





























- (1) Engages in sexual contact with another person by forcible compulsion; or
- (2) Engages in sexual contact with another person who is incapable of consent because the person is physically helpless, mentally defective, or mentally incapacitated; or
- (3) Being eighteen (18) years of age or older, engages in sexual contact with the sex organs of another person who is not the person's spouse, and who is less than fourteen (14) years of age. (Arkansas)

**Sexual Contact:** Any act of sexual gratification involving the touching, directly or through clothing, of the sex organs, buttocks or anus of a person, or the breast of a female. (Arkansas)

**Stalking:** A person commits stalking in the first degree if he or she purposely engages in a course of conduct that harasses another person and makes a terroristic threat with the intent of placing that person in imminent fear of death or serious bodily injury or placing that person in imminent fear of the death or serious bodily injury of his or her immediate family.

UAFS procedures will be employed once an incident of domestic violence, dating violence, sexual assault, and stalking has been reported. Possible sanctions or protective measures that UAFS may impose following a final determination:

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.

### **Bystander Intervention Suggestion**

UAFS has implemented a bystander skills program titled #umatter. The program started in the fall of 2014 and features marketing and educational facts on selected monthly topics, and these topics are relevant to student issues on a nation-wide level.

The UAFS Student Affairs staff members provide training in the bystander skills training program titled Step Up! The program is based on theories of bystander intervention, prosocial behavior, motivational interviewing, cognitive dissonance, and social norms. The program provides attendees with skills to step up in a variety of situations from direct and indirect methods to emergency and non-emergency situations.

Two examples of culturally relevant programming occurred between academic years 2014 and 2015. Student feedback on our New Student Orientation presentation identified the presence of alcohol in all of our embedded video scenarios as unrealistic. Based on the students' comments, which was supported by data from our first Campus Climate survey (administered in spring 2014), we created a new video, scripted by a student leader, which involved no alcohol. An additional example is the invitation by a Greek letter social fraternity of representatives from our local Crisis Intervention Center (CIC) to discuss sexual

encounters with that group. The CIC also provided trainings during our residential orientation, or Cub Camp. The cultural benefit in both instances, but especially the case of the fraternity, is that the CIC staff are not university employees, are not present on a daily basis, and do not have to report issues to us. The reports are that the conversations were more frank and in-depth than are typically the case with campus-based facilitators.

#### In The Moment (from Mediation@MIT)

- (1) Name or acknowledge the offense
- (2) Point to the 'elephant in the room'
- (3) Interrupt the behavior
- (4) Publicly support an aggrieved person
- (5) Use body language to show disapproval
- (6) Use humor (with care)
- (7) Encourage dialogue
- (8) Help calm strong feelings
- (9) Call for help

#### **Strategies After the Fact**

- (1) Privately support an upset person
- (2) Talk privately with the inappropriate actor
- (3) Report the incident, with or without names

Bystanders who intervene in the spirit of a Good Samaritan to assist a victim or prevent an assault will typically be granted partial immunity in case they have violated the Student Code; for example, if they have had a drink on campus. For strategies for intervention while remaining safe, we suggest the following resource, on-line through Virginia Tech: <http://www.stopabuse.vt.edu/pdf/playbook.pdf>.

Procedures victims should follow:

- (1) The importance of preserving evidence
- (2) To whom the alleged offense should be reported
- (3) Options regarding law enforcement:
  - a. Notify local law enforcement
  - b. Be assisted by campus authorities
  - c. Decline to notify such authorities
  - d. Where applicable, the rights of victim's No Contact Order

#### **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).

## **To Whom a Complainant Should Report**

- (1) UAFS Coordinator for Title IX: Dr. Lee Krehbiel, Vice Chancellor for Student Affairs (788-7310);
- (2) Deputy Coordinator for Students: Jennifer Holland (788-7319);
- (3) Deputy Coordinator for Employees and Guests: Bev McClendon (788-7839);
- (4) Deputy Coordinator for Athletics: Dr. Dustin Smith (788-7591).

Reports can be made to University Police, 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 @ 788-7398, or off-campus at the Crisis Intervention Center (479-782-1821 or 24-Hour Hotline: 1-800-359-0056)

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

Persons wishing to report an incident may do so on their own behalf or on the behalf of another person. UAFS personnel should always make the option of filing a report with the police known. The University has its own police department, which can coordinate with other local law enforcement agencies as needed. Assistance in contacting the police is available through the Office of Student Affairs (788-7310), through University Housing staff, or through 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 the University Police. In some cases, a preliminary letter may be requested from the prosecuting attorney, who can inform a person that certain actions 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 domestic violence, dating violence, alleged sexual assault, or stalking, which shall include a clear statement that:

- (1) Such proceedings shall:
  - a. Be prompt, fair, and impartial investigation and resolution;
  - b. Be conducted by official who undergo annual training.

The accuser and accused. Same opportunities...

Both the accuser and accused shall be simultaneously informed, in writing, of—

- (1) The outcome,
- (2) The institution's procedures,
- (3) Any change to the results that occur prior to the time that such results become final,
- (4) When such results become final:
  - a. Information about keeping the confidentiality of victims,
  - b. Written notification of resources for victim,



- c. 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 recordkeeping 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 University should be a place of work and study for students, faculty, and staff, which is free of all forms of discrimination, sexual intimidation and exploitation. Therefore, UAFS will not tolerate unlawful harassment and/or discrimination of any student, employee, or individual who is a part of the campus community. This includes visitors to the campus, contractors and others who do business with the University or who use University facilities. This policy applies to unlawful harassment and/or discrimination which takes place in any relationship, including those involving a power differential and those between peers, students, faculty, staff, and others visiting or conducting business on campus, and any other site used for the performance of work for UAFS.

### **Statement on Non-Discrimination**

UAFS does not discriminate on the basis of race, color, religion, national origin, sex, marital status, disability, age. Title IX requires the University to publish this statement.

### **Definitions**

**Sexual Discrimination:** Includes all forms of sexual harassment, sexual assault, and sexual violence by employees, students, or third parties against employees, students, or third parties. This includes violence within the context of a relationship. Students, University employees, and third parties are prohibited from harassing other students and/or employees whether or not the incidents of harassment occur on the campus and whether or not the incidents occur during working hours.

**Sexual Misconduct:** A broad term encompassing any sexual behaviors that violate UAFS's Code of Conduct and University policies. In general, any non-consensual physical contact of a sexual nature may constitute sexual misconduct. Sexual misconduct may vary in its severity and consists of a range of behaviors or attempted behaviors that may be grounds for student conduct action under University policy.

Prohibited conduct under this Sexual Misconduct Policy includes:

**NON-CONSENSUAL SEXUAL CONTACT:** Non-Consensual Sexual Contact is any intentional sexual touching, however slight, with any object, by a man or a woman upon a man or a woman, without consent.

**NON-CONSENSUAL SEXUAL INTERCOURSE:** Non-Consensual Sexual Intercourse is any sexual intercourse (anal, oral or vaginal), however slight, with any object, by a man or woman upon a man or a woman, without consent.

**FORCED SEXUAL INTERCOURSE:** Unwilling or non-consensual sexual penetration (anal, vaginal or oral) with any object or body part that is committed either by force, threat, intimidation, or through exploitation of another's mental or physical condition of which the assailant was aware or should have been aware.

Sexual activity includes: Intentional contact with the breasts, buttock, groin, or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; any intentional bodily contact in a sexual manner, though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth or other orifice. Intercourse however slight, meaning vaginal penetration by a penis, object, tongue or finger, anal penetration by a penis, object, tongue, or finger, and oral copulation (mouth to genital contact or genital to mouth contact).

**Sexual Exploitation:** Occurs when a student takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of the other sexual misconduct offenses. Examples of sexual exploitation include, but are not limited to:

- (1) Prostituting another student;
- (2) Non-consensual video or audio-taping of sexual activity;
- (3) Going beyond the boundaries of consent (such as letting your friends hide in the closet to watch you having consensual sex);
- (4) Engaging in Voyeurism;
- (5) Knowingly transmitting an STD or HIV to another.

**Sexual Harassment:** Sexual harassment is unwanted sexual advances, requests for sexual favors, or visual, verbal, or physical conduct of a sexual nature when:

- (1) Submission to such conduct is made a term or condition of employment or the educational relationship;
- (2) Submission to or rejection of such conduct is used as a basis for employment or education decisions affecting the individual; or
- (3) Such conduct has the effect of unreasonably interfering with a student's or employee's work performance or creating an intimidating, hostile, or offensive working, educational, or living environment.

While sexual harassment encompasses a wide range of conduct, some examples of specifically prohibited conduct include:

- (1) Promising, directly or indirectly, a student or employee a reward, if the student or employee complies with a sexually oriented request.
- (2) Threatening, directly or indirectly, retaliation against a student or an employee, if the student or employee refuses to comply with a sexually oriented request.
- (3) Denying, directly or indirectly, a student or employee an employment or education related opportunity, if the student or employee refuses to comply with a sexually oriented request. Engaging in sexually suggestive conversation or physical contact or touching another student or employee.
- (4) Displaying pornographic or sexually oriented materials.
- (5) Engaging in indecent exposure.
- (6) Making sexual or romantic advances toward a student or employee and persisting despite the student or employee's rejection of the advances.
- (7) Physical conduct such as assault, touching, or blocking normal movement.
- (8) Retaliation for making harassment reports or threatening to report harassment.
  - a. Sexual harassment can involve males or females being harassed by members of either sex. Although sexual harassment sometimes involves a person in a greater position of authority as the harasser, individuals in positions of lesser or equal authority also can be found responsible for engaging in prohibited harassment.
  - b. Sexual harassment can be physical and/or psychological in nature. An aggregation of a series of incidents can constitute sexual harassment even if one of the incidents considered separately would not rise to the level of harassment.

**Consent:** Effective consent is the basis of the analysis applied to unwelcome sexual contact. Lack of consent is the critical factor in any incident of Sexual Misconduct and Sexual Violence.

- (1) Consent is informed, freely and actively given and requires clear communication between all persons involved in the sexual encounter
- (2) Consent is active, not passive. Consent can be communicated verbally or by actions. But in whatever way consent is communicated, it must be mutually understandable. Silence, in and of itself, cannot be interpreted as consent.
- (3) It is the responsibility of the initiator of sexual contact to make sure they understand fully what the person with whom they are involved wants and does not want sexually.
- (4) Consent to one form of sexual activity does not imply consent to other forms of sexual activity.
- (5) Previous relationships or consent does not imply consent to future sexual acts.
- (6) Consent cannot be procured by use of physical force, compelling threats, intimidating behavior, or coercion. 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.
- (7) Effective consent cannot be given by minors, mentally disabled individuals or person's incapacitated as a result of drugs or alcohol.

- (8) If you have sexual activity with someone you know to be—or should know to be—mentally or physically incapacitated (by alcohol or other drug use, unconsciousness or blackout), you are in violation of this policy.
- (9) Incapacitation is a state where one cannot make a rational, reasonable decision because they lack the ability to understand the who, what, when, where, why or how of their sexual interaction.
- (10) This policy also covers someone whose incapacity results from mental disability, sleep, involuntary physical restraint, or from the taking of a so-called “date-rape” drug. Possession, use and/or distribution of any of these substances, including Rohypnol, Ketamine, GHB, Burundanga, etc. is prohibited, and administering one of these drugs to another student for the purpose of inducing incapacity is a violation of this policy.
  - a. More information on these drugs can be found at <http://www.911rape.org/>.
  - b. Use of alcohol or other drugs will never function to excuse behavior that violates this policy.

### **Title IX Coordinator**

UAFS has designated the Vice-Chancellor of Student Affairs as the Title IX Coordinator for all matters related to sexual discrimination at the university, and to coordinate the efforts of UAFS to comply with Title IX law.

The Title IX Coordinator for UAFS is:

Dr. Lee Krehbiel, Vice-Chancellor of Student Affairs  
Smith-Pendergraft Campus Center, Room 201A  
Phone: 479-788-7310  
Email: [lee.krehbiel@uafs.edu](mailto:lee.krehbiel@uafs.edu)

The Title IX Deputy Coordinators for UAFS are:

#### **For Students**

Jennifer Holland, Enrollment Generalist, Title 9 Deputy Coordinator  
Smith-Pendergraft Campus Center, Room 232A  
Phone: 479-788-7413  
Email: [jennifer.holland@uafs.edu](mailto:jennifer.holland@uafs.edu)

#### **For Faculty, Staff, Associates, and Visitors**

Bev McClendon, Director of Human Resources\EEO officer  
Fullerton Administration Building, Room 233  
Phone: 479-788-7839  
Email: [bev.mcclendon@uafs.edu](mailto:bev.mcclendon@uafs.edu)

#### **For Athletics**

Katie Beineke  
Stubblefield Center, Room 147  
Phone: 479-788-7687  
Email: [Katie.beineke@uafs.edu](mailto:Katie.beineke@uafs.edu)

As the Title IX Coordinator, the Vice-Chancellor of Student Affairs is responsible for:

- (1) Ensuring that both the individual filing the complaint and the individual accused of discrimination, harassment, or retaliation are aware of the seriousness of the complaint.
- (2) Explaining UAFS's sexual discrimination policy and investigation procedures.
- (3) Exploring various means of resolving the complaint.
- (4) Making referrals to the Counseling Center for counseling and referral services, if appropriate.
- (5) Discuss with complainant the option of the complainant notifying the police if criminal activities are alleged.
- (6) Conducting or arranging for an investigation of the alleged prohibited conduct.
  - a. Preparing or overseeing any reports, recommendations, or remedial action(s) that are needed or warranted to resolve any prohibited conduct. Each complaint will be assessed and resolved individually.

### **Reporting Procedure for Complaints of Sexual Misconduct or Retaliation.**

UAFS's complaint procedure provides for prompt, fair and impartial investigation of all claims of sexual misconduct. If discrimination or harassment has occurred, UAFS will take appropriate remedial action that is commensurate with the severity of the offense. Investigators will be annually trained in investigation, policy, and the impact of sexual assault.

UAFS strictly prohibits retaliation against any person for using this reporting procedure, or for filing, testifying, assisting or participating in any manner in any investigation or proceeding involving allegations of discrimination or harassment. Any person who violates this policy will be subject to discipline, up to and including termination if they are an employee, and/or dismissal if they are a student.

### **Retaliation Defined**

**Retaliation:** Any action by any person that is perceived as: intimidating, hostile, harassing, retribution, or violent that occurred in connection to the making and follow-up of the report.

### **Suggested Procedures for Those Who have Experienced Sexual Misconduct, or Sexual Discrimination**

UAFS encourages those who have experienced any form of sexual misconduct to report the incident promptly, to seek all available assistance, and to pursue college discipline proceedings and criminal prosecution of the offender.

Those who have experienced sexual discrimination should know that all University employees (Resident Assistants, UAFS Police Department, staff members, etc.) excluding licensed professionals from the Counseling Center must report known felonies to the police, either directly or through the UAFS Police Department. Because licensed professionals from the Counseling Center are not required to disclose knowledge of felonies reported to them except when necessary to prevent harm, those who wish to discuss a situation in complete confidence should notify only the Counseling Center. Counseling services are available for persons affected by a sex offense.

## **Immediate Action**

Tell a trusted person about the incident. Contact the UAFS Police Department at 479.788.7141 and/or the Title IX Coordinator/Deputy Coordinators. The UAFS Police Department can provide immediate referral information and/or investigation assistance.

In the case of sexual assault or sexual violence, do everything possible to preserve evidence by making certain that the crime scene is not disturbed. (The decision to press charges does not have to be made at this time. However, following these procedures will help preserve this option for the future.) Survivors should not bathe, urinate, douche, brush teeth, or drink liquids. Clothes should not be changed but if they are, bring all the original clothing to the hospital in a paper bag. (Plastic bags damage evidence.)

When necessary, seek immediate medical attention at an area hospital and take a full change of clothing, including shoes, for use after a medical examination.

A Crisis Intervention Center advocate can offer support at the hospital but survivors must ask for the advocate at the hospital. (People under the age of 18 should be aware that, as a minor, their parent(s) may have the right to obtain information from their medical records.)

Survivors may choose whether or not to speak to the police at the hospital. If they do, the option to choose whether to file charges against the accused still exists.

Private physicians are not required to notify the police. If a survivor desires police involvement, they must initiate this contact. Also, with a private physician, survivors may have to ask for a rape kit. Please keep in mind: having a rape exam does not mean that survivors are mandated to press charges. This action only keeps the survivor's options open.

## **Support Services**

There are various supportive measures available for those who have experienced sexual discrimination. These support sources include:

**Title IX Coordinator\Deputy Coordinator:** The Title IX Coordinator serves as the central reference person for information about reporting and the investigative procedure, as well as available support services.

**Counseling:** Students who have experienced any form of sexual misconduct may receive free and confidential counseling at the University Counseling Center (479.788.7398) and/or the Crisis Intervention Center (479.782.1821). UAFS employees may contact the Human Resources office or the Title IX Coordinator, or reference the Employee Handbook for information regarding counseling options.

**Reassignments:** When the survivor and the accused student participate in the same class(es) and/or reside in the same University residence facility or in proximity to one another, survivors may request that a fair and immediate way to reassign and/or move one of the persons be decided upon by the Vice-Chancellor for Student Affairs or a designee. The Vice-Chancellor for Student Affairs will consult with the appropriate academic dean in making a determination regarding an alternative classroom assignment(s) for the accused student and/or the survivor who has experienced a sex offense and with the Director of Housing in making a determination regarding an alternative housing assignment. When a student employee is the complaining party and works in the same department or area with the accused, alternative work assignments may be made by the appropriate administrator upon request by the student employee filing the complaint.

## **Reporting Options and Filing a Sexual Misconduct Complaint**

The University encourages those who have experienced sexual discrimination to report these offenses to both the UAFS Police Department and the Title IX Coordinator; survivors have the right, however, not to provide a statement to the UAFS Police Department.

### **Making a Report with the UAFS Police Department**

Persons who wish to report sexual misconduct may contact the UAFS Police Department:

- Phone: 479-788-7141 or 479-788-7140
- Office: 51<sup>st</sup> Street Annex (425 N 51<sup>st</sup> Street)

### **Making a Report or Filing a Complaint with the Title IX Coordinator or Deputy Coordinators**

Persons who wish to report any form of sexual misconduct may contact the University's Title IX Coordinator: the Vice Chancellor for Student Affairs.

The Title IX Coordinator can assist with all aspects of the reporting procedure. Employees of the University can also make an initial report to their immediate supervisor or the Director of Human Resources, who will coordinate reporting efforts with the Title IX Coordinator.

Employees who believe they have either witnessed or been subjected to unlawful harassment or discrimination must notify the Director of Human Resources or the Vice-Chancellor for Student Affairs. Employees may report to either of these individuals. If for any reason the employee is unable or unwilling to report the matter to any one of the individuals listed above, he/she should report the matter to the Chancellor of the University.

Bev McClendon, Director of Human Resources\EEO officer

- Phone at 479-788-7839
- Office: Fullerton Administration Building, Room 233
- E-mail: [bev.mcclendon@uafs.edu](mailto:bev.mcclendon@uafs.edu)

### **Confidentiality**

If you would like to report an incident or speak to someone about something that happened and you desire that details of the incident be kept confidential, you should speak with staff members of the Counseling Center or off-campus rape crisis centers (e.g., Fort Smith Crisis Intervention Center), who will maintain confidentiality. In addition, you may speak on and off campus with clergy and chaplains, who will also keep reports made to them confidential.

All inquiries, complaints, and investigations are treated with discretion. Information is revealed as law and policy permit. However, the identity of the complainant is usually revealed to the person(s) accused of such conduct and any witnesses with consent of the complainant. Publicizing information about alleged discrimination, harassment, or retaliation is strictly prohibited and may be considered a violation of University policy.

The Title IX Coordinator shall maintain all information in secure file pertaining to a complaint or investigation.

## **Federal Statistical Reporting Obligations**

Certain campus officials (UAFS police officers) have a duty to report sexual misconduct for federal statistical reporting purposes. All personally identifiable information is kept private, but statistical information must be passed along to campus law enforcement regarding the type of incident and its general location (on or off campus, in the surrounding area, but no addresses are given), for publication in the annual Campus Security Report. This report helps to provide the community with a clear picture of the extent and nature of campus crime, to ensure greater community safety.

Mandated federal reporters include: student/conduct affairs, UAFS police officers, local police, coaches, athletic directors, residence life staff, student activities staff, human resources staff, advisors to student organizations, and any other official with significant responsibility for student and campus activities

## **Federal Timely Warning Reporting Obligations**

Victims of sexual misconduct should also be aware that University administrators must issue timely warnings for incidents reported to them that pose a substantial threat of bodily harm or danger to members of the campus community. The University will make every effort to ensure that a victim's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the danger.

## **Procedure**

All incidents of sexual misconduct or retaliation should be reported.

The Title IX Coordinator shall provide for the adequate, reliable, and impartial investigation of all complaints.

## **Informal Resolution Procedures**

Some complaints of sexual harassment can be resolved through informal mediation between the parties. The Vice-Chancellor for Student Affairs and/or the Director of Human Resources may arrange for or facilitate mediation between the involved parties and coordinate other informal problem resolution measures.

Once a report of sexual discrimination has been made, informal resolution procedures shall be pursued within seven calendar days of the initial report.

Informal Resolution Procedures are optional and may be used when the University determines that it is appropriate. Informal procedures are never applied in cases involving violence or non-consensual sexual intercourse.

An investigation into the report shall be conducted by the Title IX Coordinator or Deputy Coordinators. For reports involving allegations against university employees, the Director of Human Resources shall conduct the investigation with consultation from the Coordinator of Title IX.

Once the informal resolution procedure is complete, written notification to both parties shall be given by the Title IX Coordinator or Deputy Coordinators.

The University shall take reasonable steps to prevent the recurrence of discrimination or



sexual misconduct in any form. If the reoccurrence takes place, those responsible for such behavior may be subject to additional disciplinary action under the Student Code of Conduct Rights and Procedures.

The University will take all necessary steps to remedy the discriminatory effects on the victim(s) and others. Examples of such remedies may include: order of no contact, residence hall relocation, adjustment of schedule, etc.

The University prohibits retaliation against any individual who in good faith reports sexual misconduct, discrimination or harassment or participates in any investigation of such reports. Retaliation against an individual for reporting harassment or discrimination or for participating in an investigation of a claim of harassment or discrimination is a serious violation of this policy and, like harassment or discrimination itself, will be subject to disciplinary action.

If the reporting party is unsatisfied with the outcome of the informal resolution procedure, the formal resolution procedure may be pursued.

### **Formal Resolution Procedures**

Once a complaint of sexual misconduct or discrimination has been made, an investigation of the report shall be pursued within seven calendar days of the initial report.

To ensure a prompt and thorough investigation, the complainant should provide as much of the following information as possible:

- (1) The name, department, and position of the person or persons allegedly causing the sexual misconduct, discrimination, harassment, or retaliation.
- (2) A description of the incident(s), including the date(s), location(s), and the presence of any witnesses.
- (3) The alleged effect of the incident(s) on the complainant's position, salary, benefits, promotional opportunities, or other terms or conditions of employment.
- (4) The names of other students or employees who might have been subject to the same or similar sexual misconduct, discrimination, harassment, or retaliation.
- (5) Any steps the complainant has taken to try to stop the discrimination, harassment, or retaliation.
- (6) Any other information the complainant believes to be relevant to the discrimination, harassment, or retaliation.

The formal resolution procedure will be followed when the University determines it necessary.

An investigation into the report shall be conducted by the Title IX Coordinator or Deputy Coordinators. For reports involving University employees and/or third parties, the Title IX Coordinator and Director of Human Resources shall jointly conduct the investigation. The investigation shall be concluded within seven calendar days or within a reasonable amount of time required to complete the investigation.

The investigation may include any of the following: interviews of the parties involved, including witnesses, and the gathering of other relevant information.

For reports involving only employees or third parties, a resolution shall be determined at the conclusion of the investigation, according to University policy.

For reports in which the complaint involves students, the complainant may initiate charges through the Student Code of Conduct Procedures and Rights. As stated in that policy, any member of the University community may initiate charges against a student. In instances when a formal complaint is made, a hearing shall be scheduled within seven calendar days of the conclusion of the investigation outlined in number 4 above. The purpose of the student conduct hearing is to determine responsibility for any alleged charges.

### **Standard for Determining Responsibility**

The standard used to determine accountability will be whether it is more likely than not that the accused has violated the Sexual Misconduct Policy. All members of the University community found to have violated this policy will be disciplined up to dismissal from the University. Sanctions will not be lessened because the offense was committed with an acquaintance or while on a date.

### **The Rights of Complainants and the Accused**

#### The Complainant's Rights

An explanation of available options for redress:

- (1) Freedom from harassment by the accused (or the supporters),
- (2) Use of all available internal and external support services in dealing with the aftermath of the offense,
- (3) Ability to speak on their own behalf during the disciplinary proceedings, including making a "survivor impact" statement,
- (4) The presence of an advisor from the University community and/or a support person during the disciplinary hearing,
- (5) The opportunity to present witnesses who can speak about the charges, character witnesses excluded,
- (6) Attend the entire disciplinary hearing except for the deliberation phase,
- (7) Testify on his/her own behalf,
- (8) Freedom from having irrelevant sexual history discussed during the disciplinary hearing,
- (9) Information about the outcome of the disciplinary hearing, any changes on appeal, and the final disposition,
- (10) Opportunity to appeal the outcome of the hearing.

#### The Rights of the Accused

The University will treat the accused person with fairness throughout the disciplinary proceedings.

Specifically, accused persons are entitled to:

- (1) An explanation of the charge(s),
- (2) Freedom from harassment by the complainant (or supporters),
- (3) An explanation of the University discipline system,
- (4) The presence of an advisor from the University community,
- (5) Testify on his/her own behalf,
- (6) Present witnesses who can speak about the charges, character witnesses excluded,
- (7) Attend the entire disciplinary hearing except for the deliberation phase,
- (8) Freedom from having irrelevant sexual history discussed during the disciplinary hearing,

- (9) Information about the outcome of the disciplinary hearing, any changes on appeal, and the final disposition,
- (10) Opportunity to Appeal the outcome of the hearing.

At the conclusion of the hearing process, the University will provide written notification to the complainant party and the accused involved of the outcome and resolution of the hearing within seven calendar days.

Once written notification of the resolution has been received, the parties involved will have the opportunity to appeal the findings. The desire to appeal should be submitted in writing to the Title IX Coordinator within seven calendar days.

Appeals shall follow the appeal procedure found in the Student Code of Conduct Rights and Procedures. The Appellate body may not include the Hearing Officer or member of the Conduct Board in the original hearing.

The University shall take reasonable steps to prevent the recurrence of any form of sexual misconduct or discrimination. If the reoccurrence of the behavior takes place, those responsible for such may be subject to disciplinary action under the Student Code of Conduct Rights and Procedures. Additionally, the University will take all necessary steps to remedy the discriminatory effects on the victim(s) and others. Examples of such remedies may include: order of no contact, residence hall relocation, adjustment of schedule, etc.

The University prohibits retaliation against any individual who in good faith reports any form of sexual misconduct, discrimination or harassment or participates in any investigation of such reports. Retaliation against an individual for reporting harassment or discrimination or for participating in an investigation of a claim of harassment or discrimination is a serious violation of this policy and, like harassment or discrimination itself, will be subject to disciplinary action.

### **Consequences**

The University reserves the right to take whatever measures it deems necessary in response to an allegation of sexual misconduct in order to protect students' rights and personal safety. Such measures include, but are not limited to, modification of living arrangements, interim suspension from campus pending a hearing, and reporting to the local police.

Not all forms of sexual misconduct will be deemed to be equally serious offenses, and the University reserves the right to impose differing sanctions, ranging from oral warning to expulsion, depending on the severity of the offense.

The University will consider the concerns and rights of both the complainant and the person accused of sexual misconduct.

Any member of the University community found responsible for a violation of the Sexual Misconduct Policy will be subject to disciplinary action, up to and including termination of employment if they are an employee and/or dismissal if they are a student. Specific disciplinary procedures may be found in the applicable handbook.

Even if criminal justice authorities do not prosecute UAFS members, the University can pursue disciplinary action. The University reserves the right to suspend any member of the University community accused of a sexual offense pending the outcome of an investigation and/or University disciplinary proceedings.

The University may suspend or remove from campus housing a student accused of sexual misconduct pending the outcome of an investigation or disciplinary hearing if, in the judgment of the University, the student poses a potential threat to themselves and/or others. In cases when students face criminal charges or are the subject of a criminal investigation, the University hearing procedure will go into effect at the conclusion of such investigation or criminal proceedings.

Any member of the University community found to be harassing or intimidating others who have filed sex offense complaints face additional, serious disciplinary consequences.

### **Time Limit for Filing a Complaint**

In order to pursue redress through UAFS's procedures, an aggrieved employee or student should meet with a representative of the Human Resources office or the Vice-Chancellor for Student Affairs, as the case may be, as soon as possible after the alleged act of discrimination, harassment, or retaliation to discuss the complaint; in any case, there is no time limit for students to make a report. Employees who have experienced conduct they believe is contrary to this policy have an obligation to make a report. An employee's failure to fulfill this obligation may affect his or her rights in pursuing legal action. Timely reporting is necessary for employees.

### **Special Provisions**

**Attempted violations:** In most circumstances, the University will treat attempts to commit any of the violations listed in the *Student Code of Conduct* as if those attempts had been completed.

**The University as Complainant:** As necessary, the University reserves the right to initiate a complaint, to serve as complainant, and to initiate conduct proceedings without a formal complaint by the victim of misconduct.

**False Report:** The University will not tolerate intentional false reporting of incidents. It is a violation of the *Student Code of Conduct* to make an intentionally false report of any policy violation, and it may also violate state criminal statutes and civil defamation laws.

**Immunity for Victim:** The University community encourages the reporting of Conduct Code violations, especially sexual misconduct. Sometimes, victims are hesitant to report to University officials because they fear that they themselves may be charged with policy violations, such as underage drinking at the time of the incident. It is in the best interest of this community that as many victims as possible choose to report to University officials. To encourage reporting, the University pursues a policy of offering victims of sexual misconduct limited immunity from being charged with policy violations related to the sexual misconduct incident. While violations cannot be completely overlooked, the University will provide educational options rather than punishment, in such cases.

**Good Samaritan:** The welfare of students in our community is of paramount importance. At times, students on and off-campus may need assistance. The University encourages students to offer help and assistance to others in need. Sometimes, students are hesitant to offer assistance to others, for fear that they may get themselves in trouble (for example, a student who has been drinking underage might hesitate to help take a sexual misconduct victim to the University Police). The University pursues a policy of limited immunity for students who offer help to others in need. While policy violations cannot be overlooked, the University will provide educational options, rather than punishment, to those who offer their assistance to others in need.

Parental Notification: The University reserves the right to notify parents/guardians of dependent students regarding any health or safety risk, change in student status or conduct situation, particularly alcohol and other drug violations. The University may also notify parents/guardians of non-dependent students who are under age 21 of alcohol and/or drug policy violations. Where a student is not-dependent, the University will contact parents/guardians to inform them of situations in which there is a health and/or safety risk. The University also reserves the right to designate which University officials have a need to know about individual conduct complaints pursuant to the Family Educational Rights and Privacy Act.

Notification of Outcomes: The outcome of a campus hearing is part of the education record of the accused student, and is protected from release under a federal law, FERPA. However, the University observes the legal exceptions as follows:

- (1) Complainants in non-consensual sexual contact/intercourse, sexual exploitation, sexual harassment, stalking, and relationship violence incidents have a right to be informed of the outcome and sanctions of the hearing, in writing, without condition or limitation.
- (2) Students who bring any sort of sexual misconduct complaint against faculty or staff may be informed of the outcome and sanction.
- (3) The University may release publicly the name, nature of the violation, and the sanction for any student who is found in violation of a University policy that is a "crime of violence," including: arson, burglary, robbery, criminal homicide, sex offenses, assault, destruction/damage/vandalism of property, and kidnapping/abduction. The University will release this information to the complainant in any of these offenses regardless of the outcome.

### **Alternative Testimony Options**

For sexual misconduct complaints, and other complaints of a sensitive nature, whether the alleged victim is serving as the complainant or as a witness, alternative testimony options will be given, such as placing a privacy screen in the hearing room, or allowing the alleged victim to testify from another room via closed circuit. While these options are intended to help make the alleged victim more comfortable, they are not intended to work to the disadvantage of the accused student.

### **Past Sexual History/Character**

The past sexual history or sexual character of a party will not be admissible by the other party in hearings unless such information is determined to be highly relevant by the Hearing Officer. All such information sought to be admitted will be presumed irrelevant, and any request to overcome this presumption by the parties must be included in the complaint/response or a subsequent written request, and must be reviewed in advance of the hearing by the Vice Chancellor for Student Affairs or Hearing Officer. While previous conduct violations by the accused student are not generally admissible as information about the present alleged violation, the Vice Chancellor for Student Affairs or Hearing Officer may supply previous complaint information to the conduct board, or may consider it himself/herself if he/she is hearing the complaint, only if:

- (1) The accused was previously found to be responsible;
- (2) The previous incident was substantially similar to the present allegation;
- (3) Information indicates a pattern of behavior and substantial conformity with that pattern by the accused student.

#### (4) Sex Offense Educational Programming

Because UAFS recognizes sexual misconduct and discrimination as an important issue, the University offers educational programming to a variety of groups, such as: campus personnel (University Police, Residence Life staff, Faculty and administrators, and staff); incoming students participating in orientation and welcome week; resident and off-campus students; and, members of student organizations.

Sexual misconduct educational programming may address matters such as: a definition of what constitutes sexual misconduct and discrimination, the causes of sexual discrimination, myths involved with sexual discrimination, the relationship between sexual discrimination and alcohol use, what to do if assaulted, the nature of a rape examination, an explanation of the University sexual discrimination policy, how to file charges within the College discipline system and/or with the local police department, men's issues and sexual assault, and campus community resources to assist both the survivor and the accused.

Note: After charges are filed within the University discipline system, the term "complainant" will be used in lieu of "victim" or "survivor" and the term "respondent" will be used in lieu of accused.

Parts of this policy are based on Notre Dame College's Sexual Misconduct Policy and has been used with their permission.

A student or employee who reports to an institution of higher education shall be provided a written explanation of the student or employee's rights and options. UAFS has developed a packet of information that is given to any student or employee reporting an offense covered under Title IX. The packets include rights and options, offers of assistance, resources, and University procedures (either from the Employee Handbook or the Student Handbook).

#### **Notification of Counseling and Assistance**

Counseling for victims of sexual harassment or sexual assault can be found through the following agencies:

UAFS Counseling Center (479) 788-7398	Office of International Relations, UAFS 5210 Grand Avenue, Fort Smith 479-788-7267
Powell Student Health Clinic (479) 788-7444	Arkansas Crime Victims Reparations Board 1-800-448-3014
Western Arkansas Counseling and Guidance Center 3111 South 70th Street Fort Smith, AR 72903 (479) 452-6650	Rape Crisis Center 1-800-813-5433
Sexual Assault Center 1-877-432-5368	National Center for Victims of Crime 1-800-FYI-CALL <a href="http://www.ncvc.org">www.ncvc.org</a>
Adult Abuse & Adult Protective Services 1-800-482-8049	National Domestic Violence Program 1-800-799-SAFE
	National Organization for Victim Assistance 1-800-TRY-NOVA

Any victim who reports an incident to an on-campus official will be advised of counseling services.

### **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 is 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 time from one semester to ten 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 students; this is one step below suspension) for up to eight semesters;
- Expulsion from campus housing (for any employee or student resident);
- Mandated counseling;
- Educational sanctions as deemed appropriate, such as 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

### **Campus Sex Crimes Prevention Act**

The Federal Campus Sex Crimes Prevention Act, (section 1601 of Public Law 106-386) enacted on October 28, 2000, went into effect October 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. The 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. A list of current sex offenders pertinent to the University of Arkansas – Fort Smith campus is developed and maintained in the University’s Office of the Provost. 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 the University’s Director of Public Information.

### **Policy on Preparing the Annual Disclosure of Crime Statistics**

The Clery Report is compiled by University of Arkansas-Fort Smith Police Department. Crime and arrest statistics for the report are compiled from police reports from the files of the UAFS Police Department, Fort Smith Police Department, Sebastian County Sheriff’s Office and the Crawford County Sheriff’s Office. Judicial referral statistics are provided by the UAFS Office of Student Affairs. We cast a wide net for input from other campus officials. Inquiries are made to the top University administrators (chancellor and vice chancellors), all deans, directors and department heads requesting information, if a crime was reported to anyone in their area and not reported to the police.

### **Policy on Preparing the Annual Fire Safety Report**

The Fire Safety Report is compiled by the UAFS Police Department. Information is gathered from UAFS Police Department files, from University Housing, Greek Life and the University’s Plant Operations Office.



## Health and Wellness

### **Powell 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 in the Pendergraft Health Sciences Center, second floor. 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:**

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

#### **Hours\* and Contact Information:**

- Monday/Tuesday/Thursday 8:00 a.m. – 12:00 p.m. and 1:00 p.m. – 5:00 p.m.
- Wednesday/Friday 8:00 a.m. – 12:00 p.m.  
*\*Clinic hours are subject to change. Last patient seen at 11:30 a.m. and 4:30 p.m.*
- Phone: 479-788-7444
- Email: [studenthealth@uafs.edu](mailto:studenthealth@uafs.edu)
- No appointment necessary

### **Counseling Center**

College life can be an exciting and a 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 assist 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 sessions per year at no additional charge.

The Counseling Center is conveniently located in the Pendergraft Health Sciences Center in Room 312. Students should call (479) 788-7398 to schedule a free, confidential appointment.

## 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 the UAFS Police Department immediately.

The Office of Housing and Residential Life will initiate an investigation when notified by UAFS Police that a student, who resides in a University apartment/residence hall, is missing, with no reasonable explanation for his/her 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 (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.

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

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

## [Three-Year Disclosure of Campus Crime Statistics for University of Arkansas - Fort Smith](#)

### Definitions of Reportable Crimes

#### **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; or to forcibly or against the person's will, where the victim is incapable of giving consent because of his or her temporary or permanent mental or physical incapacity (or because of his or her 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 his/her age or because of his/her 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 by law.
- **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 aforementioned 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.

### **Other Offenses**

- **Liquor law violations** The violation of laws or ordinances prohibiting: the manufacture, sale, transporting, furnishing, 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 aforementioned 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; the carrying of deadly weapons, concealed or openly.

### **Hate Crime**

A crime reported to local police agencies or to a campus security authority that manifests evidence that a victim was intentionally selected because of the perpetrators 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.

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

### 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.

- 1) 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.
- 2) For the purpose of 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;
- 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 the jurisdiction in which the crime of violence occurred, or
- By 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—

- (1) Fear for the person's safety or the safety of others; or suffer substantial emotional distress.
- (2) For the purpose of this definition--
  - (i) *Course of conduct* means 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.
  - (ii) *Substantial emotional distress* means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
  - (iii) *Reasonable person* means a reasonable person under similar circumstances and with a similar identity to the victim.

## Criminal Offenses – Main Campus

On-Campus	2013	2014	2015
Murder/Non-Negligent Manslaughter	0	0	0
Negligent Manslaughter	0	0	0
Sex Offenses - Forcible	2	N/A	N/A
Rape	0	2	1
Fondling		0	0
Sex Offenses – Non Forcible	0	0	0
Incest	0	0	0
Statutory Rape	0	0	0
Robbery	0	0	0
Aggravated Assault	1	0	0
Burglary	1	2	1
Motor Vehicle Theft	1	0	0
On-Campus	2013	2014	2015
Dating Violence	6	0	1
Domestic Violence	2	0	1
Stalking	0	5	7

On-Campus Residence Halls	2013	2014	2015
Murder/Non-Negligent Manslaughter	0	0	0
Negligent Manslaughter	0	0	0
Sex Offenses - Forcible	2	N/A	N/A
Rape	0	2	1
Fondling		0	1
Statutory Rape		0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	1	2	1
Motor Vehicle Theft	0	0	0
Arson	0	0	0

Non-Campus Buildings	2013	2014	2015
Murder/Non-Negligent Manslaughter	0	0	0
Negligent Manslaughter	0	0	0
Sex Offenses - Forcible	0	N/A	N/A
Rape	0	0	0
Fondling		0	0
Sex Offenses – Non Forcible	N/A	N/A	N/A
Incest	0	0	0
Statutory Rape	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	3	1	0
Motor Vehicle Theft	0	0	0
Arson	0	0	0
On Campus Residence Halls	2013	2014	2015
Dating Violence	3	0	1
Domestic Violence	2	0	1
Stalking	0	0	2

Non Campus Buildings	2013	2014	2015
Dating Violence	0	0	0
Domestic Violence	0	0	0
Stalking	0	0	0

Public Property	2013	2014	2015
Murder/Non-Negligent Manslaughter	0	0	0
Negligent Manslaughter	0	0	0
Sex Offenses - Forcible	0	N/A	N/A
Rape	0	0	0
Fondling		0	0
Sex Offenses – Non Forcible		N/A	N/A
Statutory Rape		0	0
Incest			0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	0	0	0
Motor Vehicle Theft	0	0	0
Arson	0	0	0

Public Property	2013	2014	2015
Dating Violence	0	0	0
Domestic Violence	0	0	0
Stalking	0	0	0

\* 2015 statistics are categorized in four locations:

Campus - Includes all academic, administrative and athletic buildings on the main campus and all outdoor common areas on UA Fort Smith property.

Non-Campus - Includes all UA Fort Smith buildings not on the main campus, fraternities, sororities and all other properties of registered student organizations.

Public Property - Streets and associated sidewalks through and around campus.

Residence Halls - Buildings on campus where people live.

### Arrests – Main Campus

On Campus	2013	2014	2015
Illegal Weapons Possession	1	0	0
Drug Law Violations	4	15	0
Liquor Law Violations	19	15	4

On-Campus Residence Halls	2013	2014	2015
Illegal Weapons Possession	0	0	0
Drug Law Violations	4	13	0
Liquor Law Violations	19	13	4

Non-Campus Buildings	2013	2014	2015
Illegal Weapons Possession	0	0	0
Drug Law Violations	0	0	0
Liquor Law Violations	0	0	0

Public Property	2013	2014	2015
Illegal Weapons Possession	0	0	0
Drug Law Violations	0	0	0
Liquor Law Violations	0	0	0

## Disciplinary Actions – Main Campus

On-Campus	2013	2014	2015
Illegal Weapons Possession	0	0	0
Drug Law Violations	0	1	4
Liquor Law Violations	94	47	75

On-Campus Residence Halls	2013	2014	2015
Illegal Weapons Possession	0	0	0
Drug Law Violations	0	1	4
Liquor Law Violations	94	46	75

Non-Campus Buildings	2013	2014	2015
Illegal Weapons Possession	0	0	0
Drug Law Violations	0	0	0
Liquor Law Violations	0	0	0

Public Property	2013	2014	2015
Illegal Weapons Possession	0	0	0
Drug Law Violations	0	0	0
Liquor Law Violations	0	0	0

## Unfounded Reports

No crimes were determined to be ‘unfounded’ by law enforcement officials and subsequently withheld from the crime statistics noted in the charts above.

## Hate Crime Reporting

One occurrence of hate crime was reported in 2015. The incident was religion-based intimidation.

## Fire Safety Equipment

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. It also will make the system ineffective and endanger the lives of other residents. Any person who sets off a false alarm, interferes with the operation of the alarm system, damages or removes any part of the alarm system, fire extinguishers, smoke detectors, or exit signs are 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**

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:

1. REMAIN CALM.
2. Evacuate by the nearest safety exit stairway.
3. DO NOT USE ELEVATORS. Elevators will either automatically return to the first floor or the UAFS Police will return them to the first floor.
4. After departing the residence building, proceed directly to the designated assembly point away from the building. Do not leave the assembly area until told to do so by a responsible official. Suitable emergency shelter will be provided as soon as possible.
5. Return to the hall ONLY when told by Fire Department officials, UAFS Police, or a Student Housing and Residential Life staff member.

### **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 contact: the UAFS Police Department, Fire Department, or a Student Housing and Residential Life staff member.

## **Communicating a False Alarm**

It is a violation of state law and 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 the ROTC Departments 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.

### **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 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

The UAFS Police Department 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 business days of receiving a report of a fire and reserves the right to exclude reports from the log in certain circumstances.

## UAFS 2015 Fire Log

On-Campus Student Housing Facilities	# Fires	Date/Time of Fires	Cause of Fires	Deaths	Injuries	Value of Property Damage
Lion's Den	0	N/A	N/A	0	0	0
Sebastian Commons	1	3/17/15; 22:30	Burned Food	0	0	<\$100

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.*

### **Important Definitions**

**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 as a result 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 (1) Is killed as a result 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 (2) 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 a 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.

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 the UAFS Police Department 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) 788-7141**  
**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 University Police assistance on campus, dial (479) 788-7141.**

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

**Office of the Vice Chancellor for Student Affairs, dial (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; [www.alcoholics-anonymous.org](http://www.alcoholics-anonymous.org)**

**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 Applied Science and Technology

Dean, College of Business

Dean, College of Education

Dean, College of Health Sciences

Dean, College of Humanities

Dean, College of Languages & Communication

Dean, College of Science, Technology, Engineering and Mathematics

Dean, College of Student Success

Department Head, Bachelor of Applied Science and Organizational Leadership

Department Head, Accounting

Department Head, Marketing and Communications

Director, Donor Relations

Director, Alumni Affairs  
Director, Information Services  
Director, Registrar's Office  
Director, Western Arkansas Technical Center  
Director, Human Resources  
Director, Center for Lifelong Learning  
Director, Library Services  
Director, Financial Aid  
Director, Admissions  
Director, Student Advisement and Career Planning  
Director, Academic Assessment and Accountability  
Director, Plant Operations  
Director, Housing  
Director, Institutional Effectiveness  
Manager, Lions Bookstore  
Resident Assistants, Housing  
Coaches, Athletic Programs  
Director, Women's Intercollegiate Athletics  
Director, Testing Services  
Director, International Students  
Director, Campus Involvement  
Director, Greek Life Programs  
Director, General Student Services (Non – Traditional)  
Director, Center for Students with Disabilities  
Director, Recreation and Wellness/Fitness Center  
University Press