised in the Preliminary Conference Summons Letter of the ability to seek representation by an attorney.
2. The Respondent shall meet with the Conduct Advisor at a preliminary conference.
3. The Conduct Advisor will review the charges and supporting documentation, advise the Respondent of due process rights, and explain the Student Code of Conduct adjudication process during the preliminary conference.
4. The Conduct Advisor shall offer the Respondent an opportunity to informally resolve the alleged violation.
    a. The Informal Resolution process involves a review of the incident and discussion of the possible sanction(s).
    b. If the Respondent accepts acknowledges responsibility for the violation and the resolution offered by the Conduct Advisor, the Respondent and the Conduct Advisor shall complete an Informal Resolution agreement, which shall include information regarding the violation(s) for which the Respondent has been found responsible, the resulting sanctions, and signature (when applicable) of both the Respondent and Conduct Advisor.
    c. When the Respondent agrees to take responsibility for the violation and the sanction recommended by the Conduct Advisor, the case will be settled and there shall be no subsequent proceedings.
    d. The Respondent has three (3) business days from the date of signing the Informal

Resolution agreement to reconsider the agreement and request a formal hearing.

e. If the Respondent wishes to request a formal hearing, they shall file a request for a formal hearing by notifying the Conduct Advisor. A student or RSO alleged of a serious violation has the right to have a live hearing and be present at the hearing unless waived by the student or RSO. The signed waiver will be provided in writing by the student or RSO. The student or RSO will receive a copy of the completed waiver, and a copy will be maintained in the administrative file. If a student or RSO waives the right to be present, they forfeit the right to make an opening and closing statement, present relevant evidence, cross-examine adverse witnesses through an advisor, or appeal the decision of the Student Affairs Conduct Board. A Respondent's failure to participate in the conduct process does not preclude the University from conducting the hearing in their absence.

f. The University shall maintain an administrative file of all disciplinary proceedings. The Respondent and Complainant involved in alleged serious violation(s) may have reasonable continuing access to the administrative file by contacting the Department of Student Conduct to schedule a reasonable date and time for review beginning at least seven (7) business days before the Formal hearing. Portions of the administrative file shall be redacted if confidentiality of the evidence is required. Each record of any disciplinary process or sanction imposed under the Student Code of Conduct involving a Respondent and other students may constitute an educational record, the release of which is governed by FERPA.

g. The outcome of an Informal Resolution cannot be contested after three (3) business days.

h. The outcome of a formal hearing shall replace any agreements made during the Informal Resolution.

i. If the charge(s) cannot be settled by mutual consent of the Respondent and the Conduct Advisor, if the Respondent maintains they are not responsible for the alleged violation(s), or the Respondent fails to attend the preliminary conference, the case will be forwarded to the Student Conduct Administrator for referral to a conduct body for a formal hearing.

a. A formal hearing shall be set to occur no less than five (5) business days and no more than ten (10) business days after the Student Conduct Administrator refers the case for a formal hearing. Time limits for scheduling formal hearings may be adjusted at the discretion of the Student Conduct Administrator. A formal hearing for a student or RSO alleged of a serious violation shall be set to occur no less than seven (7) business days after the Student Conduct Administrator refers the case for a formal hearing.

b. The Conduct Advisor may also determine that the Respondent is not responsible or that insufficient evidence exists to reach a finding of responsibility for the alleged violation(s). This determination does not prevent the Department of Student Conduct from pursuing a subsequent complaint should new evidence become available.

5. The Conduct Advisor may later serve in the same matter as a member of the conduct body.
6. The Respondent may request one change in the date and time of the preliminary conference by requesting the change 24 hours prior to the scheduled conference by contacting the Conduct Advisor.

7. Failure of the Respondent to attend the preliminary conference will result in a formal hearing being scheduled.

C. Formal Hearing

If the charges cannot be settled by mutual consent of the Respondent and the Conduct Advisor or if the Respondent maintains they are not responsible for the alleged violation(s), the Student Conduct Administrator will refer the case to the Student Affairs Conduct Board to adjudicate the case in a formal hearing.

Composition of the Student Affairs Conduct Board

This conduct body is assigned to conduct formal hearings involving alleged violation(s) of the Student Code of Conduct that cannot be settled during a preliminary conference. The conduct board is composed of the following members, appointed by the Student Conduct Administrator or designee: One (1) student representing membership from the following groups: Student Government Association, IFC/Panhellenic, Residence Hall Association, the Student Activities Board or an Officer from; One (1) Resident Assistant; Two (2) Students at-large; One (1) Residence Life staff member; One (1) Student Affairs staff member. The Student Conduct Administrator or designee will serve as the chairperson. The Student Affairs Conduct Board will hear the case and determine if the Policy was violated, and, if applicable, the appropriate sanction(s). All participants are bound to confidentiality in accordance with the federal Family Educational Rights and Privacy Act (FERPA). Students serving on the Student Affairs Conduct Board must be full-time, in good academic standing, and demonstrate satisfactory conduct history. In cases involving a serious violation, no individual will carry out more than one (1) of the following roles with respect to the disciplinary proceeding: Investigator, adjudicator, or appellate adjudicator. However, if the matter is not resolved at a preliminary conference, the Conduct Advisor (adjudicator) is allowed to serve on or chair the Student Affairs Conduct Board.

Hearing Guidelines

1. Hearings shall normally be conducted in private.
2. The Complainant, the Respondent, and their advisors (if any), shall be allowed to attend the entire portion of the student conduct hearing at which information is received excluding deliberation. Admission of any person to the hearing who is not a party or potential witness shall be at the discretion of the conduct body and/or the chairperson of the conduct body.
3. In hearings involving more than one Respondent, the Student Conduct Administrator or designee may at their sole discretion permit the hearings concerning each Respondent to be conducted separately or jointly.
4. The Complainant and the Respondent have the right to be assisted by any advisor they choose, at their own expense. The Complainant and/or Respondent is responsible for presenting their own information. Advisors are not permitted to speak or to participate directly in any student conduct hearing. The Complainant and Respondent must notify the Student Conduct Administrator who they are bringing at least 72 hours prior to the hearing. A Complainant and Respondent should select as an advisor, a person whose schedule allows attendance at the scheduled date and time of the student conduct hearing; delays will not normally be allowed due to the scheduling conflicts of an advisor. A student or RSO alleged of a serious violation and the Complainant alleging a serious violation has the right to be represented by any advisor they choose (including representation by an attorney), and the advisor may fully participate, as defined in the Arkansas Student Due Process and Protection Act, during the disciplinary proceeding and through the conclusion of any appellate process.
5. The Complainant, the Respondent, and the conduct body shall have the privilege of

presenting witnesses, subject to the right of cross examination by the conduct body.

6. The Complainant, the Respondent, and the conduct body may arrange for witnesses to present pertinent information to the Student Affairs Conduct Board. Witnesses will provide information to and answer questions from the Student Affairs Conduct Board. The Complainant and Respondent will not be allowed to directly cross- examine each other or witnesses. Requested witnesses must be provided to the Student Conduct Administrator at least 72 hours prior to the hearing. A student or RSO alleged of a serious violation has the opportunity to cross-examine adverse witnesses through their advisor. A party who does not select an advisor forfeits the right to cross-examination during the hearing.
7. Pertinent records, exhibits, and written statements may be accepted as evidence for consideration by the conduct body at the discretion of the chairperson. This information must be provided to the Student Conduct Administrator at least 72 hours prior to the hearing. A student or RSO alleged of a serious violation has the opportunity to make an opening and closing statement.
8. All procedural questions are subject to the final decision of the chairperson of the conduct body or Student Conduct Administrator or designee.
9. After the portion of the hearing concludes in which all pertinent information has been received and the Respondent, Complainant, and witnesses are dismissed, the conduct body shall determine by majority vote whether the Respondent has violated each section of the Student Code of Conduct in which the Respondent is charged and determine the sanction(s), if any.
10. The determination of the conduct body shall be made on the preponderance of the evidence standard of proof, whether it is more likely than not that the Respondent violated the Student Code of Conduct.
11. Formal rules of process, Procedure, and/or technical rules of evidence, such as applied in criminal or civil court, are not used in the Student Affairs Conduct Board proceedings. However, a good faith effort to include only relevant evidence and exclude evidence that is neither relevant nor probative will be made.
12. There shall be a single verbatim record, such as a digital recording, of all hearings before the Student Affairs Conduct Board, not including deliberations. The recording shall be the property of the University.
13. If the Respondent does not appear before the conduct body for the formal hearing, Formal Hearing will be in absentia.
14. The conduct body may accommodate concerns for the personal safety, well-being, retaliation, and/or fears of the confrontation of the Complainant, Respondent, and/or other witnesses during the formal hearing by providing a visual screen and/or by permitting participation by telephone, video conferencing, or by other means at the discretion of the Student Conduct Administrator or designee.
15. After the formal hearing, the Student Conduct Administrator will advise the Respondent in writing of the determination of the conduct body and any imposed sanction. Each record of any disciplinary process or sanction imposed under the Student Code of Conduct involving a Respondent and any alleged victim may constitute an educational record the release of which is governed by FERPA.

D. Sanctions

1. The following sanctions may be imposed singularly or in combination upon any student found to have violated the Student Code Conduct:

a. **Warning.** A formal statement that the conduct was unacceptable and a warning that further violation of any ATU Policy, Procedure, or directive will result in more severe sanctions/responsive actions.
b. **Probation.** A written reprimand for violation of institutional Policy, providing for more severe disciplinary sanctions in the event that the student or organization is found in violation of any institutional Policy, Procedure, or directive within a specified period of time. Terms of the probation will be articulated
c. **Loss of Privileges.** Suspension or denial of rights and privileges for a designated period of time, and may include denial of specified social privileges, exclusion from co-curricular activities, exclusion from designated areas of campus, no-contact directives, and/or other measures deemed appropriate.
d. **Monetary Fines.** A penalty imposed involving the collection of fees from the student.
e. **Restitution.** Compensation for loss, injury, damage to or misappropriation of ATU property. This may take the form of appropriate service and/or monetary or material replacement.
f. **Educational Sanctions.** Educational sanctions may be assigned that promote learning and understanding. These sanctions may be developed as necessary by a conduct body including, but not limited to:
    i. Sponsorship of an educational program;
    ii. Attendance at educational programs;
    iii. Requirement of members to complete educational training programs;
    iv. Attendance in conflict management training;
    v. Educational service hours;
    vi. Attendance in ethics workshop/training;
    vii. Reflective exercises;
    viii. Research exercises.
g. **Discretionary Sanctions.** Work assignments, service to ATU for other related sanctions. Students who violate the alcohol/drug policies may be subject to completion of alcohol and other drug education programs.
h. **Holds.** Withholding of grades, right to register for classes, official transcript, and/or degree.
i. **Loss of Scholarship.** Scholarships awarded by the University or University-related programs may be partially or fully revoked.
j. **Housing Suspension.** Separation of the student from ATU housing for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified.
k. **Housing Expulsion.** Permanent separation of the student from ATU housing.
l. **University Suspension.** Termination of student status for a definite period of time and revocation of rights to be on campus for any reason or to attend ATU-sponsored events. Conditions for readmission may be specified. Students who return from suspension are automatically placed on probation for a definite period of time.
m. **University Expulsion.** Permanent termination of student status and revocation of rights to be on campus for any reason or to attend ATU-sponsored events.
n. **Revocation of Admission and/or Degree.** ATU reserves the right to revoke admission, or a degree previously awarded from ATU for fraud, misrepresentation, and/or other violation of ATU policies, Procedures, or directives in obtaining

admission or the degree, or for other serious violation(s) committed by a student prior to graduation.

2. Tech may withhold awarding a degree otherwise earned until the completion of the process set forth in the Student Code of Conduct, including the completion of all sanctions imposed, if any. Students who fail to complete the assigned sanction(s) will have a disciplinary hold placed on their student account which may prevent registration activities. The hold is removed when sanctions are complete.
3. A disciplinary sanction becomes part of the student's permanent academic record as set forth. A student's permanent academic record includes any disciplinary sanction that comprises:
    a. University Suspension
    b. Expulsion
    c. Any revocation of degree
4. Other than University suspension, University expulsion, and revocation of degree, disciplinary sanctions shall not be made part of the student's permanent academic record but shall become part of the student's conduct record. Upon graduation and application to the Student Conduct Administrator, the student's confidential record may be expunged of disciplinary actions other than University housing expulsion, University suspension, University expulsion, or revocation of degree. Requests for expungement should be made in writing to the Student Conduct Administrator.
5. More than one of the sanctions listed above may be imposed for any single violation.
6. Additional sanctions beyond those listed in this section of the Student Code of Conduct may be imposed upon RSOs. Please see Article III, Section 9.

E. Interim Suspension

In certain circumstances, the Student Conduct Administrator or designee, may impose a University and/or residence hall suspension on a student or RSO prior to the conclusion of the conduct process.

1. Interim suspension may be imposed only:
    a. to ensure the safety and well-being of members of the University community or preservation of University property;
    b. to ensure the student's own physical or emotional safety and well-being;
    c. if the respondent poses a definite threat of disruption of, or interference with, the normal operations of the University after an individualized safety and risk analysis;
    d. if the Respondent is provided with notice and an opportunity to challenge the decision immediately following the interim suspension;
    e. if the Respondent is provided a written notice within twenty-four (24) hours of the interim suspension explaining the reasons for the removal;
    f. and within three (3) business days of the written notice noted above, unless waived by the Respondent, convene an interim hearing to determine whether there is substantial evidence that the Respondent poses a risk to the health or safety of any student or other individual and that the interim suspension is appropriate to mitigate that risk.
2. During the interim suspension, the Respondent shall be denied access to University housing and/or to the campus (including classes) and/or all other University activities or privileges for which the student might otherwise be eligible, as the Student Conduct Administrator or designee may determine to be appropriate.

3. The interim suspension does not replace the outlined conduct process, which shall proceed on the normal schedule, up to and through a formal hearing, if required.

F. Appeals

Appeal of the decision of the Student Affairs Conduct Board may be made in writing to the Vice Chancellor of Academic Affairs and Workforce Advancement, located in theTechnology and Academic Support Building, within five (5) business days of notification of the decision. A student or RSO appealing a serious violation has up to (7) days to appeal. Simultaneous notification of Procedures to appeal the result of a disciplinary hearing will be made to both parties. The only basis for appeal shall be:

1. Alleged failure of the Student Affairs Conduct Board to follow Procedures set forth in the Student Code of Conduct; or
2. Consideration of new evidence that was not reasonably available at the time of the hearing before the Student Affairs Conduct Board.

If an appeal is upheld, the review of the case may result in a modified sanction, or the case may be remanded to the Student Affairs Conduct Board for a new hearing. If the appeal is denied, the sanction imposed by the Student Affairs Conduct Board shall be immediately implemented.

Sanctions issued following the Student Affairs Conduct Board hearing shall not be implemented until all appeals have been either exhausted or voluntarily waived.

G. Vice Chancellor of Student Services Certification

At the conclusion of a disciplinary proceeding or an appeal that involves a serious violation, the Vice President for Student Affairs will certify that the substantial rights of student Complainants and Respondents established in the Arkansas Student Due Process and Protection Act have been followed. The certification will be maintained in the administrative file.

Article V: Classroom Provisions

While Student Services is generally responsible for addressing student conduct, classroom management and behaviors not otherwise in violation of the Student Code of Conduct are under the jurisdiction of the responsible faculty member. This section describes the expectations of Tech and references those Procedures related to student conduct in the classroom.

A. Academic Policies

The undergraduate and graduate catalogs address regulations and Procedures regarding academic policies at Tech. Each student should read and understand these sections of the catalog.

B. Class Absences

The Policy of the University regarding class absences is that regular class attendance is essential and that students, in their own interest, are therefore responsible for attending all classes in which they are enrolled. For electronically delivered classes, where physical attendance is not a reasonable requirement, equivalent on-line interaction must be documented in lieu of attendance. Absence/participation policies and Procedures are applicable both to regular terms and to the summer sessions.

Attendance policies are set forth by each individual instructor and will be announced at the beginning of the course. When participation in a University related function requires missing class, the student should, when possible, notify the instructor(s) prior to the absence. Absences due to

sickness, accident, or death in the family should be explained to each instructor by the student. For absences of more than five (5) successive days which by their nature, such as an emergency, make it difficult for the student to contact the instructor(s), the student may contact Richard Harris, Vice Chancellor of Student Services, Office 104, (479)-508-3310, rharris1@atu.edu, for assistance in notifying instructors.

Classroom attendance Policy:
Control of class attendance is vested in the teacher who has the responsibility for clearly defining in each course, early in the semester, the standards and Procedures in regard to regularity and punctuality of class attendance;

1. Students will not be penalized by their instructors for class absences that result from participation in officially sanctioned University activities. It is the responsibility of students to present to their instructors notice and verification of authorized participation in such activities. Individual instructors retain the authority to determine how students in their classes will avoid academic penalties for the resulting absences;
2. Before invoking the most severe penalty for unsatisfactory class attendance, dropping a student from a course with a grade of "FE" (i.e., F for excessive absences; Formerly F*), the instructor is obligated to notify the student, in writing, that an additional absence would result in this penalty;
3. A student accumulating an excessive number of unjustifiable absences in an audited course may be administratively withdrawn at the request of the instructor;
4. The action of dropping a student from a course for excessive absences becomes final when the instructor reports this action in writing to the Vice Chancellor of Academic Affairs and Workforce Advancement. The student who chooses to protest such action as unjustified has recourse through the grievance Procedure for appeal of an academic grade.

C. Student Academic Grievance Procedure

Appeal of Academic Grades or Academic Program Dismissal

The following regulations apply to the appeal of academic grades and academic program dismissal (grades having been assigned by an instructor and program dismissal having been made by a departmental committee):

1. Appeal of a grade or program dismissal must be made by the student directly affected.
2. An appeal, to be heard, must be made during, or immediately following the conclusion of the course involved (appeal of a grade) or immediately following the dismissal decision (appeal of program dismissal). (Immediately, here, means before the beginning of another semester or summer term.)
3. All appeals of a grade must begin with the student making a written appeal to the instructor involved and explaining the nature of the problem. Upon receipt of a program dismissal decision from a departmental committee, the student wishing further consideration must make a written appeal of the decision to the head of the department in which the academic program is administered if applicable. Discussion based upon the written appeals and evidence of attempted resolution in this direct manner must precede any further step.
4. If either appeal is not resolved in Step 3, the student wishing further consideration must take the issue to the head of the department in which the course is taught, or to the Vice Chancellor of Student Services should the instructor be involved (appeal of a grade); or the student may appeal to the Vice Chancellor of Student Services if it is an appeal of program dismissal. If the appeal of a grade is not resolved at this level, the student may appeal to the Vice Chancellor of academic affairs and workforce advancement.

5. If either appeal is not resolved in Step 4, the student may appeal to the Vice Chancellor of Academic Affairs and Workforce Advancement and ask for a formal hearing. At the time a student asks for a formal hearing, he/she must submit a written formal presentation of the case, with all related supporting documents, to the Vice Chancellor of Academic Affairs and Workforce Advancement. The hearing committee can then either reject the grievance based on its content or proceed to investigate further.
6. Each hearing committee will be an ad hoc committee sitting for an individual appeal. The committee will be composed of the academic appeals committee. The committee members will be appointed by the Vice Chancellor of Academic Affairs and Workforce Advancement. The committee will select its own chairperson.
7. The committee will have full cooperation from all parties in gathering information and conducting interviews and the hearing. Once an issue is before the committee, the committee shall have the authority to recommend a lower grade, a higher grade, or no change (appeal of a grade_; or recommend that the student be retained in the program or confirm the original dismissal decision of the departmental committee (appeal of program dismissal).
8. The committee recommendation will be conveyed to the Vice Chancellor of Academic Affairs and Workforce Advancement. The Vice Chancellor of Academic Affairs and Workforce Advancement will seek resolution based on the recommendation (appeal of the grade). The committee recommendation will be conveyed to the Vice Chancellor of Academic Affairs and Workforce Advancement (appeal of program dismissal). In the case of academic program dismissal, the Vice Chancellor of Academic Affairs and Workforce Advancement will forward the following to the Chancellor for review and action: (a) the recommendation of the departmental review committee; (b) a narrative of attempts to resolve the appeal; and (c) the committee's recommendation. Appeal of academic dismissal ends here upon final action by the Chancellor.
9. Failing resolution in Step 8 in the case of appeal of a grade, the issue will be reviewed by the Chancellor who will initiate action in accordance with provisions in Step 10.

In the case of an instructor who has terminated his/her association with the University, the Vice Chancellor of Academic Affairs and Workforce Advancement shall carry out the recommendation of the committee. Otherwise, a grade will be changed only if a majority of the department members in which the course was offered (not including the faculty member involved with the case) agree with the proposed grade change.

D. Academic Integrity Policy

A university exists for the purpose of educating students and granting degrees to all students who complete graduation requirements. Therefore, Arkansas Tech University requires certain standards of academic integrity and conduct from all students. Arkansas Tech University expects an academic atmosphere to be maintained in all classes. This atmosphere is created by both the professor and the class to enable all students enrolled to reach their academic potential. Students are expected to attend class, conduct themselves in a non-disruptive manner in class, and refrain from cheating, plagiarism, or other unfair and dishonest practices. Students should also realize that the classroom is under the control of the instructor who will give students a statement of their classroom policies in a syllabus at the beginning of the semester.

E. Academic Dishonesty

Academic dishonesty refers to the various categories of cheating and plagiarism in the classroom.

Cheating on an examination, quiz, or homework assignment involves any of several categories of dishonest activity. Examples of this are: a) copying from the examination or quiz of another student; b) bringing into the classroom notes, messages, or crib sheets in any format which gives the student extra help on the exam or quiz, and which were not approved by the instructor of the class; c) obtaining advance copies of exams or quizzes by any means; d) hiring a substitute to take an exam or bribing any other individual to obtain exam or quiz questions; e) buying term papers from the Internet or any other source; and f) using the same paper to fulfill requirements in several classes without the consent of the instructors teaching those classes.

Plagiarism is stealing the ideas or writing of another person and using them as one's own. This includes not only passages, but also sentences and phrases that are incorporated in the student's written work without acknowledgment to the true author. Any paper written by cutting and pasting from the Internet or any other source is plagiarized. Slight modifications in wording do not change the fact the sentence or phrase is plagiarized. Acknowledgment of the source of ideas must be made through a recognized footnote or citation format. Plagiarism includes recasting the phrase or passage in the student's own words of another's ideas that are not considered common knowledge. Acknowledgment of source must be made in this case as well.

Procedure for Charges of Academic Dishonesty

Since charges of academic dishonesty may have serious consequences, an instructor who suspects a student of any category of academic dishonesty must have facts and/or evidence to support the charge.

1. The instructor will meet with the student and present him or her with a written outline of the alleged academic dishonesty and the evidence supporting the charge. Penalties for various levels of academic dishonesty vary from giving an ‘F’ on a particular quiz or exam, to giving an ‘F’ on a term paper or other written work or giving the student an ‘F’ or 'W' for the course. The instructor may also have different penalties for particular cases of academic dishonesty.
2. The instructor will notify their department head if applicable.
3. If the student accused of academic dishonesty denies the charge or disagrees with the evidence presented by the instructor, the student should make an appointment with the relevant department head. The student may remain in class during the appeal process.
4. If the student is still dissatisfied after meeting with the department head, they should make an appointment with the Vice Chancellor of Academic Affairs and Workforce Advancement who will seek resolution of the problem.
5. If a resolution is not found, the dean will refer the student to the Academic Appeals Committee.
6. The student should then submit a written appeal to the Chair of the Academic Appeals Committee.
7. If the Academic Appeals Sub-Committee determines academic dishonesty has occurred, it will confirm the recommendation of the instructor concerning the penalty. Such a decision will be given to both the Vice Chancellor of Academic Affairs and Workforce Advancement, the Chair of the Academic Appeals Committee, and the department head dean of the college from which the appeal originated. The student will be notified of the Vice Chancellor of Academic Affairs and Workforce Advancement Sub-Committee's decision by the Chair of the Sub-Committee that sat for the appeal. The Vice Chancellor of Academic

Affairs and Workforce Advancement will review the case and forward the outcome to the Associate Registrar after the three-day appeal period.

8. The student shall have the right to appeal the decision of the Academic Appeals Sub-Committee by filing a Notice of Appeal with the Vice Chancellor of Academic Affairs and Workforce Advancement within three (3) business days of receiving notification of the sub-committee's decision of the Vice Chancellor of Academic Affairs and Workforce Advancement Chair of the Sub-Committee. The decision of the Vice Chancellor of Academic Affairs and Workforce Advancement will be final.
9. If the Academic Appeals Sub-Committee determines academic dishonesty has not occurred or evidence is insufficient, the sub-committee will forward all pertinent information to the Vice Chancellor of Academic Affairs and Workforce Advancement. The Vice Chancellor of Academic Affairs and Workforce Advancement will confer with the dean, department head and the instructor to facilitate the return of the student to class without penalty. The department head will notify the student of the decision.

F. **Academic Misconduct**

Academic misconduct concerns the student's classroom behavior. This includes the manner of interacting with the instructor and other students in the class. For example, students may disrupt the learning environment in a classroom through inappropriate behavior, such as talking to students, unnecessary interruptions, attempting to monopolize the instructor's attention, or being chronically late to class. Misconduct also covers verbal or nonverbal harassment and/or threats in relation to classes. Student behavior should not infringe on the rights of other students or faculty during a class.

1. The instructor of a class being disrupted by academic misconduct will speak will the disruptive student. Proper behavior and possible consequences for not modifying the behavior will be discussed with the student. Extreme incidents of academic misconduct, in which the student becomes verbally or physically abusive in class will be dealt with immediately by asking the student to leave the class. If the student refuses to leave, Campus security personnel will be called to remove the student, and the Vice Chancellor of Student Services will be informed of the behavior.
2. If the student has refused to respond or has ignored the instructor's first and second warning of the academic conduct or disruptive behavior, the student will be suspended for a period not longer than three days from the class where the warnings were given. With 24 hours of the initial suspension a notification will be sent to the Vice Chancellor of Student Services who will adjudicate charges of misconduct
3. The student may appeal the Vice Chancellor of Student Service's decision through the appeals process as outlined below.
4. The Academic Appeals Sub-Committee will be appointed, and a hearing conducted by the Academic Appeals Sub-committee will be conducted within three working days after the date of the adjudication.
5. On the same date of adjudication, the student will be advised by the Vice Chancellor of Student Services that they has the right to submit a written appeal to the Academic Appeals Sub-Committee addressing the alleged incident of academic misconduct. The student's written appeal as well as the instructor's written statement shall be delivered to the Chair of the Academic Appeals and Admissions Committee at least 24 prior to the hearing.
6. The Academic Appeals Sub-Committee will consider the written statements of the instructor and the student involved in the incident of academic misconduct. The Program Chair will provide a statement that the warning Procedure has been followed and that the student has been suspended from attending the particular class pending the decision of the

Academic Appeals Sub-Committee. The Sub Committee has the right to pursue further information from the instructor, Program Chair and student.

7. If the Academic Appeals Sub-Committee determines that academic misconduct has occurred, it will confirm the recommendation of the Vice Chancellor of Student Services concerning the penalty. Such a decision will be given both to the Chair of the Academic Appeals and Admissions Committee and the Program Chair. The student will be notified of the Sub-Committee's decision by the Chair of the Sub Committee that sat for the appeal. The Chair shall notify the Vice Chancellor of Academic Affairs and Workforce Advancement of the decision. The Vice Chancellor of Academic Affairs and Workforce Advancement will review the case and forward the outcome to the Registrar after the three-day appeal period.
8. The student shall have the right to appeal the decision of the Academic Appeals Sub-Committee by filing a Notice of Appeal with the Office of the Chancellor within three working days of receiving notification of the sub-committee's decision from the Chair of the Sub-Committee. The Chancellor's decision will be final.

G. Student Rights

If a student feels unfairly treated in regard to grades, grading, or treatment by the instructor or other students within the classroom, the student should address these concerns in the following manner.

Informal Process

1. Make an appointment to speak with the instructor of the class to discuss the problem. Students must begin with the instructor of the class, as many problems can be worked out satisfactorily with a simple discussion.
2. If the student is still dissatisfied after discussing their problem with the instructor of the class, an appointment should be made with the head of the department in which the course is taught. The Program Chair will seek satisfactory resolution of the problem with both the student and instructor.
3. If the student is still dissatisfied, an appointment should be made with the Vice Chancellor of Academic Affairs and Workforce Advancement. The CAO will again seek resolution, and failing satisfactory resolution, will point out to the student the appropriate appeals process for the student's complaint.

Formal Process

1. If the student complaint involves an assigned grade, the student will follow the Appeal of Academic Grade Procedure as outlined in Article V, Section C
2. If the student wished to pursue an appeal based on a grade associated with a charge of academic dishonesty further that the Vice Chancellor of Academic Affairs and Workforce Advancement of the school, the student may file an appeal within three working days according to the outlined Procedure for the Academic Appeals and admissions Committee.
3. Final appeals, whether informal or formal, will be referred to the Vice Chancellor of Student Services of the school for final decision, if necessary.

Freedom of Expression Policy

Arkansas Tech University recognizes and supports the rights of the members of the campus community and visitors

to speak in public and to demonstrate in a lawful manner in outdoor areas of campus. "Outdoor areas of campus" means the generally accessible outside areas of an Arkansas Tech University campus where members of the campus community are commonly allowed, including, without limitation: (i) grassy areas; (ii) walkways; and (iii) other similar common areas.1
Expressive activities protected under this Policy consist of speech and other conduct protected by the First Amendment to the United States Constitution, including without limitation:

1. Communicating through any lawful verbal, written or electronic means;
2. Participating in peaceful assembly;
3. Protesting;
4. Making speeches, including without limitation those of guest speakers;
5. Distributing literature;
6. Making comments to the media;
7. Carrying signs; and
8. Circulating petitions.

In order to maintain safety, security, and order, and to ensure the orderly operation of the campus, Arkansas Tech University reserves the right to limit such activities by the following regulations regarding time, place, and manner of such activities:

- Arkansas Tech University will remain neutral as to the content of any public demonstration, debate, speech, or other form of expression.
- Expressive activities occurring in the outdoor areas of campus shall occur between the hours of 8:00 a.m. and 8:00 p.m.
- There must be no obstruction of entrances or exits to buildings, classrooms, or offices (to enable regular operations).
- There must be no interference with educational activities inside or outside of buildings.
- There must be no impediment to normal pedestrian or vehicular traffic or other disruptions of University activities, including sidewalks, roads, and parking areas all of which must remain unobstructed.
- There must be no interference with scheduled University ceremonies, events, or activities.
- Additional tables, chairs, and/or other special accommodations for use in locations will not be provided by the University.
- There must be no true threats or expression directed to provoke imminent lawless actions and likely to produce it.
- There must be no harassment. For purposes of this Policy, harassment is defined as an expression that is so severe, pervasive, and subjectively and objectively offensive that it effectively denies access to an educational opportunity or benefit provided by the university.
- There must be no material or substantial disruption. The phrase "material or substantial disruption" means a disruption that occurs when a person, with the purpose or knowledge of significantly hindering the expressive activity of another person or group, prevents the communication of a message of another person or group, or prevents the transaction of the business of a lawful meeting, gathering or procession by:

1. Engaging in fighting, violence, or other unlawful behavior; or

2. Physically blocking or using threats of violence to prevent any person from attending, listening to, viewing, or otherwise participating in an expressive activity.

"Material and substantially disrupts" DOES NOT INCLUDE conduct that is protected under the First Amendment to the United States Constitution or Arkansas Constitution, Article 2, §§4, 6, and 24, which includes without limitation:

(i) lawful protests in an outdoor area of campus that is generally accessible to members of the campus community, except during times when the area has been reserved in advance for another event; or (ii) Minor, brief, or fleeting non-violent disruptions of events that are isolated and short in duration.

- Any display materials must be completely removed at the conclusion of the event.
- When display materials are used, a representative must be present at all times.
- Damage or destruction of property owned or operated by the University, or damage to property belonging to students, faculty, staff or guests of the University is prohibited. Persons or organizations causing such damage may be held financially responsible.
- Persons or organizations responsible for a demonstration, debate, speech, or other form of expression event must remove all signs and litter from the area at the end of the event.
- There must be compliance with all applicable local, state, and federal laws and University policies, rules, and regulations.
- Use of sound and/or voice amplification is not permitted while classes are in session.
- No open flames.
- Any non-university informational flyers or posters must be posted in the approved areas set forth in the Student Handbook.
- Overnight camping and related camping items including, but not limited to, tents, sleeping bags, tarps, and other temporary shelters, are not permitted.
- No structures may be erected, and no items may be staked or inserted into the ground.

Any individual violating these regulations regarding time, place, and manner will be subject to immediate eviction or removal from the campus, without further warning, by appropriate University agents or officials and may be subject to appropriate legal action. Students or Registered Student Organizations violating these regulations may be subject to action as described in the Student Code of Conduct.

Nothing in this Policy is intended nor should it be understood as an endorsement or approval by Arkansas Tech University of any speech or demonstration, an invitation or license to speak or demonstrate or the granting of any right or permission to speak or demonstrate on campus beyond the right existing under federal and state law.