

2019
Jeanne Clery
Disclosure of Campus Security
Policy and Campus Crime
Statistics and Fire Safety Report
(Statistics for 2016, 2017 & 2018)



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Introduction

On November 8, 1990, President Bush signed the “Student Right to Know and Campus Security Act of 1990.” The 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, and it is now known as the “Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act.” 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.

University of Arkansas - Fort Smith Police Department 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. The University of Arkansas - Fort Smith (UAFS) Police Department is made up of sworn, state-certified law enforcement officers. The UAFS Police Department 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. The UAFS Police Department is a prevention/service-oriented agency. Service to the campus community is top priority.

UAFS is located in the City of Fort Smith, Arkansas, and Fort Smith Police Department (FSPD) police officers travel around and through the campus each day. In addition, FSPD police officers may assist officers from the UAFS Police Department when their assistance is requested. During their travels on campus and those times when their assistance is requested, FSPD police officers have full authority to make arrests for violations of law. UAFS Police Department’s jurisdiction goes as follows:

- Kinkead Avenue from 49th Street to 48th Street
- 48th Street from Kinkead Avenue to Grand Avenue
- Grand Avenue from 48th Street to 50th Street
- 50th Street at Grand Avenue north to the north boundary of the parking lot adjacent to Grand Avenue
- The north boundary of the parking lot from 50th Street to Waldron Road
- Waldron Road from Grand Avenue parking lot north boundary (extended) to north boundary of the Church of Christ parking lot
- East boundary of Church of Christ parking lot and 56th Street to Kinkead Avenue
- Kinkead Avenue from 56th Street to the creek at east boundary of Crowder Field
- The creek from Kinkead Avenue to the south boundary of Crowder Field parking lot
- Crowder Field parking lot south boundary to Waldron Road
- Waldron Road from Stubblefield Center parking lot southern entrance to Park Avenue
- Park Avenue from Waldron Road to 49th Street
- 49th Street from Park Avenue to Kinkead Avenue

Mutual Relations with Other Law Enforcement Agencies

The UAFS Police Department enjoys an excellent working relationship with the City of Fort Smith Police Department, the Sebastian County Sheriff Department, and the Arkansas State Police. The exercise of that authority is described in a “memorandum of understanding” between UAFS Police Department and FSPD that outlines which law enforcement agency will have jurisdiction over which type of offenses. Personnel and resources are provided by these law enforcement agencies whenever an incident occurs that exceeds the capabilities of the UAFS Police Department.

Reporting Crime and Other Emergencies on Campus

The UAFS Police Department can be contacted by telephone, emergency and information phones, in person, and by email. By telephone, University Police may be reached by dialing

(479) 788-7140. Numerous emergency phones are also located around campus: the east side of the Fitness Center; the middle of Lot E1 (parking area south of the Recreation and Wellness Center); the middle of Lot F (parking area south of the Windgate Art and Design Building); Lot A behind the Business 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 UAFS Police Department. University police officers in vehicles, on foot, or on bicycles are eager to be of assistance and may be contacted directly. E-mails may be sent directly to the UAFS Police Department at upd@uafs.edu. University police officers are in radio contact with the Fort Smith Police Department. For emergencies involving the need of immediate ambulance, fire department or armed law enforcement response, dial 911 immediately and then notify University Police as described above. The UAFS Police Department will respond as quickly as possible to any request for assistance. Response time is based on current activity and the severity of the call. Crimes in progress, traffic accidents and medical assists have a higher priority than other types of calls. The crime also could be reported to one of the following: Student Affairs Office, Advisement director, or to a faculty or staff member whom the student is comfortable talking to about the crime. Members of the community are reminded it is important to report incidents immediately so an investigation can be conducted promptly and evidence preserved.

It cannot be stated enough how important it is to promptly and accurately report crime, no matter where it occurs. If a crime is not promptly reported, evidence can be lost and/or a suspect could get away. If a crime is not accurately reported, leads could be missed and an investigation could head the wrong direction. If one witnesses a crime or emergency, it must be promptly reported to the UAFS Police Department 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 the UAFS Police Department or any campus official.

All victims are encouraged to report crimes and emergencies to the UAFS Police Department. UAFS police officers are primary responders to any emergency or criminal situation on campus. Direct radio and telephone communications with local police, fire, and emergency medical services ensures that police officers can initiate and direct necessary emergency responders to any campus area. In an emergency situation, dialing 911 from any UAFS campus telephone will contact the Fort Smith Police Department Communications Center. A trained dispatcher will direct the appropriate response to emergency situations.

Monitoring Crime Off-Campus

The UAFS Police Department works closely with the Fort Smith Police Department in reference to crimes that occur off-campus involving student organizations that are recognized by the institution. Depending on the location of the incident, either the city police or University police will respond and make proper documentation of the incident for Annual Security Report purposes.

How to Report a Crime

To report a crime, call the UAFS Police Department at (479) 788-7140 (or simply dial 7140 from a campus phone). Stay on the line so all necessary information can be obtained. An officer will be dispatched quickly. Or, visit the office located at 425 North 51st Street (“51st Annex”). The UAFS Police Department is open 24 hours every day. 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 University Police and used for annual statistical purposes only. It will not generate an investigation or the use of and names that may be included. In fact, no personal identifiers are required in the CI form or used in compiling the statistics. To report an emergency to the Fort Smith Police Department, call 911 from any off-campus phone or cell phone. One should report any criminal activity or incidents to Fort Smith Police Department or to UAFS Police.

Voluntary Confidential Reporting

Like any other community of 10,000 people, UAFS experiences accidents, injuries, crimes, and other emergencies. To report voluntary incidents, potential criminal actions, or suspicious incidents, UAFS faculty, staff, students, and visitors should notify the UAFS Police Department at (479) 788-7140. The University has emergency two-way (blue light phones) throughout campus for use during emergencies. By pressing the red button on the stations, users can communicate directly with the UAFS Police Communications Center. To report an incident of a confidential nature, an individual should contact a Campus Security authority.

Stay Informed

The UAFS Police Department 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 to raise awareness of significant unsolved crimes that occur on or near the campus. Alerts are distributed by campus mail and postings on public bulletin boards. The UAFS Police Department 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. Persons may view a copy at UAFS Police Department headquarters located at 425 N. 51st Street (“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 there are crimes 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 in order 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 emergency situations 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 a University police officer or e-mailing the University Police Department with questions or information at upd@uafs.edu.

Daily Crime Log

The University Police Department maintains a log of all alleged crimes and incidents reported to the University Police Department. The log is available for viewing upon request at the UAFS Police Department located at 425 North 51st Street in the 51st Annex building during regular business hours.

Timely Warning Notices

Campus Safety Advisories: The UAFS Police Department distributes Campus Safety Advisories in various ways dependent upon the circumstances. Once UAFS determines that an advisory will be issued, the Coordinator of Health and Safety and the Chief of Police are responsible for ensuring that alerts are dispatched to the UAFS campus community utilizing the most feasible method(s) possible. Typically, e-mail and/or text notices will be sent. Campus Alerts by cell phones via text messages and e-mails are available. The UAFS Police Department may also post advisories on bulletin boards throughout buildings, on the radio and on the university operated television monitor boards. In the event a serious crime occurs, or any crime mandated by Clery to be reported, the suspect remains at large and there is a potential threat to the campus community, specific messages called Timely Warning Advisories will be published.

Safety advisories are released for natural or manmade disasters, which could affect any significant segment of the campus community.

Emergency Preparedness

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, it is imperative that all faculty and staff 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 University Police 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 University police 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 University Police to contact and summon the necessary UAFS officials and other resources required to contain and control the emergency. Emergency procedures information, such as Rapid Response Information, Emergency Action Plan, and Emergency Maps are listed on the University's webpage www.uafs.edu/emergency.

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 in order 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.

Usually, such notification 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 chief of the UAFS Police Department and/or designee, Coordinator of Health and Safety and/or designee, and the vice chancellor of finance and administration and/or designee are responsible for consulting on a case-by-case basis when information in the form of an alert is disseminated. If it is determined that any of the Clery Act Criminal Offenses of Criminal Homicide, Manslaughter by Negligence, Sexual Assault, to include: Rape, Fondling, Incest or Statutory Rape, Robbery, Aggravated Assault, Burglary, Motor Vehicle Theft or Arson, have been reported and pose an immediate threat to the health or safety of the campus community an immediate notification will be made. The notification will be made without delay. University departments authorized to initiate and carry out emergency notifications include the UAFS Police Department 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 utilizing the UAFS website, 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/e-mail or through a specific department.

Campus Facilities Security and Access

Academic and Administrative Facilities: UAFS police 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. For activities scheduled at times when a building is normally locked, arrangements must be made in advance with the UAFS Police Department through one of the above officials and the facilities coordinator located in the Smith-Pendergraft Campus Center.

Athletic Facilities: UAFS police officers normally unlock the entrances to buildings at the start of each business day; however, the responsibility for locking athletic facility doors rests with the custodial staff. 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 of the 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. Exterior lighting and landscape control is 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. UAFS Police Department 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 788-7170.

Any community member who has a concern about physical security should contact the UAFS Police Department at 788-7141.

Representatives from the UAFS Police Department 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 UAFS Police Department at 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.

University of Arkansas –Fort Smith Weapon Policy

Student possession and use of a weapon (air rifles, pistols, firearms, weapons, 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 held 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 Policy

Student possession and use of alcohol in University facilities, including residential housing, and at official University functions held on campus is prohibited. 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 approval of the Chancellor's Office. 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 in order to encourage the reporting of very serious matters, e.g. sexual assault.

University of Arkansas – Fort Smith Drug Policy

Possession, use, or manufacture of illicit drugs is strictly prohibited at the University of Arkansas – Fort Smith. 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 in accordance with 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.

Enforcement of Federal and State Alcohol and Drug Laws

The UAFS Police Department 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. University Police 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 his or her 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 any and 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.

Crime Prevention and Drug and Alcohol Abuse 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 UAFS Police Department, 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 UAFS Police Department

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.

A primary goal of the UAFS Police Department is the prevention of crime before it occurs. The department regularly presents programs covering crime prevention topics such as the ones named and described in the following list.

Alcohol Awareness: Review of Arkansas alcohol-related laws, DWI detection techniques, University of Arkansas 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 services that are available.

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.

Operation ID: Review of the importance of engraving property and how to do it. Engravers and assistance are provided continuously throughout the year.

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.

Rape Avoidance Awareness: Straight talk about individual responsibilities and consequences.

Retail Security: Review of tips for securing a retail establishment, what to do during a robbery, and how to make a good witness.

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 the UAFS Police Department. If there is a program of interest not listed, contact the UAFS Police Department'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 UAFS Police Department during appropriate times throughout the school year. All programs given by the UAFS Police Department encourage students, faculty and staff to work with the police and be responsible for their personal safety and the safety of others.

[VAWA Definitions of Dating Violence, Domestic Violence and Stalking.](#)

Dating Violence: is defined as violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. For the purpose of this definition Dating Violence includes but is not limited to, sexual or physical abuse or the threat of such abuse. Dating Violence does not include acts covered under the definition of domestic violence.

Domestic Violence: is defined as 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; by any other person against an adult or youth victim who is protected from that person's act under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

Stalking: is defined as 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 purpose of this definition, a course of conduct means two or more acts.

[UAFS 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 UAFS Police, Academic Affairs, and Student Affairs. UAFS Police also conducts RAD training throughout the year. Other awareness and intervention programs are offered through the year. The Title IX Office, Student Affairs, and a number of other groups sponsor these programs. Examples from 2017 include, but are not limited to: 1) 'Walk a Mile in Her Shoes,' a statement of solidarity by men committed to reducing violence against women; 2) 'What was she wearing?' a display of clothes similar to those worn by women who were assaulted, emphasizing the diversity and the banality of this aspect of violence; 3) the 'Clothesline Project,' in which shirts are written on with statement by victims of sexual or domestic violence, or those who survive them; 4) 'Red Flag Campaign,' a coordinated set of activities drawing attention to 'red flags' in relationships; 5) 'Rising in the River Valley,' a community-oriented celebration of prevention, awareness, and survival of domestic abuse. This involves numerous community groups, such as the local Crisis Center, and it is hosted on our campus; 6) 'Beer and Burgers,' at which root beer is served and the effects of alcohol are explored in a hands-on manner; 7) 'Safe Spring Break,' an event encouraging students to plan and prepare for physical and sexual safety. Title IX trainings, conducted by Title IX Coordinators, Deputies, and other trained personnel (e.g., Dr. Gordon) 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 in Title IX obligations. All incoming UAFS students receive an educational handout on Title IX, sexual assault and violence. Beginning 2014, all incoming students also received in-person training on the basics of Title IX. The UAFS Housing Office provides Title IX programs to residents and posts Title IX on Housing bulletinboards.

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

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

Dating Relationship: A romantic or intimate social relationship between two individuals that shall be determined by examining the following factors:

- (1) The length of the relationship;
- (2) The type of the relationship; and
- (3) The frequency of interaction between the two individuals involved in the relationship.

Domestic Abuse:

- (1) Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury, or assault between family or household members; or
- (2) Any sexual conduct between family or household members, whether minors or adults, that constitutes a crime under the laws of this state; and
- (3) "Family or household members" means spouses, former spouses, parents and children, persons related by blood within the fourth degree of consanguinity, any children residing in the household, persons who presently or in the past have resided or cohabited 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.

Harassment: Harassment can include shoving, striking, kicking, or otherwise touching a person without good cause or even threatening to do so. Harassment can also involve the use of obscene language or gestures in a public place. Following a person or continually being present outside of a school, place of employment, vehicle, or residence may be considered harassment.

Sexual Assault Second Degree: A person commits sexual assault in the second degree if the person:

- (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 implemented a social marketing program in fall 2014. Called #umatter, the program targets specific topics over the course of the academic year. These topics are frequently focused on topics related to sexual assault prevention and include bystander intervention and alcohol use facts and statistics.

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: Kathryn Janz, (788-7413);
- (3) Deputy Coordinator for Employees and Guests: Mandy Keyes (788-7086);
- (4) Deputy Coordinator for Athletics: Katie Beineke (788-7687).

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. 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 (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

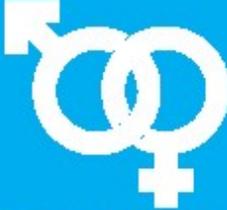
others present during a conduct hearing, including at any related meetings; written notification concerning the outcome of the proceeding and any subsequent appeals, including the end of the process; all process related to appeals; confidentiality, including how publicly available record keeping will 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 actually 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 time tables.

If you ever have any questions, please contact the Title IX Coordinator for UAFS, Dr. Lee Krehbiel, at 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.

 <p>UAFS UNIVERSITY OF ARKANSAS - FORT SMITH</p> <p>Title IX is not just about sports; it is a prohibition against sex-based discrimination in education.</p>	<p>Title IX protects YOU from sex discrimination in:</p> <ul style="list-style-type: none"> Academics Activities Admissions Athletics Employment Financial Assistance Housing Recruitment 	 <p>Title IX protects any person from sex-based discrimination.</p>
<p>Sexual misconduct includes stalking and sexual violence such as rape, sexual assault, battery and coercion.</p> <p>Title IX also protects employees and students from discrimination based on pregnancy.</p>	<p>TITLE IX</p>	<p>Title IX of the Education Amendment of 1972 is a federal civil rights law that prohibits discrimination on the basis of sex in federally funded education programs and activities.</p>
 <p>Title IX does not apply to female students only.</p>	<p>UAFS is committed to providing an environment that emphasizes the dignity and worth of every member of its community.</p>	 <p>Discrimination based on sexual orientation and gender identity is prohibited at UAFS.</p>
<p>Questions? Contact:</p> <p>Dr. Lee Krehbiel, Title IX Coordinator, 479-788-7310 Kathryn Janz, Deputy Coordinator for Students, 479-788-7413 Mandy Keyes, Deputy Coordinator for Faculty, Staff, and Visitors, 479-788-7086 Katie Beineke, Deputy Coordinator for Athletics, 479-788-7687</p> <p>For Immediate Assistance: Emergency 911 University Police 479-788-7140 Crisis Intervention Center 24-Hour Hotline 1-800-359-0056</p>		

Discrimination, Harassment, and Retaliation Complaints

POLICY STATEMENT

The University of Arkansas Fort Smith is committed to providing an environment that emphasizes the dignity and worth of every member of its community and that is free from harassment and discrimination based upon race, color, religion, national origin, service in the uniformed services (as defined in state and federal law), veteran status, sex, age, pregnancy, sexual orientation, gender identity, physical or mental disability, or genetic information. Such an environment is necessary to a healthy learning, working, and living atmosphere. Accordingly, all acts of discrimination, harassment, retaliation, and sexual misconduct as defined by this Policy are prohibited.

JURISDICTION

Under University policy, members of the University community are protected from discrimination, harassment, and misconduct in a school's education programs and activities on the grounds set forth in the foregoing policy statement. University policy protects the University community from discrimination in all academic, educational, extracurricular, athletic, and other University programs, whether those programs take place on University property, in University transportation, or in University sponsored programs at another location.

This Policy shall not be construed or applied to restrict academic freedom at the University, nor shall it be construed to restrict constitutionally protected expression.

Consistent with state and federal law, reasonable accommodation will be provided to persons with disabilities.

All Complaints or concerns about any conduct that may violate this Policy should be submitted to the Title IX Coordinator or appropriate Deputy Coordinator, as listed below:

Title IX Coordinator

Lee Krehbiel, Vice Chancellor, Student Affairs and Enrollment Management
Campus Center, Room 201 Fort Smith, AR 72913
479-788-7310
Lee.Krehbiel@uafs.edu

Title IX Deputy Coordinator for Faculty, Staff, and Visitors

Mandy Keyes, Coordinator of Employee Services
Fullerton Administration, Room 237
Fort Smith, AR 72913 479-788-7086
Mandy.Keyes@uafs.edu

Title IX Deputy Coordinator for Students

Kathryn Janz, Title IX Deputy Coordinator
Campus Center, Room 231A
Fort Smith, AR 72913 479-788-7413
Kathryn.Janz@uafs.edu

Title IX Deputy Coordinator for Athletics

Katie Beineke, Assistant Athletic Director
Stubblefield Center 147
Fort Smith, AR 72913 479-788-7687
Katie.Beineke@uafs.edu

For issues or other misconduct not covered under the University's anti-discrimination policy, reports are best made to the University Police Department or the University's EEO officer, Bev McClendon, Fullerton Administration, Room 243, 479-788-7839 or Bev.Mcclendon@uafs.edu.

FILING REPORT WITH LOCAL LAW ENFORCEMENT

In some instances, an act of violence or sexual misconduct may constitute both a violation of University Policy and criminal activity. The University grievance process is not a substitute for instituting legal action. **The University encourages individuals to report alleged violence or 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

425 North 51st Street
51st Annex
Fort Smith, AR 72913
479-788-7140
479-788-7911 emergency

Fort Smith Police Department

100 S 10th St
Fort Smith, AR 72901
479-782-9131

PRESERVING EVIDENCE

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

STUDENT AND VISITOR RESPONSIBILITY TO REPORT

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

MANDATORY EMPLOYEE REPORTING

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

OFF-CAMPUS CONDUCT

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

CONFIDENTIALITY

Subject to the other provisions of this Policy and the requirements of law, every possible effort will be made to ensure that all information received as part of the University's Complaint/Grievance Procedure is treated discreetly. **All parties to the Complaint are requested to maintain the confidentiality of all information received during this process.** However, it is not possible to guarantee that all Complaints will remain confidential because of the University's obligation to investigate allegations of misconduct. All requests to maintain confidentiality shall be directed to the Title IX Coordinator, who has the authority to make such determinations.

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

Availability of Counseling and Advocacy

Counseling and other mental health services for victims of sexual assault are available on campus and in the community. As explained above, a consultation with one of these resources can be kept confidential. Students and employees may use the Counseling Clinic (788-7398) on the third floor of the Health Sciences Building or the Student Health Clinic on the second floor of the same facility (788-7444). Employees of the University may be able to seek help through the Employee Assistance Program. Community mental health agencies may also be able to assist. They include:

Donald W. Reynolds Crisis Intervention Center

5603 South 14th Street

Fort Smith, AR 72901

479-782-1821

24-Hour Hotline: 1-800-359-0056

www.fscic.org

Western Arkansas Counseling & Guidance Center

3111 South 70 Street

Fort Smith, AR 72903

479-452-6650

www.wacgc.org

Counselors and psychotherapists in private practice in the area can provide individual and group therapy. The Crisis Intervention Center 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 Committee is responsible for planning and coordinating campus education and awareness programs about all forms of sexual assault, including rape, acquaintance rape, domestic violence, dating violence, and other sex offenses. 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 throughout the academic year.

POLICY EXPECTATIONS WITH RESPECT TO CONSENSUAL RELATIONSHIPS

Even consensual intimate relationships between supervisors and subordinate employees, or between faculty and their students, make the employee and the University more vulnerable for charges of sexual harassment, discrimination and/or unethical or unprofessional behavior. Consensual relationships may lead other supervisors and coworkers, or faculty and students, to question the validity of work evaluations, work assignments, grades, and other interactions between the people involved in such a relationship. The integrity of the work of both people in the relationship may be compromised.

University administrators, supervisory staff, and faculty should be aware that any intimate involvement with employees or students could subject them to formal actions if a sexual harassment/discrimination complaint is subsequently made and substantiated. Even when both parties have consented to a relationship, it is the administrator, supervisor, or faculty member who will be held accountable for unprofessional behavior.

In addition, other employees or students may allege that the relationship creates a hostile or abusive environment affecting them. If such allegations are proven true, the University will take appropriate disciplinary action, up to and including termination.

For this reason, to avoid a conflict of interest, supervisors are not to date (or otherwise engage in inappropriate personal relationships with) employees who are employed in their chain-of-command. Likewise, faculty/staff are not to date (or otherwise engage in inappropriate personal relationships with) students with whom they have an educational relationship, so as to avoid setting themselves up for charges of inappropriate behavior. An educational relationship may include, but is not limited to, the following: students who are currently enrolled in the employee's class, students to whom the employee serves as advisor or mentor, students who participate in organizations, field trips, or other college- sponsored events in which the employee is involved.

COMPLAINT/GRIEVANCE PROCEDURE

These procedures are intended to apply to all grievances involving discrimination, harassment, retaliation, and sexual misconduct as described in this Policy, including, but not limited to, those brought by a student against an employee and/or fellow student, employee against fellow employee and/or student, and third party against employee and/or student. All other grievances by students, employees, or third parties shall be addressed through other grievance procedures. The University of Arkansas Fort Smith (hereafter the University) benefits from formal and informal procedures that encourage prompt resolution of Complaints and concerns raised by members of the University community. When a student or employee reports to the University that the student or employee has been a victim of dating violence, domestic violence, sexual assault or stalking, whether the offense occurred on or off campus, the institution will provide the student or employee a written explanation of the student's or employee's rights and options in the form of a packet containing an introduction, a Title IX flyer, and the campus policy and procedure document.

INFORMAL COMPLAINT PROCESS

The University does not require a Complainant to utilize the Informal Complaint Process if doing so is impracticable or unsafe, or if the Complainant believes that the conduct cannot be effectively addressed through informal means. However, in other circumstances where it is practical and safe to do so, every reasonable effort should be made to constructively resolve issues with students, faculty, staff, and administrators before pursuing the Formal Complaint Process. Under the Informal Complaint Process, a Complainant may elect to resolve his/her Complaint by discussing it with the offending party. **Both**

parties must agree to the informal process. If the offending party is an employee and satisfactory resolution cannot be reached after discussion, the Complainant may also contact the individual's direct supervisor to resolve the Complaint. If these efforts are unsuccessful, the Formal Complaint Process may be initiated.

FORMAL COMPLAINT PROCESS

Upon receiving a report of alleged or possible violation of this Policy, the Title IX Coordinator and/or Deputies (hereafter the Title IX Coordinator) will evaluate the information received and determine what further actions should be taken. The Title IX Coordinator will follow the procedures described in this Policy. The Title IX Coordinator will take steps, either directly with the complainant or through a reporting employee, to provide information about the University's Complaint/Grievance Procedure, as well as available health and advocacy resources and options for criminal reporting. A packet of information containing all of these materials is available and may be requested by calling the Title IX Coordinator at 788-7310.

INVESTIGATION

The Title IX Coordinator will be responsible for overseeing the prompt, fair, and impartial investigation and resolution of Complaints filed with the University. The Title IX Coordinator or his/her designee(s) will investigate all Complaints of discrimination, harassment, retaliation and sexual misconduct and determine any accommodations or other remedial short-term actions necessary in light of the individual circumstances presented. The Coordinator and all other investigators and panel members will receive annual training, at least, on issues related to dating violence, domestic violence, sexual assault and stalking, and on how to conduct an investigation and hearing process that protects the safety of the parties and promotes accountability.

The Title IX Coordinator or his/her designee(s) will apprise the Human Resources Director and senior manager in the appropriate division or department of the Complaint, or if the Complaint is against a student, the Vice Chancellor for Student Affairs, before beginning the investigation.

The Title IX Coordinator, who will have been properly trained, will:

- identify the correct policies allegedly violated;
- conduct an immediate initial investigation to determine if there is reasonable cause to charge the Respondent(s);
- meet with the Complainant to finalize the Complaint;
- prepare the notice of charges on the basis of initial investigation;
- develop a strategic investigation plan which may include a witness list, an evidence list, an intended timeframe, and an order of interviews for all witnesses, including the Respondent;
- conduct a thorough, reliable, and impartial investigation during which witnesses may or may not be given notice prior to the interview;
- complete the investigation promptly, and without unreasonable deviation from the intended timeline;
- prepare a complete report on the investigation and findings.

The investigator(s) will then make a decision as to whether a Title IX violation(s) occurred, based on a preponderance of evidence standard, which indicates that it is more likely than not that a Policy

violation occurred or did not occur. If the determination is that a violation(s) was committed, the investigator(s) will identify appropriate remedies and sanctions, if any.

As noted above, an investigation of the Complaint will be conducted by the Title IX Coordinator unless it is clear from the face of the Complaint or the Title IX Coordinator's initial meetings with the parties that no reasonable grounds exist for believing that the conduct at issue violates this Policy.

In the event that the Complaint was made by someone other than the alleged victim, the Title IX Coordinator will consider the following factors in determining whether it is reasonable to investigate the Complaint:

- the source and nature of the information,
- the seriousness of the alleged incident,
- the specificity of the information,
- the objectivity and credibility of the source of the information,
- whether the alleged victims can be identified, and
- whether those individuals wish to pursue the matter.

In the event that the Title IX Coordinator determines that an investigation of the Complaint should not be conducted, he/she will determine and document (in consultation, as necessary, with the alleged victim, the Respondent, and any other University administrators) the appropriate resolution of the Complaint and inform the parties of the same.

With all Complaints, if the Title IX Coordinator determines that an investigation should be conducted, the Title IX Coordinator will promptly investigate the matter. The existence of concurrent criminal investigations or proceedings shall not materially delay the investigation of any Complaint filed under this Policy.

The Title IX Coordinator may assign one or more investigators to investigate the matter. The Title IX Coordinator will share the investigators' name and contact information with the alleged victim and the Respondent and will forward the Complaint to the investigator. Within three (3) business days of such appointment, the investigator, the alleged victim or the Respondent may identify to the Title IX Coordinator in writing any real or perceived conflicts of interest posed by assigning such investigator to the matter. 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 exists.

Upon receipt of the Complaint, the Title IX Coordinator will promptly begin the investigation, which shall include, but is not limited to, the following:

- conducting interviews with the Complainant, the alleged victim (if not the Complainant), the Respondent, and third-party witnesses (including expert witnesses, where applicable) and summarizing such interviews in written form;
- visiting, inspecting, and taking photographs at relevant sites; and
- where applicable, collecting and preserving relevant evidence (in cases of corresponding criminal reports, this step may be coordinated with law enforcement agencies)

Throughout the investigation, the Title IX Coordinator will remain neutral. The Title IX Coordinator will obtain, where applicable and where possible, the written consent of any third-party witnesses to the disclosure, as contemplated by this Policy, of any personally identifiable information contained in the Complaint, the Investigative Report, and for any other documents, in order to further the resolution of the Complaints.

Initial Meeting with Complainant and/or Alleged Victim

As soon as is practicable, the Title IX Coordinator will contact the Complainant and the alleged victim (if not the Complainant) to schedule an initial meeting to, as applicable:

- provide a copy of this Policy;
- provide a copy of the Discrimination, Harassment, and Sexual Misconduct Complaint Form (a copy of which is attached as Exhibit A) 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 (the Complaint Form may be completed by Complainant or dictated to the Title IX Coordinator, who will confirm the accuracy of his or her documentation with the Complainant);
- explain avenues for resolution;
- explain the steps involved in an investigation under this Policy;
- discuss confidentiality standards and concerns;
- determine whether the Complainant or the alleged victim (if not the Complainant) wish to pursue a resolution through the University or no resolution of any kind;
- refer to law enforcement, counseling, medical, academic or other resources, as appropriate; and
- discuss, as appropriate, possible interim measures that can be provided during the pendency of the investigative and resolution processes.

Initial Meeting with Respondent

If the Complainant or alleged victim (if not the Complainant) wishes to pursue resolution through the University, or if the University otherwise deems that a further investigation is warranted, as soon as is reasonably practicable after the Title IX Coordinator's initial meeting with the Complainant (and, if applicable, the alleged victim), the Title IX Coordinator will schedule an initial meeting with the Respondent. Before the meeting, the investigator will provide written notice to the responding party of the allegations constituting a potential violation of the school's sexual misconduct policy, including sufficient details and with sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved, the specific section of the code of conduct allegedly violated, the precise conduct allegedly constituting the potential violation, and the date and location of the alleged incident. During the meeting, the Investigator will:

- provide a copy of this Policy;
- explain the University's procedures for resolution of the Complaint;
- explain the steps involved in an investigation under this Policy;
- discuss confidentiality standards and concerns;
- discuss non-retaliation requirements;

- inform of any interim measures already determined and being provided to the Complainant and/or the alleged victim that would directly affect the Respondent (e.g., changing his or her class or work schedule, moving him or her to an alternate residence hall, etc.);
- refer to law enforcement, counseling, medical, academic or other resources, as appropriate; and
- discuss, as appropriate, possible interim measures that can be provided to the Respondent during the pendency of the investigative and resolution processes.

Interim Measures

Unless circumstances dictate otherwise, the Title IX Coordinator will promptly issue a “No Contact” order to all parties upon notice of any violence or sexual assault Complaint. In all cases, the University may implement any necessary interim measures, deemed appropriate and reasonably available, regardless of whether a Complaint has been filed (with either campus administrators or law enforcement agencies) or whether an investigation has commenced (by either campus administrators or law enforcement agencies). Interim measures may include, but are not limited to:

- issuing no-contact orders;
- providing an escort to ensure that an individual can move safely between classes, work, and/or activities;
- reassigning on-campus housing;
- dissolving a campus housing contract and offering a pro-rated refund;
- changing work arrangements or location;
- rescheduling class work, assignments, and examinations;
- arranging for the Complainant to take an incomplete in a class;
- reassigning class sections;
- permitting a temporary withdrawal from the University;
- providing alternative course completion options;
- providing counseling services; and
- providing academic support services.

Following the initial meetings with the Complainant, the alleged victim (if not the Complainant) and the Respondent, the Title IX Coordinator will, if applicable, promptly determine the interim measures to be provided to the parties. Such determination will be promptly communicated to the persons affected.

The University will maintain as confidential any accommodations or protective measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

Investigative Report

The Title IX Coordinator shall complete a written investigative report (“Investigative Report”) that shall include the following items:

- The name and sex of the alleged victim and, if different, the name and sex of the person reporting the allegation (It should also include any other relevant protected class characteristics if the Complaint involves a violation of this Policy based on a protected status other than gender);

- a statement of the allegation, a description of the incident(s), and the date(s) and time(s) (if known) of the alleged incident(s);
- the date that the Complaint or other report was made;
- the date the Complainant and alleged victim (if not the Complainant) were interviewed;
- the date the Respondent was interviewed;
- the names and sex of all persons alleged to have committed the alleged violation of this Policy (It should also include any other relevant protected status characteristics if the Complaint involves a violation of this Policy based on a protected status other than gender);
- the names and sex of all known witnesses to the alleged incident(s);
- the dates that any relevant documentary evidence (including cell phone and other records as appropriate) was obtained;
- any written statements of the Complainant (or victim, if different from the Complainant), the Respondent and any witnesses;
- summaries of all interviews conducted, photographs, and descriptions of relevant evidence, summaries of relevant electronic records, and a detailed report of the events in question; the policy or policies alleged to be violated.

The parties will have the opportunity to respond to the report in writing in advance of the decision of responsibility with one week to respond.

If the investigator(s) determines and documents, based on the investigative report and any additional interviews, that based on a preponderance of the evidence standard the conduct at issue constitutes a violation of this Policy, the investigator(s) will determine the appropriate remedy and/or sanction to be imposed and will forward their decision to the Title IX Coordinator for inclusion in the Investigative Report. Imposition of the appropriate remedy and/or sanction will typically be imposed only after all appeals have been exhausted.

In determining the appropriate remedy and/or sanction, the University will act to end the discrimination, harassment, retaliation or sexual misconduct, prevent its recurrence and remedy its effects on the victim and/or University community. Sanctions will depend upon the nature and gravity of the misconduct, any record of prior discipline for a violation of this Policy, or both. Sanctions may include, without limitation, withholding a promotion or pay increase, reassigning employment, terminating employment, temporary suspension without pay, compensation adjustments, expulsion or suspension from the University, bans from all or part of campus property, disciplinary probation, expulsion from campus housing, mandated counseling and/or educational sanctions, as deemed appropriate. The length of suspensions (for students) is up to the investigator, but normally will not exceed the amount of time reasonably needed for the person aggrieved to finish her or his course of study at the university. Following the findings, the Investigative Report will be sent to the Complainant and Respondent, concurrently, with a letter outlining the appeal process.

After the decision is made, the Title IX coordinator will add to the final investigative report the following):

- the outcome of the hearing and any appeals that transpire;
- in consultation, as necessary, with the Complainant, alleged victim (if different than the Complainant), Respondent, and other University

officials, any remedial and/or disciplinary action deemed appropriate under the circumstances;

- the response of University personnel and, if applicable, University-level officials, including any interim measures and permanent steps taken with respect to the Complainant, alleged victim (if different than the Complainant) and the Respondent; and
- a narrative of all action taken to prevent recurrence of any harassing incident(s), including any written documentation.

The Title IX Coordinator shall strive to complete and distribute the Investigative Report, concurrently, to the alleged victim and Respondent within thirty (30) calendar days following receipt of a Complaint. All parties to whom the Investigative Report is distributed pursuant to this Policy should maintain it in confidence. The Investigative Report may only be disclosed as contemplated by this Policy.

If the Title IX Coordinator finds no reasonable grounds to believe that the conduct at issue constitutes a violation of this Policy, then the Title IX Coordinator will determine and document the appropriate resolution of the Complaint in the Investigative Report and will promptly notify the parties of that determination.

If the Title IX Coordinator is unable to obtain the consent of third-party witnesses, he or she will redact the Investigative Report to the extent necessary to avoid inappropriate disclosure of such witness's personally identifiable information, while ensuring that such redaction does not prevent resolution of the Complaint.

APPEAL INVOLVING FACULTY/STAFF

All appeals where the Respondent is a University faculty or staff member shall be made to the Chancellor or his/her designee. Both the alleged victim and the Respondent may appeal any or all of the Title IX Coordinator's decision (including a finding regarding the Respondent's responsibility or sanctions) in writing to the Chancellor or his/her designee within ten (10) calendar days of receipt of the Investigative Report. The appealing party must also provide a copy of the appeal to the Title IX Coordinator within the same time period. The appeal should include a brief statement describing any or all parts of the Investigative Report that is being appealed and the reason for appeal. 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.

Within thirty (30) calendar days of receipt of the appeal, the Chancellor or his/her designee will make a final determination as to whether the Complaint should be closed, whether a violation of Policy has occurred, and/or whether any additional or different remedial action or sanctions are warranted. **The Chancellor may decide to impose sanctions that are more or less severe than the sanctions imposed by the Title IX Coordinator, even if the Respondent is the person who has taken the appeal.** The Chancellor or his/her designee will concurrently notify the alleged victim and the Respondent of his/her decision.

All non-tenured faculty and staff members of the University 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. When the Respondent is a faculty member with tenure and the sanction imposed or upheld by the Chancellor or

his/her designee is dismissal of the Respondent's employment, the matter shall proceed pursuant to Board Policy 405.1.

APPEAL INVOLVING A STUDENT

In those instances where the Respondent is a University student, the alleged victim and/or the Respondent may appeal any or all of the investigator's decision (including a finding regarding the Respondent's responsibility or sanctions) to an Appellate Panel by providing a written appeal to the Chancellor or his/her designee with a copy also being provided to the Title IX Coordinator. The appeal must be submitted within ten (10) calendar days of receipt of the Investigative Report and must include a brief statement describing any or all parts of the Investigative Report being appealed and the reason for appeal. Acceptable means of notification include email, facsimile, hand delivered notification or postal delivery. **The Appellate Panel may decide to impose sanctions that are more or less severe than the sanctions imposed by the Title IX Coordinator, even if the Respondent is the person who has taken the appeal.**

Within three (3) business days of receiving the appeal, the Chancellor or his/her designee will appoint the members of the Appellate Panel, to include at least three trained faculty and/or staff members. The Chancellor or his/her designee will select one member of the Hearing Panel to act as the Chair. The Title IX Coordinator will provide a copy of the Complaint and the Investigative Report to each member of the Appellate Panel and, if only a portion of the Title IX Coordinator's findings and determinations are appealed, the Title IX Coordinator will specify which part(s) of the alleged misconduct will be the subject of the appeal hearing.

Promptly after the appointment of the members of the Appellate Panel, the Title IX Coordinator will provide concurrent written notice to the alleged victim and the Respondent, setting forth the names of the individuals selected to serve on and chair the Appellate Panel. If only a portion of the findings and determination are appealed, the Title IX Coordinator will also specify in the notice which part(s) of the alleged misconduct will be the subject of the hearing.

The parties may challenge the participation of any member of the Appellate Panel by submitting a written objection to the Chancellor or his/her designee within three (3) days of receipt of the notice of the composition of the Appellate Panel. Any objection must state the specific reason(s) for the objection. The Chancellor or his/her designee will evaluate the objection and determine whether to alter the composition of the Appellate Panel. Failure to submit a timely and proper objection will constitute a waiver of any right of objection to the composition of the Appellate Panel. Any changes in the composition of the Appellate Panel will be provided in writing to both parties prior to the date of the hearing.

Submission of Written Materials

Within five (5) days of receipt of the notice of the initial composition of the Appellate Panel, the alleged victim and the Respondent may provide the Chair of the Appellate Panel with a list of witnesses, if any, that they propose that the Appellate Panel call and a brief description of each proposed witness's connection to and/or knowledge of the issues in dispute, any supporting documents or other evidence that were unavailable during the original investigation, and a written statement of position or basis for the appeal. **Information that was available but not submitted during the initial investigation may or may not be considered during the appeal hearing, at the discretion of the Appellate Panel.**

Notice of the Appellate Hearings

The date for the appellate hearing will be set by the Title IX Coordinator. Not less than five (5) calendar days, but not more than ten (10) calendar days after delivery of notice of the initial composition of the Appellate Panel to the parties, the Appellate Panel chairperson will provide a separate written notice to the alleged victim, respondent and any witnesses or other third parties whose testimony the Appellate Panel deems relevant, requesting such individuals to appear before the Appellate Panel. The notice should set forth the date, time, and location for the individual's requested presence. The Appellate Panel shall provide the names of the witnesses or other third parties that the Appellate Panel plans to call in its notices to the alleged victim and the respondent. The hearing shall be conducted within twenty (20) calendar but no sooner than ten (10) calendar days of the receipt of the appeal.

Failure to Appear

If any party fails to appear before the Appellate Panel if requested to do so, and such party was provided proper notice of the hearing as set forth above, then absent extenuating circumstances, the Appellate Panel will proceed to determine the resolution of the Complaint.

Support Persons

Both the alleged victim and the respondent may be accompanied by one support person to assist them during the hearing process. This support person can be anyone, including an attorney, but the support person may not take part in the hearing. The support person may not address the Appellate Panel, present evidence, make objections or statements, ask questions of any party or witness or otherwise participate in the hearing, beyond privately communicating with the party that he/she is supporting.

EXCEPTION: A student at UAFS who has received a suspension of ten (10) or more days, or an expulsion, through a Student Conduct or Title IX process (not an academic dishonesty process), may request a disciplinary appeal proceeding before the Appellate Panel and choose to be represented (at the student's expense) by a licensed attorney. The student may also choose to be represented by a non-attorney advocate. A student at UAFS may also be represented by an attorney or non-attorney advocate under this exception if there is a significant possibility that the Appellate Panel may impose a sanction of expulsion or suspension of ten or more days. Either the attorney or the non-attorney advocate may fully participate during the disciplinary appeal proceeding, within the rules for appellate hearings established by UAFS.

The Chair must be notified in writing five (5) days in advance of the hearing if a party will be accompanied by a support person. The Chair may disallow the attendance of any support person if he/she is also a witness or if, in the discretion of the Chair, such person's presence would be disruptive or obstructive to the hearing or otherwise warrant removal. All support persons must agree to keep any and all information presented in the hearing confidential in order to attend. Absent accommodation for 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 and procedure at any time during the process.

Evidentiary Matters

The alleged victim and the respondent will have an equal opportunity to present evidence during their hearing. Formal rules of evidence will not be observed during the hearings.

Prior Violent or Sexual Conduct

Evidence of the prior violent or sexual conduct of the alleged victim and the respondent with others will not be permitted at the hearings, with the following exceptions:

- evidence is permitted to show that the alleged victim has in the past been formally disciplined by the University for falsely filing Complaints alleging a violation of this Policy;
- evidence is permitted to show that the respondent has in the past been either convicted in a criminal proceeding or formally disciplined by the University for conduct which would violate this Policy, if deemed relevant;
- evidence regarding the past sexual activity or violent conduct of the respondent (regardless of whether the respondent was formally charged with a violation of the Policy with respect to such conduct) may be permitted to show that the respondent has engaged in a pattern of behavior similar to the alleged violations of policy at issue before the Hearing Panel, provided that (1) the Respondent has not been found “not responsible” by the University in a proceeding related to such conduct and (2) the Chair has made written findings both that the evidence is reliable and trustworthy and that the conduct is sufficiently and substantially similar to the conduct at issue before the Appellate Panel to suggest a pattern of behavior.

Appellate Hearing Procedure

The Appellate Panel will conduct a hearing during which it will interview and question the Complainant, the alleged victim, the Respondent, and any witnesses or other third parties whose testimony the Appellate Panel deems relevant. The parties will not be allowed to personally question or cross-examine each other during the hearing, but will be allowed to question witnesses by posing questions to the Appellate Panel Chair. **Questions will be required to be submitted to the panel chair in written form 48 hours in advance of the hearing and may be modified at the Chair’s discretion. Additional questions formulated during the appeal hearing will be considered by the panel chair at appropriate points in the proceedings.** The Chair will resolve all questions concerning procedure or the admission of evidence or testimony, including the relevancy and reliability of the evidence and testimony.

All participants at the hearing are expected to provide truthful testimony. The Complainant and/or alleged victim have the option not to be in the same room with the Respondent during the hearing. Any party may choose not to testify or appear before the Appellate Panel; however, his/her exercise of that option will not preclude the Appellate Panel from making a determination regarding the Complaint filed against the Respondent.

Decision of the Appellate Panel

Following the conclusion of the hearing, the **Appellate Panel will confer, and by majority vote, determine whether the evidence (including the information provided in and by the Investigative Report, the parties’ written statements, if any, the evidence presented at the hearings, and the testimony of the parties and witnesses) 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. If the Appellate Panel determines that more likely than not the Respondent committed a violation of this Policy, the Appellate Panel will establish sanctions and give consideration as to whether a given sanction will (a) bring an end to the violation in question, (b) reasonably prevent a recurrence of a similar violation, and (c) remedy the effects of the violation. The Appellate Panel may decide to impose sanctions that are more or less severe than the sanctions imposed by the Title IX Coordinator, even if the Respondent is the person who has taken the appeal.**

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. Sanctions may include, without limitation, expulsion or suspension from the University, disciplinary probation, expulsion from campus housing, mandated counseling, and/or educational sanctions deemed appropriate by the Appellate Panel. The length of suspensions (for students) is up to the investigator, but normally will not exceed the amount of time reasonably needed for the person aggrieved to finish her or his course of study at the university.

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 Appellate Panel may recommend and the Chancellor or his/her designee may determine that any sanctions be imposed immediately and continue in effect until such time as the appeal process is exhausted.

At such time that the appeal process is exhausted, the Title IX Coordinator will determine the final accommodations to be provided to the victim, if any, and the Title IX Coordinator will communicate such decision to the victim and the Respondent to the extent that it affects him/her.

The Title IX Coordinator will also take steps to prevent any harassment of or retaliation against the Complainant, the victim (if not the Complainant), 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, providing training for the campus community, and providing counseling for the Respondent. The Title IX Coordinator will also take steps to prevent the harassment of or retaliation against the Respondent.

Furthermore, the Title IX Coordinator will take prompt corrective action if the Complainant or the victim (if not the Complainant) experiences retaliation or is subjected to further violation of this Policy or if the original sanctions imposed on the Respondent are ineffective to protect the safety and well-being of the Complainant, the victim (if not the Complainant), or other members of the University community. The Title IX Coordinator will also take reasonable steps to eliminate any hostile environment that has been created, such as conducting trainings and disseminating informational materials. In taking the above- outlined steps, the Title IX Coordinator will make every reasonable effort to minimize the burden on the Complainant and/or alleged victim.

Final Outcome Letter

Within ten (10) calendar days following the conclusion of the hearings, the Hearing Panel will issue a written decision letter (the "Final Outcome Letter") concurrently to the Respondent and the alleged victim. The Final Outcome Letter will, to the extent consistent with FERPA and the Clery Act, set forth (1) the name of the Respondent, (2) the violation(s) of this Policy for which the Respondent was found responsible, if any, **(3) the sanctions imposed on the Respondent, if any.** The Respondent will always receive notification of all sanctions that have been imposed. The Complainant will be notified of those sanctions that directly relate to the Complainant. However, in those cases involving allegations of sexual violence (as opposed to other harassment or misconduct cases covered by Title IX), the Complainant will be informed of the University's final determination and any disciplinary sanctions imposed on the perpetrator, including those unrelated to the Complainant.

Confidentiality and Disclosure

In order 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 hearing process is not

open to the general public. Accordingly, documents prepared in anticipation of the hearings (including the Complaint, the Investigative Report, the notices of hearing, and the pre-hearing submissions referenced above) and documents, testimony, or other information introduced at the hearings may not be disclosed outside of the hearing proceedings, except as may be required or authorized by law.

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, while conducting a thorough and impartial investigation. The University's investigation and resolution of a Complaint will generally be completed within 60 calendar days of the receipt of the Complaint, absent extenuating circumstances and not including an appeal. Hearings, if they are held, will take place after the conclusion of the investigation. If hearings have taken place, both the Complainant and the Respondent generally will receive a Final Outcome Letter within ten (10) calendar days of the conclusion of the hearing.

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.

For purposes of calculating all time periods set forth in this Complaint and Grievance Policy, a business day is defined to mean normal operating hours, Monday through Friday, excluding recognized national and state holidays and University closings.

Timelines may be modified in cases where information is not clear, judged to be incomplete, relevant parties are not available for interview, and/or other related circumstances as may arise. The Title IX Coordinator may also modify any deadlines contained in this Policy as necessary and for good cause.

ACKNOWLEDGEMENT OF RESPONSIBILITY

At any time prior to the issuance of the Investigative Report or the date of his/her designated hearing, the Respondent may elect to acknowledge his/her actions and take responsibility for the alleged policy violation. In such situation, the Title IX Coordinator will propose sanction(s). If either party objects to the proposed sanction(s), they may appeal the sanction pursuant to this Policy.

NO RETALIATION

Retaliation against any person who files a Complaint, participates in an investigation, or opposes a discriminatory employment or educational practice or policy is prohibited. A person who believes retaliation has occurred should notify the Title IX Coordinator as soon as possible.

FALSE REPORTS

Willfully making a false report of sexual harassment is a violation of University policy and is a serious offense. 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.

OFFICE OF CIVIL RIGHTS COMPLAINT

Although Complainants are encouraged to resolve their grievances related to discrimination by utilizing this Complaint/Grievance Procedure, they have the right to file a complaint directly with the U.S. Department of Education, Office for Civil Rights (OCR). Information regarding applicable timelines and

procedures is available from OCR. You may call 1-800-421-3481 to obtain further information about filing a complaint with OCR.

EFFECTIVE DATE

The University reserves the right to make changes and amendments to this Policy as needed, with appropriate notice to the 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 that are heard.

DOCUMENTATION

The University will retain documentation (including but not limited to the written Complaint, notifications, the Investigative Report, any written findings of fact, petitions for appeal, any documents or evidence submitted by the parties, hearing transcripts or recordings (if any), and any written communication between the parties), for at least five (5) years. Documentation pertaining to terminations, expulsions or educational sanctions may be retained indefinitely.

DEFINITION OF TERMS

Complainant: Any party who makes a Complaint against a student, employee, staff member or campus visitor.

Individuals who initiate sexual activity assume responsibility for their behavior and must understand that the use of alcohol or other drugs does not reduce accountability for their actions. The question is whether or not the person who initiated the sexual activity knew or whether a sober and reasonable person in the same position should have known whether the other person gave *effective consent*.

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, as long as 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 or impaired so that such person cannot understand the fact, nature or extent of the sexual situation, there is no consent; this includes impairment or incapacitation due to alcohol or drug consumption, or being asleep or unconscious. Incapacitation is a state where someone cannot make rational, reasonable decisions because he or she lacks the capacity to give knowing consent.

Incapacitation is the physical and/or mental inability to make informed, rational judgments and decisions. States of incapacitation include sleep and blackouts. Where alcohol or other substances are involved, incapacitation is determined by how the substance impacts a person's decision-making capacity, awareness of consequences, and ability to make informed judgments.

In evaluating whether a person was incapacitated for purposes of evaluating effective consent, UAFS considers two questions: (1) *Did the person initiating sexual activity know that their partner was incapacitated?* and if not, (2) *Should a sober, reasonable person in the same situation have known that their partner was incapacitated?* If the answer to either of these questions is "yes," effective consent was absent.

For purposes of this policy, incapacitation is a state beyond drunkenness or intoxication. A person is not incapacitated merely because they have been drinking or using drugs.

The standard for incapacitation does not turn on technical or medical definitions, but instead focuses on whether a person has the physical and/or mental ability to make informed, rational judgments and decisions. A person who initiates sexual activity must look for the common and obvious warning signs that show that a person may be incapacitated or approaching incapacitation. Although every individual may manifest signs of incapacitation differently, typical signs include slurred or incomprehensible speech, unsteady gait, combativeness, emotional volatility, vomiting, or incontinence. A person who is incapacitated may not be able to understand some or all of the following questions: "Do you know where you are?", "Do you know how you got here?", "Do you know what is happening?", "Do you know whom you are with?"

There is no consent when there is force, expressed or implied, or use of duress or deception upon the victim. Silence does not necessarily constitute consent. Past consent to sexual activities does not imply ongoing future consent. Whether an individual has taken advantage of a position of influence over an alleged victim may be a factor in determining 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.

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.

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).

Sexual activity with someone known to be mentally or physically incapacitated, or based on the circumstances, or someone who could reasonably be known to be mentally or physically incapacitated, constitutes a violation of this Policy.

This Policy also covers a person whose incapacity results from mental disability, sleep, involuntary physical restraint, or from the taking of rape drugs. 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 person is a violation of this Policy.

Use of alcohol or other drugs will never function as a defense to a violation of this Policy. Consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity. 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 alleged victim. It includes any unwelcome physical violence such as hitting, pulling, shoving, kicking, biting or throwing things; and sexual assault, sexual exploitation and sexual harassment.

Discrimination (general definition): Conduct that is based upon an individual's race, color, religion, national origin, service in the uniformed services (as defined in state and federal law), veteran status, sex, age, pregnancy, gender identity, sexual orientation, physical or mental disability or genetic information that excludes an individual from participation, denies the individual the benefits of, treats the individual differently or otherwise adversely affects a term or condition of an individual's employment, education, living environment or participation in a University program or activity. This includes failing to provide reasonable accommodation, consistent with state and federal law, to persons with disabilities.

Discriminatory Harassment: Detrimental action based on an individual's race, color, religion, national origin, service in the uniformed services (as defined in state and federal law), veteran status, sex, age, pregnancy, gender identity, sexual orientation, physical or mental disability or genetic information. Harassing conduct may take various forms, including, name-calling, graphic or written statements (including the use of cell phones or the Internet), or other conduct that may be physically threatening, harmful, or humiliating. Harassment does not have to include intent to harm, be directed at a specific target or involve repeated incidents.

Sexual harassment is unwelcome, gender-based spoken, written or symbolic action or physical conduct on the basis of sex. Sexual harassment includes gender-based harassment. The unwelcome behavior may be based on power differentials, the creation of a hostile environment or retaliation.

For the purpose of this Policy, sexual harassment can include stalking or repeatedly following, harassing, threatening, or intimidating another by telephone, mail, electronic communication, social media, or any other action, device, or method that purposely or knowingly causes substantial emotional distress or reasonable fear of bodily injury or death. Sexual harassment also includes *quid pro quo* sexual harassment which exists when there are unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature and submission to or rejection of such conduct results in adverse educational or employment action.

Domestic Violence: Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury, or assault between family or household members; or any sexual conduct between family or household members, whether minors or adults, that constitutes a crime under the laws of this state. Family or household members means spouses, former spouses, parents and children, persons related by blood within the fourth degree of consanguinity, any children residing in the household, persons who presently or in the past have resided or cohabited 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. See also, Arkansas Code Annotated § 9-15-103—"Domestic Abuse").

Hostile Environment: A hostile environment exists when there is harassing conduct based on race, color, religion, national origin, service in the uniformed services (as defined in state and federal law), veteran status, sex, age, pregnancy, gender identity, sexual orientation, physical or mental disability or genetic information that is sufficiently serious (i.e., severe, pervasive, or persistent) and objectively offensive to deny or limit a person's ability to participate in or benefit from the University's programs, services, opportunities or activities; or when such conduct has the purpose or effect of unreasonably interfering with an individual's employment.

Non-Consensual Sexual Contact: Non-consensual sexual contact is any intentional sexual touching, however slight, with any object by a male or female upon a male or a female that is without consent and/or by force. Sexual Contact 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.

Non-Consensual Sexual Intercourse: Non-consensual sexual intercourse is any sexual intercourse however slight, by a male or female upon a male or a female that is without consent and/or by force. Intercourse includes 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), no matter how slight the penetration or contact.

Respondent: The person(s) against whom a Complaint has been made.

Retaliation: Action taken by an accused individual or by a third party against any person because that person has opposed any practices forbidden under this Policy or because that person has filed a Complaint, testified, assisted or participated in any manner in an investigation or proceeding under this Policy. This includes action taken against a bystander who intervened to stop or attempt to stop discrimination, harassment or sexual misconduct. Retaliation includes intimidating, threatening, coercing or in any way discriminating against an individual because of the individual's Complaint or participation. Action is generally deemed retaliatory if it would deter a reasonable person in the same circumstances from opposing practices prohibited by this Policy.

Sexual Assault: An actual or attempted sexual contact with another person without that person's consent. Sexual assault includes, but is not limited to involvement in any sexual contact when the victim is unable to consent; intentional and unwelcome touching of, or coercing, forcing, or attempting to coerce or force another to touch a person's intimate parts (defined as genital area, groin, inner thigh, buttocks, or breast); and sexual intercourse without consent, including acts commonly referred to as "rape."

Sexual Exploitation: Occurs when a person 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 other sexual misconduct offenses. Examples of behavior that could rise to the level of sexual exploitation include, but are not limited to:

- invading sexual privacy;
- prostituting another person;
- non-consensual video or audio-taping of sexual activity;
- going beyond the boundaries of consent (e.g., allowing others to watch consensual sex without that party's knowledge or consent);
- engaging in voyeurism;
- non-consensual distribution of photos, other images, or information of an individual's sexual activity, intimate body parts, or nakedness, with the intent to or having the effect of embarrassing an individual who is the subject of such images or information;
- knowingly transmitting an STI, such as HIV, to another without disclosing your STI status;

- exposing one's genitals in non-consensual circumstances or inducing another to expose his or her genitals; or
- possessing, distributing, viewing or forcing others to view illegal pornography.

Sexually-based stalking and/or bullying may also be forms of sexual exploitation.

Sexual Misconduct: includes sexual assault, inducing incapacitation for sexual purposes, sexual exploitation and dating and domestic violence.

Stalking: Repeated or obsessive unwanted attention directed toward an individual or group that is likely to cause alarm, fear, or substantial emotional distress. Stalking may take many forms, including following, lying in wait, monitoring, and pursuing contact. Stalking may occur in person or through a medium of communication, such as letters, e-mail, text messages, or telephone calls. In some circumstances, two instances of such behavior may be sufficient to constitute stalking.

Status: A full-time employee of the University will be considered an "employee" for the purposes of this Policy, regardless of whether he/she is also enrolled as a student. Any student who is a part-time employee will be considered a "student" for the purposes of this Policy unless the incident under consideration occurred in connection with his/her employment.

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
- 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.

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, he or she should immediately notify the University Police Department (788-7140), Dean of Students, or the Vice Chancellor for Student Affairs (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 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.

Crime	On Campus			On Campus Housing			Non Campus			Public Property		
	2016	2017	2018	2016	2017	2018	2016	2017	2018	2016	2017	2018
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	1	8	0	1	0	0	0	0	0	0	0
Fondling	0	6	0	0	0	0	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	0	1	0	0	0	0	0	0	0	0	0
Burglary	4	1	4	4	0	0	2	0	2	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	1	0	0	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	2	0	0	0	0	0	0	0	0	2	0
Arrest-Weapon Violation	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Referral- Liquor Law Violation	47	49	37	47	49	37	0	0	0	0	0	0
Disciplinary Referral- Drug Abuse Violation	10	18	8	10	18	7	0	0	0	0	0	0
Disciplinary Referral- Weapon Violation	0	1	3	0	1	3	0	0	0	0	0	0
Domestic Violence	0	1	3	0	1	0	0	0	0	0	0	0
Dating Violence	4	10	4	4	10	0	0	0	0	0	0	0
Stalking	2	8	2	0	8	0	0	0	0	0	0	0

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.

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](#)

There were two reports of hate crime incidents reported in 2017. The incidents were sexual orientation based harassment.

[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 2018 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	0	N/A	N/A	0	0	0

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 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

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