



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

1999 BRYAN ST., SUITE 1620  
DALLAS, TX 75201-6810

REGION VI  
ARKANSAS  
LOUISIANA  
MISSISSIPPI  
TEXAS

April 21, 2016

Ref: OCR Case Nos.:



Dr. Joseph E. Steinmetz, Chancellor  
The University of Arkansas-Fayetteville  
1 University of Arkansas  
Fayetteville, AR 72701

Dear Dr. Steinmetz:

On June 15, and August 3, 2015, the U.S. Department of Education (Department), Office for Civil Rights (OCR), received the above-referenced complaints against the University of Arkansas-Fayetteville, Fayetteville, Arkansas (the University or UOA). In OCR Case No. [REDACTED] the complainant alleged that the University discriminated against him on the basis of sex by failing to promptly and equitably respond to: 1) his complaint that he was sexually harassed from [REDACTED] thru [REDACTED] and 2) the sexual [REDACTED] harassment complaint filed against him by a female student on or about [REDACTED]. In OCR Case No. [REDACTED] the complainant alleged that the University [REDACTED] discriminated against her on the basis of sex by failing to promptly and equitably respond to her complaint made in [REDACTED] that she was sexually assaulted. In OCR Case No. [REDACTED] the complainant alleged that the University discriminated against her on the basis of sex by failing to promptly and equitably respond to the complaint she made in [REDACTED] that she was sexually assaulted.

OCR enforces Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. § 1681, and its implementing regulation, 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex in any education program or activity operated by a recipient of Federal financial assistance. Title IX also prohibits retaliation. The University is a recipient of Federal financial assistance from the Department. Therefore, OCR has jurisdiction to investigate these complaints under Title IX.

Because OCR has determined that it has jurisdiction and that the complaints were filed timely, it is opening the following issues for investigation:

1. Whether the University provided prompt and equitable responses to complaints, reports, and/or incidents of sexual harassment or sexual violence, of which it had notice (knew about or should have known about),

*The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.*

as required by the Title IX implementing regulation at 34 C.F.R. §§106.8, 106.9 and 106.31.

2. Whether any failure by the University to provide a prompt and equitable response allowed any students to be subjected to a sexually hostile environment that denied or limited the students' ability to participate in or benefit from the University's programs, in violation of the Title IX implementing regulation at 34 C.F.R. §§ 106.8 and 106.31.

Please note that opening these allegations for investigation in no way implies that OCR has made a determination with regard to their merit. During the investigation, OCR is a neutral fact-finder, collecting and analyzing relevant evidence from the complainant, the recipient, and other sources, as appropriate. OCR will ensure that its investigation is legally sufficient and is dispositive of the allegations, in accordance with the provisions of Article III of the *Case Processing Manual*.

Section 100.6(c) of Title 34 of the Code of Federal Regulations stipulates that each recipient of Federal financial assistance shall permit access to pertinent sources of information to responsible Department officials or designees. Pursuant to 34 C.F.R. § 100.6(c) and 34 C.F.R. § 99.31(a)(3)(iii), of the regulation implementing the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g, OCR may review personally identifiable records without regard to considerations of privacy or confidentiality. Below is an initial data request, which is required in assisting our efforts to ascertain compliance with the regulations enforced by OCR. Please provide the requested information to OCR within 15 calendar days of the date of this letter. This request may be supplemented through interviews with University personnel or any witnesses who may have knowledge of the issue, and if necessary, additional data requests for the University as the complaint investigation progresses. After reviewing this information or any additional information, OCR will determine whether an on-site investigation is warranted. If so, you will be contacted to arrange a mutually convenient date.

Complaints may be resolved before the conclusion of an investigation if the institution that is the subject of the complaint (recipient) expresses an interest in resolving the complaint. This process is voluntary and must be requested by the recipient. The Office Director or designee must determine that it is appropriate to resolve the complaint during the course of an investigation. If the voluntary resolution process has been determined appropriate, OCR will immediately notify the complainant of the recipient's interest in resolving the complaint and will keep the complainant informed throughout all stages of this resolution process. The resolution agreement is negotiated between OCR and the recipient. The provisions of the resolution agreement will be aligned with the complaint allegations or the information obtained during the investigation, and will be consistent with applicable regulations, and a copy of the signed resolution agreement will be included with the resolution letter. OCR will then monitor the implementation of the resolution agreement.

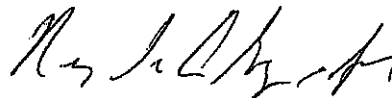
Please be advised that the University may not harass, coerce, intimidate, or discriminate against any individual because he or she has filed a complaint or participated in the complaint resolution process. If this happens, you may file another complaint alleging such treatment.

Under the Freedom of Information Act, 5 U.S.C. § 552, it may be necessary to release this document and related correspondence and records upon request. In the event that OCR receives such a request, we will seek to protect, to the extent provided by law, personally identifiable information, which, if released, could reasonably be, expected to constitute an unwarranted invasion of personal privacy.

Please notify OCR of the name, address, and telephone number of the person who will serve as the University's contact person during the resolution of this complaint. We would like to talk with this person as soon as possible regarding the information requested in this letter. In addition, OCR may need to request additional information and interview pertinent personnel. If an on-site visit is determined to be necessary, you will be contacted to schedule a mutually convenient time for the visit.

If you have any questions regarding this letter, please contact Rey de la Garza, Attorney at (214) 661-9609 or [Rey.DeLaGarza@ed.gov](mailto:Rey.DeLaGarza@ed.gov) or me at (214) 661-9600 or [Terri.Gonzales@ed.gov](mailto:Terri.Gonzales@ed.gov).

Sincerely,



Terri Gonzales  
Supervisory Attorney/Team Leader  
Office for Civil Rights  
Dallas Office

**DATA REQUEST**  
University of Arkansas- Fayetteville (UOA)  
OCR Reference Numbers: 06-15-2349, 06-15-2416, 06-15-2417

To facilitate the resolution of the above-referenced complaint, it is requested that the UOA provide OCR with the following information and/or documentation for the 2013-2014, 2014-2015 and 2015-2016 academic years within fifteen (15) calendar days of the date of the attached letter. Any additional data responsive to the numbered items below thru the end of the Spring 2016 semester can be submitted to OCR at a future date in early June, upon consultation with OCR.

Please note that in this request, the term “correspondence” includes, but is not limited to, e-mail messages, meeting notes, interviews, notes of telephone conversations, and all related memoranda. In each instance where a policy is requested but a written policy on the matter at issue does not exist, provide instead an explanation of the UOA’s usual practice.

\*Although not required, it would be helpful if the data response was numbered in the lower right-hand corner (e.g., 001, 002) to ensure staff from OCR and the UOA are looking at the same page during any future discussions about this data response.

\*\* Unless otherwise stated, this data request only covers the University of Arkansas’ Fayetteville campus and not any of the other campuses within the UOA system.

1. A copy of the following UOA policies, procedures, and documents that have been in effect at any time from the fall of 2013 to the present. To the extent these documents are available on UOA’s website, an appropriate link is sufficient.
  - a. Title IX policies and procedures regarding discrimination based on sex and, if different, policies regarding sexual harassment and sexual violence.
  - b. Grievance procedures for complaints and other avenues for reporting alleged sex discrimination and, if different, sexual harassment and sexual violence. If the UOA has different procedures depending on whether complaints are against students, faculty or staff, provide all procedures.
  - c. The Student, Staff and Faculty Codes of Conduct and any other document(s) that contain the UOA’s policies and procedures regarding student, staff and faculty behavior and discipline, including procedures for determining whether the UOA will impose sanctions for sexual harassment and sexual violence.
  - d. Student, staff and faculty handbooks.
  - e. UOA’s nondiscrimination statement, i.e., its notice that it will not discriminate against individuals on the basis of sex.
2. For each grievance procedure or complaint process procedure offered to students and used by the UOA to address sexual harassment and sexual violence or other sex discrimination complaints, if not indicated in the policy or procedure, identify the name and title of each individual, including UOA police, administrators, staff and students

responsible for accepting, investigating, deciding or otherwise resolving complaints. Identify any other offices or departments with any responsibility for responding to reports of sexual harassment and violence, and any other offices or departments to which students typically report such conduct.

3. A copy of any:
  - a. Internal or external assessments of the adequacy or effectiveness of the UOA's policies and procedures concerning sexual harassment and sexual violence; and
  - b. Internal or external recommendations made to the UOA since the fall of 2013 regarding changes to its policy and procedures for responding to or investigating complaints of sexual harassment and sexual violence.

Please provide a narrative response as to whether the UOA made any changes to its policies and procedures in response to these reports and/or recommendations.

4. If the UOA has conducted any climate surveys or self-assessments, or otherwise collected data on or monitored sexual violence, provide a copy of the tool used, the results, any analysis of the results, and a description of any action the UOA took in response.
5. Identify the names, office addresses and office e-mail addresses of the individuals designated by the UOA to ensure its compliance with Title IX (Title IX Coordinator) from the fall of 2013 to the present. In responding to this request, please include the dates each person held this position (the month and year are sufficient).
6. Describe how complaints of alleged sexual harassment and violence are communicated to the Title IX office. For example, which classifications of staff/employees does the UOA consider mandatory reporters? How do mandatory reporters document and relay complaints of sexual harassment/violence to the Title IX office?
7. A copy of any Memorandum Of Understanding (MOU) or other written agreement between the UOA, the UOA's police department and/or the City of Fayetteville police department related to protocols that are followed regarding the handling of sexual violence complaints. Unless stated in the MOU or other written agreement, explain how the UOA handles criminal complaints and the effect of criminal complaints on the Title IX investigative process.
8. Identify by name and title any UOA designated contact points for criminal investigations of campus sexual violence. Describe the process for communications with the local prosecutor about the status of criminal investigations and decisions to proceed with or decline prosecution.
9. Explain how the UOA's policies regarding sexual harassment and sexual violence are (or have been) distributed and publicized to UOA students, faculty and staff and any other means the UOA uses (or has used) to notify students, faculty and staff about how to file a complaint of sexual harassment and sexual violence or other discrimination based on sex. Please include documentation or web links that support this response, including, but not limited to, brochures, distributed flyers, newspaper or web articles, and orientation materials.

10. Provide a detailed description of training provided to UOA faculty and staff since the fall of 2013 covering the topics of sexual harassment and sexual violence or other discrimination based on sex. Include the date(s) provided and the names, titles, and qualifications of the person(s) who provided the training(s); and lists of attendees and their positions. Provide copies of any material provided during the training, including PowerPoint slides.
11. Provide a detailed description of training and information sessions for students (including freshmen orientation) since the fall of 2013 covering the topics of sexual harassment and sexual violence or other discrimination based on sex. Include the date(s) the training was provided and the names, titles, and qualifications of the person(s) who provided the training(s). Provide copies of any material provided during the training.
12. Provide a detailed description of training provided since the fall of 2013 to individuals responsible for investigating complaints of sexual harassment and sexual violence and to members of any committees or boards that hear or decide complaints of sexual harassment and sexual violence, including bodies that decide sanctions. Include the date(s) provided and the names, titles, and qualifications of the person(s) who provided the training(s); and lists of attendees and their positions. Provide copies of any material disseminated during the training including PowerPoint slides.
13. Describe any proactive efforts by the University to prevent sexual assault or sexual harassment, as well as any resources the University provides to students, staff and faculty, including complainants and accused students or persons. Explain how the University communicates with staff about its outreach efforts to educate students and staff about sexual assault or sexual harassment, such as through publications or websites.
14. Provide a list of all student complaints or reports of (a) sexual harassment and sexual violence or (b) retaliation or intimidation in relation to a complaint or report of sexual harassment or sexual violence, that have been brought to the UOA's attention (formally or informally) for the time period indicated above (2013-2014, 2014-2015 and 2015-2016 academic years). Include copies of anonymous complaints/reports. For each complaint identified, please provide the information below with the dates for each step of the process:
  - a. The name, or unique identifier, and sex of the student who made the report or complaint.
  - b. The name or unique identifier, sex and position (e.g., student, faculty, staff) of the individual against whom the complaint was filed.
  - c. The date each complaint or report was made, the date the investigation (if any) was started, the date the investigation was completed, the date any hearing was convened, the date the final decision was issued, and a description and date of any other step in the process.
  - d. The type of report or complaint filed (i.e., formal or informal).

- e. The allegation(s) made in the report or complaint including whether it alleged sexual harassment, sexual assault or sexual violence, and whether the incident(s) described in the complaint occurred on or off campus. If off campus, indicate the location, whether the location was hosted or sponsored by the UOA and whether the location was owned or leased by UOA.
  - f. The title of the UOA office or the name of the UOA staff member where the report or complaint was filed (e.g., campus police, student services, academic dean, counselor, etc.).
  - g. Indicate whether the complaint was investigated. If yes, provide the name and title of the UOA official or staff member who investigated the complaint. If no, indicate why not.
  - h. Copies of all correspondence between the UOA and the complainant and respondent, informing them of the status of an informal or formal process, the results of any investigation, the outcome of any disciplinary proceeding, and, if an appeal has been filed, the notification to either party of the opportunity to provide input on an appeal.
  - i. Indicate whether a hearing was conducted in connection with the complaint. If a hearing was conducted, indicate which process was used and the names and titles of all persons who participated in the hearing and decision making; provide a copy of the hearing decision, report or other documents describing the hearing decision, including all documents describing the remedies and sanctions that resulted from the decision.
  - j. Indicate whether an appeal was filed and by whom. If yes, provide a copy of the appeal procedure used to respond to the appeal, identify the staff person responsible for deciding the appeal, and provide a copy of the appeal decision or outcome.
  - k. Indicate the final outcome of the complaint (e.g., complaint dismissed due to inability to corroborate allegations, accused found guilty of violating Code of Conduct and suspended for one school year, etc.)
15. For the time period indicated above, please provide a list of students who have been subject to a no-contact order (or the like). For each student, please provide the following information:
- a. The student's name or unique identifier;
  - b. The date of the no-contact order;
  - c. The reason the no-contact order was put in place; and
  - d. Whether the student made a complaint of discrimination or harassment prior to the no-contact order being put in place.
16. Copies of any sexual harassment/sexual violence reports and/or complaints submitted online through any applicable University website.

17. Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) data for the most recent three academic years for which Clery Act data is available.
18. Explain how the University handles requests for confidentiality regarding complaints of sexual assault or harassment.
19. Copies of the following documents regarding the alleged sexual harassment of [REDACTED] (OCR Case No. [REDACTED]) from [REDACTED] to [REDACTED] including:
  - a. Any complaint(s) he made to any UOA staff (including counselors, UOA police department staff, Title IX Coordinators, etc.):
  - b. Any investigative notes, summaries, witness statements, findings, etc...
  - c. Any hearing panel/appeals panel documents.
  - d. Any documents requested above (Request No. 17. a.-c.) pertaining to a claim of sexual harassment brought forth against [REDACTED] on or about [REDACTED]
20. A summary of any steps taken by the UOA to investigate [REDACTED] claim(s) of sexual harassment from [REDACTED] to [REDACTED] the results of the UOA's investigation, any interim steps taken during the UOA's investigation, and the conclusion reached by the UOA at the end of its investigation.
21. Copies of the following documents regarding an alleged sexual assault of [REDACTED] (OCR Case No. [REDACTED]) that occurred in [REDACTED] including:
  - a. Any complaints of sexual assault she made to any UOA staff (including counselors, UOA police department staff, Title IX Coordinators, etc.).
  - b. Any investigative notes, summaries, witness statements, findings, etc..
  - c. Any hearing panel/appeals panel documents.
22. A summary of any steps taken by the UOA to investigate [REDACTED] claim of sexual assault on or about [REDACTED] the results of the UOA's investigation, any interim steps taken during the UOA's investigation, and the conclusion reached by the UOA at the end of its investigation.
23. Copies of the following documents regarding an alleged sexual assault of a [REDACTED] (OCR Case No. [REDACTED]) in [REDACTED] including:
  - a. Any complaints of sexual assault she made to any UOA staff (including counselors, UOA police department staff, Title IX Coordinators, etc...).



- b. Any investigative notes, summaries, witness statements, findings, etc...
  - c. Any hearing panel/appeals panel documents.
24. A summary of any steps taken by the UOA to investigate [REDACTED] claim of sexual assault in [REDACTED] the results of the UOA's investigation, any interim steps taken during the UOA's investigation, and the conclusion reached by the UOA at the end of its investigation.
25. Any other information the UOA believes would be helpful in resolving this matter.