What are the Title IX Officers’ Roles in Investigating Complaints of Sexual Discrimination?

At ASU-Beebe, the Title IX team consists of a Coordinator and two Deputy Coordinators, Investigators, and Hearing Committee members. One of the primary duties of the Title IX Coordinator is to oversee prompt, effective, and equitable intake, investigation, and timely resolution of all reported instances of gender discrimination. Once a report of sexual discrimination is submitted, the Coordinator collaborates with the Deputy Coordinators and/or Investigators to determine the best course of action. The assigned investigator(s) to the case will then conduct a thorough and unbiased investigation through a series of interviews and evidence collection. Upon completion, the investigator will evaluate case evidence and make a recommendation as to responsibility or lack thereof. The investigator’s report is sent to the Title IX Coordinator for review and a final determination is made in collaboration with the Vice Chancellor for Student Services. If either party in the case disagrees with the outcome, he or she has the right to request an appeal. Grounds for an appeal include institutional error only. Institutional error occurs when there is no legitimate reason for the action taken. Decisions which require the exercise of judgment or discretion cannot constitute institutional error. If an appeal is granted, a Sexual Discrimination Hearing Committee is assembled to hear the case. The Committee reviews the complete case file and makes a determination as to whether institutional error occurred and submits their final report to the Chancellor for review. The Chancellor will accept or reject the committee’s findings upon review of all materials and inform the Title IX Coordinator of the final decision. The Title IX Coordinator then informs all parties of the outcome of the appeal in writing.

What Actions Can Be Taken to Help When My Case Is Being Investigated?

As early as possible in the investigation, the Title IX Coordinator, in collaboration with the assigned investigator(s) will determine whether temporary remedial measures are warranted to ensure the safety of all parties. Examples of such measures may include, but are not limited to, suspension from employment with or without pay, suspension from classes, issuance of a no contact directive, reassignment of job duties, or changing class or classroom assignments.

What Happens if Someone is Found Responsible for Sexual Discrimination?

The sanctions for sexual discrimination violations are listed below. The institution reserves the right to broaden or lessen any range of sanctions in the case of serious mitigating circumstances or egregiously offensive behavior. ASU-Beebe will not deviate from the range of recommended sanctions unless compelling justification exists to do so.

1. Any person found responsible for violating the procedure on non-consensual or forced sexual contact (where no intercourse has occurred) will likely receive a sanction ranging from censure to dismissal for employees, and from reprimand to expulsion for students, depending on the severity of the incident, and taking into account any previous incidents.

2. Any person found responsible for violating the procedure on sexual exploitation or sexual harassment will likely receive a sanction ranging from warning to termination of employment for employees, and from warning to expulsion for students, depending on the severity of the incident, and taking into account any previous incidents.

3. Any person found responsible for violating the procedure on sexual assault (non-consensual or forced sexual intercourse) will likely face a sanction of termination of employment or expulsion from the University.

For more information and additional resources please visit http://www.asub.edu/title-IX
What is Title IX?

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

Title IX benefits both males and females and is at the heart of efforts to create gender equitable schools. The law requires educational institutions to maintain policies, practices, and programs that do not discriminate against anyone based on sex. Under this law, males and females are expected to receive fair and equitable treatment in all areas of public schooling including recruitment, admissions, educational programs and activities, course offerings and access, counseling, financial aid, employment assistance, facilities and housing, health and insurance benefits, scholarships, and athletics. Any incidence of sexual discrimination, including sexual harassment or sexual violence, should be reported to the Title IX Coordinator, who will take prompt action to secure a full and equitable review.

ASU-Beebe’s Stand on Sexual Discrimination

Members of the Arkansas State University-Beebe (ASU-Beebe) community, guests and visitors have the right to be free from sexual misconduct. All members of the campus community are expected to conduct themselves in a manner that does not infringe upon the rights of others. ASU-Beebe believes in a zero tolerance policy for gender-based misconduct. When an allegation of misconduct is brought to an appropriate administrator’s attention, and an individual is found responsible for sexual discrimination, serious sanctions will be used to reasonably ensure that such actions are never repeated. A Sexual Discrimination Grievance Procedure has been developed to reaffirm these principles and to provide recourse for those individuals whose rights have been violated. This procedure is intended to define community expectations and to establish a mechanism for determining when those expectations have been violated.

The health, safety, and well-being of the public and members of the University community are the primary concern of ASU-Beebe. If you or someone you know may be a victim of any form of sexual discrimination, you are strongly encouraged to seek immediate assistance.

What Constitutes Sexual Discrimination?

Sexual misconduct offenses include, but are not limited to, sexual harassment, sexual assault, sexual violence, stalking, domestic violence, and dating violence.

Sexual Harassment is defined as unwelcome, gender-based verbal or physical conduct that is severe, persistent or pervasive and occurs when:
1. Submission to, or tolerance of, such conduct is made a term or condition of instruction, employment, or participation in other university activities.
2. Submission to, or rejection of, such conduct is used as a basis for employment or education decisions affecting the individual; or
3. Such conduct has the effect of unreasonably interfering with an individual’s education or employment performance or creating an intimidating, hostile or offensive university environment.

Sexual assault occurs when a person is subjected to an unwanted sexual act by force or threat without consent. Sexual acts occur without consent when they are perpetrated against a person’s will or where a person is incapable of giving consent due to minority, intellectual impairment, or use of mind altering substances such as drugs or alcohol.

Sexual violence includes sexual assault, but may also consist of an attempt to obtain a sexual act or sexual advances using coercion, which do not result in a completed sexual act.

Stalking is defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to a) fear for his or her safety or the safety of others; or b) suffer substantial emotional distress.

Domestic violence is defined as a felony or misdemeanor crime of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the State of Arkansas, or by any other person against an adult or youth victim who is protected from that person’s act under a domestic or family violence laws of the State of Arkansas.

Dating violence is defined as violence committed by a person a) who is or has been in a social relationship of a romantic or intimate nature with the victim; and b) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) the length of the relationship, (ii) the type of the relationship, and (iii) the frequency of interaction between the persons involved in the relationship.

Does Anything Else Constitute Sexual Discrimination?

Other Misconduct Offenses (fall under Title IX when gender-based):
1. Threatening or causing physical harm, extreme verbal abuse, or other conduct which threatens or endangers the health or safety of any person;
2. Discrimination, defined as actions that deprive other members of the community of educational or employment access, benefits or opportunities on the basis of gender;
3. Intimidation, defined as implied threats or acts that cause an unreasonable fear of harm in another;
4. Haz ing, defined as acts likely to cause physical or psychological harm or social ostracism to any person within the university community, when related to the admission, initiation, pledging, joining, or any other group-affiliation activity;
5. Bullying, defined as repeated and/or severe aggressive behavior likely to intimidate or intentionally hurt, control or diminish another person, physically or mentally (that is not speech or conduct otherwise protected by the 1st Amendment);
6. Relationship violence, to include domestic violence and dating violence, is defined as violence between those in an intimate relationship to each other;
7. Stalking, defined as repetitive and/or menacing pursuit, following, harassment and/or interference with the peace and/or safety of a member of the community, or the safety of any of the immediate family members of the community.

How Do I Report Incidents of Sexual Discrimination?

Any employee, student, or visitor who believes he or she has been subjected to sexual discrimination should report the incident to the Title IX Coordinator or other appointed staff as identified on the front page of this guide. Employees with supervisory responsibilities and university police personnel must report incidents of sexual discrimination either observed by them or reported to them to the Title IX Coordinator. In the event the sexual discrimination allegation is against the Title IX Coordinator, the report should be submitted to the Office of University Counsel. In order to ensure timely investigation and remedy, a sexual discrimination grievance should be activated within sixty (60) days from the time the events leading to the complaint occurred. All complaints are investigated; however, delay in reporting impedes the ability to achieve prompt resolution. All efforts will be made to honor a request for confidentiality but confidentiality cannot be ensured. Reports of sexual assault or sexual violence will be reported to law enforcement authorities.

Any individual who believes he or she has been subjected to sexual discrimination has the option to pursue a criminal complaint with the appropriate law enforcement agency. Criminal investigations by any law enforcement agencies or student conduct violation investigations conducted under the Faculty, Staff, or Student Handbooks may occur simultaneously with sexual discrimination grievance investigations and do not affect the grievance process.

False reports of sexual discrimination and/or retaliation against any person for reporting, filing, assisting, or participating in any manner in any investigation or proceeding involving allegations of sexual discrimination are strictly prohibited and will result in appropriate remedial action commensurate with the severity of the offense.