

**Hendrix College**  
2022 Annual Security & Fire Safety Report

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# Table of Contents

I.	Procedures for reporting crimes and other emergencies	2
II.	Policies concerning the security of campus facilities	3
III.	Law Enforcement Policies	3
IV.	Emergency Response and Evacuation Procedures	4
V.	Policies Concerning Pastoral and Professional Counselors	6
VI.	Campus Safety Programs and Procedures	7
VII.	Programs to Inform Students and Employees about Crime Prevention	7
VIII.	Policy Concerning Monitoring and Recording Off-campus Criminal Activity	8
IX.	College Alcohol Policies	8
X.	College Drug Policies	17
XI.	Description of Drug or Alcohol Abuse Education Programs	21
XII.	Victim Notification	22
XIII.	Missing Student Policy	22
XIV.	Sexual Assault Programs to Prevent Sexual Offenses and Sexual Assault Reporting	23
XV.	Policies and Procedures for Gender-Based Misconduct Violations	23
XVI.	Contact Person for Title IX Inquiries	112
XVII.	Information on Student's Option to Notify Law Enforcement Authorities	115
XVIII.	Notification to Students of On- and Off-Campus Gender Offense Victim Services	115
XIX.	Notification that Institution Will Assist Victim with Changes in Academic and Living Arrangements	117
XX.	Procedures for Disciplinary Action for Alleged Sex Offenses	119
XXI.	Sanctions for Gender Misconduct Offenses	133
XXII.	Where to Obtain information about Registered Sex Offenders	137
XXIII.	Fire Safety Policies	138
XXIV.	Hendrix Fire Safety Report 2022	141
XXV.	Hendrix Clery Geography	148
XXVI.	Hendrix Clery Crime Statistics 2022	149

## **I. Procedures for reporting crimes and other emergencies:**

The College encourages anyone who is the victim or witness to any crime, or who witnesses suspicious behavior, to promptly report the incident to Hendrix Public Safety by calling 501-450-7711 or visiting the Public Safety office. These methods should also be used to promptly report other types of emergencies to Public Safety for inquiry and investigation.

Members of the community are also encouraged to promptly report crimes to the Conway Police Department when the victim of a crime elects to or is unable to make a report. This can be done by calling 911 or 501-450-6120 for non-emergencies. Tips can be called in anonymously at 501-450-4135, or tips can be texted anonymously by sending a text to CRIMES (274637) using Keyword "CONWAY" at beginning of the message.

Students who are victims of a crime and do not want to pursue action within the College Conduct system or the Criminal Justice system are encouraged to make a confidential report to a counselor in Hendrix College Counseling Services (501-450-1448). Students who choose this confidential option maintain the right to report the incident to Hendrix Public Safety or Conway Police in the future. If and when they deem appropriate, Hendrix counselors remind students they are counseling of procedures to report crimes on a voluntary, confidential basis for inclusion in the Clery report.

**Timely Warning Notice:** In the event that a situation arises, either on or off campus, that, in the judgment of the Office of Public Safety, Title IX, and/or Dean of Students Office, constitutes an ongoing or continuing threat, a campus-wide "timely warning" will be issued. The warning will be issued through the Hendrix College email system to students, faculty, and staff, and if circumstances warrant, through the H-Alert system. Victims of crimes – including sexual misconduct – should be aware that college administrators must issue timely warnings for incidents reported to them that pose a substantial threat of bodily harm or danger to members of the campus community. Hendrix College will make every effort to ensure that a victim'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 danger.

**Preparing of the Annual Security Report:** Each year Hendrix College will publish an annual security report in accordance with guidelines of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (1998). The Dean of Students Office and the Office of Public Safety prepare this report.

Report Crimes to:

Hendrix College Office of Public Safety, 1600 Washington Ave, (501) 450-7711

David Bugh, Director of Public Safety

Dean of Students Office, 1600 Washington Ave, (501) 450-1222

Jim Wiltgen, Dean of Students (Jan 2022 – Oct 31, 2022.)

Michael LeBlanc, Assistant Dean of Students (Jan 2022 – Oct 31, 2022.)

Mike LeBlanc, Acting Dean of Students (Nov 1, 2022 – Dec 31, 2022)

## **II. Policies concerning the security of campus facilities:**

Hendrix College is private property and the use of the campus facilities is designated for Hendrix College students, faculty, administration, and staff. The campus is open for guests and persons conducting business with Hendrix College as long as those guests comply with college policies and expectations. Residence Hall facilities are open only to members of the Hendrix College community and their guests (in accordance with policies outlined in the Student Handbook). The residential facilities are locked and accessible only by campus ID cards or issued keys.

## **III. Law Enforcement Policies**

**Enforcement Authority of Security Personnel:** Campus Public Safety officers are non-sworn security officers. All Hendrix College employees have the authority to ask persons for identification and to determine whether individuals have business at Hendrix College.

**Working Relationship with Local Police:** Hendrix College shares information about crimes with the Conway City Police Department. Hendrix College also requests information about crimes that are reported directly to the Police Department for the campus and adjoining properties.

**Arrest Authority of Security Personnel:** Hendrix College Public Safety Officers do not have arrest authority.

**Policies and Procedures Encouraging Accurate and Prompt Reporting of all Crimes.**

Hendrix College encourages all community members to report crimes promptly to either the Public Safety Office or the Conway Police Department.

## **IV. Emergency Response and Evacuation Procedures**

### **a. Notification**

In the event of the confirmation of a significant emergency or dangerous threat to the health or safety of our campus community, Hendrix College will contact the campus community through our H-Alert text message system. All students, faculty, and staff members are automatically enrolled in H-Alert as long as they have provided the institution with a cell phone number. Campus members can contact IT HelpDesk if they have any questions about their enrollment in the system. Community members can “opt out” of the program but are discouraged from doing this because of the emergency notification system. Because the H-Alert has limited character capability, an email may follow the initial text message with additional details as necessary. Community members who encounter an emergency or dangerous situation are encouraged to contact Public Safety (501-450-7711) immediately.

### **b. The Institutional Emergency Process**

- I. Hendrix College will work swiftly to confirm that there is a significant emergency. The Public Safety office will investigate the report to confirm the situation and activate the notification system and the Crisis Communications Team. In the event of a weather emergency, the Public Safety office will be notified by state weather officials that an emergency exists and will send the alert to the campus. All campus members should contact Public Safety if they encounter a dangerous situation.
- II. Once confirmed, the Crisis Communications Team will determine which portion of the campus community is affected by the emergency and alert that segment of the population. In most cases, the alert will be sent to the entire community.
- III. The crisis communication team will work with the Public Safety office to determine what information will be contained in the text message. The alert may just provide information but may also provide specific directions to shelter or to stay away from a particular space on campus.
- IV. After confirmation of a significant emergency or dangerous situation, Hendrix College will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of the responsible authorities, compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency.

**c. Campus Emergency Response Team**

The Office of Public Safety (David Bugh, Director of Public Safety)  
Dean of Students Office, 1600 Washington Ave, (501) 450-1222  
Jim Wiltgen, Dean of Students (Jan 2022 – Oct 31, 2022.)  
Michael LeBlanc, Assistant Dean of Students (Jan 2022 – Oct 31, 2022.)  
Mike LeBlanc, Acting Dean of Students (Nov 1, 2022 – Dec 31, 2022)  
The Crisis Communications Team (Rob O'Connor, Amy Forbus)  
Facilities Management (Sharron Russell)

In the event of a specific emergency related to the following areas:

Medical Officer: Position Vacant (Necie Reed of Conway Regional Health System until filled)

Technology Officer: Sam Nichols

Food Services: Dawn Hearne

Shelter and Evacuation: Jim Wiltgen (Jan 2022 – Oct 31, 2022.)  
(alternate: Michael LeBlanc)

Shelter and Evacuation: Mike LeBlanc (Nov 2022 – Dec 31, 2022.)

Hazardous Materials: Shelly Bradley

Trauma Support: Mary Anne Seibert

Legal Officer: Outside Consultant

Engineering Officer: Sharron Russell

**d. Providing Emergency Information to the Larger Community**

Parents and guardians are welcome to sign up for H-Alert information through the campus web portal. The Hendrix Public Safety office will work with other law enforcement agencies in the City and State as appropriate. The Crisis Communications Team will work with local information agencies to disseminate information that is appropriate for the larger community.

**e. Testing the Emergency Response and Evacuation Procedures**

- i. Hendrix College conducts tests of the H-Alert system on an annual basis during the first month of classes. At the discretion of Hendrix College, subsequent tests may be conducted as needed. Evacuation drills of the residence halls are scheduled and conducted each semester by the Office of Public Safety in cooperation with the Residence Life Staff. Evacuation routes are posted in each facility. The Emergency Response Team will also conduct exercises each year and participate in community emergency response exercises. The Emergency Response Team will meet regularly to review testing, materials, and drills.
- ii. Hendrix College will publicize emergency response procedures and testing processes to the campus community each year through the email system and in Hendrix Today.
- iii. Hendrix College will track each all emergency tests which will include a description of the exercise, date of the test, timing of test (start to finish),

category of the test (announced or unannounced), and will keep this information on file for seven years. H-Alert testing will be tracked by the Communications Office and other evacuation drills will be tracked by Public Safety.

## **V. Policies Concerning Pastoral and Professional Counselors**

If a student elects to report a crime to a College chaplain or counselor, those persons will act following their obligations set forth by their professional confidentiality agreements.

Counselors and Chaplains will be asked to report any confidential crime information to the Dean of Students or the Office of Public Safety for inclusion in annual crime statistics; however, they are not obligated to provide such information.

On August 2022, the Title IX policy was updated to include the following section titled Confidential Resources:

Confidential Resources are employees who are statutorily prohibited from disclosing such information including Counseling Services, Campus Chaplain, and support staff such as frontline dining services and facilities staff, are exempt from Title IX reporting requirements.

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

- On-campus licensed professional counselors and staff
- On-campus health service providers and staff
- On-campus members of the clergy/chaplains working within the scope of their licensure or ordination
- Community-based (non-employees):
- Licensed professional counselors and other medical providers
- Local rape crisis counselors
- Domestic violence resources
- 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 official 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.

Hendrix College 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, patient, or parishioner as describe in the Student Code of Conduct or Employee Handbook.

## **VI: Campus Safety Programs and Procedures**

**Types of Programs:** Floor meetings to review safety expectations, emergency weather drills, Emergency Response Team tabletop exercises, Fire Evacuation Drills, Safe Spring Break programs, and safe ride programs. Each year members of the campus community are invited to participate in a lighting/safety review of campus. This program is held in November. Community members are encouraged to notify Public Safety, Facilities, or the Dean’s Office if they encounter a public safety concern with our campus grounds. The Dean of Students meets monthly with Student Senate to discuss any safety concerns. The text alert system (H-Alert) is tested within the first month of the academic year. New emergency procedures posters are distributed and posted across campus.

**Frequency of Programs:** Floor meetings are held at the beginning of each semester and periodically throughout the year as needed. Weather and Fire drills are completed each semester in each residential building. Break Safety programs are held during the days before a specific break.

## **VII: Programs to Inform Students and Employees about Crime Prevention**

Residential Life staff, Public Safety, Student Activities, Office of Diversity and Inclusion, and the Title IX Office staff work together on crime prevention programming for students and employees. Students are informed about basic crime prevention information during their orientation process. Crime prevention information is included in the student and employee handbooks. The Director of Public Safety also sends out email advisory notifications to the community members when crimes are committed near the proximity of the campus.

The Office of Public Safety will send out periodic reminders to the community about basic safety procedures, especially reminding students to lock doors and to use the buddy system when walking on campus. The Office of Public Safety also provides a free program to help students with basic car safety before major college breaks.

When time is of the essence, information is released to Hendrix College community through text alerts (H-Alert System at Hendrix) and followed with additional information via the campus email system. All students, faculty, and staff are automatically enrolled in the text alert.



### **Sexual Assault Education Programs:**

- Employees receive online training on Sexual Harassment and Title IX through the Title IX Office.
- Employees completed an online training course “Title IX and Sexual Harassment Prevention for Employees (full) through Vector Solutions. (August 2022- December 2022).
- New Student Orientation – New students are provided information about gender-based misconduct and bystander intervention during Hot Topics awareness program through the Office of Student Activities.
- Students completed an online training course “Sexual Violence Prevention for Students (full course) through Vector Solutions. (August 2022- December 2022).
- Campus discussions related to gender-based misconduct and relationship violence
- Bulletin boards about relationship violence and sexual misconduct
- Distribution of flyers to educate students and staff about their rights if victimized by gender-based misconduct or relationship violence compiled by Student Organizations
- Relationship Red Flags program presented by the Counseling Office.

### **Campus organizations that provide programming concerning Gender-Based Misconduct and Relationship Violence:**

- The Advisory Board for the Education and Prevention of Sexual Assault (ABEPSA)
- Coalition on Gender and Sexuality (COGS)
- Coalition Against Sexual Assault and Advocacy (CoSAAA)
- SOAR

## **VIII: Policy Concerning Monitoring and Recording Off-campus Criminal Activity through Local Police**

The Director of Campus Public Safety has the ability to reach out to the Patrol Division Commander as our liaison contact with the Conway Police Department, to share information and to gather additional information about relevant crimes. Hendrix will work with the local police when concerns are brought to our attention that affect the campus or our community.

## **IX: College Alcohol Policies**

**Note:** The information presented in this section of the Handbook is intended to meet the provisions of the Student Right to Know and Campus Security Act (1990), the Drug-Free Schools and Communities Act (1989), and the Higher Education Amendments (1992). Through its programs and procedures, the Hendrix Alcohol and Other Drug Policy seeks to

accomplish the following objectives:

- To promote a campus climate that encourages individuals to cultivate and exhibit mature, responsible, and lawful conduct relative to the possession and use of alcohol;
- To encourage compliance with the laws of Faulkner County and the State of Arkansas regarding the possession, use, and sale of alcohol and other drugs;
- To influence the social climate and expectations of the campus in ways that promote a positive, safe, and balanced social environment;
- To provide educational programming that informs students of the potential dangers of alcohol and other drug abuse and promotes responsibility and moderation relative to alcohol use; and
- To implement appropriate conduct mechanisms and sanctions for individuals who violate the standards set forth by the Policy.

The educational mission and the high standards of Hendrix require that the campus be free of all illegal drugs. Further, Hendrix College prohibits the unlawful possession, use of, or distribution of drugs, including alcohol, by students and employees on Hendrix property or at any College-sponsored activity.

Where it may be effective, Hendrix College prefers a policy of developmental discipline and rehabilitative education, as opposed to mandatory punishment. The developmental nature of the Hendrix College community raises the expectation that assistance will be offered to any member who is suffering from the abuse of any substance. This help may be in the form of educational programs, on-campus counseling, or off-campus counseling referrals. Hendrix College will terminate its relationship with students or employees who persist in their use of illegal drugs or their unlawful possession of any substance, including alcohol. Violators of federal, state, and local laws related to illegal alcohol and drug use will be referred to the proper authorities for prosecution.

Hendrix College does not encourage the use of alcoholic beverages. The display or consumption of alcohol is prohibited in all areas except apartments in Hendrix College-contracted housing, and in other campus locations where events are approved, on a case-by-case basis, by the Department of Student Affairs. Student events are alcohol-free

unless otherwise designated. (Guidelines for such events are available at [www.hendrix.edu/studentlife.](http://www.hendrix.edu/studentlife))

Students of Hendrix College and their on- and off-campus guests who choose to possess and/or consume alcoholic beverages are expected to abide by the laws regarding alcohol in Faulkner County and the State of Arkansas. In matters relating to alcohol, Hendrix students will be held accountable for their actions and those of their guests. Irresponsible behavior resulting from the consumption of alcohol is not tolerated. Being under the influence of alcohol may affect sanctions for violating any College policy. Students not in compliance with the Hendrix College alcohol policy will be required to dispose of all alcoholic beverages in their possession or the alcohol will be confiscated and disposed of by a professional staff member or a Public Safety officer.

**Amnesty Policy.** The Hendrix College community discourages abuse or overconsumption of alcohol and the use of other illegal drugs. Abuse of these substances can create health emergencies for consumers. Sometimes, friends or bystanders are hesitant to report the health concern to College officials because they fear that they could be accused of policy violations, such as underage drinking at the time of the incident. It is in the best interests of this community that health emergencies always be reported promptly to College officials. To encourage reporting, Hendrix College pursues a policy of offering those who report health emergencies immunity from minor policy violations related to the incident.

### **ALCOHOL POLICY VIOLATIONS**

Alcohol violations are designated as either minor or major based on the criteria stated in the Handbook. Though the designation assigned to each complaint involving a Policy violation is based on the particulars of the complaint, some general categories of major and minor alcohol violations may be identified. These categories would include, but not be limited to, the following:

- possession of alcohol in traditional residence halls (Martin, Hardin, Couch, Galloway, Veasey, Raney, Arkansas, and Conway Corp Halls, and Market Square South)
- public consumption
- public intoxication
- possession by a minor
- serving to minors
- over possession as defined by Hendrix College. Per person, this includes but is not limited to: quantities over one case (30 – 12 oz. containers) of beer/malted

beverage OR two (1L) bottles of wine OR one (1L) bottle of spirits/hard liquor, OR a reasonable combination of these types, kegs (whether full or empty,) and other common serving containers, etc.

- serving to individuals already intoxicated
- driving under the influence and driving while intoxicated either on or off campus
- intoxication leading to harm to self or others
- intoxication leading to property damage, disruption to the community, or other violations of Hendrix College Policy
- manufacturing alcohol (without prior written permission for academic purposes)

In the absence of clear mitigating circumstances (resident away for the evening, etc.), all residents of the Hendrix room or apartment in which a major Alcohol Policy violation occurs will be charged with the violation.

### **Sanctions for Alcohol and Controlled Substance Policy Violations**

It is the intention of the College to create a policy that is effective in addressing drug and alcohol violations. The policy also should be consistent and clear to students. For the policy to be most effective, it should include elements that help to deter future violations but also support the educational goals of our institution. Additionally, the policy should allow students to come forward to assist friends in need without penalty.

### **Points Based Sanction System for Controlled Substance and Alcohol Violations**

The Points Based Sanction System (PBSS) establishes a 10-point system for alcohol and controlled substance sanctions. Points are assigned to each type of violation and are set in a standardized format. This change does not alter the process for student rights. Students still have a right to be charged in writing for policy violations and they have the right to a hearing to address such charges. The points are applied only when a student accepts responsibility or is found responsible for their actions.

In addition to holding students accountable for their actions, the system is also set to reward positive behavior and offers students three potential ways to reduce their point totals through action.

The system also offers points amnesty from the controlled substance or alcohol-related violations to students who step forward to get medical assistance for themselves or others. While students who have consumed alcohol or controlled substances receive 0 points because they sought help for themselves, or others sought help for them, they still receive a conduct charge.

There are additional sanctions for students who continue to accumulate points. Students who have repeat violations in the same semester receive an extra point for subsequent violations.

Students who are at 6 points or more are placed on conduct probation and are not permitted to apply for, or to study abroad or live off campus.

Any student who reaches 10 points will be required to take a medical leave of absence to address their alcohol/drug issues.

<b>Point Distribution based on Violation</b>		
<b>Points</b>	<b>Description of violation</b>	<b>Fine*</b>
0	Medical Amnesty: Student who has consumed alcohol or drugs in violation of our policies but seeks help for self or another in need of emergency care	
1	Consumption/possession of drugs or alcohol by an underage guest of a student	
1	Possession of open container of alcohol for student 21+	\$25.00
2	Public intoxication for students 21+	\$50.00
2	Possession of alcohol in traditional residence halls for students 21+	\$50.00
2	Underage consumption or possession of alcohol (2 points and \$75 fine if in a traditional residence hall)	\$50.00
3	Underage consumption or possession of hard alcohol ** (3 points and \$100 fine if in a traditional residence hall)	\$75.00
3	Providing alcohol to an underage student	\$100.00
3	Use or possession of marijuana or paraphernalia	\$100.00
4	Providing hard alcohol to underage student	\$125.00
5	Possession of a large common source of alcohol (e.g., keg, punches with alcohol)	\$200.00
5	Possession of an amount of marijuana that exceeds personal use	\$250.00
7	Possession of illegal drugs (including prescription drugs) other than marijuana	\$250.00
7	Drinking and driving with BAC above .08	\$250.00
	* Students may request to complete service hours in lieu of a fine.	
	** Hard alcohol refers to distilled spirits with an alcohol content greater than 15%.	

### **Additional Points**

The following points may be assigned in association with alcohol/drug use as part of the conduct process if the student is found responsible for the charge. If these violations are not associated with a drug/alcohol violation, they will be assessed through the regular hearing process. Only 1 additional point may be assessed for a single incident.

<b>Points</b>	<b>Violation</b>	<b>Other Actions</b>
1	Failure to cooperate with college officials or local law enforcement officer	
1	Possession or use of false identification	
1	Repeated sanction within the same semester	\$50 fine
1	Any alcohol/or Controlled Substance violation that places an approved service animal or emotional support animal (ESA) in danger	Referred to ESA Board
1	Vandalism of property	Restitution

### **Actions Taken for Accumulation of Points**

Once a student reaches the total points listed below, they will be subject to the following restrictions based on those levels:

#### **Points**

4	*Parental/*Coach/Office of Academic Success notification
6	Placed on Conduct Probation - not permitted to apply for or to study abroad, live outside of campus housing, or access funding from college programs (Murphy, Odyssey, Miller, etc.)
8	Placed on Social Probation - not permitted to participate in college activities outside of classroom requirements
10	Required leave of absence to address alcohol/drug issues

*\*Coaches may be notified for drug violations before 4 points. Parents may be notified before 4 points in cases with extenuating circumstances.*

### **Point Forgiveness**

Students are able to reduce their point total with the following actions. All reductions will be applied at the completion of the semester.

A	For each complete semester where a student is not responsible for a violation of these policies, the student's cumulative points will be reduced by ONE POINT. Any sanctions due that semester <u>would have to be completed before the point reduction is applied.</u>
B	Students have a one-time opportunity to complete an alcohol/controlled substance education course through the North American Learning Institute or Safe Colleges and reduce their points by ONE POINT.
C	Students who successfully engage in counseling by completing an alcohol/drug assessment and recommended treatment plan will have their cumulative points reduced by ONE

Students are eligible to reduce their points by a maximum of 2 points per semester. Students may only use options B and C one time each during their time at Hendrix.

Students are not permitted to “bank” points. 0 points is the lowest level of points.

Students who successfully return from a required leave under this policy will receive forgiveness of 5 points for that action.

### **Alcohol Policy Review**

An Alcohol Policy Review Committee will meet at least once a year to assess the effectiveness of the Policy, enforcement, and educational programs associated with alcohol use at Hendrix. The Student Senate, Student Life Committee, and the Vice President for Student Affairs will determine the composition of this committee.

### **Alcohol and the Law**

The information that follows is provided to promote increased awareness among Hendrix students of state and county laws governing alcohol use. It is intended to be neither a restatement of law nor a summary of all the laws relating to alcoholic beverages. For a full listing of Arkansas laws and penalties, please see [www.arkansas.gov](http://www.arkansas.gov).

In Conway and Arkansas, it is illegal:

- To knowingly or unknowingly sell, give, procure, or otherwise furnish alcoholic beverages to any person under 21 years of age:

Penalties for unknowingly providing:

1st offense: Fine - \$200 to \$500

2nd or subsequent offense: Jail Time - No less than 1 year; Fine - \$500 to \$1000

Penalties for knowingly providing:

1st offense: Misdemeanor; Jail Time - No more than 10 days; Fine - No more than \$500

2nd or subsequent offense: Felony; Jail Time - 1 to 5 years; Fine - No more than \$500

- For a person under the age of 21 years of age to purchase or have in his or her possession any intoxicating liquor, wine, or beer (alcohol inside the body is deemed possession):

Penalties

1<sup>st</sup> offense: Misdemeanor; Fine - \$100 to \$500; Theme or essay on liquors, wine, or beer; Probation

2nd or subsequent offense: Same as 1st offense

- To be publicly intoxicated by either appearing in a public place under the influence of alcohol or a controlled substance to the degree that the person annoys others in the vicinity or is likely to cause injury to self, others, or property or by consuming an alcoholic beverage in a public place;
- To sell, give away, or dispose of intoxicating liquor to an intoxicated person.

For those arrested for possessing or purchasing alcohol as a minor, the following applies: In addition to the fine, at the time of arrest of a person eighteen (18) years of age or older for violation of the provisions of subsection of this section, the arrested person shall immediately surrender his or her license, permit, or other evidence of driving privilege to the arresting law enforcement officer as provided in § 5-65-402. The Office of Driver Services or its designated official shall suspend or revoke the driving privilege of the arrested person or shall suspend any nonresident driving privilege of the arrested person, as provided in § 5-65-402.

The period of suspension or revocation shall be based on the offense that caused the surrender of the arrested person's license, permit, or other evidence of driving privilege as described in this section and the number of any previous offenses as follows:

- I. Suspension for sixty (60) days for a first offense
- II. Suspension for one hundred twenty (120) days for a second offense
- III. Suspension for one (1) year for a third or subsequent offense

Health Risks Related to Alcohol Short-term effects of alcohol use include:

- Distorted vision, hearing, and coordination
- Altered perceptions and emotions
- Impaired judgment
- Bad breath
- Hangovers

Long-term effects of heavy alcohol use include:

- Loss of appetite
- Skin problems
- Sexual impotence
- Malnutrition (food substitution; digestion interference)
- Delirium, tremors, disorientation, hallucinations, memory loss
- Brain damage and possible permanent psychosis
- Cancer of the mouth, esophagus, or stomach due to alcohol irritation
- Heart disease, enlarged heart, or congestive heart failure



- Liver damage, including cirrhosis, liver cancer, and alcohol hepatitis
- Irritation of the stomach lining causing ulcers and/or gastritis
- Damage to the adrenal/pituitary glands
- Fatal bleeding from the esophagus
- Birth defects or injury to the fetus during pregnancy
- Respiratory depression
- Increased aggressiveness, possible abuse of others
- Impairment of coordination and judgment

### **Alcohol Education Programs**

**Residence Hall Council Programming:** As part of their application process, students applying for candidacy in Residence Hall Council elections are required to attend an informational meeting dealing with the alcohol and other drug education programming requirements for which they will be responsible as members of their Residence Hall Council. Student Affairs staff and current Residence Hall Council members from each hall will conduct this meeting. Within two weeks of their election in the spring, the President and one other selected member from each newly elected Residence Hall Council will meet as a group with the Dean of Students or his or her designee(s) to plan the Hall Council alcohol education and other drug programs to be presented to hall residents in the upcoming fall semester. During the spring semester, these Hall Council members will complete an alcohol and other drugs education-training program provided by Student Affairs staff members.

In the fall semester, within two weeks of their arrival on campus, members of each Hall Council will be responsible for conducting alcohol and other drug education and awareness programs for new students in their residence hall. The first program is to be completed prior to the first weekend after the first day of classes; the second program is to be presented within the following week. A third session will be conducted for new students near the end of the fall semester. Hall Councils will be encouraged to work in collaboration with each other and the residence hall staff in planning these three programs for new students. The programs will focus on issues pertaining to alcohol and other drug use and its consequences, specifically addressing negative effects on grades, health risks, the law, and personal liability issues. It is expected that upper-class students, as peers having faced similar challenges as new students, will be effective in communicating information about alcohol use to new students.

Upper-class students will be educated about the Alcohol and Other Drugs Policy, laws regarding alcohol and other drug policy enforcement, and resources for assistance at the first residence hall meeting to be scheduled within the first three weeks of the fall semester. Hall Councils will inform upper-class students about the purpose of the educational programs for new students. Upper-class students will be encouraged to cooperate in this program by supporting these efforts.

**Other Education and Awareness Programs:** Other alcohol and drug education and awareness programs sponsored by residence halls, student organizations, and Student Affairs offices will be conducted during New Student Orientation and each semester for students living in residence halls. Specific training programs regarding alcohol and other drug and substance abuse will be incorporated into workshops for Orientation Leaders and Resident Assistants.

Substance-free programs and activities developed by students and staff will be implemented throughout the academic year.

**Assistance for Students:** Hendrix College is committed to providing students with factual information about alcohol and other drugs, as well as confidential referrals to qualified counseling and treatment professionals in Central Arkansas. Students who have a history of alcohol or other drug abuse or problems with drinking or who are concerned about their consumption of alcohol and/or other drugs should contact a professional staff member in the Office of Student Affairs for further information and assistance.

## **X. College Drug Policies**

### **Controlled Substances**

The use, possession, or distribution of narcotics or illegal non-prescribed drugs such as marijuana, LSD, cocaine, etc., and related drug paraphernalia is strictly prohibited on the campus and in college residences. The unauthorized use, possession, or sale of drugs sometimes prescribed for medicinal purposes (i.e., amphetamines, barbiturates, and tranquilizers) will not be tolerated at any time. In matters relating to the Controlled Substances Policy, students at Hendrix College will be responsible for their own actions and the actions of their on-campus and off-campus guests.

### **Sanctions for Alcohol and Controlled Substance Policy Violations**

It is the intention of the College to create a policy that is effective in addressing drug and alcohol violations. The policy also should be consistent and clear to students. For the policy

to be most effective, it should include elements that help to deter future violations but also support the educational goals of our institution. Additionally, the policy should allow students to come forward to assist friends in need without penalty.

**Points Based Sanction System for Controlled Substance and Alcohol Violations**

The Points Based Sanction System (PBSS) establishes a 10-point system for alcohol and controlled substance sanctions. Points are assigned to each type of violation and are set in a standardized format. This change does not alter the process for student rights. Students still have a right to be charged in writing for policy violations and they have the right to a hearing to address such charges. The points are applied only when a student accepts responsibility or is found responsible for their actions.

In addition to holding students accountable for their actions, the system is also set to reward positive behavior and offers students three potential ways to reduce their point totals through action.

The system also offers points amnesty from controlled substances or alcohol-related violations to students who step forward to get medical assistance for themselves or others. While students who have consumed alcohol or controlled substances receive 0 points because they sought help for themselves, or others sought help for them, they still receive a conduct charge.

There are additional sanctions for students who continue to accumulate points. Students who have repeated violations in the same semester receive an extra point for subsequent violations.

Students who are at 6 points or more are placed on conduct probation and are not permitted to apply for, or to study abroad or live off campus.

Any student who reaches 10 points will be required to take a medical leave of absence to address their Alcohol/Drug issues.

<b>Point Distribution based on Violation</b>		
<b>Points</b>	<b>Description of violation</b>	<b>Fine*</b>
0	Medical Amnesty - Student who has consumed alcohol or drugs in violation of our policies but seeks help for self or another in need of emergency care	
1	Consumption/possession of drugs or alcohol by underage guests of student	
1	Possession of open container of alcohol for student 21+	\$25.00
2	Public intoxication for students 21+	\$50.00
2	Possession of alcohol in traditional residence halls for students 21+	\$50.00
2	Underage consumption or possession of alcohol (2 points and \$75 fine if in a traditional residence hall)	\$50.00
3	Underage consumption or possession of hard alcohol** (3 points and \$100 fine if in a traditional residence hall)	\$75.00
3	Providing alcohol to an underage student	\$100.00

3	Use or possession of marijuana or paraphernalia	\$100.00
4	Providing hard alcohol to underage student	\$125.00
5	Possession of a large common source of alcohol (Keg, punches with alcohol)	\$200.00
5	Possession of an amount of marijuana that exceeds personal use	\$250.00
7	Possession of illegal drugs (including prescription drugs) other than marijuana	\$250.00
7	Drinking and driving with BAC above .08	\$250.00
	* Students may request to complete service hours in lieu of a fine.	
	** Hard alcohol refers to distilled spirits with an alcohol content greater than 15%.	

### Additional Points

The following points may be assigned in association with alcohol/drug use as part of the conduct process if the student is found responsible for the charge. If these violations are not associated with a drug/alcohol violation, they will be assessed through the regular hearing process. Only 1 additional point may be assessed for a single incident.

Points	Violation	Other Actions
1	Failure to cooperate with college officials or local law enforcement officer	
1	Possession or use of false identification	
1	Any alcohol/or Controlled Substance violation that places an approved service or emotional support animal (ESA) in danger	Refer to ESA Board
1	Repeated sanction within the same semester	\$50 fine
1	Vandalism of property	Restitution

### Actions Taken for Accumulation of Points

Once a student reaches the total points listed below, they will be subject to the following restrictions based on those levels:

#### **Points**

4	*Parental/*Coach/Office of Academic Success notification
6	Placed on Conduct Probation - not permitted to apply for or to study abroad, live outside of campus housing, or access funding to college programs (Murphy, Odyssey, Miller, etc.)
8	Placed on Social Probation – not permitted to participate in college activities outside of classroom requirements
10	Required leave of absence to address alcohol/drug issues

*\*Coaches may be notified for drug violations before 4 points. Parents may be notified before 4 points in cases with extenuating circumstances.*

### **Point Forgiveness**

Students are able to reduce their point total with the following actions. All reductions will be applied at the completion of the semester.

A	For each complete semester where a student is not responsible for a violation of these policies, the student's cumulative points will be reduced by ONE POINT. Any sanctions due that semester would have to be completed before the point reduction is applied.
B	Students have a one-time opportunity to complete an alcohol/controlled substance education course through the North American Learning Institute and reduce their points by ONE POINT.
C	Students who successfully engage in counseling by completing an alcohol/drug assessment and recommended treatment plan will have their cumulative points reduced by ONE POINT.

Students are eligible to reduce their points by a maximum of 2 points per semester. Students may only use options B and C one time each during their time at Hendrix. Students are not permitted to "bank" points. 0 points is the lowest level of points.

Students who successfully return from a required leave under this policy will receive forgiveness of 5 points for that action.

### **Controlled Substances and the Law**

It is unlawful for any person to manufacture, deliver, or possess with intent to manufacture and deliver a controlled substance. For a full listing of Arkansas laws and penalties, please see the following: [www.arkansas.gov](http://www.arkansas.gov)

### **Substance Use Health Risks**

The general health risks associated with the use of illegal drugs can be divided into two categories: drug use that can destroy a healthy mind and body by outright organic damage, mental illness, malnutrition, and failure to get treatment of injuries or diseases; and drug use that generally reduces the body's natural immune system and increases the chances for infectious diseases such as hepatitis and AIDS. Drug overdose may cause psychosis, convulsions, coma, or death.

Specific health problems associated with the following drugs:

- **Amphetamines:** heart problems, malnutrition, death, psychological and physical dependence, hallucinations;
- **Cocaine:** convulsions, coma, death, destruction of nasal membranes, physical dependence, depression, hallucinations, confusion, lesions on the lungs;
- **Depressants** (Barbiturates, Tranquilizers, Methaqualone): confusion and loss of coordination, physical and psychological intolerance, coma or death, problems when taken with alcohol;

- **Marijuana and Hashish:** confusion and loss of coordination, psychological dependence, lung damage;
- **Hallucinogens** (LSD, PCP DMT STP, MDA, Designer Drugs): hallucinations and panic, birth defects, convulsions, coma, death; and
- **Narcotics** (Heroin, Morphine, Codeine, Opium): lethargy and loss of judgment, physical and psychological dependence, convulsions, coma, death, malnutrition, infection, hepatitis.

## **XI: Description of Drug or Alcohol Abuse Education Programs**

**Assistance for Students:** Hendrix College is committed to providing students with factual information about alcohol and other drugs, as well as confidential referrals to qualified counseling and treatment professionals in Central Arkansas. Students who have a history of alcohol or other drug abuse or problems with drinking or who are concerned about their consumption of alcohol and/or other drugs should contact a professional staff member in the Office of Student Affairs for further information and assistance.

**Other Education and Awareness Programs:** Other alcohol and drug education and awareness programs sponsored by residence halls, student organizations, and Student Affairs offices will be conducted during New Student Orientation and each semester for students living in residence halls. Specific training programs regarding alcohol and other drug and substance abuse will be incorporated into workshops for Orientation Leaders and Resident Assistants.

Substance-free programs and activities developed by students and staff will be implemented throughout the academic year. Each Residence Hall government is responsible for presenting one alcohol education program.

**Alcohol and Drug Education Programs:** As part of their application process, students applying for candidacy in Residence Hall Council elections are required to attend an informational meeting dealing with the alcohol and other drug education programming requirements for which they will be responsible as members of their Residence Hall Council. Student Affairs staff and current Residence Hall Council members from each hall will conduct this meeting. Within two weeks of their election in the spring, the President and one other selected member from each newly elected Residence Hall Council will meet as a group with the Dean of Students or his or her designee(s) to plan the Hall Council alcohol education and other drug programs to be presented to hall residents in the upcoming fall semester.

During the spring semester, these Hall Council members will complete an alcohol and other drugs education-training program provided by Student Affairs staff members.

## **XII: Victim Notification**

In the student conduct process, the complainant has the right to be informed of the conduct outcome immediately following the decision of the hearing board if the complainant is the victim of a violent crime or non-forcible sex offense. In all other student conduct cases, only the accused student will be notified within two working days of the decision of the hearing board. If the victim is deceased as a result of the violation, the Dean of Students Office will provide the results of the conduct hearing to the victim's next of kin, if so requested in writing.

## **XIII: Missing Student Policy**

If you are concerned about a potential missing student, please contact the Hendrix Public Safety Office immediately at (501) 450-7711. If a student is reported potentially missing to you, then you must report this information to Hendrix Public Safety immediately. The Public Safety Office will work with Student Affairs to make contact with the missing student and to identify his/her most recent contact points on campus (card access, meals, class attendance, etc.).

If we are unable to make contact with the missing student within a reasonable timeframe (up to 24 hours from notification), Hendrix College will notify the designated emergency contact and Conway Police Department within 24 hours of the determination that the student is missing.

All students may designate an emergency contact person. On-campus students complete an emergency contact form when they check into their housing assignment. Off-campus students are encouraged to contact the Residence Life Office to complete an emergency contact form. Students residing on campus have the option to designate a confidential emergency contact person for missing person investigations only. A student's confidential contact information will be accessible only to authorized campus officials and law enforcement in the course of the missing person investigation. If the student did not designate a confidential emergency contact for missing person cases, then the general emergency contact persons will be contacted. If the student is under 18 and not emancipated, then the custodial parent or guardian will be contacted in addition to any other emergency contacts listed.

## **XIV: Sexual Assault Programs to Prevent Sexual Offenses and Programs on Sexual Assault Reporting Procedures**

### **Sexual Assault Education Programs:**

- Employees receive online training on Sexual Harassment and Title IX through the Title IX Office.
- Employees completed an online training course “Title IX and Sexual Harassment Prevention for Employees (full) through Vector Solutions. (August 2022- December 2022).
- New Student Orientation – New students are provided information about gender-based misconduct and bystander intervention during Hot Topics awareness program through the Office of Student Activities.
- Students completed an online training course “Sexual Violence Prevention for Students (full course) through Vector Solutions. (August 2022- December 2022).
- Campus discussions related to gender-based misconduct and relationship violence
- Bulletin boards about relationship violence and sexual misconduct
- Distribution of flyers to educate students and staff about their rights if victimized by gender-based misconduct or relationship violence compiled by Student Organizations
- Relationship Red Flags program presented by the Counseling Office.
- Title IX Insights with Fulbright (August 2022-December 2022)
- Title IX Team Talks (presented to each of the athletic teams (August 2022-December 2022)

### **Campus organizations that provide programming concerning Gender-Based Misconduct and Relationship Violence:**

- The Advisory Board for the Education and Prevention of Sexual Assault (ABEPSA)
- Coalition on Gender and Sexuality (COGS)
- Coalition Against Sexual Assault and Advocacy (CoSAAA)
- SOAR

## **XV: Policies and Procedures for Gender-Based Misconduct Violations**

### **Interim Policy Prohibiting Discrimination, Harassment, Sexual Misconduct, and Retaliation (January 2022-September 2022)**

Hendrix College strives to maintain an environment free from discrimination and harassment, where members of our community treat each other with respect, dignity and courtesy. The College adheres to the principles of equal educational and employment opportunity without regard to age, race, color, gender, disability, religion, sexual orientation, gender identity or expression, genetic information, or national origin. Accordingly, all acts of discrimination, harassment, retaliation, and sexual misconduct



as defined by this policy are prohibited. The Hendrix College Interim Policy Prohibiting Discrimination, Harassment, Sexual Misconduct, and Retaliation has been developed to reaffirm these principles and to provide recourse for those individuals whose rights have been violated.

### **I. Policy**

All members of the College community are expected to conduct themselves in a manner that does not infringe upon the rights of others. This policy is intended to define community expectations and to establish a mechanism for determining when those expectations have been violated. Upon notice of discrimination as described by this policy, appropriate measures will be taken to end the conduct, remedy the effects on individuals and the Hendrix community, and prevent recurrence.

In order for the College to respond effectively and to proactively stop instances of discrimination, harassment, retaliation, and sexual misconduct within the College community, the College has designated the following as mandatory reporters of discrimination; all faculty, adjunct instructors, administrative staff including coaches, and Resident Life Staff, are required to notify any Official with Authority immediately after receiving information regarding a potential violation of this policy. Mandatory Reporters are encouraged to explain their reporting obligations prior to receiving any information that is subject to mandatory reporting. Employees who are statutorily prohibited from disclosing such information (Student Counseling, Health Services staff, Campus Chaplain), and support staff such as frontline dining services and facilities staff, are exempt from these reporting requirements.

Officials with Authority are those individuals who have the authority to initiate corrective action. Hendrix College Officials With Authority (OWA) include: the President of the College, Vice-Presidents, Student Affairs Staff, Public Safety Officers, and the Title IX Coordinator & Deputy Coordinators.

### **Faculty/Staff Relationships with Students**

There are inherent risks in any romantic or sexual relationship between individuals in positions of unequal power (such as teacher and student, supervisor and employee). These relationships may be less consensual than perceived by the individual whose position confers power. The relationship also may be viewed in different ways by each of the parties, particularly in retrospect. Furthermore, circumstances may change, and conduct that was

previously welcome may become unwelcome. Even when both parties have consented at the outset to a romantic or sexual involvement, this past consent may not remove grounds for a later charge of a violation of this policy. The College does not wish to interfere with private choices regarding personal relationships when these relationships do not interfere with the goals and policies of the College. For the personal protection of members of this community, relationships in which power differentials are inherent (faculty-student, staff- student) are strongly discouraged.

Consensual romantic or sexual relationships in which one party maintains a direct supervisory or evaluative role over the other party are unethical. Therefore, persons with direct supervisory or evaluative responsibilities who are involved in such relationships must bring those relationships to the attention of their supervisor at the outset and will likely result in the removal of the employee from the supervisory or evaluative responsibilities or make changes to prevent an individual from being supervised or evaluated by someone with whom they have established a consensual relationship. Failure to self-report such relationships to a supervisor as required is a violation of this policy and may result in disciplinary action for an employee. Employees are cautioned that in many circumstances an imbalance of power, perceived or real, may occur in employee-student relationships. In such cases, consent is not an acceptable defense against an allegation of non-consensual sexual relationships.

Any romantic relationship between two employees (regardless of supervisory capacity) or between an employee and student should be promptly reported to the Office of Human Resources.

### **Reporting Procedures**

Any member of the community who believes they have experienced discrimination or misconduct that violates Hendrix College *Interim Policy Prohibiting Discrimination, Harassment, Sexual Misconduct, and Retaliation* should report that conduct to any Official With Authority (OWA) in this policy. Reports of discrimination or misconduct will be investigated in a manner that is prompt, thorough, equitable, impartial and fair to all parties involved.

The OWA who receives the initial report will review the information (with other officials as appropriate) and determine if a policy violation is alleged to have occurred.

The College encourages any individual who has been subject to discrimination to report the incident(s) directly to one of the following Officials With Authority:

Dr. Allison Vetter, Title IX Coordinator- [title9@hendrix.edu](mailto:title9@hendrix.edu); [vetter@hendrix.edu](mailto:vetter@hendrix.edu);  
501.505.2901; SLTC 150

Shawn Goicoechea, Assistant Director of Human Resources and Deputy  
Title IX Coordinator – [goicoechea@hendrix.edu](mailto:goicoechea@hendrix.edu); 501.450.1415;  
1545 Washington Ave

Dr. Terri Bonebright, Provost – [bonebright@hendrix.edu](mailto:bonebright@hendrix.edu); 501.450.1273  
Fausett Hall, 2<sup>nd</sup> floor

Jim Wiltgen, VP Student Affairs – [wiltgen@hendrix.edu](mailto:wiltgen@hendrix.edu); 501.450.1222

SLTC 2<sup>nd</sup> floor

Michael LeBlanc, Assistant Dean of Students – [leblanc@hendrix.edu](mailto:leblanc@hendrix.edu);

501.450.1222;

SLTC 2<sup>nd</sup> floor

Kesha Baoua, Interim VP for Diversity & Inclusion – [baoua@hendrix.edu](mailto:baoua@hendrix.edu); 501.450.3824;

104 Fausett Hall

Amy Weaver, Director of Athletics – [weaver@hendrix.edu](mailto:weaver@hendrix.edu); 501.450.3899; WAC 213

David Bugh, Director of Public Safety – [bugh@hendrix.edu](mailto:bugh@hendrix.edu); 501.450.1467;

Washington Ave.

Vicki Lynn, VP of Human Resources – [lynn@hendrix.edu](mailto:lynn@hendrix.edu); 501.450.1494;

1545 Washington

A conversation with an OWA does **not** require an individual proceed with conduct charges or the process outlined below. The College is committed to the preservation of the rights of both the complainant and the respondent (See Rights & Options), however the determination as to whether to proceed with conduct charges against an individual ultimately lies with the College.

Notice or complaints of discrimination, harassment, and/or retaliation may be made by filing a complaint with, or giving verbal notice to, any Official with Authority (listed above). Such a report may be made at any time (including during non-business hours) by using the telephone number or email address, or by mail.

A Formal Complaint means a document submitted or signed by the Complainant or signed by the appropriate OWA alleging a policy violation by a Respondent and requesting that Hendrix College investigate the allegation(s). A complaint may be filed with an OWA in person, by mail, or by electronic mail, by using the contact information in the section immediately above, or as described in this section. As used in this paragraph, the phrase “document filed by a Complainant” means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by the College) that contains the Complainant’s physical or digital signature, or otherwise indicates that the Complainant is the person filing the complaint, and requests that Hendrix College investigate the allegations.

If notice is submitted in a form that does not meet this standard, the Official With Authority will contact the Complainant to ensure that it is filed correctly.

### **Jurisdiction**

This policy applies to the education program and activities of Hendrix College, to conduct that takes place on the campus or on property owned or controlled by Hendrix College, at Hendrix College-sponsored events, or in buildings owned or controlled by Hendrix College’s recognized student organizations. The Respondent must be a member of Hendrix College’s community in order for its policies to apply.

This policy can also be applicable to the effects of off-campus misconduct that effectively deprive someone of access to Hendrix College’s educational program. Hendrix College may

also extend jurisdiction to off-campus and/or to online conduct when the OWA determines that the conduct affects a substantial Hendrix College interest.

Regardless of where the conduct occurred, Hendrix College will address notice/complaints to determine whether the conduct occurred in the context of its employment or educational program or activity and/or has continuing effects on campus or in an off-campus sponsored program or activity. A substantial Hendrix College interest includes:

- a. Any action that constitutes a criminal offense as defined by law. This includes, but is not limited to, single or repeat violations of any local, state, or federal law;
- b. Any situation in which it is determined that the Respondent poses an immediate threat to the physical health or safety of any student or other individual;
- c. Any situation that significantly impinges upon the rights, property, or achievements of oneself or others or significantly breaches the peace and/or causes social disorder; and/or
- d. Any situation that is detrimental to the educational interests or mission of Hendrix College.

If the Respondent is unknown or is not a member of the Hendrix College community, the OWA will assist the Complainant in identifying appropriate campus and local resources and support options and/or, when criminal conduct is alleged, in contacting local law enforcement if the individual would like to file a police report.

Further, even when the Respondent is not a member of the Hendrix College's community, supportive measures, remedies, and resources may be accessible to the Complainant by contacting the appropriate Official with Authority.

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

All vendors serving Hendrix College through third-party contracts are subject to the policies and procedures of their employers.

When the Respondent is enrolled in or employed by another institution, the OWA can assist the Complainant in liaising with the appropriate individual at that institution, as it may be possible to allege violations through that institution's policies.

Similarly, the Official with Authority 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 the Hendrix College where sexual harassment or nondiscrimination policies and procedures of the facilitating or host organization may give recourse to the Complainant.

### **Attempted Violations**

In most circumstances, Hendrix College will treat attempts to commit any of the violations listed in the *Interim Policy Prohibiting Discrimination, Harassment, Sexual Misconduct, and Retaliation* as violations of the policy.

### **Standard of Proof**

The standard of proof for determining responsibility for alleged violations of the *Interim Policy Prohibiting Discrimination, Harassment, Sexual Misconduct, and Retaliation* will be the preponderance of evidence. When considering a complaint, the Panel will determine if the information gathered and evidence presented establishes that it is more likely than not the respondent(s) committed the violation.

### **False Reporting**

Hendrix College will not tolerate intentional false reporting of incidents. It is a violation of the *Interim Policy Prohibiting Discrimination, Harassment, Sexual Misconduct, and Retaliation* to make an intentionally false report of any policy violation, and it may also violate state criminal statutes and civil defamation laws. A panel finding of not responsible is strictly a statement that a panel did not determine an alleged policy violation met the preponderance of the evidence standard and is not automatic grounds for a claim that a report was intentionally false. Any report determined to have been made in good faith will not be subject to false reporting sanctions.

### **Group Action**

When members of groups, individuals acting collusively, or members of an organization act in concert in violation of any policy, they may be held accountable as a group, and an investigation may proceed against the group as joint accused students and/or the organization itself. Charges proceeding against a group do not preclude any individual from facing charges or sanctions as an individual.

### **Retaliation**

Retaliation against an individual for reporting an allegation, for supporting a reporting party or for assisting in providing information relevant to an allegation is a violation of the *Interim Policy Prohibiting Discrimination, Harassment, Sexual Misconduct, and Retaliation* and is subject to the full range of sanctions as any other policy violation. Retaliation can occur in-person or online by any member of the Hendrix Community (including a witness, complainant, reporting party, or respondent) or a third party. Acts of alleged retaliation should be reported immediately to an Official with Authority. Alleged violations of retaliation may be investigated along with the underlying complaint of sexual misconduct, or separately, at the discretion of the investigating official. Retaliation is defined as any materially adverse action taken against a person participating in a protected activity because of their participation in that protected activity.

### **Amnesty Policy**

The Hendrix College community encourages the reporting of both violations of this policy and criminal activity. Sometimes, complainants or those who witness allegations of misconduct may be hesitant to report to college officials because they fear they themselves

may be accused of policy violations, such as underage drinking. It is in the best interests of this community that as many individuals as possible choose to report to College officials. To encourage reporting, the College pursues a policy of offering complainants, their witnesses, and witnesses presented by the respondent, from minor policy violations related to the incident.

## **II. Support Services**

If you have an emergency contact the Conway Police Department by dialing: 9-1-1

If a student or employee reports experiencing discrimination or sexual misconduct to an Official With Authority, those officials will provide written notification to students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both within the Hendrix community and the Conway community. Third-parties who report information regarding discrimination/misconduct of a Hendrix community member also have the right to receive the same information listed above and in writing.

Students are encouraged to seek support through on-campus and off-campus services.

Students may contact the following on-campus services:

Hendrix College Public Safety – 501-450-7711

Counseling Services 501-450-1448 (there is no charge for this service)

Hendrix Medical Clinic – 501-852-1366, 1700 Altus St. Suite 110

<https://www.conwayregional.org/locations/conway-regional-hendrix-medical-clinic>

Chaplain's Office – 501-450-1263

Dean of Students Office – 501-450-1222

Student Outreach Services (SOS) – 501-450-1330, [sos@hendrix.edu](mailto:sos@hendrix.edu) Residential

Life Professional Staff – 501-450-1416

Hendrix Office of International Student Services (501-450-1265) for visa and immigration assistance

Hendrix Office of Financial Aid (501-450-1368)

Students may also choose to contact support agencies off campus which include the following:

Arkansas Crisis Center – 1-888-274-7472

Rape Crisis Hotline (501-801-2700) or (877-432-5368)

Arkansas Coalition Against Sexual Assault <https://acasa.us/>

Arkansas Coalition Against Domestic Violence [www.domesticpeace.com](http://www.domesticpeace.com)

Hope Rainn National Sexual Assault Hotline (800-656-4673)

Faulkner County Prosecuting Attorney's Victim Services Center (501-450-3051)

National Center for Victims of Crime [www.victimsofcrime.org](http://www.victimsofcrime.org)

24-hour Conway Women's Shelter Crisis Hotline (866-358-2265)

Arkansas Legal Services Partnership at (1-800-952-9243) or

<http://www.arlegalservices.org/> for legal assistance

Child Abuse Hotline 844-728-3224 or 800-482-5964

To report any education discrimination on the basis of race, sex, disability, etc. or request information on compliance programs, filing complaints, or to access regulatory documents, student may contact the U.S. Dept. of Education regional office.

U.S. Department of Education – Office of Civil Rights

One Petticoat Lane

1010 Walnut Street, 3rd floor, Suite 320

Kansas City, MO 64106

Telephone: 816-268-0550

FAX: 816-268-0599; TDD: 800-877-8339

Email: [OCR.KansasCity@ed.gov](mailto:OCR.KansasCity@ed.gov)

### **III. Investigation Procedures**

The wishes of the Complainant will be considered before proceeding with a formal investigation and grievance process. It is ultimately the discretion of the OWA as to whether or not the College will proceed. The College may determine when considering the safety of the community that it is necessary to proceed against the wishes or without the participation of the complainant. In the event the alleged misconduct is not a violation of the *Interim Policy Prohibiting Discrimination, Harassment, Sexual Misconduct, and Retaliation*, the Complainant will maintain their access to support services and/or Supportive measures as appropriate.

Both the Complainant and Respondent will have the opportunity to have an initial meeting with the investigating official to discuss the investigative process, request supportive measures, learn about support resources, and otherwise ask questions of the investigator without providing a statement for the investigation. The Complainant and Respondent have the right to an advisor of their choice at the initial meeting and thereafter (See Rights & Options).

If either party elects to provide a statement about the alleged incident during the initial meeting that statement will be recorded. Statements may also be submitted in writing. In general, any information provided about the alleged incident to a College employee not listed as a confidential resource may be included in the investigative packet.

After initial interviews with the Complainant and Respondent, the Investigator will work with appropriate College officials to enact any supportive measures deemed reasonable and necessary, assist students in accessing support resources as needed, and determine if a formal investigation will proceed.

### **Supportive Measures**

Unless circumstances dictate otherwise, the OWA will promptly issue a “no contact” directive to all parties upon notice of any sexual assault complaint. In all cases, the college may implement any necessary supportive measures, deemed appropriate and reasonably available, regardless of whether a complaint has been filed or whether an investigation has commenced. Supportive Measures may include, but are not limited to:

- Issuing no contact directives
- Providing counseling services.
- Providing academic support services.
- Rescheduling class work, assignments, and examinations.
- Changing class schedules.
- Providing an escort to ensure that an individual can move safely between classes, work, and/or activities.
- Changing work arrangements or location.
- Arranging for the complainant to take an incomplete in a class.
- Reassigning on-campus housing.
- Dissolving a campus housing contract and offering a prorated refund.
- Providing alternative course completion options.
- Permitting a temporary withdrawal from the university.

Violations of Supportive Measures by either party are considered to be violations of the *Interim Policy Prohibiting Discrimination, Harassment, Sexual Misconduct, and Retaliation*. Failure to abide by supportive measures is a violation of this policy (irrespective of whether the underlying complaint of discrimination is substantiated) and is subject to the full range of sanctions as any other policy violation. Any person who believes supportive measures are being violated should report the alleged violation in the same manner for reporting discrimination. Alleged violations of supportive measures may be investigated along with the underlying complaint of sexual misconduct, or separately, at the discretion of the investigating official.

### **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 Hendrix College policy. Although 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, with the exception of information the parties agree not to disclose related to Informal Resolution, discussed below. Hendrix College encourages parties to discuss any sharing of information with their Advisors before doing so.

### **Process A**

Hendrix College will act on any formal or informal notice/complaint of violation of the Hendrix College *Interim Policy Prohibiting Discrimination, Harassment, Sexual Misconduct, and Retaliation* (the Policy”) that is received by the Title IX Coordinator<sup>1</sup> or any other Official with Authority by applying these procedures, known as “Process A.”

The procedures below apply **only** to qualifying allegations of sexual harassment (including sexual assault, dating violence, domestic violence, and stalking, as defined by this policy involving students, staff, administrators, or faculty members.

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<sup>1</sup> Anywhere this procedure indicates “Title IX Coordinator,” Hendrix College may substitute a trained designee.



When the jurisdiction does not fall within Process A, as determined by the investigator, Process B can also apply to sexual harassment (including sexual assault, dating violence, domestic violence, and stalking, as defined by this policy).

**1. Informal Resolution:** After a formal written complaint is filed, a complainant and respondent may both agree to enter into a process of informal resolution guided by the Title IX Coordinator. Informal resolutions may result in sanctions, excluding suspension or expulsion. Parties electing to pursue an informal resolution may decide at any time to pursue the formal grievance process.

Informal Resolution can include:

- When the Title IX Coordinator can resolve the matter informally by providing supportive measures (only) to remedy the situation.
- When the parties agree to resolve the matter through a negotiated resolution, usually before a formal investigation takes place; see discussion in a., below.
- When the Respondent accepts responsibility for violating policy, and desires to accept a sanction and end the resolution process (similar to above, but usually occurs post-investigation); see discussion in b., below.

Prior to implementing Informal Resolution, Hendrix College will provide the parties with written notice of the reported misconduct and any sanctions or measures that may result from participating in such a process, including information regarding any records that will be maintained or shared by the Hendrix College.

Hendrix College 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.

**a. Negotiated Resolution:** The Title IX Coordinator, with the consent of the parties, may negotiate and implement an agreement to resolve the allegations that satisfies all parties and the Hendrix College. Negotiated Resolutions are not appealable.

**b. Respondent Accepts Responsibility for Alleged Violations:** The Respondent may accept responsibility for all or part of the alleged policy violations 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 is appropriate.

If Informal Resolution is applicable, the investigating official will determine whether all parties and Hendrix College are able to agree on responsibility, sanctions, and/or remedies. If so, the investigating official implements the accepted finding that the Respondent is in violation of Hendrix College policy and implements agreed-upon sanctions 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 terms of resolution. When the parties cannot agree on all terms of resolution, the Formal Grievance Process will resume at the same point where it was paused.

When a resolution is accomplished, the appropriate sanction 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.

**2. Formal Investigation Procedures.** An initial investigative report and evidence packet will be compiled by the investigator. This will include relevant evidence including the statements of complainants and respondents, witness interviews, and material evidence or information submitted by either party (e.g. text messages, social media posts, images, etc.). A Charge Letter will be issued to the respondent, and a copy provided to the complainant by the official investigating the case.

**3. Response to Initial Investigative Report.**

Both parties will be provided access to the initial report and evidence packet for review. Complainants and Respondents will have ten (10) calendar days to review the initial evidence packet and submit additional information, including witnesses and documents or additional statements to the investigator. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

**4. Final Investigative Packet & Notice of Hearing Panel Membership** Once the period for submitting evidence has ended, the information will be compiled and a Final Investigative Packet will be provided to the complainant, respondent and panelists. At this time no additional evidence may be submitted unless it was unknown or unavailable and could not have been known or available at the time of the submission period.

Upon delivery of the Final Investigative Packet, the complainant and respondent will have no less than ten (10) calendar days to prepare for the live hearing. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

The Final Evidence Packet will also include the names of panelists who will be assigned to hear the case. Complainants and Respondents have three (3) calendar days from delivery to request the recusal of panelists for good cause such as bias or conflict of interest. Requests must be submitted in writing to the investigator or Title IX Coordinator and include a rationale. Both parties will be notified of any panel changes and provided at least 1 calendar day from notification of changes to contest the new panel composition. Each party may only challenge the panel (any members) once, if the change is granted that party may not challenge the new selection.

**5. Live Hearing Panel Composition.** Hearing Panel membership is limited to three full-time faculty and staff of the College who have been nominated by any Title IX Administrator, and who have been adequately trained within 12 months of the start of panel deliberation.

Hearings for possible violations 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 the Hendrix College.

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). A student facing charges under this Policy is not in good standing to graduate.

**6. 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) calendar 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) calendar days prior to the hearing so that appropriate arrangements can be made.

**7. Pre-Hearing Meetings.** The Chair or hearing facilitator may convene individual pre-hearing meeting(s) with the parties and/or their Advisors to 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 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 based on any new information or testimony offered at the hearing. The Chair must document and share with each party their rationale for any exclusion or inclusion at a pre-hearing meeting.

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 either or both to attend pre-hearing meetings.

**8. Live Hearing Process and Deliberations.** Hearing Panelists will determine responsibility for each charge and will base each determination on the preponderance of the evidence, whether it is more likely than not that the alleged conduct occurred and if so,

whether it constituted a policy violation. Responsibility will be determined by a majority of panelists. Hearing Panelists will also determine appropriate sanctions for the charge(s). A decision will be stated for each charge, and any sanctions will be accompanied by a rationale. Panelists will have 3 calendar days to reach a conclusion.

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

The Chair explains the procedures and introduces the participants.

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.

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.

**b. Investigator Presents the 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 Panelists and the parties (through their Advisors). The Investigator(s) will be present during the entire hearing process, but not during deliberations.

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

**c. Testimony and Questioning**

Once the Investigator(s) present their report and are questioned, 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 Panelists and then by the parties through their Advisors (“cross-examination”).

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 all parties and the Chair), the proceeding will pause to allow the Chair to consider it (and state it if it has not been stated aloud), 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 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 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 Panelists 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.

**d. 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 Panel can only rely on whatever relevant evidence is available through the investigation and hearing in making the ultimate determination of responsibility. The Panel 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.

If charges of policy violations other than sexual harassment are considered at the same hearing, the Panelists may consider all evidence it deems relevant, may rely on any relevant statement as long as the opportunity for cross-examination is afforded to all parties through their Advisors, and may draw reasonable inferences from any decision by any party or witness not to participate or respond to questions.

If a party's Advisor of choice refuses to comply with the Hendrix College's established rules of decorum for the hearing, Hendrix College may require the party to use a different Advisor. If a Hendrix College-provided Advisor refuses to comply with the rules of decorum, Hendrix College may provide that party with a different Advisor to conduct cross-examination on behalf of that party.

**e. Recording Hearings**

Hearings (but not deliberations) are recorded by Hendrix College 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 Panelists, the parties, their Advisors, and appropriate administrators of Hendrix College will be permitted to listen to the recording in a controlled environment 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.

**f. Deliberation, Decision-making, and Standard of Proof**

The Panelists will deliberate in closed session to determine whether the Respondent is responsible or not 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.

The Chair will then prepare a written deliberation statement and deliver it to the Title IX Coordinator, detailing the determination, rationale, the evidence used in support of its determination, the evidence not relied upon in its determination, credibility assessments, and any sanctions.

This report must be submitted to the Title IX Coordinator within two (2) calendar 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.

#### **g. Notice of Outcome**

Using the deliberation statement, the Title IX Coordinator will work with the Chair to prepare a Notice of Outcome. The Title IX Coordinator will then share the letter, including the final determination, rationale, and any applicable sanction(s) with the parties and their Advisors within two calendar days of receiving the Panelists' deliberation statement.

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 Hendrix College records, or emailed to the parties' Hendrix College-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 policy(ies) reported to have been violated, including the relevant policy section, and will contain a description of the procedural steps taken by Hendrix College 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 the Hendrix College is permitted to share such information under state or federal law; any sanctions issued which Hendrix College is permitted to share according to state or federal law; and any remedies provided to the Complainant designed to ensure access to Hendrix College's educational or employment program or activity, to the extent Hendrix College is permitted to share such information under state or federal law (this detail is not typically shared with the Respondent unless the remedy directly relates to the Respondent).

The Notice of Outcome will also include information on when the results are considered by Hendrix College to be final, any changes that occur prior to finalization, and the relevant procedures and bases for any available appeal options.

## **Process B**

Process B applies to all forms of discrimination not covered by Process A, as determined by the investigator.

**Informal Resolution.** A complainant and respondent may both agree to enter into a process of informal resolution guided by the Investigator. Informal resolutions may result in sanctions, excluding suspension or expulsion. Parties electing to pursue an informal resolution forfeit their right to pursue the formal investigative process.

**Investigation Procedures.** An initial investigative report and evidence packet will be compiled by the investigator. This will include relevant evidence including the statements of complainants and respondents, witness interviews, and material evidence or information submitted by either party (e.g. text messages, social media posts, images, etc.). The investigator will review the initial investigative report and evidence packet to determine which policy(ies) if any, has been/are alleged to have been violated. In the event the investigator determines the alleged conduct, if true, represents a policy violation, a Charge Letter will be issued to both the respondent and complainant by the official investigating the case.

**Responding to the Charge.** For each charge outlined in the Charge Letter, Respondents will have four (4) calendar days to enter a statement of Responsible, Not Responsible, or No Contest.

### **a. Responsible Statements**

If the student in question accepts responsibility in a discrimination case, the student will provide a statement for the Discrimination Panel to determine an appropriate sanction. By accepting responsibility, the student in question is waiving their right to appeal any procedural matters or on the basis of newly discovered evidence.

Respondents may accept responsibility for charges at any time during the process. At such time, all available information, along with final statements from either party, will be submitted to the panel for determining sanctions.

### **b. Not Responsible Statements**

If the responding student does not accept responsibility the investigation will proceed and a Review Panel may be convened. From this point on the student in question is assumed not-responsible concerning the charges which have been leveled against them.

### **c. No Contest Statements**

If a student is facing possible suspension or expulsion, the student may be eligible to provide a statement of No Contest. Allowing a No Contest Statement is at the discretion of the investigating official. Students who enter a Statement of No Contest accept the sanctions issued to them without contesting the conduct charge(s). If a student enters a Statement of No Contest the student waives their right to appeal based on any procedural matters or on the basis of newly discovered

evidence. Conduct violations for which a student enters a Statement of No Contest will appear on that student's conduct record.

**4. Response to Initial Investigative Report & Evidence Packet.** Both parties will be provided access to the initial report and evidence packet for review. Complainants and Respondents will have four calendar days to review the initial evidence packet and submit additional information, including witnesses and documents or additional statements to the investigator.

Upon review of the Initial Investigative Report and Evidence Packet the Complainant and Respondent may submit questions to be asked of the opposing party and/or any witnesses. Questions must be relevant to the investigation and may not include prohibited character/sexual history questioning. It is at the discretion of the investigator as to whether questions are allowed/administered, and if questions or their responses are included in the Final Investigative Report and Evidence Packet for panel review.

The Initial Evidence Packet will also include the names of panelists who will be assigned to review the case. Complainants and Respondents have two (2) calendar days to request the recusal of panelists for good cause such as bias or conflict of interest. Requests must be submitted in writing to the investigator and include a rationale. Both parties will be notified of any panel changes and provided at least 2 calendar days from notification of changes to contest the new panel composition. Each party may only challenge the panel (any members) once, if the change is granted that party may not challenge the new selection.

**5. Final Investigative Packet and Final Statements.** Once the period for submitting evidence has ended, the information will be compiled, and a Final Investigative Packet will be provided to the complainant, respondent and panelists. The panelists will receive a redacted copy in order to protect the anonymity of the parties. At this time no additional evidence may be submitted unless it was unknown or unavailable and could not have been known or available at the time of the submission period.

Upon delivery of the Final Investigative Packet, the complainant and respondent will have three (3) calendar days to submit a final statement. Final statements will be promptly made available to the panel.

**6. Panel Composition and Deliberations.** Panel membership is limited to full-time faculty and staff of the College who serve at the invitation of the President and who have been adequately trained within 12 months of the start of panel deliberation.

Panelists will deliberate as a group, and panel deliberations will be closed to all parties. Panelists may ask questions of the assigned investigator. In the event panelists request additional information from the investigator, both parties will receive an updated packet with any new information and may be given, at the panel's discretion, an opportunity to respond to the new information.



Panelists will determine responsibility for each charge and will base each determination on the preponderance of the evidence, whether it is more likely than not that the alleged conduct occurred and if so, whether it constituted a policy violation. Responsibility will be determined by a majority of panelists. The panel will have three (3) calendar days from receipt of Final Statements to deliberate and make a decision.

The Complainant and respondent will be notified simultaneously and in writing, within two (2) calendar days of the panel's decision. A decision will be stated for each charge, and any sanctions will be accompanied by a rationale.

Deliberations for possible violations 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 the term will typically be held immediately after the end of the term during the summer, as needed, to meet the resolution timeline followed by Hendrix College.

### **Procedural Rule for Addressing Prior Conduct Violations**

While previous conduct violations by the responding student are not generally admissible in an investigation, an OWA, their designee(s), or the Dean of Students (or designee) may supply previous complaint information to the panel, or may consider it if they are hearing the complaint, only if:

- 1) The respondent was previously found to be responsible or took responsibility;
- 2) The previous incident was substantially similar to the present allegation; or
- 3) Information indicates a pattern of behavior and substantial conformity with that pattern by the responding student.

### **Sanctions**

The panel may impose one or more of the following sanctions for each policy violation.

**Educational Project** - Project that encourages reflection and demonstration of knowledge.

**Restriction or Revocation of Privileges**- Temporary or permanent loss of privileges including but not limited to use of a particular facility or service, visitation privileges, and parking privileges.

**Termination or Change in Residency Privileges**- A sanction that terminates or changes a student's residency.

**Conduct Probation**- A sanction serving notice to a student that his or her behavior is in serious violation of College standards and policies. It is assigned for a specified time period. A breach of College standards or policies by a student during the probationary period may result in suspension or expulsion from the College.

**Suspension**- A student may be subject to mandatory separation from the College for a specified period of time. An application for readmission will be considered after the time

period of the suspension has elapsed. Readmission is subject to stipulations by the panel and approval of College officials. A student who has been suspended is barred from visiting the campus unless written permission is granted by the appropriate official.

**Expulsion-** Expulsion is permanent dismissal from the College with no possible future readmission. A student who has been expelled is also barred from visiting the campus. Any student found responsible for violating the policy on Non-Consensual Sexual Intercourse will likely face a sanction of suspension or expulsion.

**Other Appropriate Action-** Sanctions not specifically described above must be approved by the appropriate official.

At the discretion of the College, a Respondent who withdraws from the College during the pendency of grievance procedures under this Policy may be barred from College property, activities, and events and may be ineligible for re-enrollment or to be re-hired.

**Conduct Registration Hold** - If a student fails to complete the conditions of a sanction (e.g. College Service Hours, etc.), a Conduct Registration Hold will be placed on their Registrar's account. With this hold in place, the student is restricted from utilizing the major functions of the Registrar Office (e.g., prohibited from participating in registration and course adjustment, requesting transcripts, and from receiving a diploma). The Panel or a Title IX Administrator will remove the hold when it has been determined that the student is working towards or has returned to compliance.

### **Appeal Process**

Both the complainant and the respondent have a right to appeal the finding(s). A written request for appeal must be submitted to the designated Title IX Deputy, Shawn Goicoechea (goicoechea@hendrix.edu) within three (3) calendar days after a panel's decision is rendered. A request for appeal must be based on one of the following reasons:

- (A) Procedural irregularity that affected the outcome of the matter;
- (B) 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; and
- (C) The Official(s) with Authority, Investigator(s), or Panelists 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.

**1. Appeal Review.** The designated OWA will, within three (3) calendar days after receiving the request for appeal, determine whether the petition meets at least one of the three grounds for an appeal. The OWA may:

- a. deny the appeal if it does not meet one of the grounds;
- b. refer the complaint back to the Panel for re-opening of deliberations.
- c. Refer the complaint to a new panel for deliberations.

*In the event the designated OWA is unable to process the appeal, another OWA will process the appeal using the same guidelines. If the designated OWA or other assigned deputy is unable to provide a response to the appeal request within three days, that official will notify both parties in writing within three days of receiving the request to provide an updated timeline for determining the status of the appeal.*

**2. Appeals Procedures.** If an appeal is granted and sent back to the panel, the panel will review the appeals document, any instructions or comments on the granting of appeal by the designated OWA, and any written or taped documentation regarding the original deliberation, as needed. The panel may confine their review to written or taped documentation only. However, they may speak with any student or employee involved with the investigative process for more information or clarification. The panel will respond in writing within five (5) calendar days of receiving the appeal from the OWA, unless extenuating circumstances exist, in which case the parties will be notified of the modified timeline.

**3. Response to the Appeal.** An appeal may be referred to the original panel or, at the discretion of the designated OWA, a new panel may be assigned the appeal. The assigned panel may take the following action:

- a. Uphold their original decision.
- b. Increase their original sanction.
- c. Decrease their original sanction.
- d. Change the finding of responsibility.

**4. Finality of Appeals.** Decisions made by the designated official and/or the panel are final.

### **Student Rights & Options**

Discrimination proceedings must be conducted by officials who do not have a conflict of interest or bias for or against either party. Requests for recusal of the OWA presiding over the case should be submitted to the President of the College who will assign the task of determining the merit of the recusal to another appropriate OWA for consideration.

**The right to one Advisor of your choosing.** Students must provide the name of their Advisor to the investigator as soon as one is selected. Students may change their Advisor at any time during the process provided they notify the investigator immediately. Advisors may accompany a complainant or respondent to any meeting related to the discrimination case. During the investigation the advisor's role is limited to providing support and private advice and consultation to the student who is a complainant or respondent. Advisors may review the investigative packet, but are not permitted to copy or record materials in any way. The advisor may not directly question or submit information on behalf of the advisee. The investigator will communicate directly with complainants and respondents. The advisor may assist the student in preparation of his or her complaint/response. In addition to these specific guidelines, advisors must follow the timelines and conduct procedures provided to their advisees. The identity of the Advisor will not be withheld from either party. Advisors

may be asked to leave any meeting in which their conduct is unprofessional or disrespectful of College officials and if the guidelines for advisor conduct outlined here are not followed.

Process A: Once the complaint reaches the live hearing, advisors will be responsible for conducting cross-examination of the opposing party and witnesses. Complainants and Respondents will NOT be permitted to cross-examine any participating parties during the live hearing.

Process B: Advisors may not participate in examination of witnesses or presentation of materials or information to the panel members, investigator or appeals person.

**Present evidence by witness.** Non-members of the Hendrix community may be interviewed or present written statements pertinent to the charges in question. If witnesses fail to respond to requests for information or reasonable attempts to conduct interviews or collect statements, the process will progress without that information. Evidence must be pertinent to the charges in question. Character witnesses are not allowed.

**Right to Know Outcome and Sanctions.** The complainant and respondent will receive the outcome and sanctions (when applicable) in writing at the same time. Notification of the outcome will be sent within two (2) calendar days of the decision of the panel. If an appeal is filed and accepted, the Complainant and Respondent will receive notice of the appeal in writing at the same time and will receive notice of the final outcome in writing at the same time. Third party reporters will not be notified regarding the outcome of a misconduct case.

If the victim is deceased as a result of the violation, the Title IX Office will provide the finding(s) to the victim's next of kin, if so requested in writing.

**Right to Appeal.** Both the complainant and the respondent have a right to appeal an outcome. A written request for appeal must be submitted to the designated official within three (3) calendar days after a conduct decision is rendered. The decision rendered during the appeal is final. There is no appeal of appeals. (For more information on appeals please see the appropriate policy section.)

**Right to not participate.** Any party may choose not to participate in an investigation or appeal; however, their exercise of that option will not preclude the investigating official, from making a determination regarding the complaint filed against the respondent. Students will be notified by the investigating official If the process is moving forward without their participation.

Parties to an investigation are expected to respond to the Investigator/administrator within a reasonable timeframe. Failing to respond will NOT stop an investigation from proceeding. Any party provided proper notice of proceedings but fails to respond to requests to meet with the Title IX investigator fails to otherwise cooperate with the investigation, absent extenuating circumstances, that party will be deemed to have waived their opportunity to participate in the investigation.

**Right to Refuse to Submit to Cross-Examination and Inferences.** If a party or witness chooses not to submit to cross-examination at the hearing, either because they do not attend the meeting, or they attend but refuse to participate in questioning, then the Panel can only rely on whatever relevant evidence is available through the investigation and hearing in making the ultimate determination of responsibility. The Panel 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.

The complainant has the right to:

**Be Notified When a Complaint is Delivered to Respondent(s).** Complainants are notified when a notice of allegations is delivered to the Respondent(s).

The respondent has the right to:

**Be Charged with a Specific Violation of College Policies.** Respondents have the right to be heard and defend themselves against allegations by participating in an investigation. In order to adequately prepare their case, it is the right of the Respondent to answer only the policy violations with which they have been charged.

## Definitions

### **Sexual Misconduct Offenses include, but are not limited to:**

1. Sexual Harassment
2. Dating Violence
3. Domestic Violence
4. Stalking
5. Sexual Exploitation

### **Sexual Harassment**

The 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. Hendrix College has adopted the following definition of Sexual Harassment in order to address the unique environment of an academic community.

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. Sexual Harassment, as an umbrella category, includes the offenses of sexual harassment, sexual assault, domestic violence, dating violence, and stalking, and is defined as:

Conduct on the basis of sex/gender or that is sexual that satisfies one or more of the following:

- 1) Quid Pro Quo:
  - a. an employee of the Hendrix College,
  - b. conditions<sup>2</sup> the provision of an aid, benefit, or service of the Hendrix College,
  - c. on an individual's participation in unwelcome sexual conduct.
  
- 2) Sexual Harassment:
  - 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 person equal access to the Hendrix College's education program or activity.<sup>3</sup>
  
- 3) Sexual assault, defined as:
  - o Sex Offenses, Forcible:

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<sup>2</sup> Implicitly or explicitly.

<sup>3</sup> 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.

- Any sexual act<sup>4</sup> directed against another person<sup>5</sup>,
- without the consent of the Complainant,
- including instances in which the Complainant is incapable of giving consent.<sup>6</sup>

b) Sex Offenses, Non-forcible:

- Incest:
  - 1) Non-forcible sexual intercourse,
  - 2) between persons who are related to each other,
  - 3) within the degrees wherein marriage is prohibited by Arkansas law.
- Statutory Rape:
  - 1) Non-forcible sexual intercourse,
  - 2) with a person who is under the statutory age of consent of 16.

4. Dating Violence, defined as:

- a. violence,

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<sup>4</sup> A ‘sexual act’ is specifically defined by federal regulations to include one or more of the following:

Non-consensual Sexual Intercourse:

- 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 the consent of the Complainant.

Forcible Sodomy:

- Oral or anal sexual intercourse with another person,
- forcibly,
- and/or against that person’s will (non-consensually), or
- not forcibly or against the person’s will in instances in which the Complainant is incapable of giving consent because of age<sup>#</sup> or because of temporary or permanent mental or physical incapacity.

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 another person,
- forcibly,
- and/or against that person’s will (non-consensually),
- or not forcibly or against the person’s 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.

Non-consensual Sexual Contact:

- The touching of the private body parts of another person (buttocks, groin, breasts),
- for the purpose of sexual gratification,
- forcibly,
- and/or against that person’s will (non-consensually),
- or not forcibly or against the person’s 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.

<sup>5</sup> This would include having another person touch you sexually, forcibly, or without their consent.

<sup>6</sup> This definition set is not taken from SRS/NIBRS verbatim. ATIXA has substituted Complainant for “victim,” has removed references to his/her throughout, has defined “private body parts,” has removed the confusing and unnecessary term “unlawfully,” and has inserted language clarifying that the Hendrix College interprets “against the person’s will” to mean “non-consensually.” These are liberties ATIXA thinks are important to take with respect to the federal definitions, but users should consult legal counsel before adopting them.

- 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—
  - ii. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
  - iii. Dating violence does not include acts covered under the definition of domestic violence.

5) Domestic Violence, defined as:

- e. violence,
- f. on the basis of sex,
- g. committed by a current or former spouse or intimate partner of the Complainant,
- h. by a person with whom the Complainant shares a child in common, or
- i. by a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner, or
- j. by a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of Arkansas, or
- k. by any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of Arkansas.

\*To categorize an incident as Domestic Violence, 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:

- l. engaging in a course of conduct,
  - m. on the basis of sex,
  - n. directed at a specific person, 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—
- (i) 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.

(ii) Reasonable person means a reasonable person under similar circumstances

and with similar identities to the Complainant.

(iii) Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

### **Force, Coercion, Consent, and Incapacitation**

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," "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.

#### **Consent is:**

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

Individuals may 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. 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 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.

Proof of consent or non-consent is not a burden placed on either party involved in an incident. Instead, the burden remains on Hendrix College to determine whether its policy has been violated. 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 incident occurred and any similar, previous patterns that may be evidenced.

Consent in relationships must also be considered in context. When parties consent to BDSM<sup>7</sup> or other forms of kink, non-consent may be shown by the use of a safe word. Resistance, force, violence, or even saying “no” may be part of the kink and thus consensual, so Hendrix College’s evaluation of communication in kink situations should be guided by reasonableness, rather than strict adherence to policy that assumes non-kink relationships as a default.

**Incapacitation:** A person cannot consent if they are unable to understand what is happening or is disoriented, helpless, asleep, or unconscious, for any reason, including by alcohol or other drugs. 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. “Should have known” is an objective, reasonable person standard that assumes that a reasonable person is both sober and exercising sound 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, blackout, and/or being drunk.

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<sup>7</sup> Bondage, discipline/dominance, submission/sadism, and masochism.

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 drugs.

### **Other Civil Rights Offenses**

In addition to the forms of sexual harassment described above, which are covered by Title IX, Hendrix College 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 membership in a protected class.

- Sexual Exploitation, defined as: taking non-consensual or abusive sexual advantage of another for their own benefit or for the benefit of anyone other than the person being exploited, and 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)
  - Invasion of sexual privacy.
  - 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, without the consent of all involved in the activity, or exceeding the boundaries of consent (such as allowing another person to hide in a closet and observe sexual activity, or disseminating sexual pictures without the photographed person's consent), including the making or posting of revenge pornography
  - 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 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
  - 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;

- Discrimination, defined as actions that deprive, limit, or deny other members of the community of educational or employment access, benefits, or opportunities;
- Intimidation, defined as implied threats or acts that cause an unreasonable fear of harm in another;
- Hazing, defined as acts likely to cause physical or psychological harm or social ostracism to any person within the Hendrix College community, when related to the admission, initiation, pledging, joining, or any other group-affiliation activity
- Bullying, defined as:
  - Repeated and/or severe
  - Aggressive behavior
  - Likely to intimidate or intentionally hurt, control, or diminish another person, physically and/or mentally

Violation of any other Hendrix College policies may constitute a Civil Rights Offense when a violation is motivated by actual or perceived membership in a protected class, 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 reprimand through expulsion/termination.

### **Education/Awareness/Resources**

Hendrix College provides programming to students and employees to prevent sex offenses, dating violence, domestic violence, and stalking. These programs include primary prevention awareness programs directed at incoming students and new employees and ongoing prevention and awareness campaigns directed at students and employees. We are committed to providing such programs that are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research or assessed for value, effectiveness, or outcome. In planning and implementing these programs we consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community, and societal levels.

These programs are sponsored by diverse departments and organizations on campus. For example, the Human Resources department provides programming for incoming employees. The Office of Student Activities and the Dean of Students Office provides programming for incoming students. Ongoing programming is provided by these departments and other departments and organizations throughout campus, including Residence Life, the Coalition on Gender and Sexuality, and Counseling Services. Examples of programming include freshmen orientation events Choices 101 and 102, sexual harassment training provided to employees, including student employees, the Take Back the Night event, and the posting and distribution of informational posters and brochures.

## **If you believe you have experienced discrimination:**

**1. Get to a Safe Place Quickly** - If the perpetrator is still in the area, or their presence on campus is threatening, call the Hendrix Public Safety Department (501-450-7711), call the Conway Police Department (911), or use a blue light emergency phone.

**2. Contact Someone to Help** - Contacting a supportive friend or family member, or a professional resource can be helpful when recovering from misconduct.

### **On-campus resources:**

Hendrix College Public Safety – 501-450-7711 (24/7)

Counseling Services 501-450-1448 (there is no charge for this service)

Hendrix Medical Clinic – 501-852-1366, 1700 Altus St. Suite 110

[Conway Regional Hendrix Medical Clinic](#)

Chaplain's Office – 501-450-1263

Hendrix Title IX – [title9@hendrix.edu](mailto:title9@hendrix.edu), 501-505-2901

Dean of Students Office – 501-450-1222

Residential Life Professional Staff – 501-450-1416

Dr. Allison Vetter, Title IX Coordinator – [title9@hendrix.edu](mailto:title9@hendrix.edu); [vetter@hendrix.edu](mailto:vetter@hendrix.edu);

501.505.2901; SLTC 150

Shawn Goicoechea, Assistant Director of Human Resources and Deputy

Title IX Coordinator – [goicoechea@hendrix.edu](mailto:goicoechea@hendrix.edu); 501.450.1415;

1545 Washington Ave

Dr. Terri Bonebright, Provost – [bonebright@hendrix.edu](mailto:bonebright@hendrix.edu); 501.450.1273

Fausett Hall, 2<sup>nd</sup> floor

Jim Wiltgen, VP Student Affairs – [wiltgen@hendrix.edu](mailto:wiltgen@hendrix.edu); 501.450.1222;

SLTC 2<sup>nd</sup> floor Michael LeBlanc, Interim Assistant Dean of Students – [leblanc@hendrix.edu](mailto:leblanc@hendrix.edu);

501.450.1222; SLTC 2<sup>nd</sup> floor

Kesha Baoua, Interim VP for Diversity & Inclusion – [baoua@hendrix.edu](mailto:baoua@hendrix.edu);

501.450.3824; 104 Fausett Hall

Amy Weaver, Director of Athletics – [weaver@hendrix.edu](mailto:weaver@hendrix.edu); 501.450.3899; WAC 213

David Bugh, Interim Director of Public Safety – [bugh@hendrix.edu](mailto:bugh@hendrix.edu); 501.450.1467;

1600 Washington Ave

Vicki Lynn, VP of Human Resources – [lynn@hendrix.edu](mailto:lynn@hendrix.edu); 501.450.1494;

1545 Washington Ave

Ellis Arnold, President of the College – [arnold@hendrix.edu](mailto:arnold@hendrix.edu); 501.450-1351;

Fausett Hall 3<sup>rd</sup> floor

### **Off-campus resources:**

Arkansas Crisis Center – 1-888-274-7472

Rape Crisis Hotline (501-801-2700) or (877-432-5368)

Hope Rainn National Sexual Assault Hotline (800-656-4673)

Faulkner County Prosecuting Attorney's Victim Services Center (501-450-3051)

National Center for Victims of Crime [www.victimsofcrime.org](http://www.victimsofcrime.org)

24-hour Conway Women's Shelter Crisis Hotline (866-358-2265)

Arkansas Legal Services Partnership at (1-800-952-9243) or <http://www.arlegalservices.org/> or for legal assistance  
Child Abuse Hotline – 844-728-3224 or 800-482-5964

**3. Preserve Physical Evidence** – In addition to getting to a safe space, the college encourages individuals to preserve all evidence to assist the individual with their options of reporting. Preserving evidence may help prove an offense occurred and aid in obtaining a protection order. The following are tips for preserving evidence:

### **General Tips**

Do not alter, dispose of or destroy any physical evidence.

- Preserve evidence of electronic communications by saving them and/or by taking screenshots of text messages, instant messages, social networking pages or other electronic communications, and by keeping pictures, logs or copies of documents that relate to the incident and/or respondent.
- Even if complainants choose not to make a complaint regarding discrimination they should nevertheless consider speaking with **Hendrix Public Safety** or other law enforcement to preserve evidence in the event that they change their mind at a later date.

**4. Seek Timely Medical Attention** – If you have been injured, you are encouraged to go for a medical exam as soon as possible because injuries should be treated promptly and evidence deteriorates quickly.

Hendrix Medical Clinic  
1700 Altus St. Suite 110 (In the Village)  
Conway, AR 72032

[Conway Regional Hendrix Medical Clinic](#)

Conway Regional Health System  
2302 College Ave  
Conway, AR 72034  
[www.conwayregional.org](http://www.conwayregional.org)

Baptist Health Medical Center  
1555 Exchange Ave  
Conway, AR 72032  
[www.baptist-health.com](http://www.baptist-health.com)

Conway Regional Women's Center  
[Conway Regional Renaissance Women's Center](#)  
501-513-5240

## **Specific to Gender-Based Misconduct**

### **Preserving Evidence:**

- If there is suspicion that a drink may have been drugged, inform a medical assistance provider and/or law enforcement as soon as possible so they can attempt to collect potential evidence (e.g., from the drink, through urine or blood sample).
- Do not change out of the clothing you were wearing at the time of your assault. If you must change, place your old clothes in a paper bag and do not wash it.
- Pack a change of clothes to bring to campus **Health Services** or a local hospital.
- Do not shower, bathe, brush teeth, eat, drink or change bedding before going to the hospital or seeking medical attention.

**Develop a safety plan:** If you are experiencing relationship violence, developing a safety plan is important. This includes changing your routine, arranging a place to stay, and having a friend or relative go places with you. Decide in advance what to do if the stalker or abuser shows up at your home, work, school, or somewhere else. Memorize important phone numbers, such as the people to contact or places to go in an emergency. Keep spare change, calling cards, or a cell phone handy for immediate access to communication. Have money available for transportation if you need to take a taxi to escape. For more information see: <https://www.domesticpeace.com/safety-plan>

### **Title IX Staff**

The Title IX Coordinator and Deputy Title IX Coordinator may be contacted simultaneously at: [title9@hendrix.edu](mailto:title9@hendrix.edu) ; [titleix@hendrix.edu](mailto:titleix@hendrix.edu) ; [titlenine@hendrix.edu](mailto:titlenine@hendrix.edu)

Or individually

Title IX Coordinator:

Dr. Allison Vetter, [vetter@hendrix.edu](mailto:vetter@hendrix.edu), SLTC 150, 501-505-2901

Title IX Deputy:

Shawn Goicoechea, [goicoechea@hendrix.edu](mailto:goicoechea@hendrix.edu), 1545 Washington Ave, 501-450-1415

You may also report to these Title IX Deputies:

Vicki Lynn, VP of Human Resources, [lynn@hendrix.edu](mailto:lynn@hendrix.edu)

Dr. Terri Bonebright, Provost of the College [bonebright@hendrix.edu](mailto:bonebright@hendrix.edu)

Jim Wiltgen, Dean of Students, [wiltgen@hendrix.edu](mailto:wiltgen@hendrix.edu)

Kesha Baoua, Interim VP for Diversity & Inclusion, [baoua@hendrix.edu](mailto:baoua@hendrix.edu)

Amy Weaver, Director of Athletics, [weaver@hendrix.edu](mailto:weaver@hendrix.edu)

### **Federal Timely Warning Reporting Obligations**

Victims of sexual misconduct should also be aware that college administrators must issue timely warnings for incidents reported to them that pose a substantial threat of bodily harm or danger to members of the campus community. The college will make every effort to ensure that a victim'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 danger.

### **Federal Statistical Reporting Obligations**

Certain campus officials – those deemed Campus Security Authorities - have a duty to report certain crimes, including but not limited to sexual assault, domestic violence, dating violence and stalking for federal statistical reporting purposes (Clery Act). All personally identifiable information is kept confidential, but statistical information must be passed along to campus law enforcement regarding the type of incident and its general location (on or off-campus, in the surrounding area, but no addresses are given) for publication in the Annual Security Report. This report helps to provide the community with a clear picture of the extent and nature of campus crime, to ensure greater community safety. Mandated federal reporters for reports of Clery crimes include: student/conduct affairs, campus law enforcement, local police, coaches, athletic directors, residence life staff, student activities staff, human resources staff, advisors to student organizations and any other official with significant responsibility for student and campus activities. The information to be shared includes the date, the location of the incident (using Clery location categories) and the Clery crime category. This reporting protects the identity of the victim and may be done anonymously.

### **How to Be an Active Bystander**

Bystanders play a critical role in the prevention of sexual and relationship violence. They are “individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up, or do something about it.”<sup>8</sup> We want to promote a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. We may not always know what to do even if we want to help. Below is a list<sup>9</sup> of some ways to be an active bystander. Further information regarding bystander intervention may be found. If you or someone else is in immediate danger, dial 911. This could be when a person is yelling at or being physically abusive towards another and it is not safe for you to interrupt.

1. Watch out for your friends and fellow students/employees. If you see someone who looks like they could be in trouble or need help, ask if they are ok.
2. Confront people who seclude, hit on, try to make out with, or have sex with people who are incapacitated.
3. Speak up when someone discusses plans to take sexual advantage of another person.
4. Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.
5. Refer people to on or off campus resources listed in this document for support in health, counseling, or with legal assistance.



### **For initiators of sexual activity**

If you find yourself in the position of being the initiator of sexual behavior, you owe sexual respect to your potential partner. These suggestions may help you to reduce your risk for being accused of sexual misconduct:

1. **DON'T MAKE ASSUMPTIONS** About consent; About someone's sexual availability; About whether they are attracted to you; About how far you can go; About whether they are physically and mentally able to consent to you;
2. Clearly communicate your intentions to your sexual partner and give them a chance to clearly relate their intentions to you.
3. Mixed messages from your partner should be a clear indication that you should step back, defuse the sexual tension, and communicate better. Perhaps you are misreading them. Perhaps they haven't figured out how far they want to go with you yet. You need to respect the timeline with which they are comfortable.
4. Don't take advantage of someone's drunkenness or drugged state, even if they did it to themselves.
5. Realize that your potential partner could be intimidated by you, or fearful. You may have a power advantage simply because of your gender or size. Don't abuse that power.
6. Understand that consent to some forms of sexual behavior does not necessarily imply consent to other forms of sexual behavior.
7. On this campus, silence and passivity cannot be interpreted by you as an indication of consent. Read your potential partner carefully, paying attention to verbal and nonverbal communication and body language.

### **Risk Reduction Tips**

With no intent to victim blame and recognizing that only abusers are responsible for their abuse, the following are some strategies to reduce one's risk of sexual assault or harassment (taken from Rape, Abuse, & Incest National Network, [www.rainn.org](http://www.rainn.org))

- If you have limits, make them known before things go too far.
- **Tell a sexual aggressor "NO"** clearly and loudly, like you mean it.
- Try to extricate yourself from the physical presence of a sexual aggressor.
- Grab someone nearby and ask for help.
- Be responsible for your alcohol intake/drug use and realize that alcohol/drugs lower your sexual inhibitions and may make you vulnerable to someone who views a drunk or high person as a sexual opportunity.
- **Be aware of incapacitating drugs** like Rohypnol and GHB. See the detailed information below or go to [www.911rape.org](http://www.911rape.org).
- **Be aware** of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.

- Try to **avoid isolated areas**. It is more difficult to get help if no one is around.
- **Walk with purpose**. Even if you don't know where you are going, act like you do.
- **Trust your instincts**. If a situation or location feels unsafe or uncomfortable, it probably isn't the best place to be.
- **Try not to load yourself down** with packages or bags as this can make you appear more vulnerable.
- **Make sure your cell phone is with you** and charged and that you have cab money.
- **Don't allow yourself to be isolated** with someone you don't trust or someone you don't know.
- **Avoid putting music headphones in both ears** so that you can be more aware of your surroundings, especially if you are walking alone.
- **When you go to a social gathering, go with a group of friends**. Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.
- **Trust your instincts**. If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.).
- **Don't leave your drink unattended** while talking, dancing, using the restroom, or making a phone call. If you've left your drink alone, just get a new one.
- **Don't accept drinks from people you don't know or trust**. If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don't drink from the punch bowls or other large, common open containers.
  - **Watch out for your friends, and vice versa**. If a friend seems out of it, is way too intoxicated for the amount of alcohol they've had, or is acting out of character, get him or her to a safe place immediately. A real friend will get in your face if you are about to make a mistake. Respect them if they do.
  - **If you suspect you or a friend has been drugged, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.)**. Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).
- If you need to get out of an uncomfortable or scary situation here are some things that you can try:
  - **Remember that being in this situation is not your fault**. You did not do anything wrong, it is the person who is making you uncomfortable that is to blame.
  - **Be true to yourself**. Don't feel obligated to do anything you don't want to do. "I don't want to" is always a good enough reason. Do what feels right to you and what you are comfortable with.
  - **Have a code word with your friends or family** so that if you don't feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.
  - **Lie**. If you don't want to hurt the person's feelings it is better to lie and make up a reason to leave than to stay and be uncomfortable, scared, or worse.

Some excuses you could use are: needing to take care of a friend or family member, not feeling well, having somewhere else that you need to be, etc.

- **Try to think of an escape route.** How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you? Is there an emergency phone nearby?
- **If you and/or the other person have been drinking,** you can say that you would rather wait until you both have your full judgment before doing anything you may regret later.

### **Legal Definitions**

This section is for reference only and definitions in this policy are independent of state and federal legal definitions. All conduct processes address violations of Hendrix College Student handbook and are not intended to take the place of criminal proceedings. In the event that a student would like to pursue criminal charges they may do so without interfering with or otherwise altering any above mentioned process or rights. The Title Investigator (501-505-2901) or Public Safety (501-450-7711) will assist students who wish to make a report to law enforcement at the request of the student.

**Arkansas state law definitions pertaining to sexual assault, domestic violence, dating violence, and stalking. THESE ARE THE DEFINITIONS USED FOR LAW ENFORCEMENT. These definitions do NOT apply to the College's definitions of prohibited conduct.**

Sexual Assault - is a generic term that is defined as any involuntary sexual act in which a person is threatened, coerced, or forced to engage against his/her will to include (but not limited to rape, acquaintance rape, date rape, and gang rape).

Arkansas legal definition of rape - A person commits rape if he/she engages in sexual intercourse or deviant sexual activity with another person: (a) by forcible compulsion; (b) who is incapable of consent because he/she is physically helpless; or, (c) who is less than fourteen (14) years old (the assailant must be two years older than the victim for this to apply); or (d) where the victim is less than sixteen (16) years old and is incapable of consent because of being mentally defective or mentally incapacitated. Rape is a Class Y 114 felony.

Arkansas legal definition of sexual misconduct – A person commits sexual misconduct if he/she engages in sexual intercourse or deviate sexual activity with another person not his/her spouse who is less than sixteen (16) years old. Sexual misconduct is a Class B misdemeanor.

Acquaintance rape refers to a rape committed by a non-stranger who is known to the victim, and can include a friend, acquaintance, family member, neighbor, classmate, or co-worker.

Date rape refers to a type of acquaintance rape where the victim has consented to accompany or go on a date with the perpetrator.

Gang rape is a rape that involves more than one perpetrator.

The Arkansas statute on rape is genderless, which means that both men and women can be rape victims and perpetrators. Sexual assault can occur whenever consent is not freely given by the victim; whenever the victim fears that he/she will be injured if he/she does not submit; whenever the victim is incapable of giving consent or resisting due to alcohol or drugs; and whenever the perpetrator uses physical force, threat, coercion, or intimidation to overpower the victim.

Incest occurs when a person, being sixteen (16) years of age or older, purports to marry, has sexual intercourse with, or engages in deviate sexual activity with another person sixteen (16) years of age or older whom the actor knows to be: **(1)** An ancestor or a descendant; **(2)** A stepchild or adopted child; **(3)** A brother or sister of the whole or half-blood; **(4)** An uncle, aunt, nephew, or niece; or **(5)** A step grandchild or adopted grandchild. Incest is a Class C felony.

### **Sexual Assault**

Sexual assault in the first degree occurs when the person engages in sexual intercourse or deviate sexual activity with a minor who is not the actor's spouse and the actor is **(A)** Employed with the Department of Correction, the Department of Community Correction, the Department of Human Services, or any city or county jail or a juvenile detention facility, and the victim is in the custody of the Department of Correction, the Department of Community Correction, the Department of Human Services, any city or county jail or juvenile detention facility, or their contractors or agents; **(B)** A mandated reporter under § 12-18-402(b) and is in a position of trust or authority over the victim and uses the position of trust or authority to engage in sexual intercourse or deviate sexual activity; or **(C)** An employee in the victim's school or school district, a temporary caretaker, or a person in a position of trust or authority over the and uses his or her position of trust or authority over the victim to engage in sexual intercourse or deviate sexual activity. Sexual assault in the first degree is a Class A felony.

Sexual assault in the second degree occurs when (a) A person (1) Engages in sexual contact with another person by forcible compulsion; (2) Engages in sexual contact with another person who is incapable of consent because he or she is: Physically helpless; Mentally defective; or Mentally incapacitated; (3) Being eighteen (18) years of age or older, engages in sexual contact with another person who is: Less than fourteen (14) years of age; and not the person's spouse. Sexual assault in the second degree is a Class B felony.

Sexual assault in the second degree is a Class D felony if committed by a minor with another person who is: Less than fourteen (14) years of age; and not the person's spouse.

Sexual assault in the third degree occurs when a person engages in sexual intercourse or deviate sexual activity with another person who is not the actor's spouse, and the actor is: **(A)** Employed with the Department of Correction, Department of Community Correction, Department of Human Services, or any city or county jail, and the victim is in the custody of the Department of Correction, Department of Community Correction, Department of Human Services, or any city or county jail; **(B)** Employed or contracted with or otherwise providing services, supplies, or supervision to an agency maintaining custody of inmates,

detainees, or juveniles, and the victim is in the custody of the Department of Correction, Department of Community Correction, Department of Human Services, or any city or county jail; or (C) A mandated reporter under § 12-18-402(b) or a member of the clergy and is in a position of trust or authority over the victim and uses the position of trust or authority to engage in sexual intercourse or deviate sexual activity; or being a minor, engages in sexual intercourse or deviate sexual activity with another person who is: less than fourteen (14) years of age; and not the person's spouse. Sexual assault in the third degree is a Class C felony.

Sexual assault in the fourth degree occurs when a person being twenty (20) years of age or older: **(A)** Engages in sexual intercourse, deviate sexual activity, or sexual contact with another person who is: less than sixteen (16) years of age; and not the person's spouse; or Sexual assault in the fourth degree under subdivisions (a)(1)(A) and (a)(2) is a Class D felony. Sexual assault in the fourth degree under subdivision (a)(1)(B) is a Class A misdemeanor if the person engages only in sexual contact with another person as described in subdivision (a)(1)(B).

### **Domestic Violence**

#### Domestic battering in the first degree.

**(a)** A person commits domestic battering in the first degree if: **(1)** With the purpose of causing serious physical injury to a family or household member, the person causes serious physical injury to a family or household member by means of a deadly weapon; **(2)** With the purpose of seriously and permanently disfiguring a family or household member or of destroying, amputating, or permanently disabling a member or organ of a family or household member's body, the person causes such an injury to a family or household member; **(3)** The person causes serious physical injury to a family or household member under circumstances manifesting extreme indifference to the value of human life; **(4)** The person knowingly causes serious physical injury to a family or household member he or she knows to be sixty (60) years of age or older or twelve (12) years of age or younger; or **(5)** The person: **(A)** Commits any act of domestic battering as defined in § 5-26-304 or § 5-26-305; and **(B)** For conduct that occurred within the ten (10) years preceding the commission of the current offense, the person has on two (2) previous occasions been convicted of any act of battery against a family or household member as defined by the laws of this state or by the equivalent laws of any other state or foreign jurisdiction. Domestic battering in the first degree is a Class B felony.

However, domestic battering in the first degree is a Class A felony upon a conviction under subsection (a) of this section if: **(A)** Committed against a woman the person knew or should have known was pregnant; or **(B)** The person committed one (1) or more of the following offenses within five (5) years of the offense of domestic battering in the first degree: Domestic battering in the first, second, or third degree or a violation of an equivalent penal law of this state or of another state or foreign jurisdiction.

#### Domestic battering in the second degree.

**(a)** A person commits domestic battering in the second degree if: **(1)** With the purpose of causing physical injury to a family or household member, the person causes serious physical

injury to a family or household member; **(2)** With the purpose of causing physical injury to a family or household member, the person causes physical injury to a family or household member by means of a deadly weapon; **(3)** The person recklessly causes serious physical injury to a family or household member by means of a deadly weapon; or **(4)** The person knowingly causes physical injury to a family or household member he or she knows to be sixty (60) years of age or older or twelve (12) years of age or younger. Domestic battering in the second degree is a Class C felony.

However, domestic battering in the second degree is a Class B felony if: **(A)** Committed against a woman the person knew or should have known was pregnant; **(B)** The person committed one (1) or more of the following offenses within five (5) years of the offense of domestic battering in the second degree: Domestic battering in the first, second, or third degree or a violation of an equivalent penal law of this state or of another state or foreign jurisdiction or **(C)** The person committed two (2) or more offenses of battery against a family or household member as defined by a law of this state or by an equivalent law of any other state or foreign jurisdiction within ten (10) years of the offense of domestic battering in the second degree.

#### Domestic battering in the third degree.

**(a)** A person commits domestic battering in the third degree if: **(1)** With the purpose of causing physical injury to a family or household member, the person causes physical injury to a family or household member; **(2)** The person recklessly causes physical injury to a family or household member; **(3)** The person negligently causes physical injury to a family or household member by means of a deadly weapon; or **(4)** The person purposely causes stupor, unconsciousness, or physical or mental impairment or injury to a family or household member by administering to the family or household member, without the family or household member's consent, any drug or other substance.

Domestic battering in the third degree is a Class A misdemeanor.

However, domestic battering in the third degree is a Class D felony if: **(A)** Committed against a woman the person knew or should have known was pregnant; **(B)** The person committed one (1) or more of the following offenses within five (5) years of the offense of domestic battering in the third degree: Domestic battering in the first, second, or third degree or a violation of an equivalent penal law of this state or of another state or foreign jurisdiction, aggravated assault on a family or household member, § 5-26-306; or **(C)** The person committed two (2) or more offenses of battery against a family or household member as defined by a law of this state or by an equivalent law of any other state or foreign jurisdiction within ten (10) years of the offense of domestic battering in the second degree.

#### **Dating Violence**

Dating violence: Arkansas state statutes do not address dating violence separately from domestic violence and assault and battery.

#### **Stalking**

**(a) (1)** A person commits stalking in the first degree if he or she knowingly engages in a course of conduct that would

**(b)** place a reasonable person in the victim's position under

emotional distress and in fear for his or her safety or a third person's safety, and the actor: **(A)** Does so in contravention of an order of protection consistent with the Domestic Abuse Act of 1991, § 9-15-101 et seq., or a no contact order as set out in subdivision (a)(2)(A) of this section, protecting the same victim, or any other order issued by any court

protecting the same victim; **(B)** Has been convicted within the previous ten (10) years of:**(i)** Stalking in the second degree; **(ii)** Terroristic threatening, § 5-13-301 or terroristic act, § 5- 13-310; or **(iii)** Stalking or threats against another person's safety under the statutory provisions of any other state jurisdiction; or **(C)** Is armed with a deadly weapon or represents by word or conduct that he or she is armed with a deadly weapon.

Stalking in the first degree is a Class C felony.

**(c) (1)** A person commits stalking in the second degree if he or she knowingly engages in a course of conduct that harasses another person and makes a terroristic threat with the purpose of placing that person in imminent fear of death or serious bodily injury or placing that person in imminent fear of the death or serious bodily injury of his or her immediate family. Stalking in the second degree is a Class D felony.

**(d) (1)** A person commits stalking in the third degree if he or she knowingly commits an act that would place a reasonable person in the victim's position under emotional distress and in fear for his or her safety or a third person's safety. Stalking in the third degree is a Class A misdemeanor.

In the National Incident-Based Reporting System User Manual from the FBI UCR Program, non-consensual sexual intercourse is referred to as **Rape** and is defined as the 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 the consent of the victim.

In the National Incident-Based Reporting System User Manual from the FBI UCR Program, non-consensual sexual contact is referred to as **Fondling** and is defined as the touching of the private parts of another person for the purposes of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

### **Sex Offender Registry**

The campus community should contact the Conway Police Department (501-450-6120) for listings and information regarding registered sex offenders, or visit the Arkansas Crime Information Center at: <http://acic.org/offender-search/index.php>

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## **Hendrix College Title IX Policy (August 2022-December 2022)**

### Glossary

**Advisor** a person chosen by a party or appointed by the institution 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.

**Complainant** an individual who is alleged to be the victim of conduct that could constitute harassment or discrimination based on a protected class; or retaliation for engaging in a protected activity.

**Complaint (formal)** a document filed/signed by a Complainant or signed by the Title IX Coordinator alleging harassment or discrimination based on a protected class or retaliation for engaging in a protected activity against a Respondent and requesting that Hendrix College investigate the allegation.

**Confidential Resource** an employee who is not a Mandated Reporter of notice of harassment, discrimination, and/or retaliation (irrespective of Clery Act Campus Security Authority status).

**Day** a business day when Hendrix College is in normal operation.

**Directly Related Evidence** documentation connected to the complaint but is neither inculpatory (tending to prove a violation) nor exculpatory (tending to disprove a violation) and will not be relied upon by the investigation report.

**Education program or activity** locations, events, or circumstances where Hendrix College exercises substantial control over both the Respondent and the context in which the sexual harassment or discrimination occurs and includes any building owned or controlled by a student organization that is officially recognized by Hendrix College.

**Final Determination** a conclusion by the preponderance of the evidence that the alleged conduct occurred and whether it did or did not violate policy.

**Finding** a conclusion by the preponderance of the evidence that the conduct did or did not occur as alleged.

**Formal Complaint** a document or electronic submission that contains the Complainant's physical or digital signature, or otherwise indicates that the Complainant is the person filing the complaint, and requests that the Title IX Office investigate the allegations. If notice is submitted in a form that does not meet this standard, the Title IX Coordinator will contact the Complainant to ensure that it is filed correctly.

**Formal Grievance Process or Process A** the method of formal resolution designated by Hendrix College to address conduct that falls within the policies included below, and which complies with the requirements of 34 CFR Part 106.45.

**Hearing Decision-maker or Hearing Panel Chair** those who have decision-making and sanctioning authority within the Hendrix College Title IX Formal Grievance process.

**Hearing Panel** Pool membership maintains at least three full-time faculty and staff of the College who have been nominated by the Title IX Coordinator or Deputy Title IX Coordinator, and who have been adequately trained within 12 months of the start of panel deliberation. The Pool is used to comprise the Hearing Panel.

**Informal Resolution** a complaint resolution approved by the Parties that occurs prior to a formal Final Determination being reached.

**Investigator** the Title IX Coordinator serves as the investigator for Title IX allegations involving student respondent(s), anonymous reports, and all others not involving an employee respondent. The Deputy Title IX



Coordinator serves as the investigator for allegations involving employee respondent(s). The investigator is responsible for gathering facts about an alleged violation of this Policy, assessing relevance and credibility, synthesizing the evidence, and compiling this information into an investigation report and file of directly related evidence.

**Mandated Reporter** an employee of Hendrix College who is obligated by policy to *immediately* share knowledge, notice, and/or reports of harassment, discrimination, and/or retaliation with the Title IX Coordinator.

**Notice** occurs when an employee, student, or third-party informs the Title IX Coordinator or other Official with Authority (OWA) of the alleged occurrence of harassing, discriminatory, and/or retaliatory conduct.

**Official with Authority (OWA)** means an employee of Hendrix College explicitly vested with the responsibility to implement corrective measures for harassment, discrimination, and/or retaliation on behalf of Hendrix College.

**Parties** include the Complainant(s) and Respondent(s) collectively.

**Process A or the Formal Grievance Process** detailed below and defined above.

**Process B** the administrative resolution procedures detailed in the Student Code of Conduct or Employee Handbook that only apply when Process A does not, as determined by the Title IX Coordinator.

**Pregnant and parenting protections** afforded to students and employees. NOT CHILD CARE. Includes termination of pregnancy.

**Hendrix College** means a postsecondary education program that is a Hendrix College of federal funding, such as Hendrix College.

**Relevant Evidence** is evidence that tends to prove (inculpatory) or disprove (exculpatory) an issue in the complaint.

**Remedies** post-finding actions directed to the Complainant and/or the community as mechanisms to address safety, prevent recurrence, and restore access to Hendrix College's educational program.

**Respondent** 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.

**Resolution** the result of an Informal Resolution or Formal Grievance Process.

**Retaliation** Hendrix College and any member of Hendrix College'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.

**Sanction** means a consequence imposed by Hendrix College on a Respondent who is found to have violated this Policy.

**Sexual Harassment** the umbrella category including the offenses of sexual harassment, sexual assault, stalking, and dating violence and domestic violence.

**Title IX Coordinator** official designated by Hendrix College to ensure compliance with Title IX and Hendrix College’s Title IX program. References to the Title IX Coordinator throughout this policy may also encompass a designee, specifically the Deputy Title IX Coordinator.

**Witness** persons identified by either party as having information directly related to the alleged Title IX policy violations.

## **Rationale for policy**

Hendrix College 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.

Hendrix College 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, state, and local 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, Hendrix College 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 a protected characteristic, and for allegations of retaliation.

## **Applicable Scope**

The core purpose of this policy is the prohibition of all forms of discrimination. Sometimes, discrimination involves exclusion from activities, such as admission, athletics, or employment. Other times, discrimination takes the form of harassment or, in the case of sex-based discrimination, can encompass sexual harassment, sexual assault, stalking, sexual exploitation, dating violence or domestic violence. When an alleged violation of this anti-discrimination policy is reported, the allegations are subject to resolution using “Process A” or “Process B,” as determined by the Title IX Coordinator and as detailed below.

When the Respondent is a member of the Hendrix College community, a grievance process may be available regardless of the status of the Complainant, who may or may not be a member of the Hendrix College community. This community includes, but is not limited to, students, student organizations, faculty, administrators, staff, and third parties such as guests, visitors, volunteers, 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.

Hendrix College recognizes that reports and/or Formal Complaints under this Policy may include multiple forms of discrimination and harassment as well as violations of other Hendrix College policies; may involve various combinations of students, employees, and other members of the Hendrix College community; and may require the simultaneous attention of multiple Hendrix College departments. Accordingly, all Hendrix College departments will share information, combine efforts, and otherwise collaborate, to the maximum extent permitted by law and consistent with other applicable Hendrix College policies, to provide uniform, consistent, efficient, and effective responses to alleged discrimination and harassment or retaliation.

## **Community Expectations**

All members of the Hendrix community are expected to conduct themselves in a manner that does not infringe upon the rights of others. This policy is intended to define community expectations and to establish a

mechanism for determining when those expectations have been violated. Upon notice of gender or sex-based discrimination as described by this policy, appropriate measures will be taken to stop the conduct, remedy the effects on individuals and the Hendrix community, and prevent recurrence.

## **Title IX Coordinator**

The Hendrix College Title IX Coordinator, Dr. Jennifer Fulbright, can be reached at [Fulbright@hendrix.edu](mailto:Fulbright@hendrix.edu) or 501-505-2901 and offices on campus at the Student Life and Technology Center #150. The Title IX Coordinator has the primary responsibility for coordinating efforts related to the intake, initial assessment, investigation, resolution, and implementation of supportive measures to stop, remediate, and prevent discrimination, harassment, and retaliation prohibited under this Policy at Hendrix College.

The Title IX Coordinator serves as the investigator for Title IX allegations involving student respondent(s), anonymous reports, and all others not involving an employee respondent. The Deputy Title IX Coordinator serves as the investigator for allegations involving employee respondent(s). The investigator is responsible for gathering facts about an alleged violation of this Policy, assessing relevance and credibility, synthesizing the evidence, and compiling this information into an investigation report and file of directly related evidence.

***Independence and Conflict-of-Interest*** the Director of Title IX manages the Title IX Team and acts with independence and authority free from bias and conflicts of interest. The members of the Title IX Team are vetted and trained to ensure they are not biased for or against any party in a specific case, or for or against Complainants and/or Respondents, generally.

To raise any concern involving bias, conflict of interest, misconduct, or discrimination by the Director of Title IX contact the Vice President for Human Resources, Vicki Lynn, at [Lynn@hendrix.edu](mailto:Lynn@hendrix.edu) or (501) 450-1494.

To raise any concerns of bias, potential conflict of interest, misconduct, or discrimination by any other Title IX Team member or Official With Authority (OWA) should be raised with the Director of Title IX, Dr. Jennifer Fulbright, at [Fulbright@hendrix.edu](mailto:Fulbright@hendrix.edu) or 501-505-2901.

## **Administrative Contact Information**

Any member of the community who believes they have experienced gender or sex-based discrimination or misconduct that violates Hendrix College Title IX Policy should report that conduct in person, via email, telephone to:

Name: Dr. Jennifer Fulbright

Role: Director of Title IX & Title IX Coordinator

Office: Title IX Office, Student Life & Technology Center, #150

Phone: 501-505-2901

Email: [fulbright@hendrix.edu](mailto:fulbright@hendrix.edu)

In addition to the Title IX Coordinator, the following individuals have been designated by Hendrix College as Officials with Authority (OWA) to institute corrective measures on behalf of Hendrix College and may receive reports alleging possible policy violations. Once an OWA receives a report or notice of an alleged violation of the Hendrix College Title IX policy, that OWA shall immediately forward the information to the Title IX Coordinator for review. The OWA shall not initiate the investigation process or contact any other involved party.

Reports made to the Title IX Coordinator or any of the OWAs listed below constitute actual knowledge on behalf of Hendrix College of an allegation of a violation of the Title IX Sexual Harassment Policy.

Name: Bridgette Gray

Role: Human Resources Assistant Manager & Deputy Title IX Coordinator

Office: Human Resources, 1545 Washington Avenue

Phone: 501-450-1415

Email: [buchananl@hendrix.edu](mailto:buchananl@hendrix.edu)

Name: Vicki Lynn

Role: Vice President of Human Resources

Office: Human Resources, 1545 Washington Avenue

Phone: 501-450-3882

Email: [lynn@hendrix.edu](mailto:lynn@hendrix.edu)

Name: Dr. David Sutherland

Role: Interim Executive Vice President for Academic Affairs & Provost

Office: Fausett Hall, 2nd floor

Phone: 501-450-1254

Email: [sutherlandd@hendrix.edu](mailto:sutherlandd@hendrix.edu)

Name: Mike LeBlanc

Role: Acting Vice President for Student Affairs & Dean of Students;

Role: Director of Student Rights and Responsibilities

Office: Student Life & Technology Center, 2nd floor, #211

Phone: 501-450-1222

Email: [leblanc@hendrix.edu](mailto:leblanc@hendrix.edu)

Name: Kesha Baoua

Role: Vice President for Diversity and Inclusion & Chief Diversity Officer

Office: Student Life & Technology Center, 2nd floor

Phone: 501-450-3824

Email: [baoua@hendrix.edu](mailto:baoua@hendrix.edu)

Name: Amy Weaver

Role: Director of Athletics

Office: Wellness and Athletics Center, #213

Phone: 501-450-3899

Email: [weaver@hendrix.edu](mailto:weaver@hendrix.edu)

Name: David Bugh

Role: Director of Public Safety

Office: Office of Public Safety, 1553 Washington Avenue

Phone: 501-450-1467

Email: [Bugh@hendrix.edu](mailto:Bugh@hendrix.edu)

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](mailto:OCR@ed.gov)  
Web: <http://www.ed.gov/ocr>

Office for Civil Rights,  
Kansas City Office  
U.S. Department of Education  
One Petticoat Lane  
1010 Walnut Street, Suite 320  
Kansas City, MO 64106  
Telephone: (816) 268-0550  
Facsimile: (816) 268-0559  
[Email: OCR.KansasCity@ed.gov](mailto:OCR.KansasCity@ed.gov)

For complaints involving employee-on-employee conduct: [Equal Employment Opportunity Commission](#)

## **Faculty/Staff Relationships with Students**

The College does not wish to interfere with private choices regarding personal relationships when these relationships do not interfere with the goals and policies of the College. There are inherent risks in any romantic or sexual relationship between individuals in positions of unequal power (teacher and student, supervisor, and employee) *such as quid pro quo harassment*. These relationships may be less consensual than perceived by the individual whose position confers power. The relationship also may be viewed in different ways by each of the parties, particularly in retrospect. Furthermore, circumstances may change, and conduct that was previously welcome may become unwelcome. Even when both parties consented at the outset of a relationship to romantic or sexual involvement, this past consent *will not* remove grounds for a later charge of a violation of this policy. *For the personal protection of members of this community, relationships in which power differentials are inherent (faculty-student, staff-student) are strongly discouraged.*

Consensual romantic or sexual relationships in which one party maintains a direct supervisory or evaluative role over the other party are unethical. Therefore, persons with direct supervisory or evaluative responsibilities who are involved in such relationships must bring those relationships to the attention of their supervisor and Human Resources Deputy Title IX Coordinator Linda Buchanan at [buchananl@hendrix.edu](mailto:buchananl@hendrix.edu) or 510-450-1494 at the outset and will likely result in the removal of the employee from the supervisory or evaluative responsibilities or make changes to prevent an individual from being supervised or evaluated by someone with whom they have established a consensual relationship.

Failure to self-report such relationships as required is a violation of this policy and may result in disciplinary action for an employee. Employees are cautioned that in many circumstances an imbalance of power,

perceived or real, may occur in employee-student relationships. In such cases, consent is not an acceptable defense against an allegation of non-consensual sexual relationships.

*Any romantic relationship between two employees (regardless of supervisory capacity) or between an employee and student should be promptly Deputy Title IX Coordinator Linda Buchanan at [buchananl@hendrix.edu](mailto:buchananl@hendrix.edu) or 510-450-1494*

## **Notice/Complaints of Discrimination, Harassment, and/or Retaliation**

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

- File an incident report or Formal Complaint with, or give verbal notice to, the Title IX Coordinator, Dr. Jennifer Fulbright, at [Fulbright@hendrix.edu](mailto:Fulbright@hendrix.edu) or 501-505-2901. Such a report or Formal Complaint may be made at any time (including during non-business hours) by using the telephone number, email address, or by mail, to the office listed for the Title IX Coordinator or any OWA.
- 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. Hendrix College tries to provide supportive measures to all Complainants, which may be impossible with an anonymous report that does not identify the Complainant.
- A Formal Complaint means a document submitted or signed by the Complainant or signed by the appropriate OWA alleging a policy violation by a Respondent and requesting that Hendrix College investigate the allegation(s). A complaint may be filed with an OWA in person, by mail, or by electronic mail, by using the contact information in the section immediately above, or as described in this section. As used in this paragraph, the phrase “document filed by a Complainant” means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by the College) that contains the Complainant’s physical or digital signature, or otherwise indicates that the Complainant is the person filing the complaint, and requests that Hendrix College investigate the allegations.
- Because reporting carries no obligation to initiate a formal response, and because Hendrix College 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 Hendrix College to discuss and/or provide supportive measures.

## **Supportive Measures**

Hendrix College will offer and implement appropriate and reasonable supportive measures to the parties upon 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 Hendrix’s education program or activity, including measures designed to protect the safety of all parties and/or Hendrix College’s educational environment and/or to deter harassment, discrimination, and/or retaliation.

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

implemented supportive measures.

Hendrix College will maintain the confidentiality of the supportive measures, provided that does not impair Hendrix's ability to provide those supportive measures. Hendrix College will act to ensure as minimal an academic/occupational impact on the parties as possible. The Title IX Coordinator (student Respondents) or Deputy Title IX Coordinator (employee Respondents) 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 assistance
- Implementing contact limitations (no contact orders) between the parties
- Academic support, extensions of deadlines, or other course/program-related adjustments
- Trespass, Persona Non Grata (PNG), or Be-On-the-Lookout (BOLO) orders
- 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

Violations of no contact orders or other restrictions may be referred to appropriate student or employee conduct processes for enforcement or added as collateral misconduct allegations to an ongoing complaint under this Policy.

Any person who believes supportive measures are being violated should report the alleged violation in the same manner for reporting discrimination. Alleged violations of supportive measures may be investigated along with the underlying complaint of sexual misconduct, or separately, at the discretion of the Title IX Coordinator or Deputy Title IX Coordinator.

## **Emergency Removal**

Hendrix College can act to remove a student Respondent 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, in conjunction with appropriate authorities using its standard objective violence risk assessment procedures.

When an emergency removal is imposed, the student will be given notice of the action and the option to request to meet with the 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.

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. When this meeting is not requested in a timely manner, 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 determines it 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 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 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 processes, which may include expulsion or termination.

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

- removing a student from a residence hall
- temporarily re-assigning an employee
- restricting a student's or employee's access to or use of facilities or equipment
- allowing a student to withdraw or take incomplete grades without financial penalty
- authorizing an administrative leave
- suspending a student's participation in extracurricular activities, student employment, student organizational leadership, or intercollegiate/intramural/club athletics
- At the discretion of the Title IX Coordinator or Deputy Title IX Coordinator, alternative coursework options may be pursued to ensure as minimal an academic impact on the parties as possible.

## **Promptness**

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

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

## **Confidentiality/Privacy**

Every effort is made by Hendrix College to preserve the confidentiality of reports. Hendrix College 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 (FERPA) or its implementing regulations, 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.



Hendrix College reserves the right to determine which Hendrix College 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 not limited to: Division of Student Affairs, Hendrix College Public Safety, and Human Resources. Information will be shared as necessary with Investigators, Decision-makers, witnesses, and the parties. The circle of people with this knowledge will be kept as tight as possible to preserve the parties' rights and privacy.

## **Jurisdiction**

This Policy applies to the education program and activities of Hendrix College, to conduct that takes place on property owned or controlled by Hendrix College, at Hendrix College-sponsored events, and in buildings owned or controlled by Hendrix College's recognized student organizations. The Respondent must be a member of Hendrix College's community in order for this Policy to apply.

This Policy can also be applicable to the effects of off-campus misconduct that effectively deprives a person of access to Hendrix College's education program or activities. Hendrix College may also extend jurisdiction to off-campus and/or to online conduct when the Title IX Coordinator determines that the conduct affects a substantial Hendrix College interest.

Regardless of where the conduct occurred, Hendrix College 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 Hendrix College interest includes:

1. Any action that constitutes a criminal offense as defined by law. This includes, but is not limited to, single or repeat violations 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 Hendrix College.

If the Respondent is unknown or is not a member of the Hendrix College community, the Title IX Coordinator will assist the Complainant in identifying appropriate institutional and local resources and support options. If criminal conduct is alleged, Hendrix College can assist in contacting local or institutional law enforcement if the individual would like to file a police report.

Further, even when the Respondent is not a member of Hendrix College's community, supportive measures, remedies, and resources may be provided to the Complainant by contacting the Title IX Coordinator.

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

All vendors serving Hendrix College 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 can assist

the Complainant in liaising with the appropriate individual at that institution, as it may be possible to pursue action under that institution's policies.

Similarly, the Title IX Coordinator *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 Hendrix College where sexual harassment or nondiscrimination policies and procedures of the facilitating or host organization may give the Complainant recourse.

## **Time Limits on Reporting**

There is no time limitation on providing notice/complaints to the Title IX Coordinator. However, if the Respondent is no longer subject to Hendrix College's jurisdiction and/or significant time has passed, the ability to investigate, respond, and/or 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, who may document allegations for future reference, offer supportive measures and/or remedies, and/or engage in informal or formal action, as appropriate.

## **Online Harassment and Misconduct**

Hendrix College policies are written and interpreted broadly to include online manifestations of any of the behaviors prohibited below, when those behaviors occur in or have an effect on Hendrix College's education program and activities, or when they involve the use of Hendrix College networks, technology, or equipment.

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

Members of the Hendrix 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 Hendrix community.

Any online posting or other electronic communication by students, including cyber-bullying, cyber-stalking, cyber-harassment, etc., occurring completely outside of Hendrix College's control (e.g., not on Hendrix College networks, websites, or between Hendrix College 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.

## **Policy on Nondiscrimination**

Hendrix College adheres to all federal, state, and local civil rights laws and regulations prohibiting discrimination in private higher education institutions.

### ***Protected Characteristics***

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

- Race
- Religion
- Hearing status
- Personal appearance
- Color
- Sex
- Pregnancy
- Political affiliation
- Source of income
- Place of business
- Residence
- Religion
- Creed
- Ethnicity
- National origin (including ancestry)
- Citizenship status
- Physical or mental disability (including perceived disability)
- Age
- Marital status
- Family responsibilities
- Sexual orientation
- Gender identity
- Gender expression
- Veteran or military status (including disabled veteran; recently separated veteran; active-duty, wartime, or campaign badge veteran; and Armed Forces Service Medal veteran)
- Predisposing genetic characteristics
- Domestic violence victim status
- Height
- Weight
- or any other protected characteristic under applicable local, state, or federal law, including protections for those opposing discrimination or participating in any grievance process within the institution, with the Equal Employment Opportunity Commission, and/or other human/civil rights agencies

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

When brought to the attention of Hendrix College, any such discrimination will be promptly and fairly addressed and remedied by Hendrix College according to the applicable grievance process described below.

***Inclusion Related to Gender Identity/Expression***

Hendrix College strives to ensure that all individuals are safe, included, and respected in their working and learning environments, regardless of their gender identity or expression, including intersex, transgender, agender, and gender diverse students and employees.

Discrimination on the basis of gender identity or expression is not tolerated by Hendrix College. If a member of the Hendrix College community feels they have been subjected to discrimination under this Policy, they should follow the appropriate reporting/Formal Complaint process described herein.

In upholding the principles of equity and inclusion, Hendrix College supports the full integration and healthy development of those who are transgender, transitioning, or gender diverse, and seeks to eliminate any stigma related to gender identity and expression.

Hendrix College is committed to fostering a climate where all identities are valued and create a more vibrant and diverse community. The purpose of this Policy is to have Hendrix College administratively address issues some students and employees, including those identifying as intersex, transgender, agender, and gender diverse, may confront as they navigate systems originally designed around the assumption that gender is binary. As our society's understanding of gender evolves, so do Hendrix College's processes and policies.

Concepts like misgendering and deadnaming may not be familiar to all but understanding them is essential to Hendrix College's goal of being as welcoming and inclusive a community as possible.

Misgendering is the intentional or unintentional use of pronouns or identifiers that are different from those used by an individual. Unintentional misgendering is usually resolved with a simple apology if someone clarifies their pronouns for you. Intentional misgendering is inconsistent with the type of community we hold ourselves out to be. We all get to determine our own gender identity and expression, but we don't get to choose or negate someone else's.

Deadnaming, along with misgendering, can be very traumatic to a person who is transgender, transitioning, or gender diverse. Deadnaming means using someone's birth-assigned (cisgender) name, rather than the name they have chosen.

To a person who is transgender, transitioning, or gender diverse, their cisgender identity may be something that is in their past, dead, buried, and behind them. To then revive their deadname could trigger issues, traumas, and experiences of the past that the individual has moved past, or is moving past, and can interfere with their health and well-being.

Again, unintentional deadnaming can be addressed by a simple apology and an effort to use the person's chosen name. Intentional deadnaming could be a form of bullying, outing, or otherwise harassing an individual, and thus should be avoided.

This policy should be interpreted consistent with the goals of maximizing the inclusion of intersex, transgender, transitioning, agender, and gender diverse students and employees, including:

- Maintaining the privacy of all individuals consistent with law
- Ensuring all students equal access to educational programming, activities, and facilities, including restrooms and locker rooms
- Ensuring all employees equal access to employment opportunities and work, service, or health-related facilities
- Providing professional development for employees and education for students on topics related to gender inclusion
- Encouraging all students and employees to respect the pronoun usage and identities of all members of the Hendrix College community

Hendrix College has set forth specific processes for implementing this Policy through the accompanying Title IX-related procedures found herein.

## **Disability Discrimination and Accommodation Policy**

Hendrix College 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 Hendrix College, 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.

The Director of Academic Success, Julie Brown, has been designated as Hendrix College'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 inquiries, questions, or concerns about ADA/504 accommodations should be submitted to the Director of Academic Success and ADA/504 Coordinator, Julie Brown, at 501- 505-2954 or [brownj@hendrix.edu](mailto:brownj@hendrix.edu).

### ***Students with Disabilities***

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

All accommodations are made on an individualized basis. A student requesting any accommodation should first contact the Director of Academic Success and ADA/504 Coordinator, Julie Brown, at 501- 505-2954 or [brownj@hendrix.edu](mailto:brownj@hendrix.edu), who coordinates services for students with disabilities.

The Director of Academic Success and ADA/504 Coordinator 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 applicable Hendrix College policies.

### ***Employees with Disabilities***

Pursuant to the ADA, Hendrix College 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 Hendrix College.

An employee with a disability is responsible for submitting an accommodation request to the Director of Academic Success and ADA/504 Coordinator and providing necessary documentation. The Director of Academic Success and ADA/504 Coordinator 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 applicable Hendrix College policies.

## **Discriminatory Harassment Policy**

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 Hendrix College Policy. When speech or conduct is protected by academic freedom and/or the First Amendment, it will not be considered a violation of Hendrix College Policy, though supportive measures will be offered to those impacted. All offense definitions encompass actual and/or attempted offenses.

### ***Discriminatory Harassment***

Discriminatory harassment—defined as unwelcome conduct by any member or group of the community on the basis of actual or perceived characteristic protected by policy or law—is a form of prohibited discrimination under Hendrix College policy.

Hendrix College does not tolerate discriminatory harassment of any employee, student, visitor, or third party. Hendrix College will act to remedy all forms of harassment when reported, whether or not the harassment rises to the level of creating a “hostile environment.” A hostile environment is one that unreasonably interferes with, limits, or effectively denies an individual’s educational or employment access, benefits, or opportunities. 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, Hendrix College may also impose sanctions on the Respondent through application of the appropriate grievance process.

Hendrix College 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 will not result in the imposition of discipline under Hendrix College policy, but may be addressed through respectful conversation, remedial actions, education, effective Alternative Resolution, and/or other Informal Resolution mechanisms.

### ***Sexual Harassment***

The 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.

Hendrix College has adopted the following definitions 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 Sexual Harassment*** applies to situations where an employee is subjected to workplace sexual harassment or where a situation involves a residential Complainant in Hendrix College-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.

***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, or that is sexual in nature, that satisfies one or more of the following:

1. Quid Pro Quo:
  - a. an employee of Hendrix College,
  - b. implicitly or explicitly conditions the provision of an aid, benefit, or service of Hendrix College,
  - 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 Hendrix College's education program or activity.
3. Sexual Assault, defined as:
  - a. Any sexual act directed against a Complainant,
    - i. without their consent, or
    - ii. instances in which the Complainant is incapable of giving consent.
  - b. Incest:
    - i. Non-forcible sexual intercourse,
    - ii. between persons who are related to each other,
    - iii. within the degrees wherein marriage is prohibited by Arkansas law.
  - c. Statutory Rape:
    - i. Non-forcible sexual intercourse,
    - ii. with a person who is under the statutory age of consent of 16 years.
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—
      1. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
      2. Dating violence does not include acts covered under the definition of domestic violence.
5. Domestic Violence, defined as:
  - a. violence,
  - b. on the basis of sex,
  - c. committed by a current or former spouse or intimate partner of the Complainant,
  - d. by a person with whom the Complainant shares a child in common, or
  - e. by a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner, or
  - f. by a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of Arkansas, or

- g. by any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of Arkansas.
  - h. To categorize an incident as Domestic Violence, 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.
- Hendrix College 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. The most serious offenses are likely to result in suspension/expulsion/termination.

## **Force, Coercion, Consent, and Incapacitation**

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.

**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 reasonably 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.

Proof of consent or non-consent is not a burden placed on either party involved in a complaint. Instead, the burden remains on Hendrix College to determine whether its policy has been violated. 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.

Consent in relationships must also be considered in context. When parties consent to BDSM or other forms of kink, non-consent may be shown by the use of a safe word. Resistance, force, violence, or even saying “no” may be part of the kink and thus consensual, thus Hendrix College’s evaluation of communication in kink situations should be guided by reasonableness, rather than strict adherence to policy that assumes non-kink relationships as a default.

***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 due to 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. “Should have known” is an objective, reasonable person standard that assumes that a reasonable person is both sober and exercising sound 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, and 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, blackout, 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.

## Other Civil Rights Offenses

In addition to the forms of sexual harassment described above, which are covered by Title IX, Hendrix College 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 characteristic.

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)
- Invasion of sexual privacy (e.g., doxxing)
- Knowingly making an unwelcome disclosure of (or threatening to disclose) an individual's sexual orientation, gender identity, or gender expression
- 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, without the consent of all involved in the activity; or exceeding the boundaries of consent (such as allowing another person to hide in a closet and observe sexual activity; or disseminating sexual pictures without the photographed person's consent), including the making or posting of non-consensual pornography
- 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
- Knowingly creating, possessing, or disseminating child pornography

1. **Harm/Endangerment**, defined as:

- a. threatening or causing physical harm;
- b. extreme verbal, emotional, or psychological abuse; or
- c. other conduct which threatens or endangers the health or safety of any person or damages their property.

2. **Discrimination**, defined as:

- a. actions that deprive, limit, or deny
- b. other members of the community of educational or employment access, benefits, or opportunities, including disparate treatment.

3) **Intimidation**, defined as:

- a. implied threats or
- b. acts that cause the Complainant reasonable fear of harm.

4. **Hazing**, defined as:

- a. acts likely to cause physical or psychological harm or social ostracism
- b. to any person within the Hendrix College community,
- c. when related to the admission, initiation, pledging, joining, or any other group-affiliation activity as defined further in the Student Code of Conduct.

5. **Bullying**, defined as:

- a. repeated and/or severe aggressive behavior
- b. that is likely to intimidate or intentionally hurt, control, or physically or mentally diminish the Complainant,
- d. that is not speech or conduct that is otherwise protected by the First Amendment.

Violation of any other Hendrix College policies may constitute a Civil Rights Offense when a violation is motivated by actual or perceived protected characteristic(s), 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 through expulsion/termination.

## **Retaliation**

Protected activity under this Policy includes reporting alleged misconduct that may implicate this Policy, participating in the resolution process, supporting a Complainant or Respondent, assisting in providing information relevant to an investigation, and/or acting in good faith to oppose conduct that constitutes a violation of this Policy.

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

Hendrix College and any member of Hendrix College'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.

Filing a complaint under Process B could be considered retaliatory if those allegations could be subject to Process A, when the Process B allegations are made for the purpose of interfering with or circumventing any right or privilege provided afforded within Process A that is not provided by Process B. Therefore, the Hendrix College Title IX Coordinator carefully vets all complaints to ensure this does not happen, and to ensure that complaints are routed to the appropriate process.

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

## **Mandated Reporters and Confidential Resources**

In order for Hendrix College to respond effectively and to proactively stop instances of gender or sex based discrimination, harassment, retaliation, and sexual misconduct within the Hendrix community, Hendrix College

has designated the following as mandatory reporters of gender or sex based discrimination: all faculty, adjunct instructors, administrative staff including coaches, and Resident Life Staff are required to notify the Title IX Coordinator *immediately* after receiving information regarding a potential violation of this policy. Mandatory Reporters are encouraged to explain their reporting obligations prior to receiving any information that is subject to mandatory reporting.

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

If a Complainant expects formal action in response to their allegations, reporting to any Mandated Reporter can connect them with resources to report alleged crimes and/or policy violations, 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 Hendrix College reporting options for a Complainant or third party (including parents/guardians when appropriate):

### ***Confidential Resources***

Confidential Resources are employees who are statutorily prohibited from disclosing such information including Counseling Services, Campus Chaplain, and support staff such as frontline dining services and facilities staff, are exempt from Title IX reporting requirements.

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

- On-campus licensed professional counselors and staff
- On-campus health service providers and staff
- On-campus members of the clergy/chaplains working within the scope of their licensure or ordination
- Community-based (non-employees):
  - Licensed professional counselors and other medical providers
  - Local rape crisis counselors
  - Domestic violence resources
  - 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 official 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.

Hendrix College 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, patient, or parishioner as described in the Student Code of Conduct or Employee Handbook.

### ***Mandated Reporters and Formal Notice/Complaints***

All Hendrix College employees (including student employees), with the exception of those who are designated as Confidential Resources, are Mandated Reporters and must promptly share with the Title IX Coordinator all known details of a report made to them in the course of their employment.

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 Mandated Reporters, as those details must be shared with the Title IX Coordinator.

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 Hendrix College.

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

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

Though this may seem obvious, when a Mandated Reporter is engaged in harassment or other violations of this Policy, they still have a duty to report their own misconduct, though College is technically not on notice simply because a harasser is also a Mandated Reporter unless the harasser does in fact report themselves.

Finally, it is important to clarify that a Mandated Reporter who is themselves 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.

### **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, who will evaluate that request in light of the duty to ensure the safety of the institution and to comply with state or federal law.

The Title IX Coordinator has ultimate discretion over whether Hendrix College proceeds when the Complainant does not wish to do so, and the Title IX Coordinator may sign a Formal Complaint to initiate a grievance process.

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. Hendrix Colleges 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 Hendrix College’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 Hendrix College 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 or testimony.

Note that Hendrix College's ability to remedy and respond to notice may be limited if the Complainant does not want Hendrix College 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 Hendrix College's obligation to protect its community.

In cases in which the Complainant requests confidentiality/no formal action and the circumstances allow Hendrix College to honor that request, Hendrix College may 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, a Complainant has the right, and can expect, to have allegations taken seriously by Hendrix College and to have the incidents investigated and properly resolved through these procedures. Please consider that delays may cause limitations on access to evidence, or present issues with respect to the status of the parties.

### **Federal Timely Warning Obligations**

Hendrix College must issue timely warnings for reported incidents that pose a serious or continuing threat of bodily harm or danger to members of the campus community as described in the Student Code of Conduct and Employee Handbook.

Hendrix College 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.

### **False Allegations and Evidence**

Deliberately false and/or malicious accusations under this Policy are a serious offense and will 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 appropriate Hendrix College policies.

### **Amnesty**

The Hendrix College community encourages the reporting of misconduct and crimes by Complainants and witnesses. Sometimes, Complainants or witnesses are hesitant to report to Hendrix College 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 Hendrix College community that Complainants choose to report misconduct to Hendrix College 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, Hendrix College maintains a policy of offering parties and witnesses amnesty from minor policy violations—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 Respondent with respect to a Complainant.

### ***Students***

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 hospital).

Hendrix College maintains a policy of amnesty for students who offer help to others in need. Although policy violations cannot be overlooked, Hendrix College may provide purely educational options with no official disciplinary finding, rather than punitive sanctions, to those who offer their assistance in good faith to others in need.

### ***Employees***

Sometimes, employees are hesitant to report harassment, discrimination, or retaliation they have experienced for fear that they may get in trouble themselves. For example, an employee who has violated the unethical relationship policy and is then assaulted in the course of that relationship might hesitate to report the incident to Hendrix College officials.

Hendrix College may, at its discretion, offer employee Complainants amnesty from such policy violations (typically more minor policy violations) related to the incident. Amnesty may also be granted to Respondents and witnesses on a case-by-case basis.

## **Pregnant and Parenting Students**

Title IX prohibits discrimination against a student based on pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery from any of these conditions. Title IX also prohibits a school, college, or university from applying any rule related to a student's parental, family, or marital status that treats students differently based on their gender.

If you're pregnant, you should notify Title IX Coordinator, Dr. Jennifer Fulbright, at [Fulbright@hendrix.edu](mailto:Fulbright@hendrix.edu) or 501-505-2901 and your instructor(s) as soon as possible so they're aware of absences due to pregnancy or related conditions. The Title IX Coordinator in conjunction with your instructor, Department Chair, Dean, Assistant Provost, and/or Provost will then develop a reasonable plan for completing missed coursework or assignments; this can include assignment substitutions, modified due dates or additional assignments.

Any absences related to pregnancy or parenting must be considered medically necessary and can only be excused by approval by the Title IX Coordinator and course Instructor.

## **Federal Statistical Reporting Obligations**

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

1. All “primary crimes,” which include criminal homicide, rape, fondling, incest, statutory rape, robbery, aggravated assault, burglary, motor vehicle theft, and arson
2. 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
3. VAWA-based crimes, which include sexual assault, domestic violence, dating violence, and stalking
4. Arrests and referrals for disciplinary action for weapons-related law violations, liquor-related law violations, and drug law violations

All personally identifiable information is kept private, but statistical information must be shared with Hendrix College Public Safety staff 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 campus crime log.

## **Preservation of Evidence**

The preservation of evidence in incidents of sexual assault and stalking is critical to potential criminal prosecution and to obtaining restraining/protective orders and is particularly time sensitive. Hendrix College will inform the Complainant of the importance of preserving evidence by taking actions such as the following:

### **Sexual Assault**

- Seek forensic medical assistance at the hospital, ideally within 120 hours of the incident (sooner is better).
- 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) or secure evidence container.
- Seeking medical treatment can be essential even if it is not for the purposes of collecting forensic evidence.

### **Stalking**

- 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 e-mail and social media correspondence, including notifications related to account access alerts.
- Take timestamped 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.



During the initial meeting between the Complainant and the Title IX Coordinator, the importance of taking these actions will be discussed, if timely.

## **RESOLUTION PROCESS FOR ALLEGED VIOLATIONS OF THE HENDRIX COLLEGE TITLE IX POLICY (KNOWN AS PROCESS “A”)**

### ***Overview***

Hendrix College will act on any formal notice/complaint of violation of the Equal Opportunity, Harassment, and Nondiscrimination Policy (“the Policy”) that is received by the Title IX Coordinator by applying these procedures, known as “Process A.”

The procedures below apply only to qualifying allegations of Title IX Sexual Harassment (including sexual assault, dating violence, domestic violence, and stalking, as defined in the Policy) involving students, staff, administrators, or faculty members.

If other Policy definitions are invoked, such as protected characteristic harassment or discrimination as defined above, please see the Student Code of Conduct or the Employee Handbook 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 above) when jurisdiction does not fall within Process A, as determined by the Title IX Coordinator.

The procedures below may be used to address alleged 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 violations of the Policy are being addressed at the same time. In such cases, the Title IX Coordinator may consult with the institution officials who typically oversee such conduct (e.g., human resources, student conduct, academic affairs, etc.) to provide input as needed. All other allegations of misconduct unrelated to incidents covered by the Policy will be addressed through procedures described in the student, faculty, and staff handbooks.

### ***Notice/Complaint***

Upon receipt of a Formal Complaint or notice of an alleged policy violation the Title IX Coordinator initiates a prompt initial assessment to determine the next steps Hendrix College 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 then initiate at least one of three responses:

1. Offering 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)

Hendrix College uses a Formal Grievance Process as described below to determine whether the Policy has been violated. If so, Hendrix College will promptly implement effective remedies designed to ensure that it is not deliberately indifferent to harassment or discrimination, their potential recurrence, and/or their effects.

### ***Initial Assessment***

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

- 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
- 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 reaches out to the Complainant to offer supportive measures.
- The Title IX Coordinator works with the Complainant to ensure they are aware of the right to have an Advisor.
- 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 supports, and implements 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 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, assesses which policies may apply, which Resolution Process is applicable, and will refer the matter, accordingly, including referring the matter for resolution under Process B, if applicable. Please note that dismissing a complaint under the 2020 Title IX regulations is solely a procedural requirement under Title IX, which does not limit Hendrix College’s authority to address a complaint with an appropriate process and remedies.

### ***Violence Risk Assessment***

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

1. Emergency removal of a Respondent on the basis of immediate threat to an individual or the 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. Whether to impose transcript notation or communicate with a transfer Recipient about a Respondent
9. Assessment of appropriate sanctions/remedies (to be applied post-hearing)
10. Whether a Clery Act Timely Warning/Trespass order/Persona-non-grata 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.

A VRA authorized by the Title IX Coordinator should occur in collaboration with the appropriate authorities. 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.

### ***Dismissal (Mandatory and Discretionary)***

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

1. The conduct alleged in the Formal Complaint would not constitute Title IX Sexual Harassment as defined above, even if proved
2. The conduct did not occur in an educational program or activity controlled by Hendrix College (including buildings or property controlled by recognized student organizations), and/or Hendrix College does not have control of the Respondent
3. The conduct did not occur against a person in the United States
4. At the time of filing a Formal Complaint, a Complainant is not participating in or attempting to participate in Hendrix College's education program or activity, and based on the available information, the Title IX Coordinator has determined that they do not need to sign a Formal Complaint on behalf of Hendrix College.

Hendrix College 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 Hendrix College
3. Specific circumstances prevent Hendrix College from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein

A Complainant who decides to withdraw a complaint may later request to reinstate it or refile it.

Upon any dismissal, Hendrix College 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 by providing written notice to the Vice President of Human Resources, Vicki Lynn, at [lynn@henderix.edu](mailto:lynn@henderix.edu).

### ***Counterclaims***

Hendrix College is obligated to ensure that the grievance process is not abused for retaliatory purposes, thus counterclaims made with retaliatory intent will not be permitted. Hendrix College 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.

### ***Right to an Advisor***

The parties may each have an 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. An involved party or Witness cannot also serve as an Advisor.

### ***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 Hendrix College 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 Hendrix College, the Advisor will have been trained by Hendrix College and be familiar with the Hendrix College Title IX Resolution Process.

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

### ***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.

Hendrix College 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, Hendrix College is not obligated to provide an attorney.

### ***Advisors in Hearings/Hendrix College-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, Hendrix College will appoint a trained Advisor for the limited purpose of conducting any questioning of the parties and witnesses.

### ***Advisor Violations of Hendrix College Policy***

All Advisors are subject to the same Hendrix College policies and procedures, whether they are attorneys or

not, and whether they are selected by a party or assigned by Hendrix College. Advisors are expected to advise their advisees without disrupting proceedings.

Advisors should not address Hendrix College officials or Investigators in a meeting or interview unless invited to do so (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, 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 Hendrix College'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 Hendrix College requiring the party to use a different Advisor or providing a different Hendrix College-appointed Advisor. Subsequently, the Title IX Coordinator will determine how to address the Advisor's non-compliance and future role.

### ***Sharing Information with the Advisor***

Hendrix College expects that the parties may wish to have Hendrix College share documentation and evidence related to the allegations with their Advisors. Hendrix College provides a consent form that authorizes Hendrix College 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 Hendrix College is able to share records with an Advisor.

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

Advisors appointed by the institution will not be asked to disclose details of their interactions with their advisees to institutional officials or Decision-makers.

### ***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 Hendrix College.

Advisors will be asked to sign Non-Disclosure Agreements (NDAs) with the exception of Attorneys serving as an Advisor. Hendrix College may restrict the role of any Advisor who does not respect the sensitive nature of the process or who fails to abide by Hendrix College's privacy expectations.

### ***Expectation of an Advisor***

Hendrix College generally expects an Advisor to adjust their schedule to allow them to attend Hendrix College meetings/interviews/hearings when planned, but Hendrix College may change scheduled meetings/interviews/hearings to accommodate an Advisor's inability to attend, if doing so does not cause an unreasonable delay.

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

### ***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) college 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 should be secured. Parties are expected to inform the Title IX Coordinator of the identity of their hearing Advisor and provide the newly signed consent form at least two (2) college business days before the hearing.

### ***Assistance in Securing an Advisor***

For representation, Respondents may wish to contact organizations such as:

- Families Advocating for Campus Equality (<http://www.facecampusequality.org>)
- Stop Abusive and Violent Environments (<http://www.saveservices.org>)

Complainants may wish to contact organizations such as:

- The Victim Rights Law Center (<http://www.victimrights.org>)
- The National Center for Victims of Crime (<http://www.victimsofcrime.org>), which maintains the Crime Victim's Bar Association
- The Time's Up Legal Defense Fund (<https://nwlc.org/times-up-legal-defense-fund/>)

## **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 Hendrix College Policy.

Although 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, except for information the parties agree not to disclose as part of an Informal Resolution. Hendrix College encourages parties to discuss any sharing of information with their Advisors before doing so.

The Formal Grievance Process is Hendrix College's primary resolution approach unless Informal Resolution is elected by all parties and Hendrix College.

### ***Informal Resolution***

Three options for Informal Resolution are detailed in this section.

1. **Supportive Resolution.** When the Title IX Coordinator can resolve the matter informally by providing supportive measures (only) to remedy the situation
2. **Alternative Resolution.** When the parties agree to resolve the matter through an alternative resolution mechanism including mediation, restorative practices, facilitated dialogue, etc., as described below, often before a formal investigation takes place.
3. **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. The parties may agree, as a condition of engaging in Informal Resolution, that statements made, or evidence shared, during the Informal Resolution process will not be considered in the Formal Grievance Process unless all parties consent.

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. The parties may not enter into an agreement that requires Hendrix College to impose specific sanctions, though the parties can agree to certain restrictions or other courses of action. For example, the parties cannot require a student be suspended, but the parties can agree that the Respondent will temporarily or permanently withdraw. The only Informal Resolution Process that can result in sanctions levied by the institution 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.

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

Hendrix College 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.

### ***Alternative Resolution Approaches***

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

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

- The parties' amenability to Alternative Resolution
- Likelihood of potential resolution, considering any power dynamics between the parties
- The nature and severity of the alleged 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 Alternative 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 Alternative Resolution (time, staff, etc.)

The ultimate determination of whether Alternative Resolution is available or successful is made by the Title IX Coordinator. 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 Alternative Resolution are not appealable.

### ***Respondent Accepts Responsibility for Alleged Violations***

The Respondent may accept responsibility for all or part of the alleged policy violations 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 Hendrix College are able to agree on responsibility, restrictions and/or remedies. If so, the Title IX Coordinator implements the accepted finding that the Respondent is in violation of Hendrix College policy and implements agreed-upon restrictions and remedies and determines the appropriate sanction(s) 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. When the parties cannot agree on all terms of resolution, the Formal Grievance Process will resume at the same point where it was paused.

When a resolution is accomplished, the appropriate sanction(s) or responsive actions are promptly implemented 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.

## **Formal Grievance Process Pool**

The Formal Grievance Process relies on a pool of administrators (“the Pool”) to carry out the process.

### ***Pool Member Roles***

All Decision Maker Pool members must not be a student, must be a current employee of Hendrix College, trained annually, and can serve in in the following roles, at the discretion of the Title IX Coordinator:

- To serve in a facilitation role in Informal Resolution or Alternative Resolution if appropriately trained in appropriate resolution approaches (e.g., mediation, restorative practices, facilitated dialogue)
- To serve as a hearing facilitator (process administrator, no decision-making role)
- To serve as a Decision-maker regarding the complaint

### ***Pool Member Appointment***

The Title IX Coordinator appoints the Pool, which acts with independence and impartiality. Although members of the Pool are typically trained in a variety of skill sets and can rotate amongst the different roles listed above in different complaints, Hendrix College 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.



### ***Pool Member Training***

Pool members receive annual training based on their respective roles. This training includes, but is not limited to:

- The scope of Hendrix College Title IX Policy and Procedures
- How to conduct hearings 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 the 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 Hendrix College with respect to consent (or the absence or negation of consent) consistently, impartially, and in accordance with policy
- How to conduct grievance process 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 for Complainants, 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

The materials used to train all members of the Pool are publicly posted on the Hendrix College Title IX website.

### ***Pool Membership***

The Pool is used to comprise the Hearing Panel. Pool membership maintains at least three full-time faculty and staff of the College who have been nominated by the Title IX Coordinator or Deputy Title IX Coordinator, and who have been adequately trained within 12 months of the start of panel deliberation.

Pool members are usually appointed to three-year terms. Individuals who are interested in serving in the Pool are encouraged to contact the Title IX Coordinator.

A separate pool specifically for Advisors may be developed with the approval of and under the guidance of the Title IX Coordinator. The Advisor pool can include currently enrolled students and current employees of Hendrix College.

## **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. This facilitates the Respondent’s ability to prepare for the interview and to identify and choose an Advisor to accompany them. The NOIA is also copied to the Complainant, who will 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 Hendrix College 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 Hendrix College'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 Hendrix College'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
- An attachment of or link to the Hendrix College's VAWA Brochure
- The name(s) of the Investigator(s), along with a process to identify to the Title IX Coordinator, in advance of the interview process, 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 Hendrix College records, or emailed to the parties' Hendrix College-issued email or designated accounts. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

## **Resolution Timeline**

Hendrix College 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.

## **Appointment of Investigators**

Once the decision to commence a formal investigation is made, the Title IX Coordinator or Deputy Title IX Coordinator will begin the investigation usually within two (2) business days of determining that an investigation should proceed.

## **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 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.

Hendrix College 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 applicable standard of proof, preponderance of evidence.

### **Investigation Timeline**

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

Hendrix College 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.

### **Investigation Process Delays and Interactions with Law Enforcement**

Hendrix College may undertake a short delay in its investigation 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.

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

Hendrix College 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.

### **Investigation Process Steps**

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 the transcript of the interview once the investigation report is compiled.

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
- Identify 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 a prompt 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 the parties and witnesses
- Meet with the involved parties to finalize their interview/statement, if necessary
- Work with the Title IX Coordinator, as necessary, to prepare the initial Notice of Investigation and Allegations (NOIA). The NOIA may be amended with any additional or dismissed allegations
- Notice should inform the parties of their right to have the assistance of an Advisor, who could be a member of the Advisor Pool or an Advisor of their choosing present for all meetings attended by the party
- Provide each interviewed party and witness an opportunity to review and verify the transcript of the relevant evidence/testimony from their respective interviews and meetings
- Make good faith efforts to notify each party of any meeting or interview involving another 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 another 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 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, provide the parties and their respective Advisors (if so desired by the parties) with a list of witnesses whose information will be used to render a finding
- 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, engage in no policy analysis, 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 Hendrix College 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) days. Each copy of the materials shared will be watermarked on each page with the role of the person receiving it (e.g., Complainant, Respondent, Complainant's Advisor, Respondent's Advisor).
- 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 report with the Title IX Coordinator and/or legal counsel 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. The parties and Advisors are also provided an opportunity to review the file of any directly related evidence that was not included in the report.

## **Witness Role and Participation in the Investigation**

Witnesses (as distinguished from the parties) who are employees of Hendrix College are strongly encouraged to cooperate with and participate in the investigation and Resolution Process. Student witnesses and witnesses from outside the Hendrix College community are encouraged to cooperate with Hendrix College 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. Zoom, Microsoft Teams, or similar technologies may be used for interviews if the Investigator(s) determine that timeliness, efficiency, or other reasons dictate a need for remote interviewing. Hendrix College 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.

## **Interview Recording**

No unauthorized audio or video recording of any kind is permitted during investigation meetings by any involved party, Advisor, or witness.

## **Evidentiary Considerations**

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 panel 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.

## **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 held 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-maker(s)—unless all parties and the Decision-maker(s) agree to an expedited timeline.

The Title IX Coordinator will select appropriate Decision-makers from the Pool and provide a copy of the investigation report and the file of directly related evidence. Allegations involving student-employees in the context of their employment will be directed to the appropriate Decision-maker(s) depending on the context and nature of the alleged misconduct.

## **Hearing Decision-maker Composition**

Hendrix College will designate three-member panel from the Pool, at the discretion of the Title IX

Coordinator. One of the three 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 Witnesses or 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 Title IX Coordinator or designee.

### **Additional Evidentiary Considerations in the Hearing**

Previous disciplinary action of any kind involving the Respondent may not be used unless there is an allegation of a pattern of misconduct. Such information may also be considered in determining an appropriate sanction upon a determination of responsibility, assuming Hendrix College uses a progressive discipline system. This 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 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.

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

### **Hearing Notice**

No less than ten (10) business days prior to the hearing, the Title IX Coordinator or designee 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-maker(s) and parties to see and hear a party or witness answering questions. Such a request must be raised with the Title IX Coordinator as soon as possible, preferably at least 10 college 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(s) based on demonstrated bias or conflict of interest. This must be raised with the Title IX Coordinator at least 5 college 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 with approval from the Title IX Coordinator.

- 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 Hendrix College 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-maker(s) about the complaint unless they have already been provided.
- An invitation to each party to submit to the Chair an impact statement pre-hearing that the Decision-maker(s) will review during any sanction determination.
- An invitation to contact the Director of Academic Success and ADA/504 Coordinator, Julie Brown, at 501- 505-2954 or [brownj@hendrix.edu](mailto:brownj@hendrix.edu) 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.
- Parties can bring mobile phones/devices into the hearing but cannot record at any time.

Hearings for possible violations 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 Hendrix College and remain within the 60-90 business-day goal for resolution. Employees who do not have 12-month contracts are still expected to participate in Resolution Proceedings that occur during months between contracts.

### **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 as soon as possible, preferably at least five (5) business days prior to the hearing.

The Title IX Coordinator 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 know as soon as possible, preferably at least five (5) business days prior to the hearing so that appropriate arrangements can be made.

### **Pre-Hearing Preparation**

After any necessary consultation with the parties, the Title IX Coordinator 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 assent to the witness's participation in the hearing. The same holds for any relevant evidence that is first offered at the hearing. If the parties and Chair do not assent to the admission of evidence newly offered at the hearing, the Chair may delay the hearing and/or instruct that the investigation needs to be re-opened to consider that evidence.

The parties will be given a list of the names of the Decision-maker(s) 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) business 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 will give the Decision-maker(s) 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 a pre-hearing meeting or at the hearing and will be exchanged between each party by the Chair.

### **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 must document and share with each party their rationale for any exclusion or inclusion at a pre-hearing meeting.

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 the pre-hearing meeting with a party and/or 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 Hendrix College legal counsel and/or the Title IX Coordinator or ask either or both to attend pre-hearing meetings.

The pre-hearing meeting may be recorded at the discretion of the Title IX Coordinator. 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 or Title IX Coordinator will work with the parties to establish the format.

### **Hearing Procedures**

At the hearing, the Decision-maker(s) 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 violations 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, and Nondiscrimination Policy.

Participants at the hearing will include the Chair, any additional panelists, the hearing facilitator, the



Investigator who conducted the investigation, the parties (or three (3) organizational representatives when an organization is the Respondent), Advisors to the parties, any called witnesses, the Title IX Coordinator, 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-maker(s) and the parties, and the witnesses will then be excused. The Investigator will remain present for the duration of the hearing.

## **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 Order of the Hearing – Introductions and Explanation of Procedure**

The Chair explains the procedures and introduces the participants. This may include a final opportunity for challenge or recusal of the Decision-maker(s) based on bias or conflict of interest. The Chair will rule on any such challenge unless the Chair is the individual who is the subject of the challenge, in which case the Title IX Coordinator will review the challenge and decide.

The Chair and/or hearing facilitator 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.

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.

## **Investigator Presentation of Final Investigation Report**

The Investigator will 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-maker(s) and the parties through their Advisors. The Investigator will be present during the entire hearing process, but not during deliberations.

Neither the parties nor the Decision-maker(s) 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 Investigators about these assessments. If such information is introduced, the Chair will direct that it be disregarded.

## **Testimony and Questioning**

Once the Investigator(s) present(s) the report and respond(s) 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 hearing will facilitate questioning of parties and witnesses by the Decision-maker(s) 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 all parties and the Chair prior to the hearing), the proceeding will pause to allow the Chair to consider the question (and state it if it has not already been stated aloud), and the Chair will determine whether the question will be permitted, disallowed, or rephrased.

### **Refusal to Submit to Questioning, 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.

An Advisor may not be called as a witness at a hearing to testify to what their advisee has told them during their role as an Advisor unless the party being advised consents to that information being shared. It is otherwise considered off-limits, and an Advisor who is an institutional employee is temporarily alleviated from mandated reporter responsibilities related to their interaction with their advisee during the Resolution Process.

### **Hearing Recordings**

Hearings (but not deliberations) are recorded by Hendrix College 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-maker(s), the parties, their Advisors, and appropriate administrators of Hendrix College will be permitted to review the recording or review a transcript of the recording, upon request to 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.

### **Deliberation, Decision-making, and Standard of Proof**

The Decision-maker(s) will deliberate in closed session to determine whether the Respondent is responsible for the policy violation(s) in question. Since a panel is used, 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-maker(s) may then consider the previously submitted party impact and/or mitigation statement(s) in determining appropriate sanction(s). The Chair will ensure that each of the parties has an opportunity to review any submitted impact and/or mitigation statement(s) once they are submitted.

The Decision-maker(s) will also review any pertinent conduct history and will determine the appropriate

sanction(s) in consultation with other appropriate administrators, as required.

The Chair will 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 rationales explaining the sanction(s) and will deliver the statement to the Title IX Coordinator.

This statement is typically three pages in length and 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.

## **Notice of Outcome**

Using the deliberation statement, the Title IX Coordinator will work with the Chair to prepare a Notice of Outcome letter. The Title IX Coordinator will then share the letter, which includes the final determination, rationale, and any applicable sanction(s), with the parties and their Advisors within 5 college business days of receiving the 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 Hendrix College records, or emailed to the parties' Hendrix College-issued email or otherwise approved account. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

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

## **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-maker(s)

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 re-opening a grievance process at any time, and/or referring that information to another process for resolution.

### ***Student Sanctions***

The following are the common sanctions that may be imposed upon students singly or in combination:

- ***Warning:*** A formal statement that the conduct was unacceptable and a warning that further violation of any Hendrix College policy, procedure, or directive will result in more severe sanctions/responsive actions.
- ***Required Counseling:*** A mandate to meet with and engage in either Hendrix College -sponsored or external counseling to better comprehend the misconduct and its effects.
- ***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 and may include denial of specified social privileges, exclusion from co-curricular activities, exclusion from designated areas of campus, no-contact orders, and/or other measures deemed appropriate.
- ***Suspension:*** Termination of student status for a definite period of time not to exceed two years and/or until specific criteria are met. Students who return from suspension are automatically placed on probation through the remainder of their tenure as a student at Hendrix College. Transcript notation of “suspension due to an issue other than scholastic or financial” will be used.
- ***Expulsion:*** Permanent termination of student status and revocation of rights to be on campus for any reason or to attend Hendrix College -sponsored events. This sanction will be noted permanently as a Conduct Expulsion on the student’s official transcript, subject to any applicable expungement policies.
- ***Withholding Diploma:*** Hendrix College may withhold a student’s diploma for a specified period of time and/or deny a student participation in commencement activities as a sanction if the student is found responsible for violating policy.
- ***Revocation of Degree:*** Hendrix College reserves the right to revoke a degree previously awarded from Hendrix College for fraud, misrepresentation, and/or other violation of Hendrix College policies, procedures, or directives in obtaining the degree, or for other serious violations committed by a student prior to graduation.
- ***Other Actions:*** In addition to or in place of the above sanctions, Hendrix College may assign any other sanctions as deemed appropriate.

### ***Student Organization Sanctions***

The following are the common sanctions that may be imposed upon student organizations singly or in combination:

- ***Warning:*** A formal statement that the conduct was unacceptable and a warning that further violation of any Hendrix College 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 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 and may include denial of specified social and event privileges, denial of Hendrix College funds, ineligibility for honors and awards, restrictions on new member recruitment, no-contact orders, and/or other measures deemed appropriate.
- ***Suspension:*** Termination of student organization recognition for a definite period of time not to exceed two years and/or until specific criteria are met. During the suspension period, a student organization may not conduct any formal or informal business or participate in Hendrix College - related activities, whether they occur on or off campus. Re-recognition is possible but not guaranteed and will only be considered after the end of the suspension period and based on meeting all re-recognition criteria and obtaining clearance from Hendrix College.
- ***Expulsion:*** Permanent termination of student organization recognition and revocation of the privilege to congregate and conduct business on campus as an organization for any reason.
- ***Loss of Privileges:*** Restricted from accessing specific Hendrix College privileges for a specified period

of time.

- *Other Actions:* In addition to or in place of the above sanctions, Hendrix College may assign any other sanctions as deemed appropriate.

### ***Employee Sanctions/Responsive/Corrective Actions***

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

- Verbal or Written Warning
- Performance Improvement Plan/Management Process
- Enhanced Supervision, Observation, or Review
- Required Counseling
- Required Training or Education
- Probation
- Denial of Pay Increase/Pay Grade
- Loss of Oversight or Supervisory Responsibility
- Demotion
- Transfer
- Reassignment
- Delay of (or referral for delay of) Tenure Track Progress
- Assignment to New Supervisor
- Restriction of Stipends, Research, and/or Professional Development Resources
- Suspension/Administrative Leave with Pay
- Suspension/Administrative Leave without Pay
- Termination
- *Other Actions:* In addition to or in place of the above sanctions/responsive actions, Hendrix College may assign any other responsive actions as deemed appropriate.

## **Withdrawal or Resignation Before Complaint Resolution**

### ***Students***

Should a Respondent decide not to participate in the Resolution Process, the process proceeds absent their participation to a reasonable resolution. Should a student Respondent permanently withdraw from Hendrix College, the Resolution Process typically ends with a dismissal, as Hendrix College has lost primary disciplinary jurisdiction over the withdrawn student. However, Hendrix College may continue the Resolution Process when, at the discretion of the Title IX Coordinator, 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, Hendrix College 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 Hendrix College in any capacity. Admissions and Human Resources will be notified, accordingly. Such exclusion applies to all Hendrix College locations.

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 Hendrix College unless and until all sanctions, if any, have been satisfied.

### ***Employees***

Should an employee Respondent resign with unresolved allegations pending, the Resolution Process typically ends with dismissal, as Hendrix College has lost primary disciplinary jurisdiction over the resigned

employee. However, Hendrix College may continue the Resolution Process when, at the discretion of the Title IX Coordinator, 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 matter is dismissed or pursued to completion of the Resolution Process, Hendrix College 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 with Hendrix College or any Hendrix College location, and the records retained by the Title IX Coordinator will reflect that status.

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

## **Appeals**

Any party may submit a written request for appeal (“Request for Appeal”) to the Title IX Coordinator within 3 college business days of the delivery of the Notice of Outcome.

A single Appeal Decision-maker, the Vice President of Human Resources, will Chair the appeal process. The Appeal Decision-maker will not have been previously involved in the Resolution Process for the complaint.

The Request for Appeal will be forwarded to the Vice President of Human Resources for consideration to determine if the request meets the grounds for appeal. 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.

### ***Grounds for Appeal***

Appeals are limited to the following grounds:

1. A procedural irregularity 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-maker(s) 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 Chair, 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 Chair will notify all parties and their Advisors, the Title IX Coordinator, and, when appropriate, the Investigator(s) and/or the original Decision-maker(s).

All other parties and their Advisors, the Title IX Coordinator, and, when appropriate, the Investigator(s) and/or the original Decision-maker(s) will be mailed, emailed, and/or provided a hard copy of the Request for Appeal with the approved grounds and then be given 3 college 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 Vice President of Human Resources 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 in this Policy by the Vice President of Human Resources and either denied or

approved. If approved, it will be forwarded to the party who initially requested an appeal, the Title IX Coordinator, and the Investigator(s) and/or original Decision-maker(s), as necessary, who will submit their responses, if any, within 5 college 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 Vice President of Human Resources will collect any additional information needed and all documentation regarding the approved grounds for appeal, and the subsequent responses will be shared with the Vice President of Human Resources and they will render a decision within no more than 7 college 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 Hendrix College is permitted to share according to state or federal law, and the rationale supporting the essential findings to the extent Hendrix College 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 institutional records, or emailed to the parties' Hendrix College-issued email or otherwise approved account. Once mailed, emailed and/or received in-person, notice will be presumptively delivered.

### ***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 the original sanctions include separation in any form, Hendrix College may place a hold on official transcripts, diplomas, graduations, course registration, etc. pending the outcome of an appeal. The Respondent may request a stay of these holds from the Title IX Coordinator within two (2) business days of the notice of the sanctions. The request will be evaluated by the Title IX Coordinator or designee, whose determination is final.

### ***Appeal Considerations***

- Appeals are not intended to provide for a full re-hearing (de novo) 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 Appeal Decision-makers to substitute their judgment for that of the original Decision-maker(s) merely because they disagree with the finding and/or sanction(s).
- The Appeal Chair/Decision-maker(s) 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-maker(s) 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
- When appeals result in no change to the finding or sanction, that decision is final.
- In cases that result in reinstatement to Hendrix College 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.

### **Long-Term Remedies/Other Actions**

Following the conclusion of the Resolution Process, and in addition to any sanctions implemented, the Title IX Coordinator may implement additional long-term remedies or actions with respect to the parties and/or the institutional 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 assistance
- 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, 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 will address any remedies Hendrix College owes the Respondent to ensure no effective denial of educational access.

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

### **Failure to Comply with Sanctions 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-maker(s) including the Appeal Chair/Decision-maker.

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 Hendrix College. Supervisors are expected to enforce completion of sanctions/responsive actions for their employees.

A suspension will only be lifted when compliance is achieved to the satisfaction of the Title IX Coordinator.

### **Recordkeeping**

Hendrix College will maintain for a period of at least seven 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 Hendrix College'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. Hendrix College will make these training materials publicly available on Hendrix College's Title IX 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 Hendrix College'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
- Hendrix College will also maintain any and all records in accordance with state and federal laws.

## Revision of this Policy and Procedures

This Policy and procedures supersede any previous policies addressing harassment, sexual misconduct, discrimination, and/or retaliation for incidents occurring on or after August 1, 2022, under Title IX and will be reviewed and updated annually by the Title IX Coordinator. Hendrix College 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 may make minor modifications to procedures that do not materially jeopardize the fairness owed to any party, such as to accommodate summer schedules. The Title IX Coordinator 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 or regulations or court holdings.

This document does not create legally enforceable protections beyond the protections of the background state and federal laws which frame such policies and codes, generally.

This Policy and procedures are effective August 1, 2022.

## XVI: Contact Person for Title IX Inquiries

**(January 2022-September 2022)**

The College encourages any individual who has been subject to discrimination to report the incident(s) directly to one of the following Officials With Authority:

Dr. Allison Vetter, Title IX Coordinator – [title9@hendrix.edu](mailto:title9@hendrix.edu); [vetter@hendrix.edu](mailto:vetter@hendrix.edu); 501.505.2901;  
SLTC 150

Shawn Goicoechea, Assistant Director of Human Resources and Deputy Title IX  
Coordinator – [goicoechea@hendrix.edu](mailto:goicoechea@hendrix.edu); 501.450.1415;  
1545 Washington Ave

Dr. Terri Bonebright, Provost – [bonebright@hendrix.edu](mailto:bonebright@hendrix.edu); 501.450.1273  
Fausett Hall, 2<sup>nd</sup> floor

Jim Wiltgen, VP Student Affairs – [wiltgen@hendrix.edu](mailto:wiltgen@hendrix.edu); 501.450.1222;

SLTC 2<sup>nd</sup> floor  
Michael LeBlanc, Assistant Dean of Students – [leblanc@hendrix.edu](mailto:leblanc@hendrix.edu); 501.450.1222;  
SLTC 2<sup>nd</sup> floor  
Kesha Baoua, Interim VP for Diversity & Inclusion – [baoua@hendrix.edu](mailto:baoua@hendrix.edu); 501.450.3824;  
104 Fausett Hall  
Amy Weaver, Director of Athletics – [weaver@hendrix.edu](mailto:weaver@hendrix.edu); 501.450.3899;  
WAC 213  
David Bugh, Director of Public Safety – [bugh@hendrix.edu](mailto:bugh@hendrix.edu); 501.450.1467;  
1553 Washington Ave.  
Vicki Lynn, VP of Human Resources – [lynn@hendrix.edu](mailto:lynn@hendrix.edu); 501.450.1494;  
545 Washington

**(August 2022-December 2022)**

Any member of the community who believes they have experienced gender or sex-based discrimination or misconduct that violates Hendrix College Title IX Policy should report that conduct in person, via email, telephone to:

Name: Dr. Jennifer Fulbright  
Role: Director of Title IX & Title IX Coordinator  
Office: Title IX Office, Student Life & Technology Center, #150  
Phone: 501-505-2901  
Email: [fulbright@hendrix.edu](mailto:fulbright@hendrix.edu)

In addition to the Title IX Coordinator, the following individuals have been designated by Hendrix College as Officials with Authority (OWA) to institute corrective measures on behalf of Hendrix College and may receive reports alleging possible policy violations. Once an OWA receives a report or notice of an alleged violation of the Hendrix College Title IX policy, that OWA shall immediately forward the information to the Title IX Coordinator for review. The OWA shall not initiate the investigation process or contact any other involved party.

Reports made to the Title IX Coordinator or any of the OWAs listed below constitute actual knowledge on behalf of Hendrix College of an allegation of a violation of the Title IX Sexual Harassment Policy.

Name: Bridgette Gray  
Role: Human Resources Assistant Manager & Deputy Title IX Coordinator  
Office: Human Resources, 1545 Washington Avenue  
Phone: 501-450-1415  
Email: [buchananl@hendrix.edu](mailto:buchananl@hendrix.edu)

Name: Vicki Lynn  
Role: Vice President of Human Resources  
Office: Human Resources, 1545 Washington Avenue  
Phone: 501-450-3882  
Email: [lynn@hendrix.edu](mailto:lynn@hendrix.edu)

Name: Dr. David Sutherland  
Role: Interim Executive Vice President for Academic Affairs & Provost  
Office: Fausett Hall, 2nd floor  
Phone: 501-450-1254  
Email: [sutherlanddd@hendrix.edu](mailto:sutherlanddd@hendrix.edu)

Name: Mike LeBlanc  
Role: Acting Vice President for Student Affairs & Dean of Students  
Role: Director of Student Rights and Responsibilities  
Office: Student Life & Technology Center, 2nd floor, #211  
Phone: 501-450-1222  
Email: [leblanc@hendrix.edu](mailto:leblanc@hendrix.edu)

Name: Kesha Baoua  
Role: Vice President for Diversity and Inclusion & Chief Diversity Officer  
Office: Student Life & Technology Center, 2nd floor  
Phone: 501-450-3824  
Email: [baoua@hendrix.edu](mailto:baoua@hendrix.edu)

Name: Amy Weaver  
Role: Director of Athletics  
Office: Wellness and Athletics Center, #213  
Phone: 501-450-3899  
Email: [weaver@hendrix.edu](mailto:weaver@hendrix.edu)

Name: David Bugh  
Role: Director of Public Safety  
Office: Office of Public Safety, 1553 Washington Avenue  
Phone: 501-450-1467  
Email: [Bugh@hendrix.edu](mailto:Bugh@hendrix.edu)

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](mailto:OCR@ed.gov)  
Web: <http://www.ed.gov/ocr>  
Office for Civil Rights,  
Kansas City Office  
U.S. Department of Education

One Petticoat Lane  
1010 Walnut Street, Suite 320  
Kansas City, MO 64106  
Telephone: (816) 268-0550  
Facsimile: (816) 268-0559  
[Email: OCR.KansasCity@ed.gov](mailto:OCR.KansasCity@ed.gov)

For complaints involving employee-on-employee conduct: [Equal Employment Opportunity Commission](#)

## **XVII: Information on a Student's Option to Notify Law Enforcement Authorities (January 2022-September 2022)**

Reporting to Law Enforcement is the victim's choice. If the victim chooses to report to Law Enforcement and requests assistance, a College representative will help facilitate that meeting. If a decision has been made to report, Conway Police Department can be contacted by dialing 911 or the non-emergency line, 501-450-6120.

### **(August 2022-December 2022)**

If the Respondent is unknown or is not a member of the Hendrix College community, the Title IX Coordinator will assist the Complainant in identifying appropriate institutional and local resources and support options. If criminal conduct is alleged, Hendrix College can assist in contacting local or institutional law enforcement if the individual would like to file a police report.

## **XVIII: Notification to students of on- and off-campus gender offense victim services**

### **Support Services (January 2022-September 2022)**

If you have an emergency contact the Conway Police Department by dialing 911

If a student or employee reports experiencing gender-based discrimination or sexual misconduct to the Title IX Coordinator/, Title IX Investigator, Title IX Deputies, Human Resources, or the Dean of Students Office, those offices will provide written notification to students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both within the Hendrix community and the Conway community. Third parties who report information regarding gender-based discrimination/misconduct of a Hendrix community member also have the right to receive the same information listed above and in writing.

Students are encouraged to seek support through on-campus and off-campus services.

Students may contact the following on-campus services:

Hendrix College Public Safety – 501-450-7711

Counseling Services – 501-450-1448 (there is no charge for this service)

Hendrix Health Services – 501-852-1366

Chaplain's Office – 501-450-1263

Dean of Students Office – 501-450-1222

Student Outreach Services (SOS) – 501-450-1330, [sos@hendrix.edu](mailto:sos@hendrix.edu)

Residential Life Professional Staff – 501-450-1416

Hendrix Office of International Student Services – 501-450-1265 for visa and

immigration assistance  
Hendrix Office of Financial Aid – 501-450-1368

Students may also choose to contact support agencies off campus which include the following:

Arkansas Crisis Center – 1-888-274-7472

Rape Crisis Hotline – 501-801-2700 or 877-432-5368

Arkansas Coalition Against Sexual Assault – <https://acasa.us/>

Arkansas Coalition Against Domestic Violence – [www.domesticpeace.com](http://www.domesticpeace.com)

Hope Rainn National Sexual Assault Hotline – 800-656-4673

Faulkner County Prosecuting Attorney’s Victim Services Center – 501-450-3051

National Center for Victims of Crime – [www.victimsofcrime.org](http://www.victimsofcrime.org)

24-hour Conway Women’s Shelter Crisis Hotline – 866-358-2265

Arkansas Legal Services Partnership – 1-800-952-9243 or <http://www.arlegalservices.org/> or for legal assistance

To report any education discrimination on the basis of race, sex, disability, etc., or to request information on compliance programs, filing complaints, or access to regulatory documents, students may contact the U.S. Dept. of Education regional office.

U.S. Department of Education – Office of Civil Rights

One Petticoat Lane

1010 Walnut Street, 3rd floor, Suite 320

Kansas City, MO 64106

Telephone: 816-268-0550

FAX: 816-268-0599; TDD: 800-877-8339

Email: [OCR.KansasCity@ed.gov](mailto:OCR.KansasCity@ed.gov)

### **(January 2022-September 2022) Title IX Resources and Supportive Measures**

#### **EMERGENCY DIAL 911**

Conway Police Department [www.conwaypd.org/](http://www.conwaypd.org/) 501-450-6120

Faulkner County Sheriff Office <https://www.fcso.ar.gov/> 501-450-4914

Conway Fire Department [www.conwayarkansas.gov/fire/](http://www.conwayarkansas.gov/fire/) 501-450-6147

Pafford Medical Services (Ambulance) [www.paffordems.com/](http://www.paffordems.com/) 870-777-7480

Arkansas Poison Control Hotline <https://arpoisoncenter.org/> 800-222-1222

Hendrix College Public Safety [www.hendrix.edu/publicsafety/](http://www.hendrix.edu/publicsafety/) 501-450-7711

#### **MEDICAL**

Conway Regional Medical Center (Hospital) [www.conwayregional.org](http://www.conwayregional.org) 501-932-3500

Baptist Health Medical Center (Hospital) [www.baptist-health.com/baptist-health-conway-ar](http://www.baptist-health.com/baptist-health-conway-ar)  
501-585-2000

Conway Regional Health System [www.conwayregional.org](http://www.conwayregional.org) 501-329-3831

MedExpress Urgent Care [www.medexpress.com/location/ar/conway/cwa](http://www.medexpress.com/location/ar/conway/cwa) 501-504-2329

PrimeCARE (walk in clinic) [www.pcmc-ar.com/](http://www.pcmc-ar.com/) 501-327-7100

Conway Regional Women's Center [www.conwayregional.org](http://www.conwayregional.org) 501-329-3831

#### **LOCAL & NATIONAL**

1 in 6 (Live 24/7 helpline chat) [www.1in6.org](http://www.1in6.org) 877-628-1466

Arkansas Coalition Against Domestic Violence [www.domesticpeace.com](http://www.domesticpeace.com) 800-799-7233

Arkansas Coalition Against Sexual Assault [www.arkcasa.org](http://www.arkcasa.org) 800-656-4673

Arkansas Crisis Center [www.arcrisis.org](http://www.arcrisis.org) 888-274-7472  
Center for Arkansas Legal Services [www.arkansaslegal.org](http://www.arkansaslegal.org) 501-376-3423  
Centre SAFE [www.centresafe.org/services/services-for-male-survivors](http://www.centresafe.org/services/services-for-male-survivors) 877-234-5050  
Conway Police Department Victim Assistance [www.conwaypd.org/images/docs/cpd-lauras-card.pdf](http://www.conwaypd.org/images/docs/cpd-lauras-card.pdf) 501-450-6120  
Faulkner County Prosecuting Attorney Victim Assistance  
[www.faulknercounty.org/government/departments-2/prosecuting-attorney/victim-services](http://www.faulknercounty.org/government/departments-2/prosecuting-attorney/victim-services)  
501-450-3051  
Hendrix College Chaplin [www.hendrix.edu/life/religiouslife](http://www.hendrix.edu/life/religiouslife) 501-450-1263  
Hendrix College Counseling [www.hendrix.edu/counseling](http://www.hendrix.edu/counseling) 501-450-1448  
Hendrix College Employee Assistance Program [www.guidanceresources.com](http://www.guidanceresources.com) 888-327-9573  
Male Survivor [www.malesurvivor.org](http://www.malesurvivor.org) email/ chat only  
National Center for Victims of Crime [www.victimsofcrime.org](http://www.victimsofcrime.org) 202-467-8700  
National Coalition of Anti-Violence Programs [www.apv.org](http://www.apv.org) 212-714-1141  
National Human Trafficking Hotline [www.humantraffickinghotline.org/state/arkansas](http://www.humantraffickinghotline.org/state/arkansas)  
888-373-7888  
National Sexual Violence Resource Center [www.nsvrc.org](http://www.nsvrc.org) 877-739-3895  
National Suicide Prevention Lifeline [www.suicidepreventionlifeline.org](http://www.suicidepreventionlifeline.org) 800-273-8255  
Partners Against Trafficking Humans (PATH) [www.pathsaves.org](http://www.pathsaves.org) 501-301-4357  
Rape, Abuse & Incest National Network [www.rainn.org](http://www.rainn.org) 800-656-4673  
Rise House [www.risehouseconway.org](http://www.risehouseconway.org) 501-329-7405  
Safe Horizon [www.safehorizon.org](http://www.safehorizon.org) 800-621-4673  
Stop DV [www.wecanstopdv.org](http://www.wecanstopdv.org) 866-358-2265  
Survivors Network of those Abused by Priests (SNAP) [www.snapnetwork.org](http://www.snapnetwork.org) 877-762-7432  
Victim Connect Resource Center [www.victimconnect.org](http://www.victimconnect.org) 855-484-2846  
Womankind [www.iamwomankind.org/our-work](http://www.iamwomankind.org/our-work) 888-888-7702

## **XIX: Notification that institution will assist victim with changes in academic and living arrangements**

**(January 2022-September 2022)**

Hendrix College reserves the right to take whatever measures it deems necessary in response to an allegation of sexual misconduct in order to protect students' rights and personal safety. Hendrix College will assist the reporting student with changes in academic and living arrangements if desired by the student. Hendrix College also reserves the right to take measures with the accused student which include, but are not limited to, modification of living arrangements, interim suspension from campus pending a hearing, and reporting to the local police.

### **Remedies Available for Victims of Gender-Based Misconduct**

If you have been the victim of gender-based misconduct, you may request assistance in changing your academic, living, transportation, and/or working situations if they are reasonably available. This assistance is available whether or not you report the crime to Public Safety or local police. Students should contact Allison Vetter (SLTC 150), Title IX Investigator and Education Coordinator at 501-505-2901 or the Dean of Students Office at 501-450-1222 (SLTC 209); or email [title9@hendrix.edu](mailto:title9@hendrix.edu), visit the office, or email Dean Wiltgen at [Wiltgen@hendrix.edu](mailto:Wiltgen@hendrix.edu) for these requests.

College officials will maintain confidential any remedies or protective measures provided to the victim, to the

extent that maintaining such confidentiality would not impair the ability of Hendrix College to provide the remedies or protective measures.

If a student or employee reports being a victim of gender-based misconduct, whether the offense occurred on or off campus, to the Title IX Coordinator, Human Resources, or the Dean of Students Office, then those offices will provide written notification to students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both within the Hendrix community and the Conway community. If a student or employee reports being a victim of gender-based misconduct to another individual or department, then that victim has a right to receive the same information listed above in writing. In these cases, the individual taking the report or the victim can request the written information from the Title IX Coordinator, Human Resources, or the Dean of Students Office.

### **(August 2022-December 2022) Title IX Resources and Supportive Measures**

A formal Title IX report is not required to receive access to resources, supportive measures, and other remedies. In the event that you would like additional support and resources a pamphlet is available upon request and if you are a full-time employee of Hendrix College, the Employee Assistance Program is available you. Additionally, you can view a list of contact support services within the community below.

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

These actions may include, but are not limited to:

- Referral to counseling, medical, and/or other healthcare services
- Referral to Employee Assistance Program
- Referral to community-based service providers
- Visa and immigration assistance
- Student financial aid counseling
- Education to the community or community subgroup(s)
- Altering work arrangements for employees or student-employees
- Safety planning
- Providing campus safety escorts
- Providing transportation accommodations
- Implementing contact limitations (no contact orders) between the parties
- Academic support, extensions of deadlines, or other course/program-related adjustments
- Criminal Trespass Warning, Persona Non Grata (PNG), or Be-On-the-Lookout (BOLO) orders
- 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
- Increased security and monitoring of certain areas of the campus
- Any other actions deemed appropriate by the Title IX Coordinator

Violations of no contact orders will be referred to appropriate student or employee conduct processes for enforcement.

## XX: Procedures for Disciplinary Action for Alleged Sex Offenses

(January 2022-September 2022)

### 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 Hendrix College policy. Although 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, with the exception of information the parties agree not to disclose related to Informal Resolution, discussed below. Hendrix College encourages parties to discuss any sharing of information with their Advisors before doing so.

### Process A

Hendrix College will act on any formal or informal notice/complaint of violation of the Hendrix College *Interim Policy Prohibiting Discrimination, Harassment, Sexual Misconduct, and Retaliation* (the Policy”) that is received by the Title IX Coordinator<sup>1</sup> or any other Official with Authority by applying these procedures, known as “Process A.”

The procedures below apply **only** to qualifying allegations of sexual harassment (including sexual assault, dating violence, domestic violence, and stalking, as defined by this policy involving students, staff, administrators, or faculty members. When the jurisdiction does not fall within Process A, as determined by the investigator, Process B can also apply to sexual harassment (including sexual assault, dating violence, domestic violence, and stalking, as defined by this policy).

**Informal Resolution:** After a formal written complaint is filed, a complainant and respondent may both agree to enter into a process of informal resolution guided by the Title IX Coordinator. Informal resolutions may result in sanctions, excluding suspension or expulsion. Parties electing to pursue an informal resolution may decide at any time to pursue the formal grievance process.

Informal Resolution can include:

- When the Title IX Coordinator can resolve the matter informally by providing supportive measures (only) to remedy the situation.
- When the parties agree to resolve the matter through a negotiated resolution, usually before a formal investigation takes place; see discussion in a., below.
- When the Respondent accepts responsibility for violating policy, and desires to accept a sanction and end the resolution process (similar to above, but usually occurs post-investigation); see discussion in b., below.

Prior to implementing Informal Resolution, Hendrix College will provide the parties with written notice of the reported misconduct and any sanctions or measures that may result from participating in such a process, including information regarding any records that will be maintained or shared by the Hendrix College.

Hendrix College 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.

**Negotiated Resolution:** The Title IX Coordinator, with the consent of the parties, may negotiate and implement an agreement to resolve the allegations that satisfies all parties and the Hendrix College. Negotiated Resolutions are not appealable.

**Respondent Accepts Responsibility for Alleged Violations:** The Respondent may accept responsibility for all or part of the alleged policy violations 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 is appropriate.

If Informal Resolution is applicable, the investigating official will determine whether all parties and Hendrix College are able to agree on responsibility, sanctions, and/or remedies. If so, the investigating official implements the accepted finding that the Respondent is in violation of Hendrix College policy and implements agreed-upon sanctions and/or remedies,

This result is not subject to appeal once all parties indicate their written assent to all agreed upon terms of resolution. When the parties cannot agree on all terms of resolution, the Formal Grievance Process will resume at the same point where it was paused.

When a resolution is accomplished, the appropriate sanction 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.

## **(August 2022-December 2022) 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 Hendrix College Policy.

Although 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, except for information the parties agree not to disclose as part of an Informal Resolution. Hendrix College encourages parties to discuss any sharing of information with their Advisors before doing so.

The Formal Grievance Process is Hendrix College's primary resolution approach unless Informal Resolution is elected by all parties and Hendrix College.

### ***Informal Resolution***

Three options for Informal Resolution are detailed in this section.

1. **Supportive Resolution.** When the Title IX Coordinator can resolve the matter informally by providing supportive measures (only) to remedy the situation
2. **Alternative Resolution.** When the parties agree to resolve the matter through an alternative resolution mechanism including mediation, restorative practices, facilitated dialogue, etc., as described below, often before a formal investigation takes place.
3. **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. The parties

may agree, as a condition of engaging in Informal Resolution, that statements made, or evidence shared, during the Informal Resolution process will not be considered in the Formal Grievance Process unless all parties consent.

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. The parties may not enter into an agreement that requires Hendrix College to impose specific sanctions, though the parties can agree to certain restrictions or other courses of action. For example, the parties cannot require a student be suspended, but the parties can agree that the Respondent will temporarily or permanently withdraw. The only Informal Resolution Process that can result in sanctions levied by the institution 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.

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

Hendrix College 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.

### ***Alternative Resolution Approaches***

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

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

- The parties' amenability to Alternative Resolution
- Likelihood of potential resolution, considering any power dynamics between the parties
- The nature and severity of the alleged 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 Alternative 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 Alternative Resolution (time, staff, etc.)

The ultimate determination of whether Alternative Resolution is available or successful is made by the Title IX Coordinator. 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 Alternative Resolution are not appealable.

### ***Respondent Accepts Responsibility for Alleged Violations***

The Respondent may accept responsibility for all or part of the alleged policy violations 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 Hendrix College are able to agree on responsibility, restrictions and/or remedies. If so, the Title IX Coordinator implements the accepted finding that the Respondent is in violation of Hendrix College policy and implements agreed-upon restrictions and remedies and determines the appropriate sanction(s) 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. When the parties cannot agree on all terms of resolution, the Formal Grievance Process will resume at the same point where it was paused.

When a resolution is accomplished, the appropriate sanction(s) or responsive actions are promptly implemented 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.

## **Formal Grievance Process Pool**

The Formal Grievance Process relies on a pool of administrators (“the Pool”) to carry out the process.

### ***Pool Member Roles***

All Decision Maker Pool members must not be a student, must be a current employee of Hendrix College, trained annually, and can serve in in the following roles, at the discretion of the Title IX Coordinator:

- To serve in a facilitation role in Informal Resolution or Alternative Resolution if appropriately trained in appropriate resolution approaches (e.g., mediation, restorative practices, facilitated dialogue)
- To serve as a hearing facilitator (process administrator, no decision-making role)
- To serve as a Decision-maker regarding the complaint

### ***Pool Member Appointment***

The Title IX Coordinator appoints the Pool, which acts with independence and impartiality. Although members of the Pool are typically trained in a variety of skill sets and can rotate amongst the different roles listed above in different complaints, Hendrix College 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.

### ***Pool Member Training***

Pool members receive annual training based on their respective roles. This training includes, but is not limited to:

- The scope of Hendrix College Title IX Policy and Procedures
- How to conduct hearings 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 the 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 Hendrix College with respect to consent (or the absence or negation of consent) consistently, impartially, and in accordance with policy
- How to conduct grievance process 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 for Complainants, 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

The materials used to train all members of the Pool are publicly posted on the Hendrix College Title IX website.

### ***Pool Membership***

The Pool is used to comprise the Hearing Panel. Pool membership maintains at least three full-time faculty and staff of the College who have been nominated by the Title IX Coordinator or Deputy Title IX Coordinator, and who have been adequately trained within 12 months of the start of panel deliberation.

Pool members are usually appointed to three-year terms. Individuals who are interested in serving in the Pool are encouraged to contact the Title IX Coordinator.

A separate pool specifically for Advisors may be developed with the approval of and under the guidance of the Title IX Coordinator. The Advisor pool can include currently enrolled students and current employees of Hendrix College.

## **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. This facilitates the Respondent’s ability to prepare for the interview and to identify and choose an Advisor to accompany them. The NOIA is also copied to the Complainant, who will 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 Hendrix College 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 Hendrix College'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 Hendrix College'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
- An attachment of or link to the Hendrix College's VAWA Brochure
- The name(s) of the Investigator(s), along with a process to identify to the Title IX Coordinator, in advance of the interview process, 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 Hendrix College records, or emailed to the parties' Hendrix College-issued email or designated accounts. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

## **Resolution Timeline**

Hendrix College 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.

## **Appointment of Investigators**

Once the decision to commence a formal investigation is made, the Title IX Coordinator or Deputy Title IX Coordinator will begin the investigation usually within two (2) business days of determining that an investigation should proceed.

## **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 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.

Hendrix College 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 applicable standard of proof, preponderance of evidence.

## **Investigation Timeline**

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

Hendrix College 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.

## **Investigation Process Delays and Interactions with Law Enforcement**

Hendrix College may undertake a short delay in its investigation 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.

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

Hendrix College 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.

## **Investigation Process Steps**

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 the transcript of the interview once the investigation report is compiled.

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
- Identify 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 a prompt 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 the parties and witnesses
- Meet with the involved parties to finalize their interview/statement, if necessary
- Work with the Title IX Coordinator, as necessary, to prepare the initial Notice of Investigation and Allegations (NOIA). The NOIA may be amended with any additional or dismissed allegations
- Notice should inform the parties of their right to have the assistance of an Advisor, who could be a member of the Advisor Pool or an Advisor of their choosing present for all meetings attended by the party
- Provide each interviewed party and witness an opportunity to review and verify the transcript of the relevant evidence/testimony from their respective interviews and meetings
- Make good faith efforts to notify each party of any meeting or interview involving another 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 another 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 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, provide the parties and their respective Advisors (if so desired by the parties) with a list of witnesses whose information will be used to render a finding
- 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, engage in no policy analysis, 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 Hendrix College 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) days. Each copy of the materials shared will be watermarked on each page with the role of the person receiving it (e.g., Complainant, Respondent, Complainant's Advisor, Respondent's Advisor).
- 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 report with the Title IX Coordinator and/or legal counsel 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. The parties and Advisors are also provided an opportunity to review the file of any directly related evidence that was not included in the report.

## **Witness Role and Participation in the Investigation**

Witnesses (as distinguished from the parties) who are employees of Hendrix College are strongly

encouraged to cooperate with and participate in the investigation and Resolution Process. Student witnesses and witnesses from outside the Hendrix College community are encouraged to cooperate with Hendrix College 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. Zoom, Microsoft Teams, or similar technologies may be used for interviews if the Investigator(s) determine that timeliness, efficiency, or other reasons dictate a need for remote interviewing. Hendrix College 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.

## **Interview Recording**

No unauthorized audio or video recording of any kind is permitted during investigation meetings by any involved party, Advisor, or witness.

## **Evidentiary Considerations**

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 panel 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.

## **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 held 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-maker(s)—unless all parties and the Decision-maker(s) agree to an expedited timeline.

The Title IX Coordinator will select appropriate Decision-makers from the Pool and provide a copy of the investigation report and the file of directly related evidence. Allegations involving student-employees in the context of their employment will be directed to the appropriate Decision-maker(s) depending on the context and nature of the alleged misconduct.

## **Hearing Decision-maker Composition**

Hendrix College will designate three-member panel from the Pool, at the discretion of the Title IX Coordinator. One of the three 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 Witnesses or 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 Title IX Coordinator or designee.

### **Additional Evidentiary Considerations in the Hearing**

Previous disciplinary action of any kind involving the Respondent may not be used unless there is an allegation of a pattern of misconduct. Such information may also be considered in determining an appropriate sanction upon a determination of responsibility, assuming Hendrix College uses a progressive discipline system. This 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 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.

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

### **Hearing Notice**

No less than ten (10) business days prior to the hearing, the Title IX Coordinator or designee 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-maker(s) and parties to see and hear a party or witness answering questions. Such a request must be raised with the Title IX Coordinator as soon as possible, preferably at least 10 college 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(s) based on demonstrated bias or conflict of interest. This must be raised with the Title IX Coordinator at least 5 college 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 with approval from the Title IX Coordinator.
- 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 Hendrix College 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-maker(s) about the complaint unless they have already been provided.
- An invitation to each party to submit to the Chair an impact statement pre-hearing that the Decision-maker(s) will review during any sanction determination.
- An invitation to contact the Director of Academic Success and ADA/504 Coordinator, Julie Brown, at 501- 505-2954 or [brownj@hendrix.edu](mailto:brownj@hendrix.edu) 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.
- Parties can bring mobile phones/devices into the hearing but cannot record at any time.

Hearings for possible violations 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 Hendrix College and remain within the 60-90 business-day goal for resolution. Employees who do not have 12-month contracts are still expected to participate in Resolution Proceedings that occur during months between contracts.

### **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 as soon as possible, preferably at least five (5) business days prior to the hearing.

The Title IX Coordinator 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 know as soon as possible, preferably at least five (5) business days prior to the hearing so that appropriate arrangements can be made.

### **Pre-Hearing Preparation**

After any necessary consultation with the parties, the Title IX Coordinator 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 assent to the witness's participation in the hearing. The same holds for any relevant evidence that is first offered at the hearing. If the parties and Chair do not assent to the admission of evidence newly offered at the hearing, the Chair may delay the hearing and/or instruct that the investigation needs to be re-opened to consider that evidence.

The parties will be given a list of the names of the Decision-maker(s) 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) business 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 will give the Decision-maker(s) 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 a pre-hearing meeting or at the hearing and will be exchanged between each party by the Chair.

## **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 must document and share with each party their rationale for any exclusion or inclusion at a pre-hearing meeting.

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 the pre-hearing meeting with a party and/or 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 Hendrix College legal counsel and/or the Title IX Coordinator or ask either or both to attend pre-hearing meetings.

The pre-hearing meeting may be recorded at the discretion of the Title IX Coordinator. 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 or Title IX Coordinator will work with the parties to establish the format.

## **Hearing Procedures**

At the hearing, the Decision-maker(s) 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 violations 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, and Nondiscrimination Policy.

Participants at the hearing will include the Chair, any additional panelists, the hearing facilitator, the Investigator who conducted the investigation, the parties (or three (3) organizational representatives when an organization is the Respondent), Advisors to the parties, any called witnesses, the Title IX Coordinator, 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-maker(s) and the parties, and the witnesses will then be excused. The Investigator will remain present for the duration of the hearing.

### **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 Order of the Hearing – Introductions and Explanation of Procedure**

The Chair explains the procedures and introduces the participants. This may include a final opportunity for challenge or recusal of the Decision-maker(s) based on bias or conflict of interest. The Chair will rule on any such challenge unless the Chair is the individual who is the subject of the challenge, in which case the Title IX Coordinator will review the challenge and decide.

The Chair and/or hearing facilitator 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.

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.

### **Investigator Presentation of Final Investigation Report**

The Investigator will 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-maker(s) and the parties through their Advisors. The Investigator will be present during the entire hearing process, but not during deliberations.

Neither the parties nor the Decision-maker(s) 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 Investigators about these assessments. If such information is introduced, the Chair will direct that it be disregarded.

### **Testimony and Questioning**

Once the Investigator(s) present(s) the report and respond(s) 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 hearing will facilitate questioning of parties and witnesses by the Decision-maker(s) 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 all parties and the Chair prior to the hearing), the proceeding will pause to allow the Chair to consider the question (and state it if it has not already been stated aloud), and the Chair will determine whether the question will be permitted, disallowed, or rephrased.

### **Refusal to Submit to Questioning, 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.

An Advisor may not be called as a witness at a hearing to testify to what their advisee has told them during their role as an Advisor unless the party being advised consents to that information being shared. It is otherwise considered off-limits, and an Advisor who is an institutional employee is temporarily alleviated from mandated reporter responsibilities related to their interaction with their advisee during the Resolution Process.

### **Hearing Recordings**

Hearings (but not deliberations) are recorded by Hendrix College 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-maker(s), the parties, their Advisors, and appropriate administrators of Hendrix College will be permitted to review the recording or review a transcript of the recording, upon request to 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.

### **Deliberation, Decision-making, and Standard of Proof**

The Decision-maker(s) will deliberate in closed session to determine whether the Respondent is responsible for the policy violation(s) in question. Since a panel is used, 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-maker(s) may then consider the previously submitted party impact and/or mitigation statement(s) in determining appropriate sanction(s). The Chair will ensure that each of the parties has an opportunity to review any submitted impact and/or mitigation statement(s) once they are submitted.

The Decision-maker(s) will also review any pertinent conduct history and will determine the appropriate sanction(s) in consultation with other appropriate administrators, as required.

The Chair will 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 rationales explaining the sanction(s) and will deliver the statement to the Title IX Coordinator.

This statement is typically three pages in length and 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.

## **Notice of Outcome**

Using the deliberation statement, the Title IX Coordinator will work with the Chair to prepare a Notice of Outcome letter. The Title IX Coordinator will then share the letter, which includes the final determination, rationale, and any applicable sanction(s), with the parties and their Advisors within 5 college business days of receiving the 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 Hendrix College records, or emailed to the parties' Hendrix College-issued email or otherwise approved account. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

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

## **XXI: Sanctions for Gender Misconduct Offenses**

### **Sanctions (January 2022-September 2022)**

The panel may impose one or more of the following sanctions for each policy violation.

**Educational Project** - Project that encourages reflection and demonstration of knowledge.

**Restriction or Revocation of Privileges**- Temporary or permanent loss of privileges including but not limited to use of a particular facility or service, visitation privileges, and parking privileges.

**Termination or Change in Residency Privileges**- A sanction that terminates or changes a student's residency.

**Conduct Probation**- A sanction serving notice to a student that his or her behavior is in serious violation of College standards and policies. It is assigned for a specified time period. A breach of College standards or policies by a student during the probationary period may result in suspension or expulsion from the College.

**Suspension**- A student may be subject to mandatory separation from the College for a specified period of time. An application for readmission will be considered after the time period of the suspension has elapsed. Readmission is subject to stipulations by the panel and approval of College officials. A student who has been suspended is barred from visiting the campus unless written permission is granted by the appropriate official.

**Expulsion**- Expulsion is permanent dismissal from the College with no possible future readmission. A student who has been expelled is also barred from visiting the campus.

Any student found responsible for violating the policy on Non-Consensual Sexual Intercourse will likely face a sanction of suspension or expulsion.

**Other Appropriate Action-** Sanctions not specifically described above must be approved by the appropriate official.

At the discretion of the College, a Respondent who withdraws from the College during the pendency of grievance procedures under this Policy may be barred from College property, activities, and events and may be ineligible for re-enrollment or to be re-hired.

**Conduct Registration Hold** - If a student fails to complete the conditions of a sanction (e.g. College Service Hours, etc.), a Conduct Registration Hold will be placed on their Registrar's account. With this hold in place, the student is restricted from utilizing the major functions of the Registrar Office (e.g., prohibited from participating in registration and course adjustment, requesting transcripts, and from receiving a diploma). The Panel or a Title IX Administrator will remove the hold when it has been determined that the student is working towards or has returned to compliance.

## **(August 2022-December 2022) 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-maker(s)

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 re-opening a grievance process at any time, and/or referring that information to another process for resolution.

### ***Student Sanctions***

The following are the common sanctions that may be imposed upon students singly or in combination:

- *Warning:* A formal statement that the conduct was unacceptable and a warning that further violation of any Hendrix College policy, procedure, or directive will result in more severe sanctions/responsive actions.
- *Required Counseling:* A mandate to meet with and engage in either Hendrix College -sponsored or external counseling to better comprehend the misconduct and its effects.
- *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 and may include denial of specified social privileges, exclusion from co-curricular activities, exclusion from designated areas of campus,

no-contact orders, and/or other measures deemed appropriate.

- *Suspension*: Termination of student status for a definite period of time not to exceed two years and/or until specific criteria are met. Students who return from suspension are automatically placed on probation through the remainder of their tenure as a student at Hendrix College. Transcript notation of “suspension due to an issue other than scholastic or financial” will be used.
- *Expulsion*: Permanent termination of student status and revocation of rights to be on campus for any reason or to attend Hendrix College -sponsored events. This sanction will be noted permanently as a Conduct Expulsion on the student’s official transcript, subject to any applicable expungement policies.
- *Withholding Diploma*: Hendrix College may withhold a student’s diploma for a specified period of time and/or deny a student participation in commencement activities as a sanction if the student is found responsible for violating policy.
- *Revocation of Degree*: Hendrix College reserves the right to revoke a degree previously awarded from Hendrix College for fraud, misrepresentation, and/or other violation of Hendrix College policies, procedures, or directives in obtaining the degree, or for other serious violations committed by a student prior to graduation.
- *Other Actions*: In addition to or in place of the above sanctions, Hendrix College may assign any other sanctions as deemed appropriate.

### ***Student Organization Sanctions***

The following are the common sanctions that may be imposed upon student organizations singly or in combination:

- *Warning*: A formal statement that the conduct was unacceptable and a warning that further violation of any Hendrix College 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 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 and may include denial of specified social and event privileges, denial of Hendrix College funds, ineligibility for honors and awards, restrictions on new member recruitment, no-contact orders, and/or other measures deemed appropriate.
- *Suspension*: Termination of student organization recognition for a definite period of time not to exceed two years and/or until specific criteria are met. During the suspension period, a student organization may not conduct any formal or informal business or participate in Hendrix College -related activities, whether they occur on or off campus. Re-recognition is possible but not guaranteed and will only be considered after the end of the suspension period and based on meeting all re-recognition criteria and obtaining clearance from Hendrix College.
- *Expulsion*: Permanent termination of student organization recognition and revocation of the privilege to congregate and conduct business on campus as an organization for any reason.
- *Loss of Privileges*: Restricted from accessing specific Hendrix College privileges for a specified period of time.
- *Other Actions*: In addition to or in place of the above sanctions, Hendrix College may assign any other sanctions as deemed appropriate.

### ***Employee Sanctions/Responsive/Corrective Actions***

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

- Verbal or Written Warning
- Performance Improvement Plan/Management Process
- Enhanced Supervision, Observation, or Review
- Required Counseling
- Required Training or Education
- Probation
- Denial of Pay Increase/Pay Grade
- Loss of Oversight or Supervisory Responsibility
- Demotion



- Transfer
- Reassignment
- Delay of (or referral for delay of) Tenure Track Progress
- Assignment to New Supervisor
- Restriction of Stipends, Research, and/or Professional Development Resources
- Suspension/Administrative Leave with Pay
- Suspension/Administrative Leave without Pay
- Termination
- Other Actions: In addition to or in place of the above sanctions/responsive actions, Hendrix College may assign any other responsive actions as deemed appropriate.

## **Withdrawal or Resignation Before Complaint Resolution**

### ***Students***

Should a Respondent decide not to participate in the Resolution Process, the process proceeds absent their participation to a reasonable resolution. Should a student Respondent permanently withdraw from Hendrix College, the Resolution Process typically ends with a dismissal, as Hendrix College has lost primary disciplinary jurisdiction over the withdrawn student. However, Hendrix College may continue the Resolution Process when, at the discretion of the Title IX Coordinator, 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, Hendrix College 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 Hendrix College in any capacity. Admissions and Human Resources will be notified, accordingly. Such exclusion applies to all Hendrix College locations.

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 Hendrix College unless and until all sanctions, if any, have been satisfied.

### ***Employees***

Should an employee Respondent resign with unresolved allegations pending, the Resolution Process typically ends with dismissal, as Hendrix College has lost primary disciplinary jurisdiction over the resigned employee. However, Hendrix College may continue the Resolution Process when, at the discretion of the Title IX Coordinator, 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 matter is dismissed or pursued to completion of the Resolution Process, Hendrix College 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 with Hendrix College or any Hendrix College location, and the records retained by the Title IX Coordinator will reflect that status.

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

## **XXII: Where to Obtain Information about Registered Sex Offenders**

The campus community should contact the Conway Police Department (501-450-6120) for listings and information regarding registered sex offenders or visit the Arkansas Crime Information Center at <http://acic.org/offender-search/index.php>.

## **XXIII: Fire Safety Policies**

The policies in this section are specifically designed to increase safety and outline safe procedures for our students. Safety is always our first priority. Students who ignore safety guidelines or place other students in harm's way with their actions will be subject to strong disciplinary action.

Students who have concerns about their safety should contact our Public Safety office immediately. Students must understand that some individual actions have an impact on safety for the entire community. We need students to work with each other and with the extended Hendrix community to create a safe home for all. All crimes should be reported to Hendrix Public Safety at 501-450-7711.

### **Building Security**

Security is primarily the responsibility of the student. Hendrix Public Safety Officers make regular rounds checking residential facilities' exterior doors. Tampering or disabling exterior door security/access systems will result in conduct action. For your safety and the safety of others, please follow these guidelines:

- Do not prop or block exit doors or doors leading to fire exits and/or fire escapes.
- Close any door that you find propped open. (After doors have been propped a certain amount of time, a loud alarm will sound.)
- Do not allow strangers to enter the residential facilities.
- Escort guests at all times while in the residential facilities.
- Report any unescorted nonresidents to Public Safety.
- Report any security issues to the Residence Life staff and Public Safety.
- Close and lock all doors when leaving your room/apartment and residential facility.

### **Fire Equipment Tampering Policy**

Any misuse of or tampering with fire extinguishers, alarms, or equipment jeopardizes residents' safety and should be reported immediately to Public Safety or a Residence Life staff member if the event occurred in Hendrix College-owned housing. Fire equipment includes, but is not limited to, room and hallway smoke detectors, exit signs, fire alarms, breaker panels, fire extinguishers, etc. Students are reminded that removing batteries from smoke detectors is a violation. Report any problems with fire equipment to Public Safety or a Residence Life staff member if in Hendrix College-owned housing.

### **Fire Safety Equipment, Procedures, Prevention**

**Equipment** - It is a serious offense to tamper with fire safety equipment. Individuals who are found tampering with the fire alarms, extinguishers, smoke detectors, or other fire prevention equipment, or pulling the fire alarm under false pretenses will be subject to swift and decisive disciplinary action with eviction from College-owned housing being the most viable sanction. Do not tamper with the fire/life safety equipment.

Fire extinguishers are located throughout the residence halls and apartment buildings. They are to be used only in the event of a fire. They are considered fire equipment and are not to be disturbed. Do not tamper with the fire extinguishers or use them for anything other than to extinguish a fire.

Exit signs are located strategically throughout the buildings. Their purpose is to indicate exit routes, particularly in emergencies. Do not remove or tamper with any of these signs.

**Evacuation** - Specific evacuation procedures for each building will be explained by the Residence Life Staff at the

first-floor meeting of the academic year and are posted in the building. When the fire alarm sounds, the building must be thoroughly and immediately evacuated with no exceptions. Failure to do so may result in Conduct Action.

After the fire alarm sounds, Public Safety is automatically notified. Do not panic. Please familiarize yourself with the emergency procedures for your building as soon as you move in. Follow these simple instructions:

1. Turn off room lights except for ceiling lights. Leave blinds (and curtains) open.
2. Close windows and lock doors.
3. Grab a coat, shoes, and a towel to cover your face and head and leave in an orderly fashion as instructed in the evacuation procedures.
4. Walk quickly and quietly and use the closest exits.
5. Stand away from the building at the designated area. The Residence Life Staff will inform students when they may return to the building. Deliberately remaining in a building during an evacuation is a danger to yourself and to others who will enter the building to find you. This policy also applies to fire drills. Students found in buildings when a fire alarm is active may be subject to Conduct Action.
6. The Residence Life Staff will check each room to make certain that everyone has evacuated (as the nature of the emergency permits).

**If a fire is outside your room/apartment and it is unsafe to exit:**

1. Crack a window and remain near the opened window.
2. Hang a bed sheet or any large light-colored cloth out the window. This will signal your location to emergency personnel.
3. Keep close to the floor and near the outside wall. Remember, smoke rises.
4. Do not panic. Remain calm and cooperate with the staff and emergency personnel during emergencies.

**Prevention** - The best fire safety starts with prevention. To prevent fires and accidents, residents must use common sense and follow these simple guidelines:

1. Smoking is prohibited in College-owned buildings and on campus. (See Hendrix Smoking Policy)
2. Completely extinguish matches before discarding them.
3. Use only UL-approved electrical appliances. Use caution when using these appliances. Do not leave electrical appliances unattended.
4. Halogen lamps are not permitted in College-owned housing facilities.
5. Make certain that materials used for decorating purposes are fireproof or fire retardant.

Open flames of any type, including candles, the burning of incense, coals, possession of combustible chemicals including propane and other fuels, and the use of multiple (“octopus”) electrical adapters, appliances with frayed wires, and ungrounded electrical appliances are not permitted inside residential facilities.

Prohibited practices involving fire safety include any modification of existing electrical equipment such as outlets, light fixtures, wiring, etc.; running electrical cords under carpeting; running electrical cords through a doorway or window; connecting high wattage appliances or other electronic equipment to outlets by extension cords that do not contain breaker switches; decorating a student room by hanging or placing items such as tapestries, flags, or posters on the ceiling or in a way which covers vents on appliances or electronic equipment; overloading an electrical outlet; any practice which constitutes a fire hazard (i.e., careless use of smoking materials, etc.). Residents are not permitted

to leave belongings in the hallways, stairwells, and/or common areas as this creates an obstacle to safe access to and from the building.

A fire drill is conducted at least once per semester for each residence hall and house. All persons in the building must participate in the drill and evacuate the building. The purpose of the fire drill is to acquaint residents with a rapid and orderly means of exit during an emergency. Participation in fire drills is mandatory. Residents who do not comply with this procedure are subject to conduct action. Residents are to follow evacuation procedures as listed above.

Fire Safety policies will be enforced through casual observation and announced periodic fire safety inspections of residential facilities by Residence Life staff. Materials and items prohibited from campus that are found in residence hall rooms will be confiscated, receipted, and held in a secure place until the owner safely removes them from campus at the time of check-out. Violations of this policy will be addressed through the Hendrix College conduct process.

# XXIV. Hendrix College Fire Safety Report

The Campus Fire Safety Right-to-Know Act (S. 354) was passed in the United States Senate (July 2007). This act requires all college/university campuses nationwide to make public their fire safety information, statistics, and all fire-related events to students and their families. This public disclosure is intended to inform current and prospective students of the fire safety programs and policies in place at Hendrix College, and the institution’s state of readiness to detect and respond appropriately to fire-related emergencies. Fire drills were conducted in mid-February and mid-October with satisfactory results.

## FIRE PROTECTIVE FEATURES IN CAMPUS RESIDENCE FACILITIES

Hendrix College Residential Facilities	Fire Detection System (Smoke, Heat, Ion)	Fire Suppression System	Fire Extinguishers present	Redundant Monitoring System	Fire Drills Each Year
Brown House	Yes	Yes	Yes	Yes	2
Browne House	Yes	Yes	Yes	Yes	2
Clifton Street Apartments	Yes	No	Yes	No	0
Cooke House	Yes	Yes	Yes	Yes	2
Couch Hall	Yes	No	Yes	Yes	2
Creative Quad	Yes	Yes	Yes	Yes	2
Dickinson House	Yes	Yes	Yes	Yes	2
Eco House	N/A	N/A	N/A	N/A	N/A
Front Street Apartments	Yes	No	Yes	No	0
Galloway Hall	Yes	No	Yes	Yes	2
Hardin Hall	Yes	No	Yes	Yes	2
Hendrix Corner Apartments	Yes	No	Yes	No	0
Huntington Apartments	Yes	No	Yes	No	0
Language House	Yes	No	Yes	Yes	0
Martin Hall	Yes	No	Yes	Yes	2
Market Square South	Yes	Yes	Yes	Yes	2
McCreight House	Yes	Yes	Yes	Yes	2
Raney Hall	Yes	No	Yes	Yes	2
Smith House	Yes	Yes	Yes	Yes	2
Veasey Hall	Yes	No	Yes	Yes	2
Village C Apartments	Yes	Yes	Yes	Yes	0
Village D Apartments	Yes	Yes	Yes	Yes	0

Note: Traditional residence halls that do not have a fire suppression system will be upgraded with those systems when the buildings are remodeled.

Fire drills for Spring 2022 were February 14-18, 2022.

Fire Drills for Fall 2022 were conducted September 12, 13, 15, and 16, 2022.

## Prohibited Items and Practices

In compliance with fire and safety codes, the following appliances are not approved for use in any residential facility:

- Halogen lamps
- Cooking appliances with an exposed heating surface (*College-provided stoves in apartments are the only exceptions*).
- Space heaters
- Refrigerators larger than 4.6 cubic feet  
(*A fridge with a very low electrical draw and a high Energy Star rating is recommended. College-provided refrigerators in apartments are the only exception.*)
- Microwave ovens larger than 1.5 cubic feet

Other materials that are prohibited from use in residential facilities include:

- Flammable liquids and chemicals
- Cut Christmas trees or boughs
- Candles or other items with a wick, lit or unlit
- Incense, lit or unlit
- Halogen or quartz light bulbs and lamps
- Extension cords without circuit breakers
- Firearms, hunting knives, and fireworks
- Propane tanks – all sizes

Prohibited practices involving fire safety include any modification of existing electrical equipment such as outlets, light fixtures, wiring, etc.; running electrical cords under carpeting; running electrical cords through a doorway or window; connecting high wattage appliances or other electronic equipment to outlets by extension cords that do not contain breaker switches; decorating a student room by hanging or placing items such as tapestries, flags, or posters on the ceiling or in a way which covers vents on appliances or electronic equipment; overloading an electrical outlet; any practice which constitutes a fire hazard (i.e., careless use of smoking materials, etc.).

## Evacuation

Specific evacuation procedures for each building will be explained by the Residence Life Staff at the first-floor meeting and are posted in the building. When the fire alarm sounds, the building must be thoroughly and immediately evacuated with no exceptions. Failure to do so may result in Conduct Action. After the fire alarm sounds, Public Safety is automatically notified. Do not panic. Please familiarize yourself with the emergency procedures for your building as soon as you move in. Follow these simple instructions:

1. Turn off room lights except for ceiling lights. Leave blinds (and curtains) open.
2. Close windows and lock doors.
3. Grab a coat, shoes, and a towel to cover your face and head and leave in an orderly fashion as instructed in the evacuation procedures.
4. Walk quickly and quietly and use the closest exits.
5. Stand away from the building at the designated area. The Residence Life Staff will inform students when they may return to the building. Deliberately remaining in a building during an evacuation is a danger to yourself and to others who will enter the building to find you. This policy also applies to

- fire drills. Students found in buildings when a fire alarm is active may be subject to Conduct Action.
6. The Residence Life Staff will check each room to make certain that everyone has evacuated (as the nature of the emergency permits).

**If a fire is outside your room/apartment and it is unsafe to exit:**

1. Crack a window and remain near the opened window.
2. Hang a bed sheet or any large light-colored cloth out the window. This will signal your location to emergency personnel.
3. Keep close to the floor and near the outside wall. Remember, smoke rises.
4. Do not panic. Remain calm and cooperate with the staff and emergency personnel during emergencies



## 2022 CAMPUS FIRE STATISTICS

\*Martin and Veasey Hall were offline January 2022 - August 2022 for renovations.

BUILDING	NUMBER OF FIRES	CAUSE OF FIRE	INJURIES REPORTED	DEATHS REPORTED	VALUE OF PROPERTY DAMAGED
Brown House 1600 Washington Ave.	0	N/A	0	0	\$ 0
Browne House 1600 Washington Ave.	0	N/A	0	0	\$ 0
Clifton Street Apartments 1619 Clifton Street	0	N/A	0	0	\$ 0
Cooke House 1600 Washington Ave.	0	N/A	0	0	\$ 0
Couch Hall 1600 Washington Ave.	0	N/A	0	0	\$ 0
Creative Quad 1600 Washington Ave	0	NA	0	0	\$ 0
Dickinson House 1600 Washington Ave.	0	N/A	0	0	\$ 0
Front Street Apartments 1302 Front Street	0	N/A	0	0	\$ 0
Galloway Hall 1600 Washington Ave.	0	N/A	0	0	\$ 0
Hardin Hall 1600 Washington Ave.	0	N/A	0	0	\$ 0
Hendrix Corner Apartments 1210 Front Street	0	N/A	0	0	\$ 0
Huntington Apartments 1605 Clifton Street	0	N/A	0	0	\$ 0
Language House 1600 Washington Ave.	0	N/A	0	0	\$ 0
*Martin Hall 1600 Washington Ave.	0	NA	0	0	\$ 0
McCreight House 1600 Washington Ave.	0	N/A	0	0	\$ 0
Raney Hall 1600 Washington Ave.	0	N/A	0	0	\$ 0
Smith House 1600 Washington Ave.	0	N/A	0	0	\$ 00
*Veasey Hall 1600 Washington Ave.	0	N/A	0	0	\$ 0
Village C Apartments 1050 Ellis Ave.	0	N/A	0	0	\$ 0
Village D Apartments 1700 Altus Street	0	N/A	0	0	\$ 0
Market Square South 1055 Steel Ave.	0	N/A	0	0	\$ 0
Dawkins Welcome Center 1600 Washington Ave	0	N/A	0	0	\$ 0

## 2021 CAMPUS FIRE STATISTICS

BUILDING	NUMBER OF FIRES	CAUSE OF FIRE	INJURIES REPORTED	DEATHS REPORTED	VALUE OF PROPERTY DAMAGED
Brown House 1600 Washington Ave.	0	N/A	0	0	\$ -
Browne House 1600 Washington Ave.	0	N/A	0	0	\$ -
Clifton Street Apartments 1619 Clifton Street	0	N/A	0	0	\$ -
Cooke House 1600 Washington Ave.	0	N/A	0	0	\$ -
Couch Hall 1600 Washington Ave.	0	N/A	0	0	\$ -
Creative Quad 1600 Washington Ave	0	N/A	0	0	\$ -
Dickinson House 1600 Washington Ave.	0	N/A	0	0	\$ -
Front Street Apartments 1302 Front Street	0	N/A	0	0	\$ -
Galloway Hall 1600 Washington Ave.	0	N/A	0	0	\$ -
Hardin Hall 1600 Washington Ave.	0	N/A	0	0	\$ -
Hendrix Corner Apartments 1210 Front Street	0	N/A	0	0	\$ -
Huntington Apartments 1605 Clifton Street	0	N/A	0	0	\$ -
Language House 1600 Washington Ave.	0	N/A	0	0	\$ -
Martin Hall 1600 Washington Ave.	0	NA	0	0	\$ -
McCreight House 1600 Washington Ave.	0	N/A	0	0	\$ -
Raney Hall 1600 Washington Ave.	0	N/A	0	0	\$ -
Smith House 1600 Washington Ave.	0	N/A	0	0	\$ -
Veasey Hall 1600 Washington Ave.	0	N/A	0	0	\$ -
Village C Apartments 1050 Ellis Ave.	0	N/A	0	0	\$ -
Village D Apartments 1700 Altus Street	0	N/A	0	0	\$ -
Market Square South 1055 Steel Ave.	0	N/A	0	0	\$ -
Dawkins Welcome Center 1600 Washington Ave	0	N/A	0	0	\$ -

## 2020 CAMPUS FIRE STATISTICS

BUILDING	NUMBER OF FIRES	CAUSE OF FIRE	INJURIES REPORTED	DEATHS REPORTED	VALUE OF PROPERTY DAMAGED
Brown House 1600 Washington Ave.	0	N/A	0	0	\$ -
Browne House 1600 Washington Ave.	0	N/A	0	0	\$ -
Clifton Street Apartments 1619 Clifton Street	0	N/A	0	0	\$ -
Cooke House 1600 Washington Ave.	0	N/A	0	0	\$ -
Couch Hall 1600 Washington Ave.	0	N/A	0	0	\$ -
Creative Quad 1600 Washington Ave	0	N/A	0	0	\$ -
Dickinson House 1600 Washington Ave.	0	N/A	0	0	\$ -
Front Street Apartments 1302 Front Street	0	N/A	0	0	\$ -
Galloway Hall 1600 Washington Ave.	0	N/A	0	0	\$ -
Hardin Hall 1600 Washington Ave.	0	N/A	0	0	\$ -
Hendrix Corner Apartments 1210 Front Street	0	N/A	0	0	\$ -
Huntington Apartments 1605 Clifton Street	0	N/A	0	0	\$ -
Language House 1600 Washington Ave.	0	N/A	0	0	\$ -
Martin Hall 1600 Washington Ave.	0	NA	0	0	\$ -
McCreight House 1600 Washington Ave.	0	N/A	0	0	\$ -
Raney Hall 1600 Washington Ave.	0	N/A	0	0	\$ -
Smith House 1600 Washington Ave.	0	N/A	0	0	\$ -
Veasey Hall 1600 Washington Ave.	0	N/A	0	0	\$ -
Village C Apartments 1050 Ellis Ave.	0	N/A	0	0	\$ -
Village D Apartments 1700 Altus Street	0	N/A	0	0	\$ -
Market Square South 1055 Steel Ave.	0	N/A	0	0	\$ -
Dawkins Welcome Center 1600 Washington Ave	0	N/A	0	0	\$ -

## Training

Resident Assistants and other college staff receive fire extinguisher and safety training annually by the Conway Fire Marshal's office. Campus housing residents are informed of fire safety rules and practices by Residence Life staff at the beginning of each academic year.

## Definitions

The following definitions are applicable to this section:

- **Cause of fire:** The factor or factors that give rise to a fire. The causal factor may be but is not limited to, the result of an intentional or unintentional action, mechanical failure, or act of nature.
- **Fire:** Any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner.
- **Fire drill:** A supervised practice of a mandatory evacuation of a building for a fire.
- **Fire-related injury:** Any instance in which a person is injured as a result of a fire, including an injury sustained from a natural or accidental cause, while involved in fire control, attempting rescue, or escaping from the dangers of a fire. The term "person" may include students, faculty, staff, visitors, firefighters, or any other individuals.
- **Fire-related death:** Any instance in which a person (1) is killed as a result of a fire, including death resulting from a natural or accidental cause while involved in fire control, attempting rescue, or escaping from the dangers of a fire; or  
(2) dies within one year of injuries sustained as a result of a fire.
- **Fire-safety system:** Any mechanism or system related to the detection of a fire, the warning resulting from a fire, or the control of a fire. This may include sprinkler systems or other fire extinguishing systems; fire detection devices; stand-alone smoke alarms; devices that alert one to the presence of a fire, such as horns, bells, or strobe lights; smoke control and reduction mechanisms; and fire doors and walls that reduce the spread of a fire.
- **Value of property damage:** The estimated value of the loss of the structure and contents, in terms of the cost of replacement in like kind and quantity. This estimate should include contents damaged by fire, and related damages caused by smoke, water, and overhaul; however, it does not include indirect loss, such as business interruption.

**XXV.** Clery Geography



**HENDRIX COLLEGE CRIME STATISTICS**

Reported in accordance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act.

OFFENSE	YEAR	ON CAMPUS	NON-CAMPUS	**RESIDENTIAL FACILITIES	PUBLIC PROPERTY	TOTAL	UNFOUNDED CRIMES
MURDER/NON-NEGLIGENT MANSLAUGHTER	2022	0	0	0	0	0	0
	2021	0	0	0	0	0	0
	2020	0	0	0	0	0	0
NEGLIGENT MANSLAUGHTER	2022	0	0	0	0	0	0
	2021	0	0	0	0	0	0
	2020	0	0	0	0	0	0
RAPE	2022	3	0	3	0	3	0
	2021	3	0	1	0	3	0
	2020	1	0	1	0	1	0
FONDLING	2022	1	0	0	0	1	0
	2021	4	0	3	0	4	0
	2020	0	0	0	0	0	0
INCEST	2022	0	0	0	0	0	0
	2021	0	0	0	0	0	0
	2020	0	0	0	0	0	0
STATUTORY RAPE	2022	0	0	0	0	0	0
	2021	0	0	0	0	0	0
	2020	0	0	0	0	0	0
ROBBERY	2022	0	0	0	0	0	0
	2021	0	0	0	0	0	0
	2020	0	0	0	0	0	0
AGGRAVATED ASSAULT	2022	0	0	0	0	0	0
	2021	0	0	0	1	1	0
	2020	0	0	0	0	0	0
BURGLARY	2022	6	0	4	0	6	0
	2021	2	0	1	0	2	0
	2020	2	1	2	0	3	0
MOTOR VEHICLE THEFT	2022	0	0	0	1	1	0
	2021	0	0	0	0	0	0
	2020	0	0	0	0	0	0
LIQUOR LAW ARRESTS	2022	3	0	0	2	5	0
	2021	0	0	0	0	0	0
	2020	0	0	0	1	1	0
DRUG LAW ARRESTS	2022	2	0	0	3	5	0
	2021	2	0	1	4	6	0
	2020	1	1	0	0	2	0
WEAPONS LAW ARRESTS	2022	0	0	0	0	0	0
	2021	1	0	0	1	2	0
	2020	0	0	0	0	0	0
LIQUOR LAW VIOLATIONS REFERRED FOR DISCIPLINARY ACTION	2022	12	0	10	0	12	0
	2021	21	1	19	0	22	0
	2020	9	0	9	0	9	0
DRUG LAW VIOLATIONS REFERRED FOR DISCIPLINARY ACTION	2022	8	0	7	0	8	0
	2021	7	0	5	0	7	0
	2020	4	0	3	0	4	0
WEAPONS LAW VIOLATIONS REFERRED FOR DISCIPLINARY ACTION	2022	1	0	1	0	1	0
	2021	1	0	1	0	1	0
	2020	0	0	0	0	0	0
ARSON	2022	0	0	0	0	0	0
	2021	1	0	0	0	1	0
	2020	0	0	0	0	0	0
DOMESTIC VIOLENCE	2022	0	0	0	0	0	0
	2021	0	0	0	0	0	0
	2020	0	0	0	0	0	0
DATING VIOLENCE	2022	2	0	1	0	2	0
	2021	0	0	0	0	0	0
	2020	2	0	1	0	2	0
STALKING	2022	3	0	1	0	3	0
	2021	0	0	0	0	0	0
	2020	2	0	2	0	2	0

\*\* CRIMES REPORTED IN THE RESIDENTIAL FACILITIES COLUMN ARE INCLUDED IN THE "ON CAMPUS" CATEGORY.  
 There was one hate crime, vandalism of property based on Religion in 2022= Report # 22-09-451. There was one hate crime, intimidation based on race in 2022= Report # 22-09-449  
 There was one hate crime, vandalism of property/gender identity in 2020. RA report #3143/ 20-03-014  
 According to the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, a crime is "reported" when the incident is brought to the attention of the local police or campus official. Numbers do not necessarily reflect a finding of guilt or criminal responsibility.

**XXVI. Clery Statistics 2022**