

Victim Rights: Dating Violence, Domestic Violence, Sexual Assault, and Stalking

In accordance with the Clery Act and the Violence Against Women Act, when a student or employee reports to Harding University that he or she has been a victim of dating violence, domestic violence, sexual assault, or stalking, whether the offense occurred on or off campus, the following information, services, and resources are available.

Prevention Programs: Harding University's commitment to providing a safe campus

Harding University offers a mandatory online training program to new students and employees designed to promote awareness of dating violence, domestic violence, sexual assault, and stalking. The training program also informs and educates victims about procedures that will be followed and the rights afforded to them. Information in this online training program is available to students and employees on Canvas via Pipeline.

The Department of Public Safety offers Rape Aggression Defense classes at least twice a year. The classes are designed to enhance students' and employees' safety and to increase awareness in how to avoid potentially dangerous situations.

The Department of Public Safety also offers training for Behavioral Intervention at least once a year. This class is designed (1) to promote awareness of dating violence, domestic violence, sexual assault, and stalking and (2) to provide information and guidance on how to safely intervene when confronted with these or similar occurrences.

Brochures regarding sexual-violence prevention are available in the Department of Public Safety, Office of Student Life, and the Counseling Center.

Immunity

Students who believe they are victims of dating violence, domestic violence, sexual assault, or stalking may obtain redress through University procedures. Complainants and witnesses who report or participate in an investigation of dating violence, domestic violence, sexual assault, or stalking will not be subject to disciplinary sanctions, such as suspension or probation, for violations of the code of conduct that occurred at or near the time of the incident if the University learned of the violation because of the complainant's or witness's report or participation.

Procedures for Victims

The following procedures apply to acts of dating violence, domestic violence, sexual assault, and/or stalking:

1. After acts of violence, assault, and stalking, it is crucial to preserve evidence. In the event of a sexual assault, a victim, to preserve evidence, should not bathe or change clothes until he or she has contacted the Department of Public Safety or public law enforcement authorities.
2. The incident may be reported to the Department of Public Safety in person or by calling 501-279-5000. The victim's RA, RLC, or immediate supervisor (if an employee) can also assist in contacting the Department of Public Safety.
3. A victim may:
 - a. Personally notify appropriate law enforcement authorities. (Contact Searcy Police Department for incidents occurring within the city limits.)

- b. Be assisted by Harding University officials in contacting local authorities, if a victim asks. A victim reporting the crime may press charges immediately, at a later date, or not at all. The filing of criminal or civil charges against the alleged offender may not preclude disciplinary actions by Harding University if University students or employees are involved in the incident.
 - c. Decline to notify law enforcement authorities.
4. Harding University will assist persons who have obtained orders of protection, no-contact orders, restraining orders, or similar lawful orders issued by criminal, civil or tribal courts. The Department of Public Safety will assist in notifying the Searcy Police Department for enforcement of such lawful orders.
5. Claims made against a student should be filed with the Office of Student Life in Student Center 218 or with Public Safety in Kendall Hall Room 117. Claims made against a faculty or staff member should be filed with the Office of Human Resources in the Ezell Building, room 130 or with Public Safety.

Confidentiality

To the extent permissible by law, Harding University will protect the confidentiality of victims and other necessary parties by not including “personally identifying information or personal information” (as defined in 42 U.S.C. § 13925(a)) in records made available to the public.

Harding University will keep confidential any accommodations or protective measures provided to a victim, to the extent that maintaining such confidentiality would not impair Harding’s ability to provide the accommodations or protective measures.

Existing Services Available to Victims

Harding University provides annual written notification to students and employees regarding services available to victims of violence, assault, and stalking through (1) the Annual Security Report and (2) through an online training program. The services include:

Counseling/Mental Health Assistance: Victims of sexual assault may feel the need for personal counseling. Free counseling services are provided on campus by licensed professional counselors. Harding University officials may assist in arranging off-campus counseling services when preferred. Cost of off-campus counseling services is the responsibility of the student or employee. Mental health issues that require inpatient treatment may be treated by the Unity Health Compass Unit located at 1200 S. Main Street in Searcy (501-278-3100).

Health: Harding University maintains a health care center for all students under the supervision of a registered nurse. Student Health Services provides care for illness, accidents, and emergencies that can be adequately treated by registered nurses. There are no fees for basic treatments or medications, with the exceptions of allergy shots and some vaccines (influenza, hepatitis A, hepatitis B, tetanus, tuberculosis skin tests). Students may also pay extra to see Harding’s nurse practitioner. The facility is located at 115 Dr. Jimmy Carr Drive. Call 501-279-4346 (campus extension 4346). Dial 0 to speak to the receptionist.

For emergency care, Unity Health maintains a 24-hour emergency facility located at 3214 E. Race Street in Searcy (501-268-6121).

Victim Advocacy: White County Domestic Violence Prevention, Inc. provides victim advocacy assistance and also operates Hope Cottage battered women’s facility. The hotline number is 501-278-4673.

Legal Assistance: Free legal assistance may be obtained from the Center for Arkansas Legal Services located at 1300 W. 6th Street, Little Rock, AR 72201. The phone number is 800-952-9243.

Visa/Immigration Assistance: Visa and immigration assistance, as well as assistance with filing Violence Against Women petitions, is available through Catholic Charities Immigration Services located at 2500 N. Tyler Street, Little Rock, AR 72217. The phone number is 501-664-0340, ext. 314.

Financial Aid: The Harding University Office of Financial Aid can provide victims with financial aid-related services and information, such as how to apply for a leave of absence or about options for addressing concerns about loan repayment terms and conditions.

Accommodations for Victims

Harding University will provide written notification to victims about options for, and available assistance in, changing academic, living, transportation, and working situations, if requested by the victim and if such accommodations are reasonably available, regardless of whether the victim reports the crime to law enforcement authorities.

Student Proceedings*

Complaints will receive a prompt, fair, and impartial investigation and resolution. The right to confidentiality of all members of the academic community will be respected, insofar as is possible.

The Office of Student Life will conduct an investigation. The investigation will be conducted by persons who receive annual training on issues related to domestic violence, dating violence, sexual assault, and stalking and on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability. If, as a result of the investigation, it is determined that disciplinary procedures are warranted by a preponderance of the evidence, the accused will be advised of what disciplinary actions will be taken. “Preponderance of the evidence” means “more likely than not.”

The accuser and the accused are entitled to the same opportunities to have others present during an institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by an advisor of their choice. During the formal proceedings, the advisor is not allowed to present information or speak to anybody other than the accuser or accused.

A proceeding does not include communications and meetings between officials and victims concerning accommodations or protective measures to be provided to a victim.

* Note: The procedures and appeals process for a complaint that falls under Title IX are different than the procedures and appeals process outlined in this document. Procedures for the investigation, hearing, and appeals process for a complaint that falls under Title IX are detailed in the Harding Title IX Misconduct Policy.

Student Notification

Results of the investigation will be made available in a timely manner to both parties. After any disciplinary proceeding that arises from an allegation of dating violence, domestic violence, sexual assault, or stalking, the accuser and the accused will be simultaneously informed in writing of the outcome of the proceeding and the procedures for the accuser and accused to appeal the results of the proceeding. The accuser and accused will also be simultaneously informed in writing of any change to the results that occur before the results become final and when the results become final.

Proceedings are conducted by officials trained to deal with issues related to dating violence, domestic violence, sexual assault, and stalking, and to conduct an investigation/hearing process that protects all persons involved and promotes accountability.

Student Appeal Process

1. The accuser or accused will have 24 hours after Harding sends them notification of the outcome of the disciplinary proceeding to file a written request for an appeal with the Office of Student Life.
2. An appeal will be scheduled in front of the Student Life Committee. A quorum for the committee shall consist of six or more members.
3. Students who do not appear within 15 minutes of their scheduled appeal will forfeit their right to appeal.
4. The appeal will be conducted in a fair and reasonable manner.
5. The appeal will be audio recorded.
6. The appeal will be open to the appellant and representatives of the Office of Student Life. Only witnesses with relevant evidence to present may testify. All witnesses are required to affirm the truth of their testimonies.
7. Presentation of evidence will be as follows:
 - a. Evidence that supports the decision made by the Office of Student Life
 - b. Evidence of innocence or mitigation by the appealing party
 - c. Rebuttal evidence by the appellant and the Office of Student Life
 - d. Closing statement by the appellant and the Office of Student Life
8. Following the appeal, the Student Life Committee, by majority vote, will decide on the case. The accuser and the accused will be simultaneously notified in writing of the decision. The decision of the Student Life Committee will be final.

Student Disciplinary Sanctions

Any or all of the following may be imposed for an infraction.

- **Warning:** a written or verbal reprimand.
- **Disciplinary Probation:** probation for a specific period of time. It may carry with it other conditions to be met (e.g., restriction of participation in extracurricular activities, restriction from holding student office, restriction from joining student organizations, etc.)
- **Special Action:** designed to enhance the educational intent of the disciplinary process. Examples include change in University housing and restriction of residential privileges, extracurricular-activity restrictions, community service, educational sanctions, and counseling referrals.
- **Suspension:** a bar from attending the University for a specific period of time. Suspension carries with it the following conditions:
 - a. Remain off campus during the period of the suspension.
 - b. No living or boarding in University facilities.
- **Expulsion:** a permanent bar from attending the University.

Protective Measures

In addition to reporting incidents, students who believe they are victims of dating violence, domestic violence, sexual assault, or stalking may:

- a. take advantage of free training and education programs offered by the Department of Public Safety;
- b. request options for and assistance with changing academic, living, transportation, and working situations when reasonably available;
- c. request that Harding University issue a letter of “no contact” against another student;
- d. contact the University Counseling Center for an appointment with a professional counselor.