

Board of Visitors

January 9, 2023

UA Cossatot embraces diversity and is committed to improving the lives of those in our region by providing quality education, outstanding service, and relevant industry training.

UA Cossatot Mission Statement

Board of Visitors Meeting De Queen, Arkansas January 9, 2023

UA Cossatot Lockesburg Middle School Community Room

- I. Light Meal Served: 11:30a
- II. Opening Prayer:

Open Meeting:

Introduce Guests:

III. <u>Staff Reports</u>

IV.

A.	Chancellor's Report by Steve Cole4-	-5
В.	Financial Report by Charlotte Johnson6-	20
C.	Academic Services Report by Ashley Aylett21-	29
D.	Facilities Report by Mike Kinkade	31
E.	Public Services & Workforce Development	37
F.	College Relations	41
<u>Acti</u>	on Items	
No.	1 Approve Minutes of November 7, 2022, Board Meeting	45

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No. 2 Delete College Policy 206: Title IX Discrimination, Harassment, Retaliation, and Misconduct	
No. 3 Review New College Policy 216: UA Cossatot Title IX Policy for Complaints of Assault and Other Forms of Sexual Harassment	
No. 4 Review New College Policy 217: Policy & Procedure on Complaints of Discrim Harassment	
No. 5 Review New College Policy 218: Consensual Relationships7	9-80

V. <u>Adjournment:</u> Motion: Second:

Board of Visitors meeting schedule:

January 9, 2023	UA Cossatot Bank of Lockesburg Gymnasium
March 6, 2023	UA Cossatot Bank of Lockesburg Gymnasium
May 1, 2023	UA Cossatot Bank of Lockesburg Gymnasium

VI. <u>Information Items</u>

1.	Distance Learning Committee Meetings	82
2.	Thank you from Lily & Jolie McLelland	83
	Thank you from Avery & Claire Myers	

COSSATOT COMMUNITY COLLEGE OF THE UNIVERSITY OF ARKANSAS

REPORT TO THE BOARD OF VISITORS

January 9, 2023

SUBJECT: Chancellor's Report

STEVE COLE

Power of Short-Term Go To Work Certificate Training

UA Cossatot is uniquely positioned to quickly adapt to the demands of the regional workforce. We have always offered the degree programs our students and our industries need to keep economic development moving in the right direction. Along with the for-credit degree programs we offer at UA Cossatot, many people tend to forget that we are really good at developing short-term certificate programs that are designed to quickly meet the needs of a changing workforce. There is no better example of this development than the new lineman training program we have been building since 2021. Set to launch this month (January, 2022), this program is a four-week program designed to meet the need to fill hundreds of acrial fiber linemen jobs that are open right now in Arkansas.

This effort highlights the importance of our college continuing to partner with relevant industries in developing short-term programs where students can attend our school for just a few weeks and then earn a high-wage, high-skill job somewhere in our region. We must always be ready to develop these programs to serve as a complement to the for-credit degree programs we currently offer. Right now, we are currently entertaining discussions with two other major industries in our area to offer short-term certificate programs that surround the electric and fiber industries. We are also looking into the possibility of offering digital "badges" that our students could earn. These "badges" would be portable credentials that industries would recognize as valuable in the hiring process.

As we continue our college "life-cycle", please know that short-term, non-credit workforce training will be every bit as valuable to us (and our students!) as all the high-quality degree programs we offer!

Respectfully Submitted,



Dr. Steve Cole, Chancellor

COSSATOT COMMUNITY COLLEGE OF THE UNIVERSITY OF ARKANSAS

REPORT TO THE BOARD OF VISITORS

January 9, 2023

SUBJECT: Financial Report

CHARLOTTE JOHNSON

Cossatot Community College of the University of Arkansas Summary of Unrestricted & Auxiliary Revenues/Expenditure Report As of October 2022

	Fiscal Year 2021-2022		Fiscal Year 2022-2023	
REVENUES	ACTUAL	BUDGETED	ACTUAL	BUDGETED
General Revenue	\$1,326,487.97	\$3,591,046.00	\$1,425,839.41	\$3,808,951.00
Workforce 2000	450,112.40	1,350,337.00	450,112.40	1,350,337.00
Tuition & Fees	1,804,312.54	3,958,750.00	1,814,706.65	4,261,315.00
Sales Tax Revenue	524,002.04	1,485,000.00	547,493.81	1,692,000.00
Other Income	79,949.05	240,000.00	34,362.27	210,000.00
Auxiliary Revenues (Book, Café, Sports)	104,697.91	225,500.00	105,978.70	427,700.00
TOTAL REVENUES	\$4,289,561.91	\$10,850,633.00	\$4,378,493.24	\$11,750,303.00
EXPENDITURES				
Salaries	\$1,711,485.32	\$5,761,746.00	\$1,780,501.60	\$6,104,015.00
Fringe Benefits	479,158.94	1,858,094.00	417,417.99	1,982,424.00
Travel, Conf. Expenses, Prof. Dev.	16,069.33	135,380.00	34,895.37	155,586.00
Supplies & Services	1,005,857.86	1,440,035.00	1,322,654.99	1,814,163.00
Utilities/Telephone	83,773.22	450,825.00	98,334.59	448,545.00
Professional & Administrative Fees	58,109.05	259,895.00	32,327.78	345,724.00
Miscellaneous Other	72,442.97	185,200.00	130,122.71	182,914.00
Debt Service *	107,143.62	429,191.00	56,471.57	290,521.00
Capital Outlay	16,178.97	496,061.00	50,864.39	500,180.00
TOTAL EXPENDITURES	\$3,550,219.28	\$11,016,427.00	\$3,923,590.99	\$11,824,072.00
Net Increase (Decrease) for Year	\$739,342.63	(\$165,794.00)	\$454,902.25	(\$73,769.00)
Unrestricted Cash Balance at Beginning of Year	\$4,831,113.39	\$3,500,000.00	\$4,532,812.92	\$3,750,000.00
Fund Balance at End of October	\$5,570,456.02	\$3,334,206.00	\$4,987,715.17	\$3,676,231.00

Cossatot Community College of the University of Arkansas Accounts Receivable Month and Yearly Comparison As of October 2022

	Jul-21	Jul-22	Yearly Change
Student Accts Receivables (less allowances)	\$2,069,122.05	\$1,300,359.30	(\$768,762.75)
	Aug-21	Aug-22	Yearly Change
Student Accts Receivables (less allowances)	\$1,511,694.55	\$1,346,977.99	(\$164,716.56)
	Sep-21	Sep-22	Yearly Change
Student Accts Receivables (less allowances)	\$1,903,761.87	\$1,102,787.21	(\$800,974.66)
	Oct-21	Oct-22	Yearly Change
Student Accts Receivables (less allowances)	\$1,827,559.53	\$1,035,255.42	(\$792,304.11)

Cossatot Community College of the University of Arkansas Grants & Other Restricted Programs As of October 2022

Grants	Expiration Date	Total Award Amount Remaining	Earned to Date
Adult Education ABE Grant	6/30/2023	\$262,901.36	77,843.80
Adult Education General Education Diploma GAE Grant	6/30/2023	221,060.99	74,813.56
Adult Education D & E (Direct & Equitable)	6/30/2023	88,166.98	20,124.59
Adult Education Special Projects TANF	6/30/2023	87,411.00	16,319.40
Adult Education EL/Civics Grant	6/30/2023	34,572.85	9,708.20
Adult Education SNAP State Grant	8/31/3334	22,546.22	7,398.18
Adult Education Carryover State Grant	6/30/2023	10,320.66	0.00
Adult Education Carryover Technology	6/30/2023	2,251.45	611.72
Career Pathways (TANF funds)	6/30/2023	264,993.00	75,143.46
Carl Perkins Grant	6/30/2023	102,760.00	27,250.26
Weyerhauser Giving Fund - Technology Grant 2021-	6/20/2022	E 000 00	0.00
Carryover Weyerhauser Giving Fund - Technology Grant 2022-	6/30/2023	5,000.00	0.00
Carryover	6/30/2023	4,000.00	0.00
USDA RUS Distance Learning Grant	3/31/2023	400,587.00	410.96
ACE-Career Coaches State Grant	6/30/2023	167,143.00	37,092.49
ACE-Career Coaches High School Share	6/30/2023	145,324.00	33,273.06
ACE-JAG Grant	6/30/2023	81,632.00	40,537.90
ANCRC Lockesburg Restoration FY23	6/30/2023	331,800.00	0.00
Domtar WEC Grant 2022 Carryover	12/31/2022	18,684.67	9,291.36
DOL Youthbuild Grant - 3 Yrs (\$844,425)	3/31/2023	146,897.60	34,606.19
Trauma EMS Training Grant	6/30/2023	3,116.00	654.11
DANA Center Strong Start to Finish Grant	6/30/2023	5,474.72	4,525.28
Arkansas Community Foundation Delivering the Dream 2022	9/30/2022	14,806.88	14,806.88
UA Prepares Agriculture Grant - 3 Yrs (\$141,387)	9/14/2023	115,348.57	6,553.93
GSTARS NSF Frant - 3 Yrs (\$299,635)	6/30/2024	226,104.74	46,326.78
Title III ALIGN Grant - 5 Yrs (\$2,226,660)	9/30/2025	1,687,166.95	132,053.24
SBA Community Navigator 2 Yrs (1,000,000) EDA Wellness Education Learning and Living - 5 Yrs	11/30/2023	870,580.28	81,984.58
(2,000,000)	8/4/2026	2,000,000.00	26,684.12
ADHE Regional Workforce Transportation Grant	6/30/2023	50,000.00	0.00
Broadband Expansion Initiative (BEI) Grant	6/30/2023	1,093,268.50	0.00
Sevier County FRIENDS	12/31/2022	75,241.66	12,785.82
Little River County Intermodal	6/30/2023	58,000.00	3,435.28
ARNEC Consortium	6/30/2023	347,135.00	87,791.64
SSARP Absolute Priority 4	7/13/2023	288,441.00	144,220.00
HEERF II Cares Act Institutional Funds Grant	6/1/2023	202,944.13	6,022.80
HEERF III Cares Act Institutional Funds Grant	6/1/2023	1,030,414.28	472,057.86

HEERF II Cares Act Student Emergency Relief Funds Grant	5/12/2023	512.00	0.00
IHEERF III Cares Act Student Emergency Relief Funds Grant	5/12/2023	409,317.00	233,250.00
HEERF Cares Act Minority Serving Institutional Funds Grant	6/8/2023	31,156.00	0.00
HEERF II Cares Act Minority Serving Institutional Funds Grant	6/8/2023	93,228.00	0.00
HEERF III Cares Act Minority Serving Institutional Funds Grant	6/8/2023	154,247.00	0.00
Totals	=	\$11,154,555.49	\$1,737,577.45

Cossatot Community College of the University of Arkansas Schedule of Bank Accounts As of October 2022

Name of Account	Bank Name	Balance
Cash Fund Account	Farmer's Bank	\$3,196,141.31
General Revenue Account	State Treasury	1,425,839.41
Financial Aid	Farmer's Bank	18,778.52
Scholarship Fund	First State Bank	4,871.84
Student Organizations	First State Bank	62,591.10
Crit Maint/Construction Acct	First State Bank	31,868.46
	Total	\$4,740,090.64

*Bank Balance as of October 2021 \$5,811,393.91

Cossatot Community College of the University of Arkansas Schedule of Investments - Certificate of Deposits As of October 2022

Amount	Rate	Maturity Date	Bank	Term
	Colle	ge Funds on Cert	ificate of Deposit	
\$292,728.40	1.50%	3/29/2023	Horatio State Bank	12 months
\$287,142.81	1.50%	6/26/2023	Horatio State Bank	12 months
\$286,232.67	2.00%	8/28/2023	Horatio State Bank	12 months
\$109,527.37	1.25%	7/27/2023	Diamond Bank	36 months
\$975,631.25			Total College (CD Funds

*CD Balance as of October 2021 \$960,554.58

University of Arkansas Pooled Investments As of October 31, 2022

	Beginning Balance 10/15/2022	Net Change	Ending Balance 10/31/2022
Tier 2 Investments	500,000.00	(1,033.67)	498,966.33

Cossatot Community College of the University of Arkansas Schedule of Endowment Funds As of October 2022

	Endowment Funds on Certificate of Deposit					
Amount	Rate	Maturity Date	Bank	Term		
\$75,000.00	2.00%	8/28/2023	Horatio State Bank	12 months		
\$75,000.00				Total Endowment CD's		
Balance						
		Endowme	ent Funds in Checking			
\$25,355.66			Farmer's Bank			
\$25,355.66				Total Endowment Checking		
\$100,355.66				Total Endowment Funds		

*Endowment Fund Balance as of October 2021 \$84,122.98

Cossatot Community College of the University of Arkansas Summary of Unrestricted & Auxiliary Revenues/Expenditure Report As of November 2022

	Fiscal Year	2021-2022	Fiscal Year	2022-2023
REVENUES	ACTUAL	BUDGETED	ACTUAL	BUDGETED
General Revenue	\$1,618,267.64	\$3,591,046.00	\$1,700,057.01	\$3,808,951.00
Workforce 2000	562,640.50	1,350,337.00	562,640.50	1,350,337.00
Tuition & Fees	2,225,501.35	3,958,750.00	2,190,704.19	4,261,315.00
Sales Tax Revenue	634,002.04	1,485,000.00	657,493.81	1,692,000.00
Other Income	116,975.37	240,000.00	60,549.44	210,000.00
Auxiliary Revenues (Book, Café, Sports)	116,382.91	225,500.00	115,580.15	427,700.00
TOTAL REVENUES	\$5,273,769.81	\$10,850,633.00	\$5,287,025.10	\$11,750,303.00
EXPENDITURES				
Salaries	\$2,200,100.52	\$5,761,746.00	\$2,283,823.93	\$6,104,015.00
Fringe Benefits	612,094.79	1,858,094.00	627,814.32	1,982,424.00
Travel, Conf. Expenses, Prof. Dev.	20,482.82	135,380.00	52,922.66	155,586.00
Supplies & Services	1,065,935.01	1,440,035.00	1,422,889.31	1,814,163.00
Utilities/Telephone	98,611.48	450,825.00	117,016.39	448,545.00
Professional & Administrative Fees	71,865.95	259,895.00	32,477.78	345,724.00
Miscellaneous Other	78,903.20	185,200.00	143,700.27	182,914.00
Debt Service *	120,868.85	429,191.00	56,471.57	290,521.00
Capital Outlay	16,178.97	496,061.00	85,848.70	500,180.00
TOTAL EXPENDITURES	\$4,285,041.59	\$11,016,427.00	\$4,822,964.93	\$11,824,072.00
Net Increase (Decrease) for Year	\$988,728.22	(\$165,794.00)	\$464,060.17	(\$73,769.00)
Unrestricted Cash Balance at Beginning of Year	\$4,831,113.39	\$3,500,000.00	\$4,532,812.92	\$3,750,000.00
Fund Balance at End of November	\$5,819,841.61	\$3,334,206.00	\$4,996,873.09	\$3,676,231.00

Cossatot Community College of the University of Arkansas Accounts Receivable Month and Yearly Comparison As of November 2022

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Student Accts Receivables (less allowances)	\$2,069,122.05	\$1,300,359.30	(\$768,762.75)
	• • • •		Yearly
	Aug-21	Aug-22	Change
Student Accts Receivables (less allowances)	\$1,511,694.55	\$1,346,977.99	(\$164,716.56)
			Yearly
	Sep-21	Sep-22	Change
Student Accts Receivables (less allowances)	\$1,903,761.87	\$1,102,787.21	(\$800,974.66)
			Yearly
	Oct-21	Oct-22	Change
Student Accts Receivables (less allowances)	\$1,827,559.53	\$1,035,255.42	(\$792,304.11)
			Yearly
	Nov-21	Nov-22	Change
Student Accts Receivables (less allowances)	\$1,839,673.39	\$1,079,387.31	(\$760,286.08)

Cossatot Community College of the University of Arkansas Grants & Other Restricted Programs As of November 2022

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Adult Education Carryover Technology	6/30/2023	2,251.45	611.72
Career Pathways (TANF funds)	6/30/2023	264,993.00	119,443.97
Carl Perkins Grant	6/30/2023	102,760.00	33,492.49
Weyerhauser Giving Fund - Technology Grant 2021-	C/20/2022	5 000 00	0.00
Carryover Weyerhauser Giving Fund - Technology Grant 2022-	6/30/2023	5,000.00	0.00
Carryover	6/30/2023	4,000.00	0.00
USDA RUS Distance Learning Grant	3/31/2023	400,587.00	410.96
ACE-Career Coaches State Grant	6/30/2023	167,143.00	48,776.84
ACE-Career Coaches High School Share	6/30/2023	145,324.00	44,017.70
ACE-JAG Grant	6/30/2023	81,632.00	49,408.17
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Trauma EMS Training Grant	6/30/2023	3,116.00	654.11
DANA Center Strong Start to Finish Grant	6/30/2023	5,474.72	4,525.28
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UA Prepares Agriculture Grant - 3 Yrs (\$141,387)	9/14/2023	115,348.57	6,553.93
GSTARS NSF Frant - 3 Yrs (\$299,635)	6/30/2024	226,104.74	48,950.86
Title III ALIGN Grant - 5 Yrs (\$2,226,660)	9/30/2025	1,687,166.95	148,193.99
SBA Community Navigator 2 Yrs (1,000,000) EDA Wellness Education Learning and Living - 5 Yrs	11/30/2023	870,580.28	113,116.15
(2,000,000)	8/4/2026	2,000,000.00	27,881.62
ADHE Regional Workforce Transportation Grant	6/30/2023	50,000.00	0.00
Broadband Expansion Initiative (BEI) Grant	6/30/2023	1,093,268.50	0.00
Sevier County FRIENDS	12/31/2022	75,241.66	15,064.07
Little River County Intermodal	6/30/2023	58,000.00	4,752.02
ARNEC Consortium	6/30/2023	347,135.00	116,324.45
SSARP Absolute Priority 4	7/13/2023	288,441.00	144,220.00
HEERF II Cares Act Institutional Funds Grant	6/1/2023	202,944.13	7,528.51
HEERF III Cares Act Institutional Funds Grant	6/1/2023	1,030,414.28	479,482.00

HEERF II Cares Act Student Emergency Relief Funds Grant	5/12/2023	512.00	0.00
IHEERF III Cares Act Student Emergency Relief Funds Grant	5/12/2023	409,317.00	233,250.00
HEERF Cares Act Minority Serving Institutional Funds Grant	6/8/2023	31,156.00	0.00
HEERF II Cares Act Minority Serving Institutional Funds Grant	6/8/2023	93,228.00	0.00
HEERF III Cares Act Minority Serving Institutional Funds Grant	6/8/2023	154,247.00	0.00
Totals	=	\$11,154,555.49	\$1,978,832.77

Cossatot Community College of the University of Arkansas Schedule of Bank Accounts As of November 2022

Name of Account	Bank Name	Balance
Cash Fund Account	Arvest Bank	\$4,297,146.86
General Revenue Account	State Treasury	400,057.01
Financial Aid	Arvest Bank	18,866.99
Scholarship Fund	First State Bank	4,872.04
Student Organizations	First State Bank	64,494.87
Crit Maint/Construction Acct	First State Bank	31,869.77
	Total _	\$4,817,307.54

*Bank Balance as of November 2021 \$5,808,119.88

Cossatot Community College of the University of Arkansas Schedule of Investments - Certificate of Deposits As of November 2022

Amount	Rate	Maturity Date	Bank	Term
	Colle	ge Funds on Cert	ficate of Deposit	
\$293,101.33	1.50%	3/29/2023	Horatio State Bank	12 months
\$287,508.62	1.50%	6/26/2023	Horatio State Bank	12 months
\$286,718.87	2.00%	8/28/2023	Horatio State Bank	12 months
\$109,643.65	1.25%	7/27/2023	Diamond Bank	36 months
\$976,972.47			Total College (CD Funds

*CD Balance as of November 2021 \$961,877.55

University of Arkansas Pooled Investments As of November 30, 2022

	Beginning Balance		Ending Balance
	10/15/2022	Net Change	11/30/2022
Tier 2 Investments	500,000.00	5,323.71	505,323.71

Cossatot Community College of the University of Arkansas Schedule of Endowment Funds As of November 2022

Endowment Funds on Certificate of Deposit				
Amount	Rate	Maturity Date	Bank	Term
\$75,000.00	2.00%	8/28/2023	Horatio State Bank	12 months
\$75,000.00				Total Endowment CD's
Balance				
		Endowme	ent Funds in Checking	
\$25,409.84			Arvest Bank	
\$25,409.84				Total Endowment Checking
\$100,409.84				Total Endowment Funds

*Endowment Fund Balance as of November 2021 \$84,418.55

COSSATOT COMMUNITY COLLEGE OF THE UNIVERSITY OF ARKANSAS

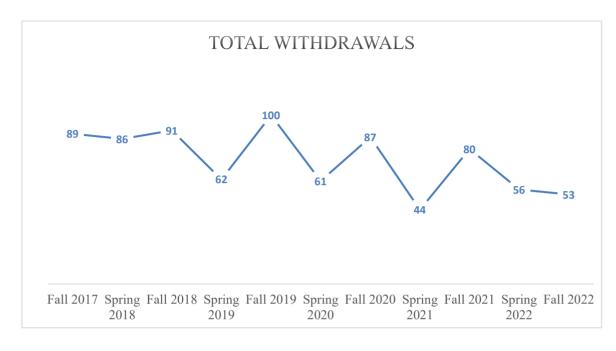
REPORT TO THE BOARD OF VISITORS

January 9, 2023

SUBJECT: Academic Services Report

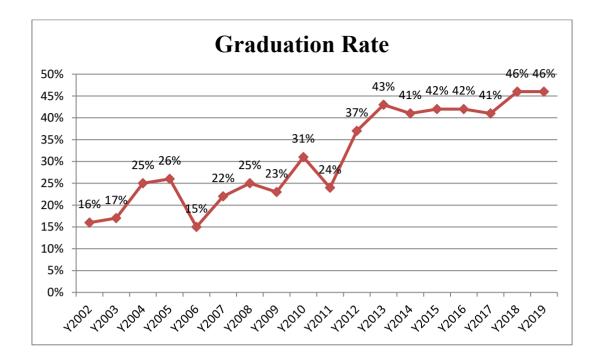
ASHLEY AYLETT

Academic Services Report—January 2023



Reason:

Academic Difficulties	21
Work Schedule	1
Health Reasons	4
Dissatisfied with School	1
Military Service	1
Disciplinary Suspension	1
Family Obligations	3
Other	6
Dropped by Administrator	1
Non Attendance	14
Total	53



<u>Fall 2022</u> 181Graduates 343 Total Awards

• High School Programs

High School Programs has fully implemented the Transfer VR project with recruitment and classroom usage. The headsets were provided through a grant written with the Office of Skills Development. We have also made these available to the Career Coaches and they are using them as a way to engage the students.

On November 11, the Secondary Career Center in connection with the Dequeen Mena Cooperative sponsored its second annual all-female event called Be a Model, Break the Mold. This event was held at UAC Lockesburg Industrial Maintenance Institution (LIMI), located on our Lockesburg Campus. 24 female students from our feeder schools and 9 Career Coaches, CTE Coordinators, CTE teachers, counselors, and UAC administrators attended. Electrical Wiring, Metal Fabrication, Drone Aviation, and Automotive & Diesel Technology were showcased.

• Technical and Professional Studies Programs

The Cybersecurity program begins in the Spring! UALR will be setting up our STOC classroom within the next few weeks.

• Medical Programs

Pinning/graduation ceremony for RN, OTA, and PTA were held December 3

OTA hosted a community service event in the form of a fall festival on the Ashdown campus November 30th. 40 children from local daycares attended.

PTA students volunteered to serve as elves for the KCS Christmas train in Ashdown December 6^{th} .

• Adult Education

We currently have 128 students. Twenty-one students have earned their GED since July 1, 2022. Our DeQueen site recently received interior remodeling and looks very nice.

Academic Happenings

October 2022

Divisions of Professional Studies AND Skilled and Technical

Beginning in January, the Skilled and Technical Division will combine with the Professional Studies Division. The new name will be Professional & Technical Programs and Sarah Chesshir will be the Division Chair. Barbara Lacefield is retiring. We are going to miss her but we are so excited for her also!

The Cybersecurity CyberLearn Network should be live in January allowing our students to take Cybersecurity courses in partnership with other UA schools. Grant funding paid for a STOC on the Nashville campus that will be used as our Cyber classroom.

Cosmetology is working to implement two new certificate programs—Nail Technician and Esthetician.

We just submitted a grant to the US Department of Agriculture that, if funded, will help with our recruiting efforts. This grant will provide funds for developing an Associate of Applied Science in Industrial Agriculture Program. The grant will allow for one year to develop the program. After that we will apply for the implementation portion of the grant to help us with recruiting efforts for the Agriculture program.

We are currently working on another grant that will help with Agriculture student internships and job placement.

Division of Medical Education

We are working on finalizing renovations and new simulation labs provided through grant funding. Medical employees attended a simulation conference in September. Students love what they have seen of our new equipment.

Fun Facts about Crystal

What is on your bucket list? Visiting every national park and national monument in the United States. I have been to 17 national parks and 7 national monuments so far.

What is your biggest pet peeve? Inconsiderate drivers



Meet Crystal Sims

Division Chair for General Education & Transfer Programs

I grew up in the Arkansas Delta in a tiny little town. I attended college in Mississippi and received a BSE and MSNS in Biology Education. I was hired by Frank Adams to be the sole life sciences instructor at 23, fresh out of graduate school. This has been my only professional job. I am now in my 19th year here and don't have any plans to leave. I was full time faculty for 12 years, and then I became **Division Chair of General Education 7** years ago. I also went back to college in 2016-2018 to receive graduate hours to be able to teach Chemistry. I met my husband here, and we have been married almost 17 years. We have two children, Penelope (high school junior) and Landry (in 6th grade), and three pets: two dogs named Jasper and Scruffy and one cat named Buttercup. We like to camp and explore the country on vacations. I also enjoy cooking and baking when I have time.

General Education

is working on developing a new placement model using other measures in addition to or in place of standardized test scores. The group will meet on October 31 for the first time. Based on the task force recommendations, a new placement model will be developed and put into place beginning in Fall 2023.

We also just submitted a grant to the National Science Foundation (NSF) for \$200,000 to increase students in our STEM programs as well as implement research experiences for our STEM students and increase transfer to our four-year partners. If the grant is awarded, we will also implement more MOUs for our students in computer science, engineering, and secondary education (math and science). We should know whether or not we have been awarded in February or March 2023.

We are also working on a new transfer degree plan for health-related professions. Many of our students are pursuing pre-requisite courses for health-related professions such as Dental Hygiene and Radiology. Currently, they are declared as AGS majors, but this new degree plan will be tailored just for those students.

Adult Education had a site visit on October 6th.

We had a statewide open house in September with a nice turnout at the Ashdown, Nashville, and DeQueen sites. For the 2021-2022 program year, Cossatot Community College of the U of A's performance was 54%, meeting or exceeding the negotiated benchmarks for the 2021-2022 program year for Measurable Skill Gains (MSGs) minimum of 49%.

Office of Academics

Participated in several Workday Sessions. We will move into the testing phase this spring.

Worked on writing HLC assurance argument for October 2023 site visit. About 90% complete on Criterion 1 and 2!

Eda welcomed her baby girl mid-October! She's currently out on leave.

Participated in several grant writing meetings.



Upcoming Items:

November 14: Last day for students to drop courses November 21-25: No Classes—Thanksgiving Break December 12—Fall graduation at 5pm December 12: All grades due December 13---Faculty last workday December 19-30: Compuses Closed







Academic Happenings

Vovember 2022

The total of student savings through our textbook and OER program since fall 2015 (including fall 2022) is \$3,004,899.01

WORKDAY----Workday Student is now open for exploration for the Cossatot team. Workday Team will conduct a campus visit/training on Dec 14th on the academic portion of Workday Student.

Cybersecurity programs were approved by ADHE October 28.

Our HLC team participated in Virtual Session over writing Assurance argument on November 10.

Girl Power event was held in Loceksburg on Nov 11. This event is designed for girls to visit our campus and learn about nontraditional programs. Girls spent time with Ron Smith for Welding, Sam Nutt for Industrial, Kelli Harris for Drone, and virtual reality to change oil!

Division of Medical Education

- Graduation for OTA and RNs on December 3rd
- Gaumard here to set up new nursing manikins

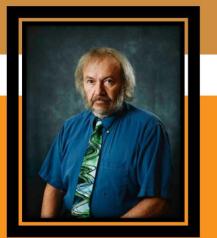
HMH/SCMC have visited for RN recruitment & luncheon UPCOMING

- OTA/LPN/RN applications open January 1st
- New cohort for LPN and RN begin in January

Fun Facts about Bruce

What is on your bucket list? Living long enough to have one!

Dream Travel Destinations: Europe—UK, France, Germany, Italy and Hawaii.



Meet Bruce Franklin

Faculty-History & Sociology

Bruce grew up in south central Oklahoma and received his MA degree (History and Education) from Southeastern Oklahoma State University-1994 and 18 Graduate hours in Sociology from Texas A&M University in Commerce, TX-2018. He has been with UAC since 1999. Bruce has been married to his wife for 41 years and they have a son 37, daughter 34, and granddaughter 10. Bruce enjoys watching pro football and baseball and gardening. Bruce is a fan of old westerns, good sci-fi movies, rock music, Mexican food, and pizza!

Bruce's pet peeve is when individuals place their political party or group above our country.

Upcoming Items:

December 12—Fall graduation at 5pm December 12: All grades due December 13---Faculty last workday December 19-30: Campuses Closed January 4—Faculty Return January 17—First day of Spring term courses

COSSATOT COMMUNITY COLLEGE OF THE UNIVERSITY OF ARKANSAS

REPORT TO THE BOARD OF VISITORS

January 9, 2023

SUBJECT: Facilities Report

MIKE KINKADE

Facilities Update as of 7 December 2022

Below are several of the projects where our Facilities, Maintenance, or Building and Grounds departments are involved:

Middle School Project

With the first phase of the Middle School project complete, we are ready to move on to the second phase of the ANCRC project, as well as the grant for the (4) Simulator labs and the Medical Lab Technician project. As I reported earlier, we met with the architects in late September, and are waiting on them to submit drawings for these projects, as we cannot move forward until we can get a "go-ahead" from the granting agencies to get started on construction.

Other projects

- the *Blue Darter Heritage Days* paver project. (Pavers are purchased, have arrived and will be installed soon)
- the Lockesburg Welding Shop expansion (reached out and contacted (5) contractors met with (1) so far)
- We continue our work with several of our UA universities, colleges, and partners to develop a collaborative solar project beneficial to the whole System. More information will be available soon through communication via UA System office
- Finalizing the HVAC replacement project for UAC (95 units in 2022)
- ANCRC Projects
- Aerial Lineman Pole Yard in DQ (scheduled to visit 12/15 & 12/16 Sturgis KY)
- Cybersecurity Lab NV campus
- Middle School phase III Sim Labs Med Lab Tech

COSSATOT COMMUNITY COLLEGE OF THE UNIVERSITY OF ARKANSAS

REPORT TO THE BOARD OF VISITORS

January 9, 2023

SUBJECT: Public Services & Workforce Development

TAMMY COLEMAN

Public Services & Workforce Development Report

Contributing Team Members: Career Pathways Director, Crystal Bell-Hunter; Continuing Education Coordinator, Nancy Tollett; Continuing Medical and Safety Education Coordinator, Waco Jackson; CRC Team Leader, Gina Duncan; Workforce Development Coordinator, David Sirmon; and Public Services and Workforce Development Director, Tammy Coleman.

1.College staff and partnering employers involved in the development of the college's new aerial lineman program traveled to Sturgis, Kentucky, in December to tour Ervin Cable Construction's Outside Plant (OSP) Training Center. Ervin Cable Construction has a substantial presence in Arkansas and is seeking to hire hundreds of additional aerial linemen. Information gathered during the site visit will help finalize the program's targeted competency and skill levels, teaching methodologies, and hands-on learning experiences to ensure graduates understand and master the technologies and service delivery methods in demand by area employers.

2. Workforce Development facilitated UA Cossatot Skilled and Technical student's participation in Domtar Industries' December Manufacturing Day event. Three groups of students were transported to the Ashdown mill, one of the largest pulp producing facilities in the world, to take part in tours highlighting career opportunities. Students learned why they should consider a career in manufacturing and what skills manufacturing companies are looking for in job candidates.



 Workforce Development hosted a fall job fair on November 15th on UA Cossatot's Nashville campus. Workforce Development Coordinator David Sirmon and Continuing Education Coordinator Nancy Tollett (*shown right*) spearheaded the event. Sixty-four (64) students/alumni/community members attended the event and fourteen (14) vendors were present.

Vendors included: Arkansas Human Development Corporation, Arkansas Rehabilitation Services, Christus St. Michael Health System, Department of Workforce Services, Howard Memorial Hospital, Husqvarna, Ledwell, Manpower, Pilgrim's Pride, Red River Credit Union, Tyson Foods, UAC Career Pathways. UAC Career Services, and Weyerhaeuser.





The job fair provided employers with an opportunity to attract a pool of candidates without having to place job ads, access to non-traditional employees such as those from disciplines they would not normally consider and increased or maintained their company's visibility within the college and community alike.

Job seekers also benefited by being able to meet with multiple employers, collect information, make contacts and to engage in one-on-one conversations to make themselves stand out as prospective employees.

- 4. Career Pathways Director Crystal Bell-Hunter participated in the fall job fair held on UA Cossatot's Nashville campus in November, sharing information about CPI services with individuals needing to upskill to meet workforce demands and generate career opportunities.
- 5. Career Pathways activity was as follows for October November 2022.

CAREER PATHWAYS INITIATIVE	October 2022	November 2022
Active Participants	73	78
Credentials Earned	2	4

Credentials earned included:

• Six (6) Employability Certificates

The Employability Certificate may be added to the student's portfolio and can lead to employment. The certificate addresses basic academic skills, career counseling, basic computer skills and employability skills not always available in traditional college classes.

6. Workforce Development working in collaboration with the college's Career Services Department, a function of Student Services, makes a variety of career services focused on career exploration and job placement available to students.

Calleel Se		Student Engagement > Career Service: Engagement > Workforce Developmen
SERVICES	CAREER SERVICES	WORKFORCE DEVELOPMENT
Career Exploration & Guidance	1	
Cover Letter Workshops	1	
Resume Workshops	1	
Interview Workshops & Mock Interviews	~	
Student Handshake Accounts / Job Placement	4	
Individual & Classroom Guidance	\checkmark	
Job Shadowing / Industry Tours / Employer Guest Speakers for Classroom	4	Helps Career Services Connect with the Appropriate Employers
Internships		\checkmark
Employer Handshake Accounts		~
		1

Workforce Development manages job fairs, internships, and employer engagement with the college's virtual career center known as Handshake. Handshake is free to students, alumni, and employers.

Employer engagement with the virtual career center was as follows for October – November 2022.

VIRUTAL CAREER CENTER EMPLOYER ENGAGEMENT	October 2022	November 2022
	NATIC	NWIDE
Nationwide Employers Added	110	77
Nationwide Job Postings	986	942
	ARKANSAS	
Arkansas Employers Added	2	2
Arkansas Jobs Postings	57	29

7. Continuing Education and Workforce Development activity was as follows for October – November 2022.

CONTINUING EDUCATION & WORKFORCE DEVELOPMENT	October 2022	November 2022
Hours of Classroom Instruction Offered	221.5	20
Registrations Processed	97	59

Courses offered:

- BLS Renewal
- Classic Christmas
- Commercial Truck Driving (Arkansas Trucking Driving Academy)
- Communication/Ambulance Operations/Documentation (EMT Part 15)
- Dangers of Carbon Monoxide
- EMS Stroke Care
- Fire Service Ladders
- HeartCode BLS
- Heartsaver First Aid CPR AED: Total with Optional Topics (Total FA CPR AED +)
- Highway Safety for EMS
- Making High Quality Decisions
- Patriotic Painting
- Resolving Conflict
- The Royal Treatment Icing
- Watercolor Painting
- Hundreds of non-credit courses made available online monthly in partnership with Cengage Learning
- 8. The Continuing Education and the Sevier County Economic Development departments continued to provide recipients of the Community Navigator Scholarship free online small business training. The scholarship, funded by the SBA Community Navigator Pilot Program Grant, enabled Sevier County, Arkansas, residents or anyone owning a business in Sevier County free access to:

Accounting Fundamentals Creating a Successful Business Plan Creating Web Pages Designing Effective Websites

Effective Selling Employment Law Fundamentals Introduction to Business Analysis Introduction to QuickBooks Marketing Your Business on the Internet

Instructor Led | Online | 6 Weeks Access | 24 Course Hours

9. Career readiness certification services were provided as following for October – November 2022.

CAREER READINESS CERTIFICATION SERVICES	October 2022	November 2022
WorkKeys Curriculum	11	5
WorkKeys	11	1
Total Participants	22	6

AR NATIONAL CAREER READINESS CERTIFICATIONS EARNED	October 2022	November 2022
Platinum - Has core employability skills for approximately 99% of jobs profiled by WorkKeys	2	0
Gold - Has core employability skills for approximately 90% of jobs profiled by WorkKeys	3	0
Silver - Has core employability skills for approximately 65% of jobs profiled by WorkKeys	5	1
Bronze - Has Core employability skills for approximately 30% of jobs profiled by WorkKeys	2	1
Total Earned	12	2

UA Cossatot is a one-stop provider for Arkansas National Career Readiness Certification (AR NCRC®). The primary purpose of the *free* Arkansas National Career Readiness Certificate Program is to positively impact the economy in Arkansas by helping job seekers build their workplace skills, respond to employer needs, and increase the likelihood of a job seeker's success.

The CRC team consisting of staff members associated with multiple departments within the college:

- Verify job seekers have an Arkansas Job Link Account
- Administer WorkKeys Curriculum Pretests to determine if the job seeker is ready to take the WorkKeys assessments
- Provide remediation training using WorkKeys Curriculum, if the individual does not score adequately on the WorkKeys Curriculum Pretest
- Conducts WorkKeys Assessments
- Prints and distributes AR National Career Readiness Certificates (AR NCRCs) to successful examinees

COSSATOT COMMUNITY COLLEGE OF THE UNIVERSITY OF ARKANSAS

REPORT TO THE BOARD OF VISITORS

January 9, 2023

SUBJECT: College Relations

UA Cossatot Board of Visitors Report Nov-Dec 2022

UAC Foundation

Giving Tuesday was a success on November 29th, with contributions coming into the Foundation from each of the counties we serve. A promotional video for the event was posted on social media in mid-November.



Donors were provided with t-shirts and encouraged to send photos to the College Relations team, which were then posted to social media.

College Promotion

College Relations promoted the Career Fair at UA Cossatot on November 15th. We provided media promotion, photography, audio services, and social media livestreaming of the RN and OTA Pinning on December 5th, Fall Graduation on December 12th, and the Adult Education Graduation on December 15th.



We also helped promote the search for qualified applicants for several career opportunities at UA Cossatot.

Community Relations

Our team hosted the largest ever Veterans' Day Breakfast on our De Queen Campus. The college provided breakfast and door prizes for every veteran in attendance.

Ed 88 Radio and Social Media

Our media department was busy providing livestreaming of each of the Colts and Lady Colts basketball game on ed88radio.com.



We also produced a series of videos for social media which highlighted the Adult Education / GED programs in Nashville, Murfreesboro, and Centerpoint.



We kept the public up to date with the progress of the UAC shooting sports team through video interviews with Coach Brett Blackburn on Nov 15th, Nov 30th, and Dec 8th.

In addition, we livestreamed the De Queen Lions Club Auction on Dec 4th and 7th, and the Open House at the new Sevier County Medical Center on December 2nd.

Ongoing Projects

We are still working on the launching the new and improved UA Cossatot website, tentatively set to launch in the spring of 2023. We will continue to livestream Colts basketball and we constantly work at recruiting new students to UAC.

COSSATOT COMMUNITY COLLEGE OF THE UNIVERSITY OF ARKANSAS

BOARD OF VISITORS

ACTION ITEMS

January 9, 2023

1. Background information: This is routine action for the Board.

2. Why action is needed at this time: This action is customary at the meeting following the meeting for which the minutes are recorded.

3. Chancellor's Recommendation: The Chancellor recommends the Board approve the minutes of the November 7, 2022, Board of Visitors Meeting as submitted.

4. Board of Visitors Action:

Motion by:

Seconded by:

Yeas: Nays:

MINUTES OF MEETING COSSATOT COMMUNITY COLLEGE OF THE UNIVERSITY OF ARKANSAS BOARD OF VISITORS September 12, 2022

Chair Tyler Davis called the regular meeting of the Board of Visitors to order at 12:05 p.m. following a light meal at the UA Cossatot Bank of Lockesburg Gymnasium.

Present:	Brenda Tate Tim Pinkerton Dori Gutierrez	Tyler Davis Ellen Moreland
Absent:	Barbara Horn Angie Walker Dr. Glenn Lance	Mike Cranford Barbara Dixon

Staff Reports

Chancellor Cole reported the upcoming Arkansas Biannual 2023 legislative sessions. Dr. Cole has mentioned the participation from college in attending the budget hearing in October and recently attending the personnel meeting for prework prior to the sessions that begin in January. Funding for critical maintenance and more funding for workforce training are two top topics to be discussed during the legislative sessions. Each legislative session, all of the two and four year colleges in state meet every two weeks to keep up with the issues. Dr. Cole mentioned in keeping the board up to date on any legislative matter that could impact UA Cossatot.

Vice Chancellor Charlotte presented the latest financial report to the board. In the summary of Unrestricted & Auxiliary Revenues/Expenditures, the college is running about 3.7 million in revenues and about 2.8 million in expenditures for the month of September. Currently the college is up on Fund Balance. In Accounts Receivable at the end of September the college was at 1.6 million, we are down from this time last year. Funding from the HEERF grants is still being used to pay off old balances. In Grants & Other Restricted Programs the college has over 11 million which includes the HEERF funds. In the first quarter we have earned 987,000 of grant monies. The college has a little over 6.2 million in the bank in the Schedule of Bank Accounts. Charlotte proceeded to report the college is at a total of 974,000 in Schedule of Investments- Certificate of Deposits from this time last year. The total endowment funds are a little over 100,000.

Vice Chancellor Dr. Ashley Aylett presented the most recent Academic Services report. Dr. Aylett provided updated numbers for the Spring 2023 enrollment. Registration opened the week of October 17 and during this time 432 students were enrolled in VIP. Full registration is now opened and have 644 enrolled as of last Friday. 421 students enrolled are post-secondary students and 223 are high school students. These numbers are down from previous years. More evening classes have been added for the spring semester in hopes to help our enrollment. Dr. Aylett mentioned Fall Graduation will be Monday, December 12 in Lockesburg. We have 179 expected graduates and expect to award 330 credentials for the fall ceremony. Dr. Aylett discussed events hosted within the department. In the Medical Education division renovations to finalize the new simulation labs provided through grant funds is currently

underway. Dr. Aylett announced beginning January the Skilled and Technical division will be combined with the Professional Studies division following the retirement of Barbara Lacefield. ADHE approved the Cybersecurity CyberLearn Network to allow our students to take Cyber security courses in partnership with other UA schools in January.

Vice Chancellor of Facilities Mike Kinkade reported the recent projects done within the department. The middle school project Phase I is now complete. Phase II is awaiting plans from the architects to begin putting in the Medical SIM labs. The Blue Darter Heritage Days paver project is being worked on. Mike mentioned the first phase of HVAC replacement has been completed. The second and third phase are currently halfway through. We plan to replace a total of 95 units this year.

Action Items:

No. 1 Approve the Minutes of September 12, 2022, Board of Visitors Meeting. Tim Pinkerton motioned for passage and Brenda Tate seconded the motion. The motion passed with a vote of 5-0.

No. 2 Review New Student Organization: Student Activities Organization. Dori Gutierrez motioned for review. Brenda Tate seconded the motion. The motion passed by a vote of 5-0.

No. 3 Review New College Policy 460: Offset of Amounts Due to The College by An Employee. Ellen Moreland motioned for review and Tim Pinkerton seconded the motion. The motion passed by a vote of 5-0.

No. 4 Review New College Policy 471: Data Protection Standards. Brenda Tate motioned for passage and Dori Gutierrez seconded the motion. The motion passed by a vote of 5-0.

No. 5 Review New College Policy 472: Data Classification Policy. Barbara Dixon motioned for review. Tim Pinkerton seconded the motion. The motion passed by a vote of 5-0.

Chair Tyler Davis asked for a motion to adjourn the meeting. Ellen Moreland made the motion and with a second from Brenda Tate, Chair Tyler adjourned the meeting at 12:56 p.m.

Respectfull submitted. Secretary

wg

Board of Visitors Meeting – January 9, 2023 Action Item No. 2: Delete College Policy 206: Title IX Discrimination. Harassment. Retaliation, and Sexual Misconduct.

1. Background information: This policy is being deleted and has been recreated into a brand new policy.

- 2. Why action is needed at this time: This is the first time the Board of Visitors has met since this change.
- **3.** Chancellor's Recommendation: The Chancellor recommends the Board review the Deletion of College Policy 206: Title IX Discrimination, Harassment, Retaliation, and Sexual Misconduct.

4. Board of Visitors Action: _____

Motion by:

Seconded	by:
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Yeas: Nays:

COLLEGE POLICY: 206

DISCRIMINATION, HARASSMENT, RETALIATION, AND SEXUAL MISCONDUCT, TITLE-IX

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

JURISDICTION

EQUAL EMPLOYMENT

Our goal at The University of Arkansas Cossatot is to recruit, hire, and maintain a diverseworkforce. Equal employment opportunity is not only good business it's the law and applies to all areasof employment, including recruitment, selection, hiring, training, transfer, promotion, termination, compensation and benefits.

As an equal employment opportunity employer, the college does not discriminate in itsemployment decisions on the basis of race, religion, color, national origin, gender, age, disability, or onany other basis that would be in violation of any applicable federal, state, or local law. Furthermore, the college will make reasonable accommodations for qualified individuals with known disabilities unless doing so would results in an undue hardship.

All complaints or any concerns about conduct that may violate this policy should be submitted to the Human Resources Director either in person or by calling 1-800-844-4471.

Human Resources Director Leeper Building 183 College Drive De Queen, AR 71832

Title IX

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

This policy shall not be construed or applied to restrict academic freedom at the college, nor shall it be construed to restrict constitutionally protected expression. Consistent with state and federal-law, reasonable accommodation will be provided to persons with disabilities.

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

Title IX Coordinator, Director of Student ServicesTitle IX Assistant Coordinator, Director of Human ResourcesTitle IX Education & Prevention Deputy, Coordinator for the Center for Student SuccessTitle IX Deputy on Ashdown Campus, Student Services/Admission AdvisorsTitle IX Deputy on De Queen Campus, Student Services/Admissions AdvisorsTitle IX Deputy on Nashville Campus, Student Services/Admissions Advisors

Current contact information for each individual is available at https://www.cccua.edu/student-life/consumer-information/title-ix-information-

Filing a Report with Local Law Enforcement

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

CAMPUS POLICE OFFICERS	LOCAL CITY POLICE DEPARTMENT
Monte StringfellowDe Queen CampusLeeper Building183 College DriveDe Queen, AR 71832Phone: 870-584-4471Cell Phone: 870-582-5639	De Queen City Police Department 220 N. 2 nd Street De Queen, AR 71832 Phone: 870-642-2213 Emergency: 9-1-1
Jason Curtis Ashdown Campus	Ashdown City Police Department
1411 N. Constitution Avenue	745 Locust Avenue
Ashdown, AR 71822	Ashdown, AR 71822
Phone: 870-898-4733	Phone: 870-898-5640
Cell Phone: 870-582-5609	Emergency: 9-1-1
Hector Cortez Nashville Campus	Nashville City Police Department
1558 Hwy 371 West	426 Main Street
Nashville, AR 71852	Nashville, AR 71852
Phone: 870-845-2454	Phone: 870-845-3434
Cell Phone: 870-582-5743	Emergency: 9-1-1

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

It is important that evidence of sexual assault be preserved, because it may be needed forprosecuting the criminal case. Victims and others should not alter the scene of the attack. The victimshould not change clothes, bathe or shower, drink or eat anything, or brush her/his teeth before reporting the assault. Any items worn by the victim during the assault, but are not currently being worn, and anymaterials encountered during the assault (i.e., bed sheets, blankets, etc.) should preferably be placed in apaper bag and brought along with the victim to a local hospital emergency department that has kits tocollect and preserve evidence of rape and sexual assault.

STUDENT AND VISITOR RESPONSIBILITY TO REPORT

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

MANDATORY EMPLOYEE REPORTING

In order to enable the college to respond effectively and to proactively stop instances of discrimination, harassment, retaliation and sexual misconduct, all employees must, within 24 hours of receiving information regarding a potential violation of this policy, report information to the Title IX coordinator or Assistant Coordinator or to a Title IX Deputy. Only employees who are statutorily prohibited from reporting such information (e.g., licensed health-care professionals) are exempt from these reporting requirements. This policy is not intended to restrict curriculum or prohibit or abridge the use of particular textbooks or curricular materials.

OFF-CAMPUS CONDUCT

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

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

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

AVAILABILITY OF COUNSELING AND ADVOCACY

Counseling and other mental health services for victims of sexual assault are available in the community. Students who are victims of sexual assault should immediately contact UA Cossatot Police. Employees of the college may seek help through the employee Assistance Program.

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

EDUCATION AND AWARENESS PROGRAMS

The college's Title IX office is responsible for planning and coordinating campus education and awareness programs about all forms of sexual assault, including rape, acquaintance rape, domesticviolence, dating violence, and other sex offenses. Programs are presented regularly throughout the academic year for student organizations, academic classes, employee training and professional development, and in other settings that are likely to reach people throughout the campus community. Campus-wide education and awareness activities are also conducted during Sexual Assault Prevention and Awareness Week.

POLICY EXPECTATIONS WITH RESPECT TO CONSENSUAL RELATIONSHIPS

There are inherent risks in any romantic or sexual relationship between individuals in unequal positions (such as teacher and student, or 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 policy.

The college does not wish to interfere with private choices regarding personal relationships when those relationships do not interfere with the goals and policies of the college. However, for the personal protection of members of this community, relationships in which power differentials are inherent (faculty-student, staff-student, administrator-student or employee) are prohibited except in extraordinary circumstances.

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 timely attention of their supervisors. This will likely result in the necessity to remove the employee from the supervisory or evaluative responsibilities, or will shift the student or employee out of being supervised or evaluated by someone with whom he or she has established a consensual relationship.

Failure to self-report such relationships to a supervisor as required can result in disciplinary action for an employee, up to and including termination.

HLC Criterion: 2A.2

Policy History: November 4, 2019 November 6, 2017 July 6, 2015 November 3, 2014 January 1, 2011 July 30, 2001

Board of Visitors Meeting – January 9, 2023 Action Item No. 3: Review New College Policy 216: UA Cossatot Title IX Policy for Complaints of Sexual Assault and Other Forms of Sexual Harassment

- **1. Background information:** This new college policy was recreated to align the current Title IX guidelines for Complaints of Sexual Assault and Other Forms of Sexual Harassment.
- 2. Why action is needed at this time: This is the first Board of Visitors meeting since the policy was developed.

3. Chancellor's Recommendation: Chancellor Cole recommends the Board review the New College Policy 216: UA Cossatot Title IX Policy for Complaints of Sexual Assault and Other Forms of Sexual Harrassment.

4. Board of Visitors Action: _____

Motion by:

Seconded by:

Yeas: Nays:

UA COSSATOT TITLE IX POLICY FOR COMPLAINTS OF SEXUAL ASSAULT AND OTHER FORMS OF SEXUAL HARASSMENT

NOTICE OF NONDISCRIMINATION UNDER TITLE IX

Cossatot Community College of the University of Arkansas ("the College") does not discriminate on the basis of sex in the education programs and activities that it operates and is prohibited from doing so by Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 *et seq.*, and the U.S. Department of Education's implementing regulations, 34 CFR Part 106. The College's nondiscrimination policy extends to admission, employment, and other programs and activities. Inquiries regarding the application of Title IX and 34 C.F.R. Part 106 may be sent to the College's Title IX Coordinator, the U.S. Department of Education Assistant Secretary for Civil Rights, or both.

JURISDICTION AND SCOPE

Sexual harassment as defined in this policy (including sexual assault) is a form of sex discrimination and is prohibited. Title IX requires the College to respond promptly and reasonably with respect to sexual harassment occurring within the College's education programs and activities, provided that the harassment was perpetrated against a person in the United States. At the time that a formal complaint is filed, the complainant must be participating in (or attempting to participate in) an education program or activity of the College. An education program or activity includes locations, events, or circumstances over which the College exercised substantial control over both the respondent and the context in which the sexual harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by a postsecondary institution.

This policy applies to allegations and complaints of sexual harassment as defined herein. All other complaints of discrimination or misconduct that do not fall within the jurisdiction of Title IX may be made through other campus procedures.

This policy shall not be construed or applied to restrict academic freedom at the College. Further, it shall not be construed to restrict any rights protected under the First Amendment, the Due Process Clause, or any other constitutional provisions. This policy also does not limit an employee's rights under Title VII of the Civil Rights Act.

REPORTING

All complaints or reports about sex discrimination (including sexual harassment) should be submitted to the Title IX Coordinator(s):

Suzanne Ward, Title IX Coordinator	Kelly Plunk, Assistant Title IX
CCCUA De Queen Campus	<u>Coordinator</u>
183 College Drive	CCUA De Queen Campus
<u>De Queen, AR 71832</u>	<u>183 College Drive</u>
<u>870-584-1143</u>	De Queen, AR 71832

sward@ccua.edu	870-584-1102
	kplunk@ccua.edu
<u>Holly Norman, Title IX Deputy</u>	
UA Cossatot Ashdown Campus	Rachel Hickey, Title IX Deputy
1411 N. Constitution Ave. 71822	UA Cossatot Nashville Campus
Ashdown, AR 71822	<u>1558 Hwy 371 West</u>
<u>870-584-1477</u>	Nashville, AR 71852
hnorman@ccua.edu	<u>870-584-1337</u>
	rhickey@ccua.edu

In addition, the U.S. Department of Education, Office of Civil Rights, may be contacted by phone at 800-421-3481 or by email at ocr@ed.gov.

Any person may report sex discrimination, including sexual harassment (whether or not the person is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed above, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address, listed for the Title IX Coordinator.

AMNESTY

The College encourages reporting of incidents of prohibited conduct and seeks to remove any barriers to reporting. The College recognizes that an individual who has been drinking or using drugs at the time of an incident may be hesitant to make a report because of potential consequences for their own conduct. Individuals who report prohibited conduct or participate as witnesses will not be subject to disciplinary sanctions for personal consumption of alcohol and/or other substances.

The College may initiate an educational discussion with individuals about their alcohol and/or drug use or may direct these individuals to services such as counseling for alcohol and/or drug use. Amnesty will not be extended for any violations of University policy other than alcohol/drug use. The use of alcohol, drugs, and/or legally prescribed medication does not justify or excuse behavior that constitutes prohibited conduct under this policy.

FILING REPORT WITH LOCAL LAW ENFORCEMENT

In some instances, sexual harassment may constitute both a violation of this policy and criminal activity. The College grievance process is not a substitute for instituting legal action. The College encourages individuals to report alleged sexual misconduct promptly to campus officials AND to law enforcement authorities, where appropriate. Individuals may file a report directly with local law enforcement agencies by dialing 911. Individuals may also contact any of the following for assistance in filing a report with local law enforcement:

Campus Police Officers	Local City Police Departments

De Queen City Police Department
<u>220 N. 2nd St.</u>
<u>De Queen, AR 71832</u>
Phone: 870-642-2213
Emergency: 911
Ashdown City Policy Department
745 Locust Ave.
Ashdown, AR 71822
Phone: 870-989-5640
Emergency: 911
Nashville City Police Department
<u>426 Main St.</u>
Nashville, AR 71852
Phone: 870-845-3434
Emergency: 911

PRESERVING EVIDENCE

It is important that evidence of sexual assault be preserved, because it may be needed for prosecuting a criminal case. Victims and others should not alter the scene of an attack. The victim should not change clothes, bathe or shower, drink or eat anything, or brush his or her teeth before reporting the assault. Any items worn by the victim during the assault, but are not currently being worn, and any materials encountered during the assault (*i.e.*, bed sheets, blankets, etc.) should be placed in a paper bag and brought along with the victim to a local hospital emergency department that has kits to collect and preserve evidence of sexual assault.

EMPLOYEES' DUTY TO REPORT TO TITLE IX COORDINATOR

In order to enable the College to respond effectively and to proactively stop instances of sexual harassment, employees must, within 24 hours of receiving information regarding a potential violation of this policy, report information to the Title IX Coordinator. Any employee who fails to promptly report a matter to the Title IX Coordinator may be subjected to disciplinary action for failing to do so. There are two categories of employees who are exempt from this requirement: (1) licensed health-care professionals and other employees who are statutorily prohibited from reporting such information and (2) persons designated by the campus as victim advocates.

OFF-CAMPUS CONDUCT

Conduct that occurs off campus that is the subject of a formal complaint or report will be evaluated to determine whether the matter falls within the College's jurisdiction under Title IX or should be referred to a different department or official within the College.

CONFIDENTIALITY

Except as compelled by law or as required to conduct a full and fair grievance proceeding in response to a formal complaint, the College will treat the information obtained or produced as part of the Title IX procedures as confidential. The College will keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetuator of sex discrimination, any respondent, and any witness, except as may be permitted by the FERPA statute, 20 U.S.C. § 1232g, or FERPA regulations, 34 CFR Part 99, or as required by law, or to carry out the purposes of 34 CFR Part 106, including the conduct of any investigation, hearing, or judicial proceedings arising thereunder.

AVAILABILITY OF COUNSELING AND ADVOCACY

Counseling and other mental health services for victims of sexual assault are available on campus and in the community. Students may use the Dr. Randy Walker Clinic pursuant to a partnership with the College formed in June 2022. Employees of the College may be able to seek help through the Employee Assistance Program. Local organizations and private clinics, such as the Southwest Arkansas Counseling and Mental Health Center (1-800-652-9166), may also provide therapy and other services.

EDUCATION AND AWARENESS PROGRAMS

The College's Title IX Coordinator is responsible for planning and coordinating campus education and awareness programs about all forms of sexual harassment. Programs are presented regularly throughout the academic year for students and employees in settings that are likely to reach people throughout the campus community. Campus-wide education and awareness activities are also conducted during Sexual Assault Prevention and Awareness Week.

GRIEVANCE PROCEDURE

These procedures apply to all grievances regarding conduct that may constitute sexual harassment as defined in this policy (including sexual assault) and that falls within the College's Title IX jurisdiction. All other grievances by students, employees, or third parties shall be addressed through other procedures. The College's Title IX grievance process includes formal and informal procedures that encourage prompt resolution of complaints. In most cases, the complainant's submission of a formal, written complaint to the Title IX Coordinator will initiate the formal grievance process. However, the Title IX Coordinator may also submit a formal complaint under the circumstances described below. The College will respond promptly to all formal complaints of sexual harassment.

BASIC REQUIREMENTS

The College's grievance process shall adhere to the following principles:

- <u>All relevant evidence—including both inculpatory and exculpatory evidence—will be evaluated.</u>
- <u>Credibility determinations may not be based on a person's status as a complainant, respondent, or witness.</u>

- <u>The Title IX Coordinator, investigator, hearing officers or panel members, decision-makers on appeal, persons involved with the informal resolution, and any other persons that play a significant role in the Title IX grievance process shall not have a conflict of interest or bias for or against complainants or respondents generally or for or against an individual complainant or respondent.</u>
- <u>The respondent is presumed to not be responsible for the alleged conduct until a determination of responsibility is made at the conclusion of the grievance process.</u>
- <u>The time frames for concluding the grievance process shall be reasonably prompt, as set forth in</u> <u>more detail in the procedures below.</u>
- The grievance process may be temporarily delayed, and limited extensions of time frames may be granted, for good cause. In such instances, written notice to the complainant and the respondent of the delay or extension and the reasons for the action will be provided. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurring law enforcement activity; or the need for language assistance or accommodations of disabilities.
- Questions or evidence that constitute, or seek disclosure of, information protected under a legally
 recognized privilege will not be required, allowed, relied upon, or otherwise used. The College
 shall not consider, disclose, or otherwise use a party's records that are made or maintained by a
 physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting
 in the professional's or paraprofessional's capacity, or assisting in the capacity, and which are
 made and maintained in connection with the provision of treatment to the party, unless the College
 obtains that person's voluntary, written consent to do so for a grievance under this section.
- No party shall be restricted from discussing the allegations under investigation or to gather and present relevant evidence.
- A party whose participation in a hearing, investigative interview, or other meeting shall be provided with a written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.

INITIAL REPORT/INTAKE PROCESS

Initial Meeting with Complainant: Promptly upon receiving a report of conduct that could potentially be a violation of Title IX, the Title IX Coordinator (or designee) will contact the complainant to schedule an initial meeting to, as applicable:

Provide a copy of this policy

- Explain the process for filing a formal complaint and provide a copy of the Sexual Harassment Complaint Form on which the complainant may, if he or she agrees to disclose the information, provide details regarding the allegation, including the name of the accused individual and the date, location, and general nature of the alleged violation of policy
- Explain avenues for resolution, including informal and formal
- Explain the steps involved in an investigation and hearing under this policy
- Discuss confidentiality standards and concerns
- Refer to law enforcement, counseling, medical, academic or other resources, as appropriate
- <u>Discuss</u>, as appropriate, possible supportive measures, which are available with or without the <u>filing of a formal complaint</u>

If the complainant requests that no further action be taken and/or that no formal complaint be pursued, the Title IX Coordinator (and/or his or her designee) will inform the complainant that retaliation is prohibited and that honoring the complainant's request may limit the College's ability to fully respond to the incident. In the event the complainant stands firm on his or her request that no further action be taken, the Title IX Coordinator will evaluate whether to file a complaint under the criteria set forth below.

FORMAL COMPLAINT PROCESS

Form and Filing of Complaint: The filing of a formal, written complaint initiates the formal grievance process and is available to any person who is participating in (or attempting to participate in) a University educational program or activity. The Title IX Coordinator (or an investigator designated by the Title IX Coordinator) will investigate the allegations in the formal complaint. Formal complaints can be filed in several ways. The complainant may utilize the form provided or may submit the complainant's own document that contains the complainant's signature (either physical or digital) and is filed with the College's Title IX Office by U.S. mail, in person, through the Title IX portal provided for this purpose, or by email. The formal complaint should set forth the allegations and request that the Title IX Office investigate the matter.

Filing by Title IX Coordinator: The Title IX Coordinator may initiate the grievance process, even where the complainant declines to file a formal complaint, if the Coordinator determines that the particular circumstances require the College to formally respond to and address the allegations. Circumstances to be considered include, among others, a pattern of alleged misconduct by a respondent and whether the complaint has alleged use of violence, weapons, or other similar conduct. The Title IX Coordinator will also consider the complainant's wishes with respect to supportive measures and desired response by the College. Where a report is made anonymously and the Title IX Coordinator files the complaint, both the complainant and respondent will receive notice of the allegations with written details and identities of the parties if known.

Consolidation of Formal Complaints: The Title IX Coordinator may consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances.

Dismissal of Complaint Prior to Resolution: A formal complaint must be dismissed by the Title IX Coordinator if the alleged conduct (1) does not constitute sexual harassment, as defined in this policy, even if proved; (2) did not occur in the College's education program or activity; or (3) did not occur against a person in the United States. In addition, a complaint may be dismissed if, at any time during the investigation or hearing, a complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein; the respondent is no longer enrolled or employed by the recipient; or specific circumstances prevent the gathering of evidence sufficient to reach a determination as to the formal complaint or any allegations therein.

Upon dismissal of a formal complaint, for any reason, the Title IX Coordinator will send simultaneous, written notice of and reason(s) for the dismissal to the parties. The dismissal decision may be appealed pursuant to the procedure for appeals set forth in this policy. Dismissal of a complaint under this Title IX policy does not preclude a complainant from pursuing a grievance through other appropriate campus procedures.

Notice of Formal Complaint: Upon receipt of the formal complaint, the Title IX Coordinator will send simultaneous notifications of the filing of the complaint to the complainant and the respondent (if known). If, in the course of an investigation, the Title IX Coordinator decides to investigate allegations about the complainant or respondent that are not included in the initial notice, the Title IX Coordinator will provide notice of the additional allegations to the parties whose identities are known. The initial notice will contain the following:

- <u>The allegations of the complaint that potentially constitute sexual harassment, including</u> <u>sufficient details known at the time and with sufficient time to prepare a response before any</u> <u>initial interview (including the identities of the parties involved in the incident, if known, the</u> <u>conduct allegedly constituting sexual harassment under this policy, and the date and location of</u> <u>the alleged incident, if known)</u>
- <u>A copy of the Title IX policy</u>
- <u>A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process</u>
- <u>A statement informing the parties that they have a right to have one advisor of their choice to assist them throughout the proceedings who may be (but is not required to be) an attorney</u>
- <u>A statement that the parties have the right to inspect and review all evidence collected during the complaint process</u>
- <u>A statement that any party who knowingly makes false statements or submits false information</u> <u>during the grievance process will be subject to disciplinary procedures</u>

Initial Meeting with Respondent: If a formal complaint is filed, the Title IX Coordinator will promptly schedule an initial meeting with the respondent after the written notice of the formal complaint is sent as described above. Prior to the initial meeting, the Title IX Coordinator shall provide a written notice of the date, time, location, participants, and purpose of the meeting, with sufficient time for the party to prepare to participate. During the initial meeting with the respondent, the Title IX Coordinator (or designee) will, as applicable:

- Provide a copy of this policy (if not previously provided)
 - Explain avenues for resolution, including informal and formal
 - Explain the steps involved in an investigation and hearing under this policy
 - Discuss confidentiality standards and concerns
 - Discuss non-retaliation requirements
 - <u>Inform of any supportive measures already determined and being provided to the complainant</u> that would directly affect the respondent
 - Refer to law enforcement, counseling, medical, academic or other resources, as appropriate
 - Discuss, as appropriate, possible supportive measures that can be provided to the respondent

Right to Advisor: Both parties will be advised that they may be accompanied by one advisor/support person to assist them throughout the Title IX process, which can be (but is not required to be) an attorney. The advisor is not allowed to speak or otherwise actively participate during the pre-hearing interviews or meetings. It is the party's responsibility to obtain the services of an advisor, except that the College will make an advisor available to the parties during the hearing to determine responsibility upon request. A party who wants the College to provide an advisor for the determination hearing should make a request within 15 days after the party's filing or receipt of the formal complaint. The advisor's role at the hearing is further explained below.

Emergency Removal: If, after the Behavioral Intervention Team undertakes a safety and risk analysis, the College determines that the respondent poses an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment, it may remove the respondent from the College's programs or activities. In such instances, the respondent will be provided with a written notice of the reasons for the removal. Within 5 days of receiving the notice, the respondent may challenge the decision by requesting a meeting with the Vice Chancellor for Academics.

Administrative leave: Nothing in this policy precludes the College from placing a non-student employee respondent on administrative leave during the pendency of the grievance process.

Supportive Measures: Supportive measures, as defined in this policy, will be based on the facts and circumstances of each situation. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures. They may include, but are not limited to, the following:

- <u>Counseling</u>
- Extensions of deadlines or other course-related adjustments
- Modifications of work or class schedules
- <u>Campus escort services</u>
- Mutual restrictions on contact between the parties
- Changes in working or housing locations
- Leaves of absence
- <u>Increased security and monitoring of certain areas of the campus</u>

The College will maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the College to provide the supportive measures.

Informal Resolution: At any time after a formal written complaint is filed but prior to reaching a determination regarding responsibility, the College may facilitate a resolution without a full investigation and adjudication. The complainant and respondent must give their voluntary, written consent to the informal resolution process. The informal resolution process will not be utilized to resolve allegations that an employee sexually harassed a student.

Prior to commencing the informal resolution process, the Title IX Coordinator or designee must provide the parties a written notice that includes the following information:

- Notice of the allegations contained in the formal complaint, including dates, location(s), and identities of the parties
- Any agreed upon resolution reached at the conclusion of the informal complaint process will preclude the parties from resuming a formal complaint arising from the same allegations
- <u>At any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint</u>
- Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared

COMPREHENSIVE INVESTIGATION

If resolution of the allegations does not proceed through the informal process, the matter will proceed with a comprehensive investigation and resolution through the formal complaint processes. The Title IX Coordinator will be responsible for overseeing the prompt, equitable, and impartial investigation during the formal complaint process. The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility shall rest on the College and not the parties.

Assignment of Investigator: If the Title IX Coordinator's designee is to conduct the investigation, the Title IX Coordinator will forward the complaint to the investigator and share the investigator's name and contact information with the complainant and the respondent.

Conflicts of Interest and Bias: Immediately after the identity of the person who will conduct the investigation is determined and communicated to the parties, the investigator, the complainant, or the respondent may identify to the Title IX Coordinator in writing any real or perceived conflicts of interest or bias that the person charged with conducting the investigation (including the Title IX coordinator, where applicable) may have. The Title IX Coordinator will carefully consider such statements and will assign a different individual as investigator if it is determined that a material conflict of interest or bias exists.

Overview of Investigation: Upon receipt of the formal complaint, the Title IX Coordinator/Investigator (hereinafter "Investigator") will promptly begin the investigation, which shall include but is not limited to the following:

- <u>Conducting interviews with the complainant, the respondent, and any witnesses (including expert</u> witnesses, where applicable) and summarizing such interviews in written form
- <u>Visiting, inspecting, and taking photographs at relevant sites</u>
- Where applicable, collecting and preserving relevant evidence (in cases of corresponding criminal reports, this step may be coordinated with law enforcement agencies)
- <u>Obtaining any relevant medical records pertaining to treatment of the complainant, provided that</u> the complainant has voluntarily authorized release of the records in writing to the investigator

Inspection and Access to Evidence: The parties may identify to the Investigator any evidence or witnesses they wish to be included as part of the investigation. Both parties will also have equal opportunity to inspect and review any evidence obtained during the investigation. The Investigator will

complete the gathering of evidence as soon as practicable, which will ordinarily occur within approximately 30 days after the filing of the formal complaint.

After the gathering of evidence has been completed but prior to completion of the investigative report, the Investigator will provide to each party and party's advisor, if any, any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint, including the evidence upon which the College does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence (whether obtained from a party or other source), so that each party can meaningfully respond to the evidence prior to the conclusion of the investigation. The evidence will be provided in an electronic format or a hard copy. The parties will have 10 days to submit a written response to the evidence, which will be considered by the Investigator prior to completion of the investigative report. The evidence will be made available for the parties to use at the hearing to determine responsibility.

Investigative Report: The investigative report shall fairly summarize the relevant evidence and must include the following items and information that is relevant to the allegations in the formal complaint:

The dates of the Title IX Coordinator's initial receipt of a report of alleged sexual harassment against the complainant, intake meeting, and the filing of the formal complaint

 \Box A statement of the allegation(s), a description of the incident(s), the date(s) and time(s) (if known), and location of the alleged incident(s)

The names of all known witnesses to the alleged incident(s)

The dates that the complainant, respondent, and other witnesses were interviewed, along with summaries of the interviews

Descriptions or summaries of any physical or documentary evidence that was obtained (*e.g.*, text messages, emails, surveillance video footage, photographs)

Any written statements of the complainant, respondent, or other witnesses

The response of University personnel and, if applicable, University-level officials, including any supportive measures taken with respect to the complainant and respondent

The Investigator shall provide a draft of the investigative report to the Title IX Coordinator for review before the report becomes final. An electronic or hard-copy version of the final investigative report will be provided to each party (and each party's advisor) concurrently. The investigative report shall be provided as soon as practicable after the parties have submitted their written responses to the evidence (if any) and at least 10 calendar days prior to the determination hearing. The parties may provide a written response to the investigative report within 5 calendar days after receiving it.

DETERMINATION HEARING

Following the conclusion and distribution of the investigative report, a hearing will be conducted to determine the outcome and resolution of the complaint. The parties and their advisors, if any, will be

notified by the Hearing Officer, Hearing Panel chairperson, or Title IX Coordinator of the date, time and location of the hearing, as set forth in the notice provisions below.

Hearing Officer or Hearing Panel: Within 3 days of the release of the investigative report to the parties, the Chancellor or his/her designee will appoint (1) a single Hearing Officer, who may be (but is not required to be) an outside person not permanently employed by the College, or (2) a three-member Hearing Panel, which shall be composed of at least 2 faculty and/or staff members and may include (but is not required to include) one outside person who is not permanently employed by the College. If a Hearing Panel will be used, the Chancellor or his/her designee will select one member of the Hearing Panel to act as the Chair. The Title IX Coordinator will provide a copy of the formal complaint and the investigative report, along with the parties' written responses to the investigative report, to the Hearing Officer or each member of the Hearing Panel.

Promptly after the appointment of the members of the Hearing Panel, the Title IX Coordinator will provide concurrent written notice to the complainant and the respondent, setting forth the names of the individuals selected to serve as the Hearing Officer or member of the Hearing Panel. The parties may challenge the participation of any decision-maker based on bias or a conflict of interest by submitting a written objection to the Chancellor or his/her designee within 3 calendar days of receipt of the notice. Any objection must state the specific reason(s) for the objection. The Chancellor or his/her designee will evaluate the objection and determine whether to select a new Hearing Officer or alter the composition of the Hearing Panel. Failure to submit a timely and proper objection will constitute a waiver of the objection. Any changes in the Hearing Officer or Hearing Panel will be provided in writing to both parties prior to the date of the hearing.

Submission of Witnesses Lists: Within 5 calendar days of receipt of the notice of the Hearing Officer or Hearing Panel, both parties may provide to the Hearing Officer or Chair of the Hearing Panel a list of witnesses, if any, that they propose be called to testify and a brief description of each proposed witness's connection to and/or knowledge of the issues in dispute. Absent good cause, a party cannot include a witness on the party's pre-hearing witness list unless the witness was identified during the investigation. The Hearing Officer of Hearing Panel reserves the right to call relevant witnesses who may not have been included on a party's witness list.

Notice of the Hearing: Not less than 5 days but not more than 10 days after delivery of the notice of the Hearing Officer's identity or initial composition of the Hearing Panel, the Hearing Officer or Chair of the Hearing Panel will provide a separate notice to the complainant, respondent, and any other witnesses whose testimony the Hearing Officer or Hearing Panel deems relevant, requesting such individuals to appear at the hearing to determine responsibility. The notice should set forth the date, time, and location for the individual's requested presence. The Hearing Officer or Hearing Panel shall provide, in its notice to the parties, the names of the witnesses that the Hearing Officer or Hearing Panel plans to call. The hearing shall be conducted promptly but no sooner than 10 calendar days after release of the investigative report.

Failure to Appear: If any party fails to appear at the hearing if requested to do so, and such party was provided notice of the hearing as set forth above, then absent extenuating circumstances, the Hearing Officer or Hearing Panel will proceed to determine the resolution of the complaint. As explained below,

a party's failure to appear may impact the Hearing Officer or Hearing Panel's consideration and weight given to the non-appearing party's version of events based on another source, such as the formal complaint or a prior statement.

Option for Virtual or Separate Presence: Live hearings may be conducted with either all parties present in the same geographic location or, at the College's discretion, any or all parties and witnesses may appear at the live hearing virtually, with technology enabling participants simultaneously to see and hear each other. Either party may request not to be in the same room as the other party. If any party makes such a request, then both parties will be required to attend the hearing from a location or room different from where the Hearing Officer or Hearing Panel is sitting. If the hearing is virtual, or there is a request for separate rooms at a physical location, the College will ensure that all participants are able to simultaneously see and hear the party or witness answering questions. Instructions will be provided for accessibility prior to the hearing date.

Recordings: An audio or audio-visual recording will be created of the live hearing and will be made available for inspection and review at any party's request.

Advisor's Role at Hearing: The complainant and respondent may be accompanied by an advisor during the hearing to determine responsibility. A party must identify his or her advisor (if any) at least 5 days prior to the hearing. The advisor's role at the hearing shall consist of (1) providing private advice to the party he/she is supporting and (2) questioning the opposing party and other witnesses. The advisor can be anyone, including an attorney. A party may arrange for the party's advisor of choice to attend the hearing at the party's own expense. Alternatively, the College will select and provide an advisor to assist a party at the hearing to determine responsibility, without fee or charge, upon request. In either scenario, the advisor may only participate in the hearing to the extent allowed under this policy. A party who wants an advisor to be provided by the College should notify the Title IX Coordinator at least 15 days after the filing or receipt of the formal complaint.

Evidentiary Matters and Procedure: The parties, through their advisors, shall have an equal opportunity to question the opposing party and other witnesses, including fact and expert witnesses, and present other inculpatory or exculpatory evidence. Formal rules of evidence will not be observed during the hearing. The Hearing Officer or Hearing Panel will conduct the initial questioning of witnesses prior to the questioning by an advisor. The Hearing Officer or Chair of the Hearing Panel (acting alone or in consultation with other panelists) will make all determinations regarding the order of witnesses, relevancy of questions, and the evidence to be considered or excluded during the hearing and decision-making process. The Hearing Officer or Hearing Panel may, in its discretion, choose to call the Investigator for the purpose of providing an overview of the investigation and findings.

Witness Examinations by the Parties: Each party's advisor is permitted to question the opposing party and the other witnesses, so long as the questions are relevant and not duplicative of the questions posed by the Hearing Officer or Hearing Panel. The questions may include challenges to credibility. No other questioning or speaking participation by an advisor will be allowed. A party may not examine a party or witness directly; rather, a party must utilize the services of an advisor for the purpose of posing questions to another party or witness. A party not represented by an advisor may, however, submit a list of proposed questions to the Hearing Officer or Chair of the Hearing Panel and ask that the questions be posed to the opposing party or witness.

<u>The decision-maker(s) cannot draw an inference about responsibility based solely on a party's or</u> witness's absence from the live hearing or refusal to answer cross-examination or other questions. In a circumstance where a party or witness does not participate in a hearing, the panel should weigh the facts and circumstances in determining whether to consider, and what weight to assign, any statements furnished outside the hearing process.

The Hearing Officer or Chair of the Hearing Panel will make determinations regarding relevancy of questions before a party or witness answers. If a determination is made to exclude the question based on relevancy, the Hearing Officer or Panel Chair will provide an explanation of why the question was deemed irrelevant and excluded.

The Hearing Officer or Panel Chair may disallow the attendance of any advisor if, in the discretion of the Hearing Officer or Panel Chair, such person's presence becomes disruptive or obstructive to the hearing or otherwise warrants removal. Advisors will be not be permitted to badger or question the opposing party or any witness in an abusive or threatening manner. Absent accommodation for a disability, the parties may not be accompanied by any other individual during the hearing process except as set forth in this policy. University officials may seek advice from the College's Office of General Counsel on questions of law, policy, and procedure at any time during the process.

Prior Sexual Conduct: Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, 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.

Confidentiality and Disclosure. To comply with FERPA and Title IX and to provide an orderly process for the presentation and consideration of relevant information without undue intimidation or pressure, the grievance process is not open to the general public. Accordingly, documents prepared in anticipation of the hearing (including the formal complaint, investigative report, evidentiary materials, notices, and prehearing submissions), recordings of the hearing, and documents, testimony, or other information used at the hearing may not be disclosed outside of the hearing proceedings, except as may be required or authorized by law.

Decision of the Hearing Officer or Panel and Standard of Evidence: Following the conclusion of the hearing, the Hearing Officer or Hearing Panel will confer and determine whether the evidence establishes that it is more likely than not that the respondent committed a violation of this policy. In other words, the standard of proof will be the preponderance of the evidence. This standard applies to complaints against both students and employees. In reaching the determination, the Hearing Officer or Hearing Panel will objectively and thoroughly evaluate all relevant evidence, both inculpatory and exculpatory, and reach an independent decision, without deference to the investigative report. If a Hearing Panel is utilized, the determination of responsibility shall be made by majority vote.

Written Determination of Responsibility: As soon as practicable following the hearing (and ordinarily within 10 days thereafter), the Hearing Officer or Panel Chair shall complete a report of the decision-maker's findings. The Hearing Officer or Panel Chair will send simultaneous notification of the decision to both parties and their advisors, where applicable, with the following information:

- Identification of the allegations potentially constituting sexual harassment under the policy
- A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence and the hearing held
- <u>Findings of fact that support the determination</u>
- <u>Conclusions regarding the application of the College's conduct standards to the facts</u>
- <u>A statement and rationale for the result as to each allegation, including a determination as to</u> responsibility using the preponderance of the evidence standard
- Any disciplinary sanctions imposed on respondent
- <u>Whether any remedies designed to restore or preserve equal access to the College's education</u> program or activity will be provided to the complainant (description of remedies is not included)
- <u>Procedures and permissible bases for the parties to appeal</u>

Sanctions: If the Hearing Officer or Hearing Panel determines that more likely than not the respondent committed a violation of this policy, then the Hearing Officer or Hearing Panel will determine sanctions and give consideration to whether a given sanction will (a) bring an end to the violation in question, (b) reasonably prevent a recurrence of a similar violation, and (c) remedy the effects of the violation. Sanctions for a finding of responsibility will depend upon the nature and gravity of the misconduct, any record of prior discipline for a violation of this policy, or both. The range of potential sanctions is set forth in the definitions section of this policy.

Ordinarily, sanctions will not be imposed until the resolution of any timely appeal under this policy. However, if it is deemed necessary to protect the welfare of the victim or the College community, the Hearing Officer or Hearing Panel may recommend to the decision-maker on appeal that any sanctions be imposed immediately and continue in effect until such time as the appeal process is exhausted.

Remedies: Where a determination is made that the respondent was responsible for sexual harassment, the Hearing Officer or Hearing Panel will determine any final remedies to be provided to the complainant, if any, and the Title IX Coordinator will communicate such decision to the complainant and the respondent to the extent that it affects him/her. Remedies must be provided in all instances in which a determination of responsibility for sexual harassment has been made against the respondent. Remedies must be designed to restore or preserve equal access to the College's education program or activity. Such remedies may include the same individualized services described above as "supportive measures"; however, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the respondent.

No Retaliation: The Title IX Coordinator will take steps to prevent any harassment of or retaliation against the complainant, the respondent, or third parties, such as informing them about how to report subsequent problems, following up with them to ensure that there are no subsequent problems, and providing training for the campus community.

APPEALS

Procedure for Appeals: Both the complainant and the respondent may appeal from (1) the Title IX Coordinator's dismissal of a formal complaint or any allegations therein or (2) the Hearing Officer or Hearing Panel's determination. The appeal should be submitted in writing to the Title IX Coordinator within 5 days of receipt of the Hearing Officer or Hearing Panel's decision. The Title IX Coordinator will forward the appeal to the Chancellor. The appeal will be decided based on the written record and without deference to the decision of the Hearing Officer or Hearing Panel.

If the respondent is an employee, the Chancellor or his/her designee will decide the appeal. If the respondent is a student, the appeal will be decided by the Chancellor or his/her designee or, in the alternative, the Chancellor will designate an Appeal Panel comprised of at least two faculty and/or staff members. One of the members of the Appeal Panel can be (but need not be) an outside person who is not an employee. If an Appeal Panel is utilized, the Chancellor shall designate one of the panelists as the Chair of the Appeal Panel (in cases where the respondent is a student and a panel is utilized) or the Chancellor or designee (in other cases) shall make any decisions concerning appellate jurisdiction under the permissible grounds for appeal described below.

The party appealing may use the Appeal Form or the party may submit his/her own written and signed document. Acceptable means of notification include email, facsimile, hand-delivered notification, or postal delivery. The Title IX Coordinator will promptly inform the other party of the appeal.

Grounds for Appeal: The appeal from the decision of the Hearing Officer or Hearing Panel must be for one of the following reasons: (1) a procedural irregularity that affected the outcome of the decision; (2) there is new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made and that could affect the outcome of the matter; or (3) the Title IX Coordinator, Investigator(s), Hearing Officer, or Panel Member(s) had a conflict of interest or bias for or against complainants or respondents in general or against an individual complainant or respondent that affected the outcome.

Responses: Within 5 days of receipt of the appeal, the other party may submit a written statement in response to the appeal and which supports or challenges the dismissal or determination. The response should be submitted to the Title IX Coordinator, who shall provide a copy to the decision-maker and the appealing party.

Decision on Appeal: As soon as practicable after receiving the parties' written submissions (and ordinarily within approximately 10 days), the Chancellor (or designee) or Appeal Panel will issue a written decision describing the result of the appeal and the rationale for the result. The decision on appeal may uphold the decision, modify it, or remand for further factual development. The decision-maker on appeal will concurrently notify the complainant and the respondent of the decision, with a written copy provided to the Title IX Coordinator.

Employees: All non-tenure track faculty and staff members of the College without term contracts are atwill employees who may be terminated at any time, with or without cause. With regard to such faculty and staff, nothing in this Policy shall create an expectation of continued employment with the College or be construed to prevent or delay the College from taking any disciplinary action deemed appropriate (including suspension and immediate termination of employment) for any violation of state law, federal law or University policy.

TIME PERIODS

The College will make every reasonable effort to ensure that the investigation and resolution of a complaint occurs in as timely and efficient a manner as possible.

Any party may request an extension of any deadline by providing the Title IX Coordinator or his or her respective deputies with a written request for an extension that includes reference to the duration of the proposed extension and the basis for the request.

The Title IX Coordinator may also modify timelines in cases where information is not clear, judged to be incomplete, relevant parties are not available for interview, absence of an advisor, concurrent law enforcement activity, the need for language assistance or disability accommodation and/or other circumstances that may arise.

RETALIATION PROHIBITED

No person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, 34 C.F.R. Part 106, or this policy, or because an 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 part. Intimidation, threats, coercion, or discrimination, including changes against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sex discrimination of harassment, for the purpose of interfering with any right or privilege secured by Title IX, 34 C.F.R. Part 106, or this policy, constitutes retaliation. However, the exercise of rights protected under the First Amendment does not constitute retaliation.

FALSE REPORTS

Willfully making a false report of sexual harassment or submitting false information during these proceedings is a violation of University policy and is a serious offense. However, a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith. Any person who willfully makes or participates in making a false or frivolous report of discrimination, harassment, retaliation or sexual misconduct will be subject to disciplinary action. False reporting may also violate state criminal statutes and civil defamation laws.

EXTERNAL REPORTING AGENCIES

Although complainants are encouraged to resolve their grievances related to discrimination by utilizing this Complaint/Grievance Procedure, they may have the right to file a complaint directly with the following agencies. Individuals who wish to file complaints with these external agencies should make contact as soon as possible and verify any applicable time limits and deadlines.

Office of Civil Rights (OCR)

U.S. Department of Education

<u>1999 Bryan St., Suite 1620</u> Dallas, TX 75201-6810 Toll Free: 1-800-421-3481 Telephone: 214-661-9600 Fax: 214-661-9587 Email: OCR.Dallas@ed.gov

NSF Grantees Only

National Science Foundation Office of Diversity and Inclusion 2415 Eisenhower Ave. Alexandria, VA 22314 Telephone: 703-292-8020 Fax: 703-292-9072 Email: programcomplaints@nsf.gov

EFFECTIVE DATE

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The College reserves the right to make changes and amendments to this Policy as needed, with appropriate notice to the campus community. However, the Policy in force at the time that a Complaint is filed will be the Policy used throughout the investigation, hearing, and any appeals.

RETENTION OF RECORDS

For a period of at least seven years, the College will maintain the records of:

- Each sexual harassment investigation, including any determination regarding responsibility, any recordings or transcripts, disciplinary sanctions, and remedies provided to the complainant
- Any appeal and the result therefrom
- Any informal resolution and the result therefrom
- <u>All materials used to train Title IX Coordinators, investigators, decision-makers, and any person</u> who facilitates an informal resolution process. These materials will be made publicly available on the College's website.
- <u>Records of any actions, including supportive measures, taken in response to a report or formal</u> <u>complaint of sexual harassment, along with documentation of the College's bases for its</u> <u>conclusion that its response was not deliberately indifferent.</u>

Documentation pertaining to terminations, expulsions or educational sanctions may be retained indefinitely.

DEFINITIONS

Complainant: Any individual who is alleged to be the victim of conduct that could constitute sexual harassment. At the time of the filing of a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the recipient with which the formal complaint is filed. Any person may report sex discrimination, including harassment, whether or not the person reporting is the person alleged to be the victim of discrimination or harassment.

Consent: Consent is clear, knowing, and voluntary. Consent is active, not passive. Silence, in and of itself, cannot be interpreted as consent. Consent can be given by words or actions, if those words or actions create mutually understandable clear permission regarding willingness to engage in (and the conditions of) sexual activity. If coercion, intimidation, threats, or physical force are used, there is no consent.

If a person is mentally or physically incapacitated so that the person cannot understand the fact, nature, or extent of the sexual situation, there is no consent. Incapacitation can be due to alcohol or drugs or being asleep or unconscious. This policy also covers incapacity due to mental disability, involuntary physical restraint, or from the taking of rape drugs. Possession, use and/or distribution of any of these substances, including Rohypnol, Ketamine, GHB, Brundage, etc. is prohibited, and administering one of these drugs to another person is a violation of this policy. More information on these drugs can be found at http://www.911rape.org/

Use of alcohol or other drugs will never function as a defense to a violation of this policy. An individual violates this policy if the individual initiates and engages in sexual activity with someone who is incapacitated, and (1) the individual knew the other person was incapacitated, or (2) a sober reasonable person under similar circumstances as the person initiating the sexual activity would have known the other person was incapacitated.

<u>There is also no consent when there is force, expressed or implied, or use of duress or deception upon the victim. Whether an individual has taken advantage of a position of influence over an alleged victim may be a factor in determining consent.</u>

Force is the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes overt threats, implied threats, intimidation, and coercion that overcome resistance or produce consent.

Coercion is unreasonable pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another. When someone makes clear to you that they do not want sex, 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.

Under Arkansas law, the age of consent varies with the degrees of assault, the age of the actor, and the relationship of the actor to the other party. For specific information, please refer to Arkansas statutes (e.g., Arkansas Code Annotated § 5-14-125, Sexual Assault in the Second Degree).

Consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity. In addition, previous relationships or prior consent cannot imply consent to future sexual acts.

Dating Violence: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such relationship is determined based on consideration of the following factors: (1) the length of the relationship; (2) the type of relationship; and (3) the frequency of interaction between the persons involved in the relationship.

Days: Refers to working days, rather than calendar days, unless otherwise specified.

Domestic Violence: The term includes felony or misdemeanor crimes of violence committed by a current spouse or intimate partner 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 or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of Arkansas, or by any other person against an adult or youth victim who is protected from that person's acts under the laws of Arkansas. Under the Arkansas law on domestic abuse, "family or household members" means spouses, former spouses, parents and children, persons related by blood within the fourth degree of consanguinity, in-laws, any children residing in the household, persons who presently or in the past have persons who have or have had a child in common, and persons who are presently or in the past have been in a dating relationship together.

Education Program or Activity: Includes locations, events, or circumstances over which the College exercised substantial control over both the respondent and the context in which the sexual harassment occurred, and also includes any building owned or controlled by an officially recognized student organization.

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Formal Complaint: A document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the recipient investigate the allegation of sexual harassment. 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 formal complaint.

Party: The complainant or respondent.

Preponderance of the Evidence: A standard of proof where the conclusion is based on facts that are more likely true than not.

Respondent: An individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

Sanctions: The determination of sanctions to be imposed against a respondent who is found to have been responsible for violating this policy will depend upon the nature and gravity of the misconduct, any record of prior discipline for a violation of this Policy, or both. Sanctions against students may include, without limitation, expulsion or suspension from the College, disciplinary probation, expulsion from campus housing, mandated counseling, and/or educational sanctions. Sanctions against employees and other non-students may include, without limitation, a written reprimand, disciplinary probation, suspension,

termination, demotion, reassignment, revision of job duties, reduction in pay, exclusion from campus or particular activities, and/or educational sanctions deemed appropriate.

Sexual Assault: The term "sexual assault" means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation. A nonforcible sex offense includes incest (*i.e.*, the nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law) and statutory rape (*i.e.*, nonforcible sexual intercourse with a person who is under the statutory age of consent). A forcible sex offense is any sexual act directed against another person, without the consent of the victim including instances where the victim is incapable of giving consent. A forcible sex offense includes:

- Forcible rape: the penetration, no matter how slight, of the vagina or anus with any part of the body or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- Forcible sodomy: Oral or sexual intercourse with another person, forcibly and/or against that person's will or not forcibly or against that person's will in instances where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity;
- Sexual assault with an object: Using an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will or not forcibly or against that person's will in instances where the victim is incapable of giving consent because of his/her youth or because his/her temporary or permanent or physical incapacity.
- Forcible fondling: The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will or not forcibly or against that person's will in instances where the victim is incapable of giving consent because of his/her youth or because his/her temporary or permanent or physical incapacity.

Sexual Harassment: Sexual harassment is conduct on the basis of sex constituting one of the following:

(1) An employee of the College conditioning the provision of an aid, benefit, or service of the institution on an individual's participation in unwelcome sexual conduct;

(2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to the College's educational programs or activities; or

(3) Any of the following:

(A) "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v) and this policy

(B) "Dating violence" as defined in 34 U.S.C. 12291(a)(10) and this policy

(C) "Domestic violence" as defined in 34 U.S.C. 12291(a)(8) and this policy

(D) "Stalking" as defined in 34 U.S.C. 12291(a)(30) and this policy

Stalking: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others or suffer substantial emotional distress.

Supportive Measures: Non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without a fee or charge to the complaint or respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the recipient's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the College's educational environment or deter sexual harassment.

Policy History:

Board of Visitors Meeting – January 9, 2023 Action Item No. 4: Review New College Policy 217: Policy & Procedure on Complaints of Discrimination And Harassment.

- **1. Background information:** The new College Policy 217 is developed to associate the Complaints of Discrimination and Harassment.
- 2. Why action is needed at this time: This is the first time the Board of Visitors has met since developing this new policy.

3. Chancellor's Recommendation: Chancellor Cole recommends the Board review the New College Policy 217: Policy & Procedure on Complaints of Discrimination and Harassment.

4.	Board of Visitors Action:	
Mot	tion by:	
Seconded by:		
Yea	s: Nays:	

POLICY & PROCEDURE ON COMPLAINTS OF DISCRIMINATION AND HARASSMENT

I. Policy Statement

Cossatot Community College of the College of Arkansas ("the College") is committed to providing an environment that emphasizes the dignity and worth of every member of its community and that is free from harassment and discrimination. Such an environment is necessary to a healthy learning, working, and living atmosphere. The College expects students, applicants for admission, employees, applicants for employment, affiliates, subcontractors, on-site contractual staff, community members, and visitors to uphold the College's commitment to nondiscrimination and harassment by conducting themselves in manner that is appropriate and consistent with this policy. Accordingly, all acts of discrimination, harassment, and retaliation are prohibited. The College will take prompt and equitable action in response to complaints about such conduct.

II. Policy Scope and Relationship to Title IX

"Discrimination" under this policy refers to an action or conduct that (1) is based on race, color, sex, religion, national origin, service in the uniformed services (as defined in state and federal law), veteran status, sex, age, pregnancy, physical or mental disability, gender identity, sexual orientation, or genetic information and (2) materially affects a term or condition of an individual's employment, education, living environment, or participation in a program or activity.

"Harassment" under this policy means statements or conduct that (1) occurs based on one of the classes or characteristics set forth in the definition of "discrimination"; (2) rises above the level of what a reasonable person would consider more than a petty slight or trivial inconvenience; and (3) unreasonably interferes with a person's ability to participate in or benefit from the College's programs, services, opportunities, or activities or when such conduct has the purpose or effect of unreasonably interfering with an individual's employment. In cases of alleged harassment arising from speech (verbal, written, or electronic) or other forms of expressive activity, the College will interpret and apply the definition of "harassment" in a manner that does not interfere with the First Amendment and free-speech protections afforded by law. Student speech or expressive activity that is merely offensive—but not severe or pervasive—is generally not a sufficient basis to support a finding of impermissible harassment.

Reports and complaints regarding sexual harassment, sexual assault, relationship violence, stalking, and similar conduct should first be made to the Title IX Coordinator under the College's separate policy on sexual assault and harassment. Other forms of discrimination and harassment may be the subject of an initial complaint under this policy. In addition, this policy may be used to address complaints of sexual harassment or assault that may negatively affect the campus community but are dismissed by the Title IX Coordinator based on lack of jurisdiction. In such situations, the appropriate office will have discretion on whether to commence an investigation under this policy.

III. Offices Hearing Complaints

The Department of Human Resources is responsible for investigating complaints of discrimination and harassment against faculty, staff, and administrative employees. The Vice Chancellor of Academics is responsible for investigating complaints of harassment and discrimination against students. A complaint to the appropriate office should be made within 30 days of the act of discrimination or harassment. The time limit may be waived or extended by the Department of Human Resources or the Vice Chancellor for Academics if good cause is demonstrated.

IV. Investigation

After receiving the complaint, the appropriate office may explore whether the matter can be resolved informally, without disciplinary action or a finding that discrimination or harassment has occurred. If the issue can be resolved informally, no further action will be taken.

In the absence of an informal resolution, the individual against whom the complaint is filed (*i.e.*, the "respondent") will be instructed to provide a written response to the allegations within 5 working days of the request. The matter will then be investigated promptly.

At the conclusion of the investigation, the investigating office will issue a written determination of responsibility and provide the decision to the complaint and respondent. The determination shall also identify any sanctions or remedies that the investigator believes should be imposed. In the case of employee-respondents, the proposed sanctions and remedies shall serve as a nonbinding recommendation to the appropriate campus administrator.

The institution reserves the right to address, as an administrative matter, conduct that does not constitute a violation of this policy but nevertheless is inappropriate in a professional work or educational environment.

V. <u>Appeal</u>

If the respondent is a student, any party who is dissatisfied with the decision may request that the College convene a hearing on the matter. The request for a hearing must be made within 5 working days of the decision. After receiving the request, the Vice Chancellor for Academics will promptly schedule a hearing that generally follows the procedures used for cases of student misconduct.

If the respondent is not a student, any party may appeal the matter to the Chancellor or his/her designee. A party who chooses to appeal must, within 5 working days of receiving the decision, deliver a written statement to the Chancellor or designee that concisely explains why the decision should be overturned or modified. The Chancellor or his/her designee may elect to convene a committee to review the allegations, consider the evidence, and make a recommendation; alternatively, the Chancellor or designee may decide the matter in the absence of a committee. The final decision shall be rendered as soon as practicable and ordinarily no later than 10 working days after receiving the written appeal.

VI. Emergency removal and administrative leave

Emergency Removal: If, after the Behavioral Intervention Team undertakes a safety and risk analysis, the College determines that the respondent poses an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment, it may remove the respondent from the College's programs or activities. In such instances, the respondent will be

provided with a written notice of the reasons for the removal. Within 5 days of receiving the notice, the respondent may challenge the decision by requesting a meeting with the Vice Chancellor for <u>Academics.</u>

Administrative leave: Nothing in this policy precludes the College from placing an employee respondent on administrative leave during the pendency of the grievance process.

VII. <u>Retaliation</u>

It is a violation of this policy to take an action against an individual because that person has opposed any practices forbidden by this policy or because that person has filed a complaint, testified, assisted, or participated in an investigation or proceeding under this policy. Retaliation includes intimidating, threatening, coercing, or in any way discriminating against an individual because of the individual's opposition, complaint, or participation. Adverse action is retaliatory if it would deter a reasonable person in the same circumstances from opposing practices prohibited by this policy.

VIII. <u>Confidentiality</u>

The College requests confidentiality from all parties and witnesses involved in an investigation. During an investigation, it may be necessary for the investigator to provide details to individuals with a legitimate need to know about the allegations. This may include: (1) information provided to respondents to allow them to fully respond to the allegations, (2) information provided to witnesses or other people with whom investigators communicate in order to obtain or verify information; (3) where appropriate, information provided to management during or following an investigation to allow any necessary actions to be taken. In addition, the identity of the investigation participants and the details of the investigation may become known for reasons outside the control of the investigator.

VIII. False Reports

Willfully making a false report of discrimination (including discriminatory harassment) is a violation of University policy and is a serious offense. Any person who willfully makes or participates in making a false report under this policy may be subject to disciplinary action up to and including termination or expulsion.

IX. Training

All new employees should receive training on preventing, reporting, and addressing discrimination (including discriminatory harassment) promptly after beginning employment or enrollment. Employees must receive periodic refresher training.

X. EEOC and NSF Reporting

<u>Although complainants are encouraged to resolve their grievances related to discrimination by</u> <u>utilizing this policy, they may have the right to file a complaint directly with the appropriate agency.</u> <u>The contact information for the EEOC and NSF are as follows:</u>

 Equal Employment Opportunity Commission (EEOC)
 820 Louisiana St., Suite 200
 Little Rock, AR 72201

Toll Free: 1-800-669-4000
Telephone: 501-324-5060
TTY: 800-669-6820
Fax: 501-324-5991

National Science Foundation (NSF)
Office of Diversity and Inclusion
2415 Eisenhower Ave.
Alexandria, VA 22314
Telephone: 703-292-8020
Fax: 703-292-9072
Email: programcomplaints@nsf.gov

Board of Visitors Meeting – January 9, 2023 Action Item No. 5: Review New College Policy 218: Consensual Relationships.

- **1. Background information:** The new college policy was established to stand as its own policy.
- 2. Why action is needed at this time: This is the first time the Board of Visitors has met since developing this new policy.

3. Chancellor's Recommendation: Chancellor Cole recommends the Board review the New College Policy 218: Consensual Relationships.

4.	Board of Visitors Action:	
Mot	on by:	
Seconded by:		
Yea	: Nays:	

CONSENSUAL RELATIONSHIPS

There are inherent risks in any sexual or amorous relationship between individuals in unequal positions (such as instructor and student, or 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 sexual or amorous involvement, past consent may not remove grounds for a later charge of a violation of policy.

Students are particularly vulnerable to the inherent, unequal power present in the employee-student relationship and the potential for coercion because of position with the College, age, and/or relative lack of maturity. Therefore, no employee shall have a sexual or amorous relationship with any student, regardless of whether the employee has or expects to have any authority or responsibilities over that student (except under unusual circumstances, i.e., spouses are employee-student before being hired or enrolled, etc...).

When a consensual sexual or amorous relationship occurs between employees where one party maintains a direct supervisory or evaluative role over the other party, those relationships must be reported to the appropriate supervisor(s) and Human Resources. This may necessitate removal of the employee from the supervision and evaluation of the other party involved in the relationship. Should this change cause undue hardship on other employees or divisions, the parties involved in the consensual relationship may be terminated.

Policy History:

COSSATOT COMMUNITY COLLEGE OF THE UNIVERSITY OF ARKANSAS

BOARD OF VISITORS

INFORMATION ITEMS

January 9, 2023



COMMITTEE: Distance Learning

DATE: November 18, 2022

TIME: Virtual through Email

Members attending: Karen Arbuckle, Faith Miller, Michael Guillory, Tabetha Nguyen, Cole Jones, Ashley Dougherty, Kathy Richards, Lauren Young (non-evaluated), Tamla Heminger (non-evaluated)

AGENDA AND ACTIONS

Meeting was conduct through email from November 7-18.

Follow-up Items

October minutes were reviewed at the close of last minutes and posted to Teams and emailed to the College.

Karen followed up with Dr. Ashley Aylett about the Enrollment Procedures that was brought to the Distance Education Committee and the committee's recommendation. (See more details on Item I.)

Distribution of the COLT Rubric will be followed up with in January.

Faith brought to attention that the name for the Nashville Police Officer needed to be on updated on Blackboard. Cole has since updated the information.

Item One: Enrollment Procedure

Conversation between the committee and Dr. Aylett took place in email the week of October 24; the committee will create a procedure to have in place should there be problems with future enrollment. Cole Jones will enroll students in all classes as the Blackboard Administrator and faculty will be informed of the procedures and trained prior to the start of January classes should they need to manually enrolled students in classes at any time. The committee created the procedure through emails and it will be shared soon with faculty. Cole will create a PDF file for easy distribution of how to enroll. It was typed up and voted on after lengthy discussion. Karen will send the procedure to Dr. Aylett.

Final Actions:

The next meeting will be held in January. The date will be announced in January.

November minutes were approved through email prior to sending to the College.

Committee Comments:

Submitted by: ____Tabetha Nguyen_____ Recorder





