



— 2023 —

# Annual Security and Fire Safety Report

in compliance with the  
Jeanne Clery Disclosure of Campus Security Policy  
and Campus Crime Statistics Act

University of Arkansas – Fort Smith

Statistics for 2020, 2021, and 2022

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## The Clery Act

On Nov. 8, 1990, President Bush signed the “Student Right to Know and Campus Security Act of 1990.” This act applies to every institution of higher education that receives federal financial aid. Title II of the Act was called the “Campus Crime Awareness and Campus Security Act of 1990.” It requires institutions of higher education to distribute to all current students and employees and applicants for enrollment or employment two types of information: (1) descriptions of policies related to campus security and (2) statistics concerning specific types of crimes. Amendments enacted in 1998 renamed Title II, which is now known as the “Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act.”

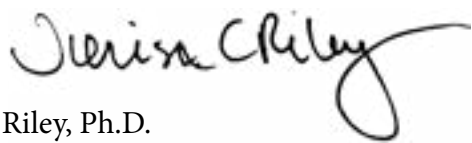
The Clery Act was named after Jeanne Clery, who was raped and murdered in her Lehigh University residence hall in 1986, and it was discovered the campus community wasn’t notified of multiple violent crimes that occurred before the tragic incident. The amendments require the disclosure of crimes that are reported to police and campus officials other than police along with a breakdown of locations of criminal activity to be specified as on-campus, non-campus, residence hall, or public property. This act has been guided by the 2016 Handbook for Campus and Security Reporting. On Oct. 9, 2020, the Department of Education announced that it rescinded the prior handbook and replaced it with a new guiding document that is a 13-page appendix to the Federal Student Aid Handbook.

## University of Arkansas – Fort Smith Chancellor’s Welcome

The University of Arkansas – Fort Smith is a vibrant community comprised of accomplished faculty, inspired staff, modern facilities, and exceptional students.

Since 1928 our university has been the educational institution of choice for the River Valley region. While much has changed during that time, including our growth from a junior college to a four-year regional university, our core academic mission remains much as it has since our inception: to help students succeed in an ever-changing world.

You’ll find our campus to be one of inclusion, innovation, and academic excellence. We are decidedly student-focused, with programming and initiatives that encourage curiosity, collaboration, and a sense of community.



Terisa Riley, Ph.D.  
Chancellor

# University of Arkansas – Fort Smith History

UAFS was established in 1928 as an extension of the public school system in Fort Smith, Arkansas, and has since gone through distinct phases to become a regional university.

Fort Smith Junior College was first housed at what is now Darby Junior High, followed by a move to the new high school, now Northside High School. The college operated within the Fort Smith Public School System until 1950 when it was incorporated as a private, nonprofit institution with its governing board. In September 1952 the campus moved to 15 acres on Grand Avenue, a portion of its current site. Two brick buildings and one wooden structure that previously housed the county hospital for the indigent and the local “poor farm” were converted to classrooms and offices. The fall semester began with 108 students and 10 instructors.

During the 1950s and 1960s, the college forged ahead in its role as a comprehensive community college - a new concept in Arkansas and across the nation. In the fall of 1965, the Sebastian County electorate approved the creation of the Sebastian County Community Junior College District, the governor appointed a Board of Trustees, and the school again became a public institution.

Fort Smith Junior College became Westark Junior College in 1966, indicating the larger area to be served, followed by Westark Community College in 1972. Throughout the 1980s and early 1990s, the college developed and grew. The year 1989 brought another significant development: the establishment of a University Center on the Westark campus, allowing four-year institutions to offer junior-, senior-, and graduate-level courses at Westark.

In 1997 the state legislature passed an act praising Westark and its ability to manage change, officially designated Westark as a “Unique Community College,” and granted it authority to offer in its own right up to nine applied bachelor’s degrees developed in response to identified needs in the area and industries served.

The name of the college was changed yet again in February 1998 to Westark College. The next major step came on Dec. 15, 2000, as an agreement with the Board of Trustees of the University of Arkansas to merge Westark with the University of Arkansas System as a four-year institution, the University of Arkansas at Fort Smith. The merger, which became official on Jan. 1, 2002, endorsed the concept of UAFS as a unique university, one that offers applied and traditional baccalaureate degree programs, one- and two-year associate and technical programs, and non-credit business and industry training programs. UAFS absorbed five bachelor’s degree programs offered through the University Center and has since developed, and continues to develop, its own bachelor’s and master’s degrees.

The core mission that marks the institution of today is to prepare students to succeed in an ever-changing global world while advancing economic development and quality of place.

# University of Arkansas – Fort Smith Police Department

The UAFS Police Department is the law enforcement agency with primary jurisdiction over properties owned, controlled, or leased by the university. All UAFS police officers are trained law enforcement professionals and certified by the Arkansas Commission on Law Enforcement Standards and Training.

All police officers are armed and have full powers of arrest. Each officer is required to meet the same physical and educational standards as any other police officer in the state of Arkansas. These standards are set forth by the Arkansas Commission on Law Enforcement Standards and Training. All full-time officers must attend an Arkansas-approved police academy within one year of their hire date. The academy consists of 12 weeks during which students are taught more than 480 hours of law enforcement curriculum. Topics of instruction include ethics, search and seizure, arrest and physical defense tactics, criminal investigation, and emergency vehicle operations.

UPD officers are tasked with the prevention and investigation of all criminal activities that occur on the UAFS campus. UPD is currently staffed with eight certified police officers giving 24-hour-a-day coverage 365 days a year. Though they may not always be in the office, an officer is always on duty.

All UPD officers are dedicated to a high level of excellence in the service of UAFS students, faculty, and staff. If you have any questions, suggestions, commendations, or complaints concerning a UPD officer, please e-mail them to [UPD@uafs.edu](mailto:UPD@uafs.edu). Include in your email the nature of the encounter, when and where it occurred, and any contact information you can provide. All complaints against any UAFS employee are taken extremely seriously and will be dealt with appropriately.

## UPD Law Enforcement Authority

Arkansas State Statute 25-17-304 confers upon the chancellor of a state institution of higher education the right to create a university agency with the same powers as any municipal, county, or state police agency in Arkansas and must meet the state requirements for certification set out by the Arkansas Commission on Law Enforcement Standards and Training. The University of Arkansas - Fort Smith (UAFS) Police Department (UPD) is made up of full-time sworn, state-certified law enforcement officers. UPD continually works with municipal, county, state, and federal law enforcement agencies within the state of Arkansas and occasionally with others outside the state as well. UPD is a prevention- and service-oriented agency. Service to the campus community is a top priority.

## University of Arkansas – Fort Smith Police Department Jurisdiction

In accordance with governing law and the Mutual Aid Agreement with the City of Fort Smith, the real and personal property owned or controlled by the university is subject to the jurisdiction of UPD that falls within our main campus geography. UAFS is in the city of Fort Smith, Arkansas, and Fort Smith Police Department (FSPD) officers travel around and through the campus each day. In addition, FSPD officers may assist officers from UPD when their assistance is requested either by a direct 911 call from the community or by radio from a member of UPD. During their travels on campus and those times when their assistance is requested, FSPD officers have full authority to make arrests for violations of law as they hold primary jurisdiction throughout the city of Fort Smith. UPD's jurisdiction does not extend to private property not owned or under the control of the university. UPD will have concurrent jurisdiction with FSPD over any locations falling within the reporting requirements of the Clery Act. The UAFS Clery geography can be found here: [uafs.edu/clery-map](http://uafs.edu/clery-map).

## Criminal Background Checks

The university does not routinely conduct state and/or federal criminal background investigations on prospective students. However, it is the policy of the university that all new employees and faculty who have significant interaction with UAFS students, have their criminal background records checked during the final stages of the hiring process. Individuals who work with minors are required to complete additional background checks, set forth by federal and state laws. Student workers' criminal background checks are conducted if required by their job assignment/responsibilities.

## **Mutual Relations with Other Law Enforcement Agencies**

UPD enjoys an excellent working relationship with the City of Fort Smith Police Department, Sebastian County Sheriff's Department, and Arkansas State Police.

## **Written Memorandum of Understanding**

UAFS has a memorandum of understanding (MOU) between UPD and FSPD that outlines which law enforcement agency will have jurisdiction over certain areas and the procedure of response to calls in assistance with each department. UPD frequently meets with leaders from other departments in a formal or informal setting and often attends events together in support of our surrounding community. Personnel and resources are provided by these law enforcement agencies whenever an incident occurs that exceeds the capabilities of UPD or if an incident requires an outside agency to investigate, such as vehicle accidents involving UPD or in cases of UPD use of deadly force. This practice is common among law enforcement agencies to protect the integrity of the investigation.

## **University Police Personnel Training**

The chief of police and their designee are primarily responsible for conducting intensive and continuing training for UPD officers. Training topics may include criminal law, civil law, federal law, the Clery Act and campus security authority, procedural justice and community caretaking, Title IX, sexual assault and gender violence response and investigation, trauma-informed investigation, public relations, race relations and implicit bias, interpersonal communications, crisis intervention and de-escalation, critical incident response and incident command system, emergency operations, emergency medical training, and all facets of protection of persons and property. Training includes annual in-service sessions with department and guest lecturers, select out-service seminars and conferences, applicable online training/webinars, and regular roll-call information sessions.

## **Reporting Crime and Other Emergencies on Campus**

UAFS community members - students, faculty, staff, visitors, and guests - are encouraged to report all criminal actions, emergencies, suspicious behavior, or other campus safety-related incidents occurring within the university's Clery geography to the UPD in an accurate, prompt, and timely manner. UAFS Clery geography includes:

- on-campus property including campus residence halls, buildings, and/or facilities.
- designated non-campus properties and facilities.
- all public property, including thoroughfares, streets, sidewalks, and parking lots, that are within the campus or immediately adjacent to and accessible from the campus or on-campus property/facilities.

UPD has been designated by UAFS as the official office for campus crime and emergency reporting. UPD strongly encourages the accurate and prompt reporting of crimes. Accurate and prompt reporting ensures UPD can evaluate, consider, and send timely warning notices, disclose crimes through ongoing disclosure processes such as the posting of crimes in the Daily Crime Log, and accurately document reportable crimes in its annual statistical disclosure. UAFS further encourages accurate and prompt reporting to UPD and/or the local police when the victim of a crime elects to or is unable to make such a report.

This publication focuses on UPD because it has primary responsibility for patrolling the UAFS campus and has been designated as the institution's primary reporting structure for crimes and emergencies. However, criminal incidents off campus can be reported to the Fort Smith Police Department. Additionally, as outlined below, UAFS has also identified a list of primary campus security authorities (CSA) or preferred receivers of reports to whom crimes can be reported. Primary CSAs or preferred receivers of reports include:

- calling UPD at 479-788-7140 or the on-campus extension 7140.
- reporting in person to UPD at the University Police Department, located at 425 N. 51st St.
- reporting crimes or emergencies to the Fort Smith Police Department or local emergency services by dialing 911.
- reporting sex offenses and other incidents of sexual or relationship violence to the university's Title IX



Office by phone at 479-788-7310 or the on-campus extension 7310 or in person at the Office of Title IX located in the Smith-Pendergraft Campus Center 201.

- contacting the Office of Human Resources (HR) by phone at 479-788-7082 or the on-campus extension 7082 or in person at the HR office located on the second floor of the Fullerton Administration Building
- contacting the Dean of Students Office by phone at 479-788-7696 or the on-campus extension 7696 or in person at the Smith-Pendergraft Campus Center 201-B.
- utilizing emergency phones located throughout campus to contact UPD to report a crime or emergency. These “blue light phones” are located at the east side of the Old Gym; the middle of Lot E (parking area south of the Recreation and Wellness Center); the middle of Lot F (parking area south of Windgate Art and Design); Lot A behind the Advancement Center; and north of the Vines Building near the pedestrian tunnel. Elevators in campus buildings contain emergency phones as well, which provide a direct connection to the UPD.
- emailing UPD at [UPD@uafs.edu](mailto:UPD@uafs.edu).

## Response to Reports

UPD officers are available 24 hours a day to answer campus community calls by dialing 479-788-7140 or on-campus extension 7140. In response to a call, dispatchers will take the required action by either dispatching an officer or asking the reporting party to go to the UPD office to file an incident report in person. All reported crimes will be investigated by UPD and may become a matter of public record. Crime victims are given on- and off-campus resource information as necessary and appropriate. UPD procedures require an immediate response to emergency calls. UPD works closely with a full range of Fort Smith and Sebastian County agencies to assure a complete and timely response to all emergency calls.

Priority response is given to crimes against persons and personal injuries. UPD responds to and investigates all reports of crimes and/or emergencies that occur within the university’s Clery geography. UPD personnel also can notify FSPD dispatchers of emergencies occurring on campus via portable radio, mobile, and direct call. This system allows UPD to summon assistance from emergency responders if deemed necessary and appropriate. Incidents occurring within the university’s Clery geography are documented and processed for further investigation and review by the dean of students and/or local law enforcement, depending upon the nature of the crime or emergency and the involvement of the local police agency. Additional information obtained via any investigation will also be forwarded to the dean of students. Residential directors, professionals, and student staff may also complete reports of potential criminal incidents that are forwarded to the dean of students for review and processing.

To obtain information or request any UPD or safety escort services, community members should call UPD. Located throughout campus are well-marked interior phones. These phones access the campus phone system and can be used like any campus extension, for example, to obtain emergency assistance, contact community members, or obtain general information.

When placing an emergency call, remember to stay on the line and wait for the dispatcher/officer to end the call. These interior phones should be used when seeking information and/or reporting activities, including criminal incidents. If a member of the community finds any of these phones inoperative or vandalized, they should call UPD so the phone can be repaired or replaced as quickly as possible. If assistance is required from FSPD or the Fort Smith Fire Department, UPD will contact the appropriate agency.

If a sexual assault or rape should occur on campus, staff on the scene, including UPD, will offer the victim a written notice of rights and options. This publication contains information about on- and off-campus resources and services and is made available to the UAFS community. The information regarding resources is not provided to infer that those resources are crime reporting entities for UAFS.

As mentioned, crimes should be reported to UPD to ensure inclusion in the annual crime statistics and to aid in providing timely warning campus safety alert (Lions Alert) notices to the community, when appropriate. For example, a crime that was reported only to the UAFS counseling center would not be known to UPD, a campus security authority (CSA), or another university official.

University police officers in vehicles, on foot, or on bicycles are eager to be of assistance and may be contacted directly. University police officers are in radio contact with the Fort Smith Police Department. For emergencies involving the need for immediate ambulance, fire department, or armed law enforcement response, dial 911 immediately and then notify UPD as described above. UPD will respond as quickly as possible to any request for assistance. Response time is based on current activity and the severity of the call.

It cannot be stated enough how important it is to report crime promptly and accurately, no matter where it occurs. If a crime is not promptly reported, evidence can be lost and/or cause a delay in the investigation such as missed leads. If a crime or emergency is witnessed, it must be promptly reported to UPD and questions should be answered as accurately as possible. The investigation can only be as good as the information received. If one sees or receives knowledge of criminal activity or other emergencies, or if one is the victim of such, they are encouraged to contact UPD or the preferred sources for CSAs as mentioned earlier in the “Reporting Crime and Other Emergencies on Campus” section.

## **Responsibilities of the UAFS Community for Their Own Personal Safety and Security and the Safety and Security of Others**

Members of the UAFS community must assume responsibility for their safety and the security of their personal property and are encouraged to assist others. The following precautions provide guidance that could assist in increasing your own personal safety:

- Report all suspicious activity to UPD immediately.
- Never take personal safety for granted.
- Try to avoid walking alone at night. Use the UPD escort service.
- Limit your alcohol consumption, and leave social functions that get too loud, too crowded, or have too many people drinking excessively. Remember to call UPD or FSPD for help at the first sign of trouble.
- Carry only small amounts of cash.
- Never leave valuables (wallets, purses, books, phones, etc.) unattended or in plain view.
- Always carry your keys, and do not lend them to anyone.
- Lock up bicycles and motorcycles. Lock car doors and close windows when leaving your car.
- Always lock the door to your residence hall room, whether you are there or not. Be certain that your door is locked when you go to sleep, and keep windows closed and locked when you are not at home. **DO NOT PROP OPEN INTERIOR OR EXTERIOR DOORS.**
- Do not leave valuables in your car, especially if they can be easily noticed.
- Engrave serial numbers or owner’s recognized numbers, such as a driver’s license number, on items of value.
- Inventory your personal property, and insure it appropriately with personal insurance coverage.

### **Monitoring Crime Off Campus**

UPD works closely with the Fort Smith Police Department regarding crimes that occur off campus involving student organizations that are recognized by the institution. UAFS does not use the local police agencies to monitor or record activities at these locations. UPD does not patrol or provide oversight of privately owned property rented by students that fall outside of the university’s Clery geography. Depending on the location of the incident, either the city police or university police will respond and make proper documentation of the criminal incident for Annual Security Report purposes.



## Confidential Reporting

Students may make confidential reports to professional counselors. Professional counselors, when acting in their capacity and function as UAFS counselors, do not make identifiable reports of incidents to UPD unless the student specifically requests them to do so. UAFS encourages and allows professional counselors to inform clients on our campus of their option to fill out a confidential informant (CI) form in the case of an alleged assault or other criminal matter.

This report is maintained by UPD and used for annual statistical purposes only. It will not generate an investigation or the use of names that may be included. No personal identifiers are required in the CI form or used in compiling the statistics.

**Professional Counselor:** an employee of an institution or contracted by the institution whose official responsibilities include providing psychological counseling to students and who is functioning within the scope of their license or certification.

**Pastoral Counselor:** UAFS does not employ nor provide pastoral counselors.

To report an emergency to the Fort Smith Police Department, call 911 from any off-campus phone or cell phone. Any criminal activity or incidents should be reported to Fort Smith Police Department or UPD.

## Voluntary Confidential Reporting

Like any other community of 10,000 people, UAFS experiences accidents, injuries, crimes, and other emergencies. UAFS encourages anyone who is the victim or witness of any crime to promptly report the incident to UPD. UPD police reports are subject to public review as required by state law with exceptions to reports that involve sex crimes and juveniles. To report an incident of a confidential nature, an individual should contact a campus security authority (CSA).

## Stay Informed

UPD uses a variety of methods to keep the campus informed about incidents occurring on or near campus. Members of the campus community can stay informed about criminal incidents at UAFS by reading the Daily Crime Logs or Crime Alerts. Crime Alerts are distributed to members of the campus community as part of an ongoing effort to keep the community informed and raise awareness of significant unsolved crimes that occur on or near the campus. Alerts are distributed by Lions Alert, social media accounts, campus e-mail, and postings on public bulletin boards. UPD maintains a Daily Crime and Fire Log in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. The crime and fire logs are available in two formats. A copy may be viewed at UPD headquarters, located at 425 N. 51st St. (51st Annex), during normal business hours.

Note: Any incidents that may have been reported only to pastoral and professional counselors of the institution are generally protected by privacy rights of the client or patient and are not included in any of the following statistics nor for any timely warning notifications to the campus.

## Campus and Community Notification of Criminal Activity

If crimes are occurring on the UAFS campus that will continue to endanger or affect the campus community, public safety bulletins will be published and posted on [My.UAFS](#).

The bulletins will allow members of the campus community to know what is currently happening to better protect them. Students and employees can also subscribe to Lions Alert, a text messaging and e-mail subscription service for notifying the UAFS community of emergencies and campus closing announcements, free of charge.

Information about the department, services provided, and related resources concerning safety and security can be obtained by contacting UPD at 479-788-7140 or e-mailing the [UPD@uafs.edu](mailto:UPD@uafs.edu) with questions or requests for information.

## Daily Crime Log

UPD combines its Daily Crime Log and Fire Log into one public document. UPD makes the Daily Crime and Fire Logs for the most recent 60-day period open to public inspection during normal business hours, typically 8 a.m. to 4 p.m. Monday-Friday except for holidays or days when the university is closed. UAFS Daily Crime and Fire Logs can be inspected at UPD headquarters, located at 425 N 51st St. (51st Annex). The Daily Crime and Fire Log will include all law violations reported to UPD and consist of the type of crime, general location, date/time occurred, disposition of crime or fire, date of incident, nature of fire, and report number. The Clery Act requires the Daily Crime Log and Fire Log to be updated within two business days to accurately reflect the activity report to UPD at UAFS.

## Campus Safety Alerts (Timely Warning Notices)

To provide timely notice to the UAFS community in the event of a criminal situation that, in the judgement of the chief of police or their designee, may pose a serious or continuing threat to members of the campus community, a campus safety alert (timely warning notice, Lions Alert) will be issued.

Campus safety alerts will be distributed in a timely manner as soon as pertinent information is available, withholding the names of victims as confidential and with the goal of aiding in the prevention of similar crimes or occurrences. UAFS safety alerts will typically include the nature of the crime, the date/time of occurrence, and suggestions to assist with prevention and personal safety.

Campus safety alerts are primarily distributed by mass email or text to all students, faculty, and staff on campus as soon as pertinent information is available.

Campus safety alerts are generally written and distributed to the campus community by the chief of police or their designee. Should the chief of police or their designee be directly impacted and involved in incident response or otherwise unavailable, a member from Marketing and Communications could write and send the alert.

## Emergency Preparedness, Response and Evacuation

UAFS has long recognized the need to be prepared for critical incidents. Under the guidance of the university's Emergency Response Team, the university is doing all it can to prepare for, prevent, respond to, and recover from emergency situations. In conjunction with local first responders, the university is well prepared to respond to a full range of critical incidents.

UAFS operates under the Incident Command System – a system utilized by FEMA and many other emergency response organizations. Under this system a single incident commander directs all UAFS resources. Although the UAFS incident commander may consult other individuals, all faculty and staff must follow the decisions made by the incident commander.

In case of any type of emergency, individuals making the discovery should move to a safe location and then contact UPD at 479-788-7140. Individuals making the discovery may also contact 911 using a cell phone or campus phone, pull the fire alarm, or take other appropriate emergency actions. Initial civilian responders are asked to not intervene in any crime or dangerous event.

The UPD officer should follow standard operating procedures while contacting additional civil authorities (FSPD, Fire, etc.) as necessary. If the emergency warrants, the officer should also communicate immediately with the incident commander. The incident commander will assess the situation and direct UPD to contact and summon the necessary UAFS officials and other resources required to contain and control the emergency. Emergency procedure information such as Rapid Response Information, Emergency Action Plan, and Emergency Maps are listed on the university's webpage.

## Evacuation Scope

The scope of an evacuation may include a single building, a group of buildings, and/or a large geographical area. The scope could go beyond the borders of the institution, and/or the university may be impacted by an evacuation initiated by local authorities. Size and scope considerations must be included in the overall decision-making process.

### Building Evacuation

- All building occupants are required to evacuate when the fire alarm sounds or upon the order of an authorized university official such as a UPD officer.
- If time permits, stabilize lab procedures, turn off stoves and ovens, and unplug or disable any device that could make a dangerous situation worse.
- Move to the closest exit and proceed down the exit stairwell in a safe and orderly manner. Take personal belongings with you. Do NOT use elevators.
- Remain at least 300 feet outside of the building and await further instructions. Keep roadways open and beware of approaching emergency vehicles. Notify emergency responders of anyone trapped, especially anyone with a physical disability.

### Large-Scale Campus Evacuation

- If evacuation of part or all the campus is necessary, monitor text message/voice alert system, email, and the university's website for additional information.
- Those in need of transportation will be directed to areas to await transport to an off-campus site location.

### General Evacuation Procedures

At the sound of a fire alarm or if you are instructed to evacuate, leave your work area immediately, proceed to the nearest exit, and leave the building. If you are the first to recognize a fire situation, activate the alarm, evacuate to a safe location using the nearest exit, and notify UPD by dialing 479-788-7140 or on-campus extension 7140 or by dialing 911 for outside emergency responders.

- Remain calm.
- Do NOT use elevators. Use the stairs.
- Assist the physically impaired. If they are unable to exit without using an elevator, secure a safe location near a stairwell and immediately inform UPD or the responding fire department of the individual's location.
- Proceed to a clear area at least 150 feet from the building. Keep all walkways clear for emergency vehicles.
- Make sure all personnel are out of the building.
- Do not re-enter the building.

### Shelter-in-Place Procedures

University authorities may instruct campus community members to shelter in place if a condition exists that is potentially life threatening and has an immediate threat to the health and personal safety of the campus community. Immediate threats would include, but are not limited to, active shooter incidents, mass acts of violence, tornadoes, terrorist attacks, or hazardous materials incidents. Thus, to shelter in place means to make a shelter of the building that you are in. With a few adjustments, this location could be made even safer and more comfortable until it is safe to go outside. Community members should remain in a shelter-in-place status until the all-clear is communicated by emergency response personnel via an emergency rapid communications system(s).

### Basic Shelter-in-Place Guidance

If an incident occurs and the building you are in is not damaged, stay inside in an interior room until you are told it is safe to come out. If your building is damaged, take your personal belongings (purse, wallet, access card, etc.) and follow the evacuation procedures for your building (close your door, proceed to the nearest exit, and use the stairs instead of the elevators). Once you have evacuated, quickly seek shelter at the nearest university building. If police or fire department personnel are on the scene, follow their directions.

## How You Will Know to Shelter in Place?

A shelter-in-place notification may come from several sources, including UPD, residential assistants/directors, other university employees, local law enforcement or outside emergency services, or other authorities utilizing the university's emergency communications tools.

## How to Shelter in Place

No matter where you are, the basic steps of shelter in place will generally remain the same. Should the need ever arise, follow these steps, unless instructed otherwise by local emergency personnel.

- If you are inside, stay where you are. Collect any emergency shelter-in-place supplies and a telephone to be used in case of emergency. If you are outdoors, proceed into the closest building quickly or follow instructions from emergency personnel on the scene.
- Locate a room to shelter inside. This should be an interior room above ground level without windows or with the least number of windows. If there is a large group of people inside a particular building, several rooms may be necessary.
- Shut and lock all windows (tighter seal) and close exterior doors.
- Turn off air conditioners, heaters, and fans.
- Close vents to ventilation systems as you are able. UAFS staff will turn off the ventilation as quickly as possible.
- Make a list of the people with you and ask someone (hall staff, faculty, or other staff) to call the list in to UPD so they know where you are sheltering. If only students are present, one of the students should call in the list.
- Turn on a radio or TV and listen for further instructions.
- Make yourself comfortable.

For off-campus emergencies, UPD officials often receive emergency information from the FSPD 911 Center regarding incidents in Fort Smith that could imminently impact the safety of the UAFS community. When appropriate, UPD notifies the campus community of off-campus threats that could also represent a threat to the health or safety of students or employees.

## Campus Community Emergency Notification

It is UAFS policy to issue emergency notification alerts about immediate emergencies on and around the campus. When a report of a potential emergency or dangerous situation occurs, appropriate university personnel will respond to assess the situation. If it is determined that an emergency or other dangerous situation involving an immediate threat to the health or safety of students or others on campus exists, immediate notification of the event will be made to the campus community.

Such notifications usually will be made by using the university's Lions Alert notification system. UAFS students, faculty, and staff are automatically enrolled in the emergency notification system. Students can select how they receive the messages by clicking on "Lions Alert" in [My.UAFS](#) under the "Students" tab. Faculty and staff members can change their alert settings by logging into Lions Alert as well.

Notification can also be accomplished using a variety of other messaging methods that include text, telephone, email, computer pop-up windows on campus-networked computers, and public address systems. In residence halls, Housing staff members may share information face to face with residents. University personnel authorized to issue such notifications will use their discretion to determine the specific method of notification.

Upon confirmation of an emergency or dangerous situation, the UPD chief of police, coordinator of health and safety, and the vice chancellor of finance and administration, and/or a designee of each are responsible for consulting on a case-by-case basis when information in the form of an alert is disseminated.

Campus safety alerts are typically issued for the following Clery crimes:

- Murder/Non-Negligent Manslaughter
- Aggravated Assault (Cases involving assaults among known parties, such as two roommates fighting which results in an aggravated injury, will be evaluated on a case-by-case basis to determine if the individual is believed to be an ongoing threat to the larger UAFS community.)

- Robbery Involving Force or Violence (Cases including pickpocketing and purse snatching will typically not result in the issuance of a timely warning notice, but will be assessed on a case-by-case basis.)
- Sexual Assault (Such incidents will be considered on a case-by-case basis depending on the facts of the case, when and where the incident occurred, when it was reported, and the amount of information known by the chief of police or their designee. Cases involving sexual assault are often reported long after the incident occurred, thus there is no ability to distribute a timely warning notice to the community. All cases of sexual assault, including stranger and non-stranger/acquaintance cases, will be assessed for potential issuance of a campus safety alert.
- Major Incidents of Arson
- Other Clery Crimes as Determined Necessary by the Chief of Police or Their Designee

University departments authorized to initiate and carry out emergency notifications include UPD and the university's Office of Health and Safety. Notification will only be withheld if, in the professional judgment of responsible authorities, doing so would compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

If the emergency information needs to be disseminated outside of the campus community, this will be accomplished by utilizing the UAFS website and telephone information line and by communicating with local news agencies. Campus evacuation and storm shelter information may be found on [My.UAFS](#) under the Campus Services and Information tab, labeled "Emergency Procedures Documents." Evacuation route maps are posted in hallways throughout all campus buildings.

Fire drills are scheduled annually to test the evacuation procedures for residence halls on the university campus. A test of the Lions Alert notification system is conducted at least once per calendar year. These tests and drills are announced through the university's web/email or through a specific department.

## Campus Facilities Security and Access

### Academic and Administrative Facilities

UPD officers normally unlock the main entrances to buildings at the start of each business day. However, the responsibility for locking academic and administrative facility doors rests with the custodial staff. Times vary from building to building and are arranged with the appropriate vice chancellor, dean, or department head. Typically, the academic buildings are open from 6:30 a.m. to 9 p.m. during the normal school year and 6:30 a.m. to 5 p.m. during normal summer hours. For activities scheduled at times when a building is normally locked, arrangements must be made in advance with the UPD through one of the above officials and the facilities coordinator located in the Smith-Pendergraft Campus Center.

There is a 24/7 lab inside the Boreham Library that students can access with UAFS credentials via the access control system. UPD regularly patrols the interiors and exteriors of all campus facilities.

### Athletic Facilities

UAFS athletic staff normally unlock the entrances to athletic buildings at the start of each business day. However, the responsibility for locking athletic facility doors rests with the custodial staff and/or UPD. Times vary from building to building depending on the activity in the facility. For activities scheduled at times when an athletic facility is normally locked, arrangements need to be made in advance with the athletic department official responsible for the building.

### Residence Halls and Dining Halls

The responsibility for locking and unlocking residence hall and dining hall doors rests with University Housing and Campus Dining Services. All residence halls are secured with card access systems. Only those individuals given authority to enter a building may enter.

### Apartments and Managed Properties

Sebastian Commons Apartments do not have card access systems. The responsibility for locking doors rests with the resident(s) of each apartment.



## Fraternities

The responsibility for locking and unlocking doors rests with the fraternities.

## Sororities

The responsibility for locking and unlocking doors rests with the sororities.

## Security Considerations in the Maintenance of Campus Facilities

UAFS is committed to campus safety and security, and the university facilities and landscaping are maintained in a manner that minimizes hazardous conditions. Exterior lighting and landscape control are a critical part of that commitment. Representatives from various departments continually conduct security surveys to ensure campus lighting is adequate and the landscape is appropriately controlled. UPD officers conduct routine checks of lighting on campus during regularly assigned patrol duties. If lights are out or dim, officers will initiate an immediate work order, which is acted upon by a representative of the appropriate maintenance office usually within 24 hours or the next business day. We encourage community members to report any deficiency in lighting to Plant Operations at 479-788-7170. Any community member who has a concern about physical security should contact the UPD at 479-788-7140.

Representatives from UPD and Plant Operations work together to identify inoperative locking mechanisms on a continual basis. Community members are encouraged to promptly report any locking mechanism deficiency to the UPD at 479-788-7140. Maintenance staff are available to respond to calls for service regarding unsafe facility conditions or for personal safety and property protection. These conditions may also include unsafe steps or handrails, unsafe roadways on campus, and unsecured equipment. UAFS security is supplemented by a variety of technological systems including access control, security cameras, emergency phones, and fire detection, suppression, and reporting systems. UPD is often consulted on security measures for new projects, and UAFS encourages all its faculty, staff, and students to check with UPD on special events or projects to ensure property safety measures are in place.

## University of Arkansas – Fort Smith Weapon Policy

Student possession and use of a weapon (air rifles, pistols, firearms, ammunition, gunpowder, fireworks, explosives, gasoline, and other dangerous articles and substances) on campus and in university facilities, including residential housing, and at official university functions taking place on campus is prohibited except as provided in Arkansas Act 562. It is the policy of the university that the use of weapons by employees and students is prohibited on university property or as a part of any university activity whether on or off campus. Irresponsible behavior with any type of weapon is not condoned and may be subject to review and/or action by the appropriate judicial body.

Illegal or unauthorized possession of firearms, explosives, other weapons, or dangerous chemicals on UAFS premises or use of any such item, even if legally possessed, in a manner that harms, threatens, or causes fear to others is prohibited. See AR Code Annotated 5-73-306.

## University of Arkansas - Fort Smith Alcohol/Drug Policies

In accordance with the federal Drug-Free Workplace Act of 1988, the federal Drug-Free Schools and Communities Act (DFSCA) of 1989, and the laws of the State of Arkansas on alcohol and other drugs, UAFS prohibits the unlawful or unauthorized possession, use, sale, manufacturing, distribution, or dispensation of alcohol and other drugs by employees and students in the workplace, on university property, or as part of any campus activity. Employee or student violators are subject to disciplinary action up to and including termination of employment and expulsion.



UAFS recognizes its responsibility to provide a healthy environment in which students may learn and prepare themselves to be fully functioning and productive individuals. Alcohol and other substance abuse is a university concern. Abuse of alcohol and other drugs affects academic performance, health, personal relationships, and safety. Abusive levels of alcohol use and other drugs often result in problems such as vehicle accidents, physical altercations, property damage, serious illness, and sometimes death. Students need to know their responsibilities as members of the university community and understand the university's expectations and regulations. The abuse of alcohol and other drugs is considered detrimental to the attainment of the educational mission of this institution.

### **University of Arkansas – Fort Smith Alcohol Policy**

Students are expected to use alcohol in a safe responsible manner consistent with federal and state law. Possession, manufacturing, and/or use of alcohol in university facilities, including residential housing, and at official university functions held on campus is generally prohibited. Alcohol is allowed per housing policy for those residents age 21 and over in the Sebastian Commons Apartments. It is the policy of the university that the use of drugs or alcohol by employees and students is prohibited on university property or as a part of any university activity whether on or off campus. Special occasion exemptions for alcohol are available through the approval of the Chancellor's Office.

Public intoxication is prohibited on campus, including in the residences. Public intoxication is defined as visible intoxication such as being unable to walk unassisted, speak coherently, and/or stand without aid. Further, Arkansas law defines public intoxication as appearing in a public place noticeably under the influence of alcohol or a controlled substance to the degree that the person is likely to endanger themselves or another person or property.

Irresponsible behavior while under the influence of intoxicants is not condoned and may be subject to review and/or action by the appropriate judicial body. UAFS reserves the discretionary use of an amnesty regulation in certain rare circumstances to encourage the reporting of very serious matters, e.g. sexual assault. Drivers age 21 and over with a blood alcohol content of .08 or higher will be charged with driving under the influence. UAFS and UPD have ZERO tolerance when it comes to driving while intoxicated, and violators will be arrested and criminally charged through our local district court AND will be disciplined through Student Affairs.

### **University of Arkansas – Fort Smith Drug Policy**

Possession, use, sale, transmission, cultivation, or manufacture of illicit drugs is strictly prohibited at UAFS. Students enrolled at UAFS are subject to disciplinary action for violation of federal or state law regarding the possession, purchase, manufacture, use, sale, or distribution (by either sale or gift) of any quantity of any prescription drug or controlled substance except for the use of any over-the-counter medication or the prescribed use of medication per the instructions of a licensed physician. Possession of paraphernalia associated with the use, possession, or manufacture of a prescription drug or controlled substance is also prohibited.

It is the policy of UAFS to maintain a drug-free workplace. Illegal possession, use, manufacture, or distribution of drugs or narcotics by employees (while engaged in employment activities or activities related to a federal grant, regardless of the location of these activities) constitutes unacceptable conduct by such employees and makes such employees subject to disciplinary procedures of the university ranging from a reprimand through termination of employment according to procedures set out in the employee handbooks for staff employees, administrative employees, and faculty.

### **The University of Arkansas System Policy on Medical Marijuana**

The Arkansas Medical Marijuana Amendment of 2016 (MMA) legalized the medical use of marijuana under state law for individuals who have a written certification of a qualifying medical condition from a physician and have registered with the Arkansas Department of Health (qualified patients). Marijuana is still illegal under federal law. In addition, there are limits on the use and possession of medical marijuana by qualifying patients under state law.

The following information is being supplied to address questions from employees and students about the use and possession of medical marijuana within the University of Arkansas System. Any questions that are not addressed here may be referred to Human Resources.

The university is subject to and will continue to follow the Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act Amendments of 1989 as well as applicable state laws and regulations.

Medical marijuana in any form shall not be possessed or used on any university campus or owned/leased property, including campus housing, or any university-sponsored event or activity.

### **Enforcement of Federal and State Alcohol and Drug Laws**

UPD works with the Fort Smith Police Department to enforce all state and local liquor laws, including those for underage drinkers, as well as all state and local laws regarding prescription drugs and controlled substances. UPD will work with federal agencies when needed to enforce any applicable federal laws.

### **University of Arkansas – Fort Smith Disciplinary Policy**

Any student who fails to comply with university policies or local, state, or federal laws may be subject to discipline under the University Code of Student Conduct. Sanctions can include, but are not limited to, a reprimand, disciplinary probation, withdrawal of privileges, suspension, and/or expulsion. When a student's presence on campus is considered a threat to order, health, or safety, the provost or their designee may impose a mandatory leave of absence or conditions on the student's attendance.

Generally, prospective students are asked about certain felony convictions. Employees are also required to disclose all convictions for a felony, crime of violence, dishonesty, or crime against property or involving the threat of violence. A criminal record, if relevant to the position in question, is a factor considered in the employment process.

## **Prevention and Education Programs Available Through the UAFS Police Department and the Office of Student Affairs**

Programs are available to members of the university community on the topics of crime prevention and drug and alcohol abuse. Programs can be arranged through the director/chief of the UPD, the Student Affairs Office, and/or Housing and Residential Life.

Information on drug and alcohol abuse education may also be obtained through the National Clearinghouse for Alcohol and Drug Information at 800-729-6686.

### **Programs and Activities Available on Campus to Raise Awareness of Safety and Risk Reduction**

Crime prevention programs available through UPD include:

**Campus Lighting Tour** - A walking tour of campus grounds is conducted annually to inspect lighting and identify needs for improvement. Representatives from several departments, administration, student groups, and media participate in the tour. Monthly inspections of lighting are made by police officers and facilities management staff. Anyone can report an outage by calling Plant Operations at 479-788-7171.

**Crosswalk Safety Awareness** - A cooperative effort involving campus and community is scheduled each fall semester to bring attention to the pedestrian safety laws and heighten awareness of crosswalk safety.

**Housing Resident Assistant Programs** - These trainings were sponsored by Housing and Residential Life to raise awareness about drug and alcohol education in 2022.

- Pot Party: flowerpot painting and drug prevention information
- Wake 'N Bake: drug prevention

- Alcohol Awareness
- Ultimate Drunk Driving
- Vision Boards

A primary goal of UPD is the prevention of crime before it occurs. The department regularly presents programs covering crime prevention topics such as:

**Alcohol Awareness** - review of Arkansas's alcohol-related laws, DWI detection techniques, UAFS alcohol policies, tips on staying sober, and demonstrations with Fatal Vision goggles

**Apartment Safety** - review of tips on apartment safety

**Domestic Violence** - review of types of violence, what can be done, and available services

**Drug Recognition** - presented annually to housing staff so they know what to look for in residence halls

**Effects of Alcohol** - review of common reactions a person might exhibit while under the influence of alcohol

**Personal Safety** - review of how to prevent personal attacks and what you can do if you are attacked, including safety tips for walking, driving, traveling, and a variety of other situations

**Rape Aggression Defense (RAD) Women's Self-Defense** - a basic self-defense program for women that teaches risk avoidance techniques and basic self-defense in seminar format

**Vehicle Safety Check** - checking student, faculty, and staff personal vehicles before they leave on break

**Safety on Campus** - review of tips on how to prevent crime and stay safe on campus

**Sexual Assault** - review of the legal definitions of sexual assaults and tips on risk reduction

**Theft Prevention** - review of tips on preventing thefts

**Traffic Law** - a question-and-answer session that allows members of the campus community to get answers to their questions about traffic law

These are examples of crime prevention programs offered by UPD. If there is a program of interest not listed, contact the UPD's Crime Prevention Unit at 479-788-7140 to discuss programming opportunities. A program can be developed to fit your needs. All crime prevention programs are available upon request, and some are scheduled by the UPD during appropriate times throughout the school year. All programs given by the UPD encourage students, faculty, and staff to work with the police and be responsible for their personal safety and the safety of others.

## Dating Violence, Domestic Violence, and Stalking

UAFS prohibits acts that constitute sexual harassment, domestic violence, dating violence, sexual assault, and stalking. Definitions of these acts are provided below.

### Violence Against Women Act Definitions of Dating Violence, Domestic Violence, and Stalking

The federal definition (from VAWA) of domestic violence is a felony or misdemeanor crime of violence committed by a:

- current or former spouse or intimate partner of the victim;
- person with whom the victim shares a child in common;
- person who is cohabitating or has cohabitated with;
- person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred;
- or any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

The definition (from VAWA) of dating violence means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement with consideration of the length, type, and frequency of interaction between persons involved in the relationship.

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

The Federal definition (from VAWA) of stalking is engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- fear for the person's safety or the safety of others; or
- suffer substantial emotional distress.

For the purposes of this definition:

- Course of conduct - two or more acts including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about a person or interferes with a person's property.
- Reasonable person - a person under similar circumstances and with similar identities to the victim.
- Substantial emotional distress - significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

### **Programs to Prevent Domestic Violence, Dating Violence, Sexual Assault, and Stalking (Also Rape Awareness and Acquaintance Rape)**

UAFS regularly schedules educational programs designed to prevent domestic violence, dating violence, sexual assault, and stalking. Some programs are presented by Lion's Roar, a peer-educator organization focused on behavioral issues. Programs include Night Walk and UAFS Cares, an umbrella programming group representing a partnership between UPD, Academic Affairs, and Student Affairs. UPD also conducts RAD training throughout the year. Other awareness and intervention programs are offered throughout the year.

The Title IX Office, Student Affairs, and several other groups sponsor these programs. Examples from 2022 include:

- Educate to Eradicate - a statement of solidarity by men committed to reducing violence against women
- Rising in the River Valley - a community-oriented celebration of prevention, awareness, and survival of domestic abuse involving numerous community groups, such as the local Crisis Center, and hosted on our campus
- Title IX - Title IX procedures, Title IX volunteer group, Title IX for staff, mandatory reporting for Athletics staff, Student Government Association, ROTC, faculty, and international students, and cross examination
- Sexual Assault Awareness Month
- "Second Assault" documentary and discussion
- Smart Phone Sexual Assault
- Denim Day
- Block Party and Fresh Check

Other programs put on by Housing include Cover Your Banana, SebCo Block Party, Think Before You Drink, Booze!, Safe Sex Snacks, Spooky Care Package, Splash of Spooky, and Trivia with Steven.

Title IX trainings conducted by Title IX coordinators, deputies, and other trained personnel also address some of the same issues as do Residence Life and Greek Life programs. Student organizations such as the Student Nurses Association augment these efforts.

The Financial Aid Office is responsible for training all new student employees on Title IX obligations. All incoming UAFS students receive an educational handout on Title IX, sexual assault, and violence. Beginning in 2014 all incoming students also receive in-person training on the basics of Title IX. The Housing Office provides Title IX programs to residents and posts Title IX on Housing bulletin boards. An additional project dealing primarily with opioid use/abuse was the SAVE AR Students project.

Specialized Title IX trainings are provided for certain groups including student-athletes, international students, resident assistants, the ROTC battalion, and fraternity and sorority members as well as faculty and staff. Human Resources provides Title IX training for all new UAFS employees.

## Procedures and Sanctions for Violence, Assault, and Stalking

UAFS procedures will be employed once an incident of domestic violence, dating violence, sexual assault, and stalking has been reported.

If a student is found responsible for violating the Student Code of Conduct by committing sexual harassment, domestic violence, sexual assault, dating violence, or stalking, sanctions may range from warnings and educational requirements to suspension or expulsion from the university. For employees, sanctions may range from warnings and educational requirements up to termination.

Protective measures that may be employed range from no-contact orders to a ban from campus property. In addition, changes in academic arrangements, on-campus living arrangements, work arrangements, or schedules for access to various facilities may all be addressed to minimize the impact of a sex offense, stalking, domestic violence, or dating violence.

## How to be an Active Bystander

Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene.

Bystanders play a critical role in the prevention of sexual and relationship violence. They are individuals who are in an area where they observe or witness possible criminal activity or the potential thereof. They are not directly involved but have the choice to intervene, speak up, or do something about it. We want to promote a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. We may not always know what to do even if we want to help.

Below are some ways to be an active bystander. If you or someone else is in immediate danger, call UPD at 479-788-7140 or the local police by dialing 911. This could be when a person is yelling at or being physically abusive towards another and it is not safe for you to interrupt.

Watch out for your friends and fellow students/employees. If you see someone who looks like they could be in trouble or need help:

- ask if they are ok.
- be direct, delegate responsibility, or cause a distraction when you see a person secludes, hits on, tries to make out with, or has sex with people who are incapacitated.
- intervene when someone discusses plans to take sexual advantage of another person.
- believe someone who discloses sexual assault, abusive behavior, or experience with stalking.
- refer people to on- or off-campus resources listed in this document for support in health, counseling, or legal assistance.

For more information please visit the National Sexual Violence Resource Center.

## Procedures Victims Should Follow

Importance of Preserving Evidence - Victims are encouraged to preserve evidence for any possible investigation, even if at the time no decision has been made about how, whether, or where to file a report. Depending on the nature of the incident, evidence may include clothing or bedding, names of witnesses, pictures of the room or location after an incident, text messages, emails, tweets, phone messages, and other electronic media, and in the most severe cases, a medical examination (preferably before bathing or changing clothes).



Complaints can be reported to:

- UAFS Coordinator for Title IX - Dr. Lee Krehbiel, Vice Chancellor for Student Affairs, 479-788-7310
- Deputy Coordinator for Students - Kathryn Janz, 479-788-7413
- Deputy Coordinator for Employees and Guests - Brittany Slamons, 479-788-7084
- Deputy Coordinator for Athletics - Katie Beineke, 479-788-7687

Reports can also be made to UPD, Residential Life, the Office of the Vice Chancellor for Student Affairs, or any of the Title IX coordinators or deputy coordinators listed above.

If you want full confidentiality and the issue is not an immediate life emergency, speak with a professional counselor, clergy member, or health care provider (e.g., the University Counseling Center at 479-788-7398, or off-campus at the Crisis Intervention Center at 479-782-1821 or 24-Hour Hotline, 800-359-0056)

### **Options for Reporting and Receiving Assistance to Report to Law Enforcement**

Persons wishing to report an incident may do so on their behalf or on the behalf of another person. UAFS personnel should always make the option of filing a report with the police known. UPD can coordinate with other local law enforcement agencies as needed. The university also offers personal assistance to reporters who wish to speak with local or municipal law enforcement. Assistance in contacting the police is available through the Office of Student Affairs at 479-788-7310, University Housing staff, or any of the Title IX coordinators or deputies. Persons retain the right to decline reporting to such authorities.

### **Rights of Victims for No Contact Orders (NCO)**

Persons reporting a complaint have the option of requesting a no contact order if the other party attends class on campus, resides on campus, or otherwise frequents campus. A formal restraining order may also be sought through a local judge. Initiating that process can be facilitated by UPD. In some cases a preliminary letter may be requested from the prosecuting attorney who can inform a person that certain actions are alleged to have occurred, if they were ever repeated and verified, might violate a certain statute(s), and result in criminal charges.

### **Procedures for Institutional Disciplinary Action in Case of Alleged Violence, Assault, or Stalking**

A clear statement must be included informing that such proceedings shall be prompt and fair and the investigation and resolutions shall be impartial and conducted by officials who undergo annual training. The accuser and accused shall receive the same opportunities. Both shall be simultaneously informed in writing of the outcome, the institution's procedures, and any change to the results that occur before the time that such results become final.

When such results become final, both the accuser and accused shall receive information about keeping the confidentiality of victims, written notification of resources for the victim, and written notification about options for and available assistance in changing living arrangements.

### **Context and Rights**

In cases of alleged domestic violence, dating violence, sexual assault, or stalking, the university will provide a prompt, fair and impartial investigation, and resolution. The officers conducting the investigation and hearings receive training on an annual basis on the nature of these offenses and in how to conduct the investigations and hearings in a manner that protects the safety of victims and promotes accountability.

Both the accused and the complainant, in all of these types of cases, will have equal access to: have others present during a conduct hearing, including at any related meetings; written notification concerning the outcome of the proceeding and any subsequent appeals, including the end of the process; all process related to appeals; confidentiality, including how publicly available record keeping will be accomplished without the inclusion of identifying information about the alleged victim, to the extent allowed by law.



All persons reporting offenses covered by this section will receive a packet of written information covering on- and off-campus support services, such as counseling, student health services, and victim advocacy; options for confidential reporting and legal assistance; options for assistance in changing living, transportation, working, and academic situations, assuming the accommodations are requested and reasonably available. This remains true regardless of the person's decision concerning formal reporting of the alleged crime to campus or community law enforcement.

## UAFS Sexual Misconduct Policy and Procedures

The attached Title IX policy outlines the university's process, your rights, and where you can turn to for additional assistance. This includes where and how to report a sexual discrimination claim, what Title IX is, what process the university will follow, and various related regulations covering topics like retaliation, confidentiality, and confidential listeners, legal and on-campus options, on and off-campus counseling options, interim measures to allow persons to continue functioning in their work and study while an investigation and/or hearing is ongoing, and estimated timetables.

If you ever have any questions, please contact the Title IX coordinator for UAFS, Dr. Lee Krehbiel, at 479-788-7310. Even if you prefer to speak with someone else (e.g., a female Title IX officer or police officer), Dr. Krehbiel can help arrange that.

## UAFS Title IX Policy for Complaints of Sexual Assault and Other Forms of Sexual Harassment

### Notice of Nondiscrimination Under Title IX

The University of Arkansas at Fort Smith 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 university'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 university'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 university to promptly and reasonably respond to sexual harassment in the university'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 university. An education program or activity includes locations, events, or circumstances over which the university 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 university. 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.

Lee Krehbiel, Ph.D.  
UAFS Title IX Coordinator  
Smith-Pendergraft Campus Center 201-A  
479-788-7310  
[Lee.Krehbiel@uafs.edu](mailto:Lee.Krehbiel@uafs.edu)

Kathryn Janz  
Deputy Title IX Coordinator for Students  
Smith-Pendergraft Campus Center 230  
479-788-7413  
[Kathryn.Janz@uafs.edu](mailto:Kathryn.Janz@uafs.edu)

Brittany Slamons  
Deputy Title IX Coordinator for Employees, Visitors, and Associates  
Fullerton Administration Building 235  
479-788-7084  
[Brittany.Slamons@uafs.edu](mailto:Brittany.Slamons@uafs.edu)

Katie Beineke  
Deputy Title IX Coordinator for Athletics  
Stubblefield Center 147  
479-788-7687  
[Katie.Beineke@uafs.edu](mailto:Katie.Beineke@uafs.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](mailto: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 university encourages reporting of incidents of prohibited conduct and seeks to remove any barriers to reporting. The university 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 university 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 a Report with Local Law Enforcement

In some instances, sexual harassment may constitute both a violation of this policy and criminal activity. The university grievance process is not a substitute for instituting legal action. The university 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.

UAFS Police Department  
51st St. Annex 100  
Fort Smith, AR 72903  
479-788-7140

Fort Smith Police Department  
100 S. 10th St.  
Ft. Smith, AR 72901  
479-709-5000

## 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 the Title IX Coordinator

In order to enable the university 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:

- licensed health-care professionals and other employees who are statutorily prohibited from reporting such information.
- 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 university's jurisdiction under Title IX or should be referred to a different department or official within the university.

## Confidentiality

Except as compelled by law or as required to conduct a full and fair grievance proceeding in response to a formal complaint, the university will treat the information obtained or produced as part of the Title IX procedures as confidential. The university 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 perpetrator 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 and employees may use the UAFS Student Health Clinic or the UAFS Counseling Center. Employees of the university may be able to seek help through the Employee Assistance Program. Community mental health agencies, such as the Reynolds Crisis Intervention Center, and the Guidance Center, and counselors and psychotherapists in private practice in the area can provide individual and group therapy. Committee Against Spouse Abuse (CASA), women's shelter, or domestic violence and rape crisis programs may assist with making referrals for individual counseling and support groups and in identifying non-counseling campus and community resources that may be of additional help and serve as a victim advocate upon request.

## Education and Awareness Programs

The university'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 in residence halls, fraternities, sororities, and for other 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 Month.

## 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 university's Title IX jurisdiction. All other grievances by students, employees, or third parties shall be addressed through other procedures. The university'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 university will respond promptly to all formal complaints of sexual harassment.

### Basic Requirements

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

- All relevant evidence—including both inculpatory and exculpatory evidence—will be evaluated.
- Credibility determinations may not be based on a person's status as a complainant, respondent, or witness.
- 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. The university shall carry out its disciplinary proceedings in a manner that is free from conflicts of interest by ensuring that there is no commingling of administrative or adjudicative roles. An advisor, investigator, adjudicator, and appellate adjudicator shall not carry out more than one role; however, it is not a conflict of interest for University's investigator to present evidence to an adjudicator.
- 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.
- The time frames for concluding the grievance process shall be reasonably prompt, as set forth in more detail in the procedures below.
- 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 university 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 university 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.

- The university shall maintain an administrative file that includes without limitation all documents and evidence in the institution's possession or control that is relevant to an alleged violation and the university's investigation. The parties shall have reasonable continuing access to the administrative file and may ask the Title IX coordinator to schedule a reasonable time to inspect it. The administrative file shall not include privileged documents, internal communications, or communications from non-parties that the institution does not intend to introduce as evidence at a disciplinary proceeding. The administrative file shall include, without limitation:

- o exculpatory evidence;
- o statements by an accuser or an accused student or a student organization;
- o third-party witness statements;
- o written communications;
- o social media posts;
- o demonstrative evidence;
- o documents submitted by any participant involved in disciplinary procedures; and
- o the university's choice of a video recording, audio recording, or a transcript of any disciplinary ultimately held on the matter.

### 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 and a copy of Act 470 of 2023, codified at Ark. Code Ann. 6-62-1401 et seq.
- 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
- discuss, as appropriate, possible supportive measures, which are available with or without the filing of a formal complaint

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 university'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 university'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 university 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 university. 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 University'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:

- the allegations of the complaint that potentially constitute sexual harassment, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview (including the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment under this policy, and the date and location of the alleged incident, if known).
- a copy of the Title IX Policy.
- 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.
- 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.
- a statement that the parties have the right to inspect and review all evidence collected during the complaint process.
- a statement that any party who knowingly makes false statements or submits false information during the grievance process will be subject to disciplinary procedures.

**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 and a copy of Act 470 of 2023, codified at Ark. Code Ann. 6-62-1401 et seq. (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.
- inform of any supportive measures already determined and being provided to the complainant 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.
- notify the student at least 24 hours before they may be questioned regarding the events giving rise to the complaint, under Act 470 of 2023, including the right have the assistance of an advisor.

**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 (including any appeals), 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 university will make an advisor available to the parties during the hearing to determine responsibility upon request. A party who wants the university 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** - The university may remove an accused student from the university's programs or activities on an emergency basis if the university:

- undertakes an individualized safety and risk analysis;
- determines that an immediate threat or the threat of safety of a student or another individual arising from the allegations of misconduct justifies removal of the accused student; and
- provides the accused student with notice and an opportunity to challenge the decision immediately following his or her removal.

An institution that removes an accused student on an emergency basis shall:

- within 24 hours of an institution removing an accused student on an emergency basis, provide written notice to the accused student that explains the institution's reasons for removing the accused student on an emergency basis.
- within 3 business days of the written notice, unless otherwise waived by the removed student, convene an interim hearing to determine whether there is substantial evidence that the removed accused student poses a risk to the health or safety of any student or other individual and that the emergency removal of the accused student is appropriate to mitigate that risk.
- at the interim hearing, the removed accused student and the accusing student may be represented by an attorney or non-attorney advocate who may fully participate to the same extent as in a final hearing to determine responsibility.
- an accused student's waiver of his or her right to be represented by an attorney or a non-attorney advocate shall not constitute an admission of guilt or a waiver of additional rights.

**Administrative Leave** - Nothing in this policy precludes the University 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:

- Counseling
- Extensions of deadlines or other course-related adjustments
- Modifications of work or class schedules
- Campus escort services

- Mutual restrictions on contact between the parties
- Changes in working or housing locations
- Leaves of absence
- Increased security and monitoring of certain areas of the campus

The university 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 university 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 University 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.
- 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.
- 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 university 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:

- conducting interviews with the complainant, the respondent, and any witnesses (including expert witnesses, where applicable) and summarizing such interviews in written form.
- visiting, inspecting, and taking photographs at relevant sites.
- where applicable, collecting and preserving relevant evidence (in cases of corresponding criminal reports, this step may be coordinated with law enforcement agencies).
- obtaining any relevant medical records pertaining to treatment of the complainant, provided that 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 university 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 five (5) 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:

- 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
- 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).
- names of all known witnesses to the alleged incident(s).
- 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.
- 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 five (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. A student or student organization may waive the right to be present at a disciplinary proceeding, but the waiver must be in writing and signed by the student. A copy of the signed waiver shall be provided to the student and placed in the administrative file. If a student waives the right to be present at a disciplinary proceeding, the student shall not have a right to appeal the university's initial decision regarding whether the student is responsible for violating this policy.

**Hearing Officer or Hearing Panel** - Within three (3) days of the release of the investigative report to the parties, the chancellor or their designee will appoint a single hearing officer, who may be (but is not required to be) an outside person not permanently employed by the university, or a three-member hearing panel, which shall be composed of at least two (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 university. If a hearing panel will be used, the chancellor

or their 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 their designee within three (3) calendar days of receipt of the notice. Any objection must state the specific reason(s) for the objection. The chancellor or their 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 five (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 or 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 five (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 university'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 university 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 five (5) days prior to the hearing. The advisor may fully participate to the same extent as a party, including by making an opening and closing statement, presenting relevant evidence, and cross-examining adverse 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 University 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 university 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.

The decision-maker(s) cannot draw an inference about responsibility based solely on a party's or 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 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 university'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.
- findings of fact that support the determination.
- conclusions regarding the application of the university's conduct standards to the facts.
- a statement and rationale for the result as to each allegation, including a determination as to responsibility using the preponderance of the evidence standard.
- any disciplinary sanctions imposed on respondent.
- whether any remedies designed to restore or preserve equal access to the university's education program or activity will be provided to the complainant (description of remedies is not included).
- procedures and permissible bases for the parties to appeal.

**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 bring an end to the violation in question, reasonably prevent a recurrence of a similar violation, and 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 university 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 them. 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 university'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 the Title IX coordinator's dismissal of a formal complaint or any allegations therein or the hearing officer or hearing panel's determination. The appeal should be submitted in writing to the Title IX coordinator within 25 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 their designee will decide the appeal. If the respondent is a student, the appeal will be decided by the chancellor or their 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. 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 their 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:

- a procedural irregularity that affected the outcome of the decision;
- 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
- 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 five (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 university without term contracts are at-will 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 university or be construed to prevent or delay the university 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.

## **Certification of Compliance**

At the conclusion of a hearing and appeal (if any), the chancellor or vice chancellor for student affairs shall certify that the substantial rights of student complainants and respondents as established in Act 470 of 2023, Ark. Code Ann. 6-60-1401 et seq., have been followed. The certification shall be maintained in the administrative file.

## **Time Periods**

The university 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 or 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  
1999 Bryan St., Suite 1620  
Dallas, TX 75201-6810  
Toll Free: 800-421-3481  
Telephone: 214-661-9600  
Fax: 214-661-9587  
Email: [OCR.Dallas@ed.gov](mailto:OCR.Dallas@ed.gov)

NSF Grantees Only  
National Science Foundation Office of Diversity & Inclusion  
2415 Eisenhower Ave.  
Alexandria, VA 22314  
Telephone: 703-292-8020  
Fax: 703-292-9072  
Email: [ProgramComplaints@nsf.gov](mailto:ProgramComplaints@nsf.gov)

## Effective Date

The university 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 (7) years, the university 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.
- all materials used to train Title IX coordinators, investigators, decision-makers, and any person who facilitates

an informal resolution process. These materials will be made publicly available on the university's website.

- records of any actions, including supportive measures, taken in response to a report or formal complaint of sexual harassment, along with documentation of the University's bases for its conclusion that its response was not deliberately indifferent.

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 the individual knew the other person was incapacitated OR a sober reasonable person under similar circumstances as the person initiating the sexual activity would have known the other person was incapacitated.

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.

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: the length of the relationship, the type of relationship, and 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** - 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 resided or cohabitated together, 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 university 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.

**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 University) 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 University, 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

their 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** - Conduct on the basis of sex constituting one of the following:

- an employee of the university conditioning the provision of an aid, benefit, or service of the institution on an individual's participation in unwelcome sexual conduct;
- 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 university's educational programs or activities;

OR

- "sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v) and this policy
- "dating violence" as defined in 34 U.S.C. 12291(a)(10) and this policy
- "domestic violence" as defined in 34 U.S.C. 12291(a)(8) and this policy
- "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 complainant 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 university's educational environment or deter sexual harassment.

## Campus Disciplinary Procedure

If the victim of sexual harassment or sexual assault so desires and all parties involved are members of the university community, the incident can be referred to the university administration to be adjudicated. The victim must request a university administrative judicial hearing. These proceedings are totally separate from any criminal action that may be taken. The victim has the right to change academic and living arrangements, if requested and it is reasonably available.

Both the victim and the accused have the option of having others present during administrative judicial hearings. These individuals are for a support capacity only and may not represent the victim or accused. Both the victim and the accused will be notified of the outcome of any administrative hearing. In some instances, it may be appropriate for university faculty and staff members to use the university's formal grievance procedures to address grievances related to allegations of sexual harassment or sexual assault. The faculty and staff grievance procedure are described in the university's Employee Handbook.

Upon request the institution will disclose the results of any disciplinary proceeding conducted by the institution against a student who is the alleged perpetrator of any crime of violence or non-forcible sex offense to the alleged victim, or next of kin if the victim is deceased.

## Campus Disciplinary Sanctions

Sanctions imposed through the University Administrative Judicial System can range from no action up to expulsion from school. Possible sanctions for violation of VAWA offenses:

- Withholding a promotion or pay increase (for regular or student employees)
- Reassigning employment (for regular or student-employees)
- Terminating employment (for regular or student-employees)
- Temporary employment suspension without pay (for regular or student-employees)

- Compensation adjustments (for regular or student-employees)
- No contact order of a specified duration
- Expulsion or permanent separation from the university (for students)
- Suspension from the university for a period of one semester to 10 semesters (fall and spring semesters with summers normally included as part of the spring semester). Re-admission may be made contingent upon completion of a course of action such as completion of a course related to the offense.
- Suspension for a specified period that allows the party offended against to have reasonable time to finish a course of studies. If the offended party graduates early or leaves the university without plans to return, the suspension may be re-visited. Re-admission may be made contingent upon completion of a course of action such as completion of a learning module related to the offense.
- Conduct probation for up to four semesters
- Disciplinary probation for up to eight (8) semesters (for students; this is one step below suspension)
- Expulsion from campus housing (resident employee or student)
- Mandated counseling
- Educational sanctions as deemed appropriate (i.e. research papers, interviews, reflections on assigned readings, audio material, or events with presentations, or required courses of learning)
- Ban of specified duration from the entire campus or a specified portion of campus

## Sex Offender Registry and Access to Related Information

The Federal Campus Sex Crimes Prevention Act, (section 1601 of Public Law 106-386) enacted on Oct. 28, 2000, went into effect Oct. 28, 2002. It is a law that provides for the tracking of convicted, registered sex offenders enrolled as students at institutions of higher education or those working or volunteering on campus. This law requires institutions of higher education to issue a statement advising the campus community where law enforcement agency information provided by a state concerning registered sex offenders may be obtained. It also requires sex offenders already registered in a state to provide notice to the appropriate state agency, as required under state law, of each institution of higher education in that state at which the person is employed, carries on a vocation, or is a student.

The Clery Act, as amended by the Campus Sex Crimes Prevention Act, requires an educational institution to state the location of where information concerning registered sex offenders is maintained, such as the Arkansas Registry of Sex Offenders. In accordance with Arkansas law, relevant and necessary information will be disclosed when the information is necessary for public protection. Inquiries regarding registered sex offenders may be directed to UPD at 479-788-7140.

## Arkansas Anti-Hazing Law

### 6-5-201. Definition

As used in this section, “hazing” is defined as taking place on or off the property of any school, college, university, or other educational institution in Arkansas by one (1) student, alumnus, or volunteer or employee of a fraternal organization, if the volunteer or employee is acting on behalf of or in the name of the fraternal organization, acting alone, or acting with others, and includes:

- a willful act directed against any other student and done for the purpose of intimidating the student attacked by threatening them with social or other ostracism or of submitting such student to ignominy, shame, or disgrace among their fellow students, and acts calculated to produce such results;
- the playing of abusive or truculent tricks upon another student to frighten or scare them;
- a willful act which is directed against any other student done for the purpose of humbling the pride, stifling the ambition, or impairing the courage of the student attacked or to discourage them from remaining



in that school, college, university, or other educational institution or reasonably to cause them to leave the institution rather than submit to such acts; OR

- a willful act of striking, beating, bruising, or maiming; seriously offering, threatening, or attempting to strike, beat, bruise, or maim; seriously offering, threatening, or attempting to do physical violence to any student of any such educational institution; or any assault upon any such student made for the purpose of committing any of the acts or producing any of the results to such student as defined in this section.

The term “hazing,” as defined in this section does not include customary athletic events or similar contests or competitions and is limited to those actions taken and situations created in connection with initiation into or affiliation with an organization, extracurricular activity, or sports program.

### **6-5-202. Prohibitions**

A student, alumnus, or volunteer or employee of a fraternal organization of a school, college, university, or other educational institution in Arkansas shall not knowingly engage in hazing or encourage, aid, or assist any other student, alumnus, or volunteer or employee of a fraternal organization in hazing.

A person shall not knowingly permit, encourage, aid, or assist another person in committing the offense of hazing; knowingly acquiesce in the commission of the offense of hazing; or fail to report promptly their knowledge or any reasonable information within their knowledge of the presence and practice of hazing in this state to an appropriate administrative official of the school, college, university, or other educational institution in Arkansas. An act of omission or commission is considered hazing.

A violation of this section is a Class B misdemeanor.

In addition to any penalty provided by this section, a student convicted of hazing shall be expelled from the school, college, university, or other educational institution that they are attending.

### **UAFS Hazing Policy**

Students and student organizations shall not intentionally or unintentionally haze or permit hazing to occur for the purpose of pledging, being initiated into, affiliating with, holding office in, or maintaining membership in any organization/team whose members are or include students at the university. As used in this section, “haze” means to subject a person to an unreasonable risk of physical, mental, emotional, or academic harm. These events can occur on or off campus and can be carried out alone or with others. The acts include, but are not limited to:

- Requiring persons to participate in total or substantial nudity
- Encouraging the rapid consumption/ingestion of substances, drinking games, intoxication, or impairment
- Requiring persons to wear obscene clothing
- Physical assaults upon or offensive physical contact with the person
- Participation by the person in boxing matches, excessive number of calisthenics, or other physical contests
- Transportation and abandonment of the person
- Confinement of the person to unreasonably small, unventilated, unsanitary, or unlighted areas
- Sleep deprivation
- Assignment of pranks to be performed by the person
- Deception designed to convince a student they will not gain membership or be removed from membership if they do not participate in an activity
- Acts of personal servitude and/or purchasing items for others
- Work assignments, tasks, or exercises limited to primarily new members
- Encouraging or expecting the carrying of physically burdensome items or items of no immediate personal utility

# Missing Student Policy

A missing student is defined as any currently registered student at the University Arkansas – Fort Smith who has not been seen by friends, family members, or associates for a reasonable length of time and whose whereabouts have been questioned and brought to the attention of a member of the university community. Missing students should be reported to UPD immediately.

The Office of Housing and Residential Life will initiate an investigation when notified by UPD that a student who resides in a university apartment/residence hall is missing with no reasonable explanation for their absence. In the event of a missing student residing on campus, the director of Housing and or the vice chancellor for student affairs will notify the contact person (if 18 or older) or parents/family members (if under 18) regarding the situation. The missing student's contact person information is registered and confidential. During this process the student's contact information will be registered confidentially. This information would be accessible only to authorized campus officials and would only be disclosed to law enforcement personnel in furtherance of a missing person's investigation.

If a student is under 18 years of age and not emancipated, the institution will notify a custodial parent or guardian within 24 hours of the determination that the student is missing, in addition to notifying any additional contact person designated by the student.

Resident assistants or resident directors who determine that a resident has been missing for longer than 24 hours shall immediately report the same to their resident director or director of Housing, respectively. If a member of the university community has reason to believe that a resident has been missing for 24 hours, they should immediately notify UPD at 479-788-7140, the dean of students, or the vice chancellor for student affairs at 479-788-7310. UPD, upon notice, will generate a missing person report and initiate an investigation with the assistance of Housing and Residential Life.

In addition to notifying UPD, the institution will notify local law enforcement within 24 hours of the determination the student is missing unless the local law enforcement agency was the agency that made the determination.

In the event the student does not reside in a university residence hall, the appropriate municipal local police authorities will be notified by UPD and an investigation will be initiated.

## Health and Wellness

### Student Health Clinic

UAFS students have access to quality, convenient primary healthcare. A medical doctor or nurse practitioner is always present at the Powell Student Health Clinic during normal operating hours. The clinic is conveniently located on campus on the second floor of the Pendergraft Health Sciences Center. Information contained in student health records is confidential and cannot be released to anyone (including parents and faculty) without the express written consent of the patient, except as provided for by law. Clinic services include:

- Treatment for common illnesses and minor injuries
- Laboratory when indicated
- Acute care management
- Prescriptions

### Hours and Contact Information

Monday, Tuesday, Thursday: 8 a.m. to noon and 1-5 p.m.

Wednesday and Friday: 8 a.m. to noon

Phone: 479-788-7444

Email: [StudentHealth@uafs.edu](mailto:StudentHealth@uafs.edu)

No appointment necessary. Clinic hours are subject to change. The last patients will be seen at 11:30 a.m. and 4:30 p.m., respectively.

## Counseling Center

College life can be an exciting and unique experience. However, there are times when the stress of juggling studying, working, and a personal life may be overwhelming and frustrating. Many students find themselves dealing with anxiety, substance abuse, depression, and suicidal thoughts. The UAFS Counseling Center is available to help those students.

The Counseling Center is committed to treating the psychiatric, behavioral, and emotional needs of the university's students. The center's licensed, caring mental health professionals understand that mental illness and disorders are real, and they are here to help students navigate through these rough waters. The Counseling Center supports the mission of the university by enabling students to maximize their educational experience through counseling and psychotherapy.

All students are eligible for up to eight (8) sessions per year at no additional charge. The Counseling Center is conveniently located in Pendergraft Health Sciences Center 129. Students should call 479-788-7398 to schedule a free, confidential appointment.

## Policy on Preparing the Annual Disclosure of Crime Statistics

The University of Arkansas – Fort Smith Police Department is primarily responsible for preparing the Annual Security and Fire Safety Report. This responsibility is specifically designated to the chief of police and lieutenant who together comprises the command staff of UPD. The procedures for preparing the annual disclosure of crime statistics include reporting statistics to the university community obtained from the following sources: the University of Arkansas – Fort Smith Police Department (UPD), the Fort Smith Police Department (FSPD), the Sebastian County Sheriff's Department (SebCo), the Crawford County Sheriff's Department, the Van Buren Police Department (VBPD), Arkansas State Police (ASP), the Fort Smith Public Schools Police Department (FSPSPD), the Fort Smith Fire Department (FSFD), law enforcement agencies with jurisdiction for domestic non-campus property locations, and non-police or UAFS personnel who have been designated as campus security authorities (CSA). The Office of Student Affairs, Title IX Office, and Human Resources Department are key offices from which drug, liquor, and weapon offense referral data is obtained along with sexual offenses and potential reports of other Clery crimes.

Final report preparation is coordinated by UPD command staff with Human Resources, College Life, Residential Life, Student Affairs, Health and Safety, and the Title IX coordinator.

A written request for statistical information is made at least on an annual basis to all CSAs. CSAs are also informed in writing and through training to report crimes to UPD in a timely manner so those crimes can be evaluated for timely warning purposes. A CSA is a Clery-specific term that encompasses four groups of individuals and organizations associated with an institution:

- A campus police department or a campus security department of an institution
- Any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department (e.g., an individual who is responsible for monitoring the entrance into an institutional property)
- Any individual or organization specified in an institution's statement of campus security policy as an individual or organization to which students and employees should report criminal offenses
- An official of an institution who has significant responsibility for student and campus activities including, but not limited to, student housing, student discipline, and campus judicial proceedings. An official is defined

as any person who has the authority and the duty to take action or respond to particular issues on behalf of the institution.

All statistics are gathered, compiled, and reported to the UAFS community via this report, entitled the “Annual Security and Fire Safety Report,” which is published by UAFS no later than Oct. 1 of each year.

## Clery Crime Definitions

The following definitions are to be used for reporting the crime listed in the Clery Act in accordance with the FBI’s Uniform Crime Reporting (UCR) Program.

### Criminal Homicide

- **Murder and Non-Negligent Manslaughter** - the willful (non-negligent) killing of one human being by another
- **Negligent Manslaughter** - the killing of another person through gross negligence

### Sex Offenses

- **Forcible Rape** - the carnal knowledge of a person, forcibly and/or against that person’s will, including instances in which the victim is incapable of giving consent because of their temporary or permanent mental or physical incapacity or because of their youth
- **Fondling** - the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or temporary or permanent mental capacity
- **Incest**: non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited bylaw
- **Statutory Rape**: non-forcible sexual intercourse with a person who is under the statutory age of consent

### Robbery

The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

### Aggravated Assault

An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by a means likely to produce death or great bodily harm. (It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used that could and probably would result in serious personal injury if the crime were successfully completed.)

### Burglary

The unlawful entry of a structure to commit a felony or a theft. For reporting purposes, this definition includes unlawful entry with intent to commit a larceny or a felony, breaking and entering with intent to commit a larceny, housebreaking, safecracking, and all attempts to commit any of the acts.

### Motor Vehicle Theft

The theft or attempted theft of a motor vehicle. (Motor vehicle theft is classified as any case where an automobile is taken by a person not having lawful access, even if the vehicle is later abandoned, including joy riding.)

### Arson

Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

### Simple Assault

An unlawful physical attack by one person upon another where neither the offender displays a weapon nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness

## Intimidation

To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack

## Destruction/Damage/Vandalism of Property

To destroy willfully or maliciously, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it

## Larceny – Theft (Except Motor Vehicle Theft)

The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Attempted larcenies are included. Embezzlement, confidence games, forgery, worthless checks, etc., are excluded.

## Other Offenses

- **Liquor Law Violations** - the violation of laws or ordinances prohibiting the manufacture, sale, transporting, furnishing, and possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; and all attempts to commit any of the activities. (Drunkenness and driving under the influence are not included in this definition.)
- **Drug Abuse Violations** - violations of state and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadone); and dangerous non-narcotic drugs (barbiturates, Benzedrine).
- **Weapons Law Violations** - the violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as the manufacture, sale, or possession of deadly weapons and the carrying of deadly weapons, concealed or openly

## Hate Crime

A crime reported to local police agencies or a campus security authority that manifests evidence that a victim was intentionally selected because of the perpetrator's bias against the victim. For the purposes of this section, the categories of bias include the victim's actual or perceived race, religion, gender, gender identity, sexual orientation, ethnicity, national origin, and disability.

## Hate Crime Definitions

To ensure uniformity in reporting nationwide, the following definitions have been adopted for use in hate crime reporting:

- **Bias** - a preformed negative opinion or attitude toward a group of persons based on their race, religion, disability, sexual orientation, or ethnicity/national origin
- **Bias Crime** - a criminal offense committed against a person or property that is motivated, in part or in whole, by the offender's bias against a race, religion, disability, sexual orientation, or ethnicity/national origin; also known as hate crime

## 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.

- The existence of such a relationship shall be determined based on the reporting party's statement with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
- For this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

## Domestic Violence

A felony or misdemeanor crime of violence committed by:

- a current or former spouse or intimate partner of the victim; By a person with whom the victim shares a child in common;
- a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;
- a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; OR
- any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

## Stalking

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

For this definition:

- Course of Conduct - two or more acts including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person or interferes with a person's property.
- Substantial Emotional Distress - significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
- Reasonable Person - a person under similar circumstances and with a similar identity to the victim.



## UAFS Three-Year Crime Statistics

Crime	On Campus			On-Campus Housing			Non-Campus			Public Property		
	2020	2021	2022	2020	2021	2022	2020	2021	2022	2020	2021	2022
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0	0	0	0
Rape	0	2	4	0	2	3	4	0	0	0	0	0
Fondling	1	0	3	0	0	2	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	1	1	1	1	0	0	0	0	0	0	0	0
Burglary	4	0	9	0	0	1	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	1	0	0	1	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0
Arrest - Liquor Law Violation	0	0	0	0	0	0	0	0	0	0	0	0
Arrest - Drug Abuse Violation	0	0	0	0	0	0	0	0	0	0	1	0
Arrest - Weapon Violation	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Referral - Liquor Law Violation	31	37	29	31	37	28	0	0	0	0	0	0
Disciplinary Referral - Drug Abuse Violation	5	5	3	5	5	2	0	0	0	0	0	0
Disciplinary Referral - Weapon Violation	1	0	0	1	0	0	0	0	0	0	0	0
Domestic Violence	2	0	1	1	0	1	0	0	0	0	0	0
Dating Violence	1	0	1	0	0	0	0	0	0	0	0	0
Stalking	1	3	7	0	0	4	0	0	0	0	0	0

## Clery Geography Definitions

**Campus** - any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of or in a manner related to the institution's educational purposes, including residence halls, and any building or property that is within or reasonably contiguous to the area identified previously that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes.

**Non-Campus** - any building or property owned or controlled by a student organization that is officially recognized by the institution (i.e. privately owned fraternity), or any building or property owned or controlled by an institution that is used in direct support of or in relation to the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

**Public Property** - all public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus or immediately adjacent to and accessible from the campus or on-campus property/facilities. UAFS crime statistics do not include crimes that occur in privately owned homes or businesses within or adjacent to the campus boundaries.

**Residence Halls** - any student housing facility that is owned or controlled by the institution or is located on property that is owned or controlled by the institution and is within the reasonably contiguous geographic area that makes up the campus. This category is considered a subset of the On-Campus category.

**Reasonably Contiguous** - any building or property an institution owns or controls that is in a location that students consider to be, and treat as, part of the campus. UAFS considers locations within one mile from the core or main campus border to be reasonably contiguous with the campus.

## Unfounded Reports

If a Clery crime is reported as occurring in any of the UAFS Clery geography and the crime is investigated by a law enforcement authority and found to be false or baseless, the crime is unfounded. Crimes can only be classified as unfounded by a sworn or commissioned law enforcement personnel only after a thorough investigation.

## Hate Crime Reporting

There is one report of a hate crime incident in 2020. The incident was racially motivated. There were no reports of hate crime incidents reported in 2021 or 2022.

# Annual Fire Safety Report

## Fire Safety Overview

The Higher Education Opportunity Act of 2008 (HEOA) requires all academic institutions with on-campus student residential facilities to develop and publish an annual fire safety report. The following report includes the information required by the HEOA as it relates to UPD.

UPD publishes this Fire Safety Report as part of its annual Clery Act Compliance document via this annual report, which contains information with respect to the fire safety practices and standards for UAFS. The compliance document is available for review upon request at UPD during normal operating business hours. UAFS combines our Fire Log with our Daily Crime Log as it relates to the Clery Act.

## Definition of Terms

**Fire** - any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner.

**Cause of Fire** - the factor or factors that give rise to a fire. The causal factor may be, but is not limited to, the result of an intentional or unintentional action, mechanical failure, or act of nature.

**Fire Drill** - a supervised practice of a mandatory evacuation of a building for a fire.

**Fire-Related Injury** - any instance in which a person is injured because of a fire, including an injury sustained from a natural or accidental cause while involved in fire control, attempting rescue, or escaping from the dangers of the fire. The term person may include students, faculty, staff, visitors, firefighters, or any other individuals.

**Fire-Related Death** - any instance in which a person is killed because of a fire, including death resulting from a natural or accidental cause while involved in fire control, attempting rescue, or escaping from the dangers of a fire, or dies within one year of injuries sustained as a result of the fire.

**Fire Safety System** - any mechanism or system related to the detection of a fire, the warning resulting from a fire, or the control of a fire. This system includes sprinkler systems or other fire extinguishing systems, fire detection devices, stand-alone smoke alarms, devices that alert one to the presence of fire such as alarms, bells, or strobe lights, smoke control and reduction mechanisms, and fire doors and walls that reduce the spread of a fire.

**Value of Property Damage** - the estimated value of the loss of the structure and contents in terms of the cost of replacement in like kind and quantity. This estimate should include contents damaged by fire and related damages caused by smoke, water, and overhaul. However, it does not include indirect loss such as business interruption.

## Fire Safety Equipment in Residential Facilities

On-Campus Residence Halls	Fire Alarms on Site	Full Sprinkler System	Smoke Detection	Fire Extinguisher Devices	Evacuation Plan Placards	Evacuation Fire Drills Per Year
Lion's Den	X	X	X	X	X	2
Sebastian Commons	X	X	X	X	X	2

\*Note: No fire alarm monitoring is done from the police department.

All suites/apartments are equipped with smoke detectors. Each floor in each residence hall is equipped with fire extinguishers. Fire alarm pull stations are located on each corridor of each hall. Tampering with fire safety equipment or setting off a false alarm is against the law and will also make the system ineffective, endangering the lives of other residents. Any person who sets off a false alarm, interferes with the operation of the alarm system, or damages or removes any part of the alarm system, fire extinguishers, smoke detectors, or exit signs is subject to severe disciplinary action including dismissal from the residence halls, possible suspension from the university, and/or criminal prosecution. If a smoke detector is detached from the wall for any reason, it is the responsibility of the resident to report it immediately. If not reported, all residents will be held responsible for tampering with fire safety equipment and will be disciplined and/or fined.

## Fire Evacuation Procedures for UAFS

In the event of a fire, all residence hall buildings will be evacuated to protect the health and safety of the residents, guests, and visitors. When an alarm is sounded, one must assume there is an emergency and adhere to the following steps.

- Activate the building fire alarm if it is not already sounding. Pull a fire alarm station on the way out.
- Leave the building by using the nearest exit.
- Crawl if there is smoke. Cleaner, cooler air will be near the floor. Get low and go.
- Before opening any doors, feel the metal knob. If it is hot, do not open the door. If it is cool, brace yourself against the door and open it slightly. If heat or heavy smoke are present, close the door and stay out of the room.
- Go to the nearest exit or stairway. If the nearest exit is blocked by fire, heat, or smoke, go to another exit.
- Always use an exit stairway, not an elevator. Elevator shafts may fill with smoke or the power may fail, leaving you trapped. Stairway fire doors will keep out fire and smoke if they are closed and will protect you until you get outside. Close as many doors as possible as you leave. This helps to confine the fire. Total and immediate evacuation is safest.
- Only use a fire extinguisher if the fire is very small and you know how to do it safely. Do not delay calling emergency responders or activating the building fire alarm.
- If you cannot put out the fire, leave immediately. Make sure the fire department is called, even if you think the fire is out.
- If you get trapped, keep the doors closed. Place cloth material (wet, if possible) around and under the door to prevent smoke from entering.
- Be prepared to signal your presence from a window. Hang an object at the window (jacket, shirt) to attract the fire department's attention. If there is a phone in the room, call 911.

## Fire Safety Regulations

It is essential that residents observe and follow all fire safety regulations. Electrical appliances with exposed heating elements are prohibited. All appliances must be UL approved. No open flames (candles, incense, kerosene lamps, etc.) or any incendiary devices are permitted in the residence halls, rooms/suites/apartments. Smoking is not permitted in the residence halls, including balconies, vestibules, etc.

## Reporting a Fire

To report a fire, students and employees should dial 911 as a fire that isn't extinguished is an emergency. For fires that have been put out, please contact UPD and/or a member of Residential Life.

## Fire Investigations

Fires that are determined not to be related to an accident are investigated by an arson investigator with the Fort Smith Fire Department. UPD will yield the arson investigation to FSFD and will follow up depending on the results of said investigation.

## Communicating a False Alarm

Communicating a false alarm is a violation of state law Criminal Code 5-71-210. A person commits the offense of communicating a false alarm if they purposely initiate or circulate a report of a present, past, or impending bombing, fire, offense, catastrophe, or other emergency while knowing that the report is false or baseless and knowing that it is likely to:

- cause action of any sort by an official or volunteer agency organized to deal with emergencies;
- place any person in fear of physical injury to himself or herself or another person or of damage to their property or that of another person; OR
- cause total or partial evacuation of any occupiable structure, vehicle, or vital public facility.

This is also a violation of university policy to deliberately sound a false alarm and/or to tamper with fire safety equipment. Violators may face prosecution in the local criminal court system and the university judicial system. Such behavior will not be taken lightly. In the most severe cases, it does endanger lives, and at a minimum, it disrupts the educational process.

## Flammable Materials, Explosives, Fireworks, and Open Flames

Dangerous items such as flammable materials, explosives, and fireworks are not permitted on the university campus or in university buildings except in approved and supervised programs such as ROTC and certain academic programs. Substances which have the potential to cause fires or explosions are not permitted inside the residence halls. No open flames are allowed. Smoking is not allowed in any residence hall. Halogen lamps are not allowed. Electrical appliances that have an exposed heating element are not allowed in residence halls. Fires in residence halls are known to have resulted from burning candles and/or incense. These items are not allowed in student rooms and/or public areas of the residence halls.

## Fire Drills

The purpose of the fire drill is to acquaint residents with a rapid and orderly means of exit during an emergency. Each housing facility conducts no fewer than two fire drills annually. All persons in the building are required to participate in the fire drills and evacuate the building through the exit routes.

Drills shall be held at expected and unexpected times and under varying conditions to simulate the unusual conditions that can occur in an actual emergency. Participants shall relocate to a safe location outside the building and remain at such location until a recall signal is given or further instruction.

## Fire Safety Education and Training Programs

Fire safety education programs for all students living in on-campus student housing and all employees that have any association with on-campus student housing are held at the beginning of each semester by the Housing Office. These programs are designed to familiarize everyone with the fire safety system in each housing facility; train everyone on the procedures to be followed in case there is a fire; and distribute information on the university's fire safety policies.

## Fire Log

UPD maintains a Fire Log that records, by the date an incident was reported, all fires that occur in an on-campus housing facility. The Fire Log is available for public inspection at the department's headquarters. The Fire Log includes the nature, date, time, and general location of each fire reported to the department. The department posts fire incidents in the Fire Log within two (2) business days of receiving a report of a fire and reserves the right to exclude reports from the log in certain circumstances.

## UAFS 2022 Fire Log

On-Campus Student Housing Facilities	Fires	Date/Time	Cause	Deaths	Injuries	Value of Property Damage
Lion's Den	0	N/A	N/A	0	0	--
Sebastian Commons	0	N/A	N/A	0	0	--

Per federal law, UAFS is required to annually disclose statistical data on all fires that occur in on-campus student housing facilities. Listed below are the non-emergency numbers to call to report fires that have already been extinguished in on-campus student housing. These are fires for which you are unsure whether UPD may already be aware. If you find evidence of such fire or if you hear about a fire, please contact one of the following:

UAFS Police Department: 479-788-7140

UAFS Housing Office: 479-788-7340



## Important Contacts and Resources

To report an emergency or a crime in progress anywhere, dial 911 and 479-788-7140.

For other UPD assistance on campus, dial 479-788-7140.

For other police assistance off campus, dial the Fort Smith Police Department: 479-709-5000.

Office of the Vice Chancellor for Student Affairs .....	479-788-7310
University Housing Office .....	479-788-7340
Campus Recreation and Wellness .....	479-788-7596
Office of Non-Traditional Student Support .....	479-788-7319
Student Counseling Center .....	479-788-7398
Powell Student Health Clinic .....	479-788-7444
Office of Human Resources .....	479-788-7080
Plant Operations .....	479-788-7170
National Clearinghouse for Alcohol and Drug Information .....	800-729-6686
Rape, Abuse, and Incest National Network (RAINN) .....	800-656-4673
National Domestic Violence Hotline .....	800-799-7233
Child Abuse Hotline .....	800-482-5964
Commission on Child Abuse, Rape, and Domestic Violence .....	501-661-7975
Arkansas Poison Control and Information Center .....	800-376-4766
Alcoholics Anonymous, Fort Smith Area Intergroup, Central Office .....	479-783-0123
Al-Anon Information .....	479-441-9705

## Sources of Statistics - Other Campus Officials

Chancellor  
Provost and Senior Vice Chancellor  
Associate Vice Chancellor for Academic Affairs  
Associate Vice Chancellor – Campus and Community Events  
Vice Chancellor for University Relations  
Vice Chancellor for Enrollment Management  
Vice Chancellor for Finance and Administration  
Vice Chancellor for Student Affairs  
Vice Chancellor for University Advancement  
Chief/Director – University Police Department  
Director – Athletics  
Dean – College of Arts and Sciences  
Dean – College of Business and Industry  
Dean – College of Health, Education, and Human Sciences  
Assistant Vice Chancellor – Marketing  
Director of Donor Relations  
Director of Alumni Affairs  
Director of Information Technology Services  
Registrar  
Director – Western Arkansas Technical Center  
Director – Human Resources/EEO Officer  
Director – Library Services  
Director – Financial Aid  
Director – Admissions  
Director – Student Advisement and Career Planning  
Director – Academic Assessment and Accountability  
Director of Plant Operations  
Assistant Dean of Students  
Executive Director of Institutional Research and Strategic Planning  
Manager – Lions Bookstore  
Resident Assistants  
Director – Academic Success Center  
International Student Programs and Services Administrator  
Director – Campus and Community Engagement