



Appendix C to SEXUAL MISCONDUCT POLICIES AND PROCEDURES

Reporting and Confidentially Disclosing Sexual Violence:

Know the Options

Arkansas Tech University encourages victims of sexual violence to talk to somebody about what happened - so victims can get the support they need, and so the University can respond appropriately.

Different employees on campus have different abilities to maintain a victim's confidentiality.

- Some are required to maintain near complete confidentiality; talking to them is sometimes called a "privileged communication."
- Other employees may talk to a victim in confidence, and generally only report to the University that an incident occurred without revealing any personally identifying information. Disclosures to these employees will not trigger a University investigation into an incident against the victim's wishes.
- Thirdly, some employees are required to report all the details of an incident (including the identities of both the victim and alleged perpetrator) to the Title IX Coordinator. A report to these employees (called "responsible employees") constitutes a report to the University - and generally obligates the University to investigate the incident and take appropriate steps to address the situation.

This policy is intended to make students aware of the various reporting and confidential disclosure options available to them - so they can make informed choices about where to turn should they become a victim of sexual violence. The University encourages victims to talk to someone identified in one or more of these groups.

The Options

A. Privileged and Confidential Communications.

Professional Counselors

Professional, licensed counselors who provide mental-health counseling to members of the school community (and including those who act in that role under the supervision of a licensed counselor) are generally not required to report any information about an incident to the Title IX Coordinator without a victim's permission.

The following is the contact information for these individuals who are all located in the Health and Wellness Center (<http://www.atu.edu/hwc/index.php>) in Doc Bryan Student Services Center, Suite 119:

Kristy Davis, kdavis51@atu.edu, (479) 968-0329

Craig Witcher, cwitcher@atu.edu, (479) 968-0329

Janis Taylor, jtaylor78@atu.edu, (479) 968-0329

Hunter Bramlitt, jbramlitt@atu.edu, (479) 968-0329

Nikki Templeton, nearles@atu.edu, (479) 968-0329

A victim who speaks to a professional counselor must understand that, if the victim wants to maintain confidentiality, the University will be unable to conduct an investigation into the particular incident or pursue disciplinary action against the alleged perpetrator.

Even so, these counselors will still assist the victim in receiving other necessary protection and support, such as victim advocacy, academic support or accommodations, disability, health or mental health services, and changes to living, working, or course schedules.

A victim who at first requests confidentiality may later decide to file a complaint with the University or report the incident to local law enforcement, and thus have the incident fully investigated. These counselors will provide the victim with assistance if the victim wishes to do so.

Medical Professionals

The medical professionals who work in the campus health center can generally talk to a victim without revealing any personally identifying information about an incident to the University. A victim can seek assistance and support from these individuals without triggering a University investigation that could reveal the victim's identity or that the victim has disclosed the incident.

While maintaining a victim's confidentiality, these individuals or their office should report the nature, date, time, and general location of an incident to the Title IX Coordinator. This limited report, which includes no information that would directly or indirectly identify the victim, helps keep the Title IX Coordinator informed of the general extent and nature of sexual violence on and off campus so the coordinator can track patterns, evaluate the scope of the problem, and formulate appropriate campus-wide responses. Before reporting any information to the Title IX Coordinator, these individuals will consult with the victim to ensure that no personally identifying details are shared with the Title IX Coordinator.

Following is contact information for these Medical Professionals:

Brandye Bisek, Advanced Practice Registered Nurse, bbisek@atu.edu

Robin Koontz, Advanced Practice Registered Nurse, rkoontz@atu.edu

Kyle Wewers, Advanced Practice Registered Nurse, kwewers@atu.edu

Heather Stout, Registered Nurse, hstout1@atu.edu

Cori Poore, Registered nurse, cpoore1@atu.edu

Health and Wellness Center, Doc Bryan Student Services Center, Suite 119,
(<http://www.atu.edu/hwc/index.php>, (479) 968-0329

NOTE: While the professional counselors and medical professionals may maintain a victim's confidentiality vis-a-vis the University, they may have reporting or other obligations under state law. For example, mandatory reporting to law enforcement in case of minors; instances of imminent harm to self or to others; or being subpoenaed to testify in a criminal case

ALSO NOTE: If the University determines that the alleged perpetrator(s) pose a serious and immediate threat to the University community, those individuals who serve as Campus Security

Authorities under the Cleary Act may be called upon to issue a timely warning to the community. Any such warning should not include any information that identifies the victim.

B. Reporting to “Responsible Employees.”

A “responsible employee” is a University employee who has the authority to redress sexual violence, who has the duty to report incidents of sexual violence or other student misconduct, or who a student could reasonably believe has this authority or duty. When a victim tells a responsible employee about an incident of sexual violence, the victim has the right to expect the University to take immediate and appropriate steps to investigate what happened and to resolve the matter promptly and equitably.

A responsible employee **must report** to the Title IX Coordinator all relevant details about the alleged sexual violence shared by the victim and that the University will need to determine what happened, including the names of the victim and alleged perpetrator(s), any witnesses, and any other relevant facts, including the date, time, and specific location of the alleged incident.

To the extent possible, information reported to a responsible employee will be shared only with people responsible for handling the University’s response to the report. A responsible employee should not share information with law enforcement without the victim’s consent or unless the victim has also reported the incident to law enforcement.

The following employees (or categories of employees) are the University’s responsible employees:

Resident Directors, Resident Assistants, Area Coordinators, Associate Deans, Dean of Students, President, Chancellor, Vice Presidents, Vice Chancellors, Assistant Vice Presidents, Academic Department Heads, Academic Deans, Athletic Director, Assistant Coaches, Head Coaches, Faculty Advisors for Student Groups, employees in the Department of Public Safety.

Before a victim reveals any information to a responsible employee, the employee should ensure that the victim understands the employee’s reporting obligations and, if the victim wants to maintain confidentiality, direct the victim to confidential resources.

If the victim wants to tell the responsible employee what happened but also maintain confidentiality, the employee should tell the victim that the University will consider the request, but cannot guarantee that the University will be able to honor it. In reporting the details of the incident to the Title IX Coordinator, the responsible employee will also inform the Coordinator of the victim’s request for confidentiality.

Responsible employees will not pressure a victim to request confidentiality, but will honor and support the victim’s wishes, including for the University to fully investigate an incident. By the same token, responsible employees will not pressure a victim to make a full report if the victim is not ready to.

Requesting Confidentiality From the University: How the University Will Weigh the Request and Respond.

If a victim discloses an incident to a responsible employee but wishes to maintain confidentiality or requests that no investigation into a particular incident be conducted or disciplinary action taken, the University must weigh that request against the University’s

obligation to provide a safe, non-discriminatory environment for all students, including the victim.

If the University honors the request for confidentiality, a victim must understand that the University's ability to meaningfully investigate the incident and pursue disciplinary action against the alleged perpetrator(s) may be limited.

Although rare, there are times when the University may not be able to honor a victim's request in order to provide a safe, non-discriminatory environment for all students.

The University has designated the following individual(s) to evaluate requests for confidentiality once a responsible employee is on notice of alleged sexual violence:

Amy Pennington, Title IX Coordinator

When weighing a victim's request for confidentiality or that no investigation or discipline be pursued, the Title IX Coordinator will consider a range of factors, including the following:

- The increased risk that the alleged perpetrator will commit additional acts of sexual or other violence, such as:
 - whether there have been other sexual violence complaints about the same alleged perpetrator;
 - whether the alleged perpetrator has a history of arrests or records from a prior school indicating a history of violence;
 - whether the alleged perpetrator threatened further sexual violence or other violence against the victim or others;
 - whether the sexual violence was committed by multiple perpetrators;
 - whether the sexual violence was perpetrated with a weapon;
 - whether the victim is a minor;
 - whether the University possesses other means to obtain relevant evidence of the sexual violence (e.g., security cameras or personnel, physical evidence);
 - whether the victim's report reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group.

The presence of one or more of these factors could lead the University to investigate and, if appropriate, pursue disciplinary action. If none of these factors is present, the University will likely respect the victim's request for confidentiality.

If the University determines that it cannot maintain a victim's confidentiality, the University will inform the victim prior to starting an investigation and will, to the extent possible, only share information with people responsible for handling the University's response.

The University will remain ever mindful of the victim's well-being, and will take ongoing steps to protect the victim from retaliation or harm and work with the victim to create a safety plan. Retaliation against the victim, whether by students or University employees, will not be tolerated. The University will also:

- assist the victim in accessing other available victim advocacy, academic support, counseling, disability, health or mental health services, and legal assistance both on and off campus (see portion of policy identifying these);
- provide other security and support, which could include issuing a no-contact order, helping arrange a change of living or working arrangements or course schedules (including for the alleged perpetrator pending the outcome of an investigation) or adjustments for assignments or tests; and
- inform the victim of the right to report a crime to campus or local law enforcement - and provide the victim with assistance if the victim wishes to do so.

The University may not require a victim to participate in any investigation or disciplinary proceeding. Because the University is under a continuing obligation to address the issue of sexual violence campus-wide, reports of sexual violence (including non-identifying reports) will also prompt the University to consider broader remedial action, such as increased monitoring, supervision, or security at locations where the reported sexual violence occurred; increasing education and prevention efforts, including to targeted population groups; conducting climate assessments/victimization surveys; and/or revisiting its policies and practices.

If the University determines that it can respect a victim's request for confidentiality, the University will also take immediate action as necessary to protect and assist the victim.

Miscellaneous

Take Back the Night and other public awareness events

Public awareness events such as "Take Back the Night," the Clothesline Project, candlelight vigils, protests, "survivor speak outs", or other forums in which students disclose incidents of sexual violence, are not considered notice to the University of sexual violence for purposes of triggering its obligation to investigate any particular incident(s). Such events may, however, inform the need for campus-wide education and prevention efforts, and the University will provide information about students' Title IX rights at these events.

Anonymous Reporting

Although the University encourages victims to talk to someone, the University provides an online system for anonymous reporting. The system will notify the user (before s/he enters information) that entering personally identifying information may serve as notice to the University for the purpose of triggering an investigation. The website is:

<http://www.atu.edu/psafe/psafe-report-sexassault.php>.

Off-campus Counselors and Advocates

Off-campus counselors, advocates, and health care providers will also generally maintain confidentiality and not share information with the University unless the victim requests the disclosure and signs a consent or waiver form.

Following is contact information for these off-campus resources:

Victim Assistance Outreach Program

The 5th Judicial District Prosecuting Attorney's Office has a "Victim Assistance Outreach Program" which 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 contact person for this program is Patricia Andrade. Her telephone number is (479) 705-0579.

Ozark Rape Crisis Center

Located in Clarksville, Arkansas, this entity provides 24 hour crisis intervention. The hotline telephone number is (800) 818- 1189 and the website is:

<http://www.ozarkrapecrisis.com/>

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 (800) 977-5776. Additional services include: Free and confidential assistance for all victims of sexual violence; Compassionate accompaniment for victims needing medical help; Comfort and support for victims going through the criminal justice system; Crisis counseling and support groups for victims and families; Information and referrals to available community resources; Community public education on sexual violence issues; Training for volunteers and other professions serving victims.

NOTE: While these off-campus counselors and advocates may maintain a victim's confidentiality vis-a-vis the University, they may have reporting or other obligations under state law in instances such as mandatory reporting to law enforcement in case of minors; imminent harm to self or others; requirement to testify if subpoenaed in a criminal case.