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Introduction

This report is provided in compliance with the Jeanne Clery Campus Safety Act. It provides students and employees of University of Arkansas - Fort Smith ("university") with information on: the university's security arrangements, policies and procedures; programs that provide education on such things as drug and alcohol abuse, awareness of various kinds of sex offenses, and the prevention of crime generally; and procedures the university will take to notify the campus community in the event of an emergency. Its purpose is to provide students and employees with information that will help them make informed decisions relating to their own safety and the safety of others.

Policy for Preparing the Annual Report

This report is prepared by the University Police Department in cooperation with local law enforcement authorities and includes information provided by them as well as by the university's campus security authorities and various other elements of the university. Each year an e-mail notification is made to all enrolled students and employees that provides the website link to access this report. Prospective students and employees are also notified of the report's availability. Hard copies of the report may also be obtained at no cost by contacting University Police Department, 1114 N. 52nd St., Fort Smith, AR, 72903, 479-788-7140. The university is committed to taking the actions necessary to provide a safe and secure working/learning environment for all students and staff. As a member of the campus community, you can feel safe and comfortable knowing that security procedures are in place that represent best practices in the field and are constantly tested and re-evaluated for their effectiveness.

General Safety and Security Policies

Campus Security Personnel and Relationship with Local Law Enforcement

The University Police Department is responsible for campus safety at the university.

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

All police officers are armed and have full arrest powers. Each officer must meet the same physical and educational standards as any other police officer in Arkansas. The Arkansas Commission on Law Enforcement Standards and Training sets these standards. All full-time officers must attend an Arkansas-approved police academy within one year of their hire date. The academy is over 15 weeks during which students are taught more than 700 hours of law enforcement curriculum. Topics of instruction include ethics, search and seizure, arrest and physical defense tactics, criminal investigation, and emergency vehicle operations.

UPD officers prevent and investigate all criminal activity on the UAFS campus. UPD is staffed with eight certified police officers, providing 24-hour coverage, 365 days a year. Though they may not always be in the office, an officer is always on duty.

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

UPD Law Enforcement Authority

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

University of Arkansas – Fort Smith Police Department Jurisdiction

Under governing law and the Mutual Aid Agreement with the City of Fort Smith, UPD exercises law enforcement authority over real and personal property owned or controlled by the University within its jurisdiction. Because UAFS is located within the City of Fort Smith, the Fort Smith Police Department (FSPD) also retains law enforcement jurisdiction and full arrest authority on UAFS property. FSPD officers routinely travel through and around the campus and may respond directly to incidents through 911 calls or assist UPD when requested. While UPD serves as the primary law enforcement agency for university-owned or controlled property, FSPD retains its authority to enforce applicable laws and make arrests on UAFS property. UPD's jurisdiction does not extend to private property that is not owned or controlled by the university.

UPD and FSPD have concurrent law enforcement jurisdiction on UAFS property located within the City of Fort Smith, consistent with applicable law and the Mutual Aid Agreement.

Mutual Relations with Other Law Enforcement Agencies

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

Written Memorandum of Understanding

UAFS has a Memorandum of Understanding (MOU) between the University Police Department (UPD) and the Fort Smith Police Department (FSPD). The agreement addresses each agency's law enforcement jurisdiction and authority and establishes procedures for responding to calls for service and requests for assistance. UPD regularly meets with leaders from other law enforcement agencies, both formally and informally, and participates in community events and cooperative law enforcement activities.

When an incident exceeds UPD's capabilities or requires an outside investigation—such as vehicle accidents involving UPD or cases of deadly force used by UPD- these agencies provide personnel and resources. This collaborative practice is common among law enforcement agencies to ensure the investigation's integrity.

Campus Security Authorities

The university has designated certain officials to serve as campus security authorities. You can report criminal activity to these officials. They will, in turn, ensure that the crimes are reported for collection as part of the university's annual report of crime statistics. The campus security authorities to whom the university would prefer that crimes be reported are listed below.

- University Police Department (UPD) – 479-788-7140; 1114 N. 52nd St., Fort Smith, AR, 72904
- Title IX – 479-788-7413; Smith-Pendergraft Campus Center 230
- Human Resources – 479-788-7084; Fullerton Administration 235
- Athletics – 479-788-7687; Stubblefield Center 147

Reporting a Crime or Emergency

The university encourages accurate and prompt reporting of all criminal actions, emergencies, or other incidents occurring on campus, on other university-owned property, or on nearby public property to the appropriate administrator and police agencies. We encourage reporting when the victim of a crime elects to, or is unable to, do so.

All crimes occurring on or near university property should be reported immediately to UPD at 479-788-7140 or by using the on-campus extension 7140. An officer is available 24/7. You can also contact UPD via email at UPD@uafs.edu.

If a crime is in progress or a situation poses imminent danger, please call local law enforcement by dialing 911. Students, staff, and visitors should also report incidents to one of the campus security authorities mentioned above. Once reported, individuals are encouraged to inform the appropriate police agency. If requested, a university staff member will assist in making the report to the police.

[Anonymous incident reports can also be made online.](#)

Confidential Reporting

The university will protect the confidentiality of victims. Only those who need to know the identity to investigate the crime, assist the victim, or discipline the perpetrator will know the victim's identity.

According to the university's Title IX Policy, when an employee who is not a confidential resource becomes aware of alleged misconduct under this policy—such as dating violence, domestic violence, sexual assault, or stalking—they are obligated to report this information, along with the status of the parties involved, if known, to the Title IX coordinator.

Additionally, a victim of other types of crimes (e.g., aggravated assault, burglary, etc.) who prefers not to pursue action through the university disciplinary system or the criminal justice system is still encouraged to make a confidential report to a campus security authority. If desired, the victim can file a report detailing the incident with the university without disclosing the victim's identity.

This approach respects the victim's wishes while allowing the university to take necessary measures to ensure the safety of the victim and others. With this information, the university can maintain an accurate record of incidents involving campus community members, identify any emerging patterns of crime, and alert the community about potential dangers. These confidential reports are included in the university's annual crime statistics.

The university encourages its professional counselors, if and when they deem it appropriate, to inform the person they are counseling to report crimes on a voluntary, confidential basis for inclusion in the annual report of crime statistics. The university does not have pastoral counselors.

Security of and Access to Campus Facilities

Campus Facilities Security and Access

Academic and Administrative Facilities

UPD officers typically unlock the main entrances to buildings at the start of each business day. However, custodial staff lock the doors of academic and administrative facilities. Locking times vary by building and are coordinated with the appropriate vice chancellor, dean, or department head. Generally, academic buildings are open from 6:30 a.m. to 9 p.m. during the regular school year and from 6:30 a.m. to 5 p.m. during normal summer hours. If you plan activities during times when a building is usually locked, please arrange in advance with UPD through one of the aforementioned officials and the facilities coordinator in the Smith-Pendergraft Campus Center.

The Boreham Library has a 24/7 lab that students can access using their UAFS credentials through the access control system. UPD regularly patrols both the interiors and exteriors of all campus facilities.

Athletic Facilities

UAFS athletics staff generally unlock the entrances to athletic buildings at the beginning of each business day. However, custodial staff and/or UPD are responsible for locking the doors of athletic facilities. Locking times vary from building to building, depending on the activities taking place in the facility. If activities are scheduled during times when an athletic facility is typically locked, make advance arrangements with the athletic department official responsible for that building.

Residence and Dining Halls

University Housing and Campus Dining Services lock and unlock the doors of residence halls and dining halls. All residence halls use card access systems, allowing only authorized individuals to enter.

Apartments and Managed Properties

Sebastian Commons Apartments or apartments leased by the university do not utilize card access systems. Therefore, each resident is responsible for locking the doors.

Fraternities and Sororities

The fraternities and sororities are responsible for locking and unlocking their own doors.

Security Considerations in the Maintenance of Facilities

UAFS is committed to maintaining a safe and secure campus environment. University facilities and landscaping are maintained with campus safety and security in mind. Exterior lighting, landscaping, and other physical security conditions are routinely evaluated to identify and address conditions that may affect the safety of the campus community.

UPD officers monitor campus lighting and other physical security conditions during routine patrols. When an officer identifies inadequate or inoperable lighting, unsafe landscaping, or another condition that may present a security concern, the officer will promptly initiate a work order or notify the appropriate university department so the condition can be evaluated and addressed.

Members of the campus community are also encouraged to help identify potential safety and security concerns. Report lighting deficiencies or other facility maintenance concerns to Plant Operations at 479-788-7170. Report physical security concerns to UPD at 479-788-7140.

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

Educational Programs Related to Security Awareness and Prevention of Criminal Activity

The university seeks to enhance the security of its campus and the members of the campus community by periodically presenting educational programs to inform students and employees about campus security procedures and practices, to encourage students and employees to be responsible for their own security and the security of others and to inform them about the prevention of crimes. These programs are discussed below.

Responsibilities of the UAFS Community for Personal Safety and Security

UAFS community members are responsible for their own safety and the security of their personal property, and they are encouraged to help others. The following precautions can help enhance personal safety:

- Report all suspicious activity to UPD immediately.
- Never take your personal safety for granted.
- Try to avoid walking alone at night; use the UPD escort service instead.
- Limit alcohol consumption and leave social functions that become too loud, crowded, or involve excessive drinking. Call UPD or FSPD for help at the first sign of trouble.
- Carry only small amounts of cash.
- Never leave valuables (such as wallets, purses, books, phones, etc.) unattended or in plain view.
- Always keep your keys with you and do not lend them to anyone.
- Secure bicycles and motorcycles. Lock car doors and close windows when leaving your vehicle.
- Always lock the door to your residence hall room, whether you are there or not. Lock your door when you go to sleep, and keep windows closed and locked when you are not at home. **DO NOT PROP OPEN INTERIOR OR EXTERIOR DOORS.**
- Do not leave valuables in your car, especially if they are easily noticeable.
- Engrave serial numbers or personally recognized numbers, like your driver's license number, on valuable items.
- Keep an inventory of your personal property and ensure it is adequately covered by personal insurance.

Student Services and Residential Life offer crime prevention programs each semester. Additionally, Student Services and Residential Life sends periodic email updates to students and employees with crime prevention tips and safety information. Pamphlets and videos on crime prevention are available in the Office of Student Services and the Office of Human Resources. A primary goal of UPD is to prevent crime before it occurs.

UPD offers crime prevention and security awareness programs covering a variety of topics, including:

Alcohol Awareness

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

Apartment Safety

An overview of tips for ensuring safety in apartments.

Domestic Violence

Information on the types of violence, preventative measures, and available services.

Drug Recognition

An annual presentation for Housing staff to help them identify potential issues in residence halls.

Effects of Alcohol

A discussion on common reactions a person might exhibit while under the influence of alcohol.

Personal Safety

Strategies to prevent personal attacks and advice on actions to take if one is attacked, including safety tips for walking, driving, and traveling in various situations.

Vehicle Safety Check

An inspection of personal vehicles belonging to students, faculty, and staff before they leave for breaks

Safety on Campus

A review of tips for preventing crime and staying safe on campus.

Sexual Assault

An overview of the legal definitions of sexual assaults and tips for risk reduction.

Theft Prevention

Guidelines on how to prevent theft.

Traffic Law

A question-and-answer session that provides members of the campus community with answers about traffic laws.

These are examples of the crime prevention programs UPD offers. If you are interested in a program not listed, please contact UPD's Crime Prevention Unit at 479-788-7140 to discuss programming opportunities. Programs can be developed to fit specific needs. All crime prevention programs are available upon request, and the UPD schedules some during appropriate times throughout the school year. All programs encourage students, faculty, and staff to work with the police and take responsibility for their personal safety and the safety of others.

Monitoring Off-Campus Locations of Recognized Student Organizations

The university does not have any officially recognized student organizations with off-campus locations and therefore does not monitor or record criminal conduct occurring at such locations.

Disclosure of the Outcome of a Crime of Violence or Non-Forcible Sex Offense

Upon written request, the university will disclose to the alleged victim of a crime of violence (as that term is defined in section 16 of title 18, United States Code), or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by the university against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of the paragraph.

The previous paragraph does not apply to victims of dating violence, domestic violence, sexual assault, or stalking because under the Violence Against Women Act both the accused and accuser in these cases are given the results without the need to make a written request.

Alcohol/Drug Policy

The university is dedicated to fostering an alcohol-free environment. The possession, use, and sale of alcoholic beverages are prohibited on campus and during any University activities, unless permitted according to relevant university policies. The university also enforces state laws regarding underage drinking.

The university also enforces federal and state drug laws. The possession, sale, manufacture, or distribution of illegal drugs is prohibited on campus or as part of any of the university's activities. Violators of the university's policies or federal and state laws regarding illegal drugs will be subject to disciplinary action and possibly criminal prosecution.

Federal Drug Laws (updated 08-3-2026)

Denial of Federal Benefits (21 U.S.C. § 862)

A federal drug conviction may result in the loss of federal benefits, including loans, grants, scholarships, contracts, and licenses, although the Department of Education has said it will no longer disqualify students from Title IV aid for a federal or state conviction for possession or sale of a controlled substance.

Forfeiture of Personal Property and Real Estate (21 U.S.C. § 853)

Any person convicted of a federal drug offense punishable by more than one year in prison shall forfeit to the United States any personal or real property related to the violation. A warrant of seizure may be issued and property seized at the time an individual is arrested on charges that may result in forfeiture.

Federal Drug Trafficking Penalties (21 U.S.C. § 841)

In the case of a controlled substance in schedule I or schedule II, GHB (or, "liquid ecstasy"), or flunitrazepam (or, "rohypnol"), a person shall be sentenced to a term of imprisonment of not more than 20 years. If death or serious bodily injury results from the use of a controlled substance which has been illegally distributed, the person convicted on federal charges of distributing the substance faces the possibility of a life sentence and fines ranging up to \$10 million.

In the case of a controlled substance in schedule III, a person shall be sentenced to a term of imprisonment of not more than 10 years, and if death or serious bodily injury results, shall be sentenced to a term of imprisonment of not more than 15 years or a fine not to exceed \$500,000, or both, for a first offense.

For less than 50 kilograms of marijuana, the term of imprisonment shall not be more than five years, and the fine shall not be more than \$250,000, or both, for a first offense.

In the case of a schedule IV substance, the term of imprisonment shall not be more than five years, and the fine shall not be more than \$250,000, or both, for a first offense.

Persons convicted on federal charges of drug trafficking within 1,000 feet of an elementary school, secondary school, college, or university (21 U.S.C. § 860) face penalties of prison terms and fines which are twice as high as the regular penalties for the offense, with a mandatory prison sentence of at least one year, unless the offense involves five grams or less of marijuana.

[Federal Drug Possession Penalties \(21 U.S.C. § 844\)](#)

Persons convicted on federal charges of possessing any controlled substance face penalties of up to one year in prison, a mandatory fine of no less than \$1,000, or both. Second convictions are punishable by not less than 15 days but not more than two years in prison and a minimum fine of \$2,500. Subsequent convictions are punishable by not less than 90 days but not more than three years in prison and a minimum fine of \$5,000.

For the most recent and complete Federal Trafficking Penalties information, visit the website of the [U.S. Drug Enforcement Administration](#).

Drug and Alcohol State Laws

[Possession of Marijuana](#)

Recreational use of marijuana and possession of marijuana is illegal in Arkansas. Ark. Code Ann. §§ 5-64-215(a) (1) (classifying marijuana as a Schedule VI substance), 5-64-419(b)(5) (outlining penalties for possession of a Schedule VI substance). The penalty for these offenses depends on the amount in possession. Possession of less than four ounces of marijuana is a Class A misdemeanor, carrying a penalty of up to \$2,500 in fines and imprisonment for up to one year. §§ 5-64-419(b)(5)(A), 5-4-401, 5-4-201. Penalties increase with additional amounts of marijuana. For instance, possession of four ounces or more but less than ten pounds is a Class D felony, which is punishable by a fine of up to \$10,000 and imprisonment for up to 6 years. *Id.* Additionally, the unlawful distribution of fourteen grams or less of a Schedule VI controlled substance, such as marijuana, is generally a Class A misdemeanor. § 5-64-438(b)(1)(A).

Arkansas allows medical marijuana for qualifying medical conditions and has a regulated system of cannabis cultivation and distribution. Ark. Const. of 1878, amends. §§ 1-26 (2016). A qualifying patient with a registry identification card may legally possess not more than 2.5 ounces of usable marijuana. Ark. Const. of 1878, amend. § 3 (2016).

[Controlled Substances](#)

It is illegal to possess a controlled substance. See generally Ark. Code Ann. § 5-64-419. Penalties vary widely based on substance, amount, and criminal history. *Id.* For Schedule I and II controlled substances (such as methamphetamine, heroin, and cocaine), possession of the smallest listed amount (less than two grams) is a Class D felony. § 5-64-419(b)(1)–(2). Possession of less than two grams of a Schedule III controlled substance is generally a Class A misdemeanor, and possession of less than twenty-eight grams of a Schedule IV or V controlled substance is also generally a Class A misdemeanor. § 5-64-419(b)(3)–(4). Possession of fentanyl is a Class C felony. § 5-64-421(a)(2).

It is illegal to deliver or distribute controlled substances. See generally Ark. Code Ann. §§ 5-64-420 to 5-64-440. Penalties vary based on the type of substance and increase for larger amounts distributed. *Id.* Delivery of methamphetamine, heroin, or cocaine (1) in the amount of less than two grams is a Class C felony (punishable by three to ten years imprisonment); (2) in the amount of more than two grams but less than ten grams is a Class B felony (punishable by five to twenty years imprisonment); and (3) in the amount of ten grams but less than two hundred grams is a Class Y felony (punishable by ten years to life imprisonment). §§ 5-64-422(b), 5-4-401(a)(1), 5-4-401(a)(3)–(4). Delivery of less than two grams of a Schedule I or Schedule II controlled substance that is not methamphetamine, fentanyl, heroin, or cocaine is a Class C felony, with increased penalties for larger amounts. § 5-64-426. Delivery of a Schedule III substance less than twenty-eight grams is a Class C felony. §§ 5-64-430(b),

5-4-401(a)(2). A person who delivers less than two hundred grams of a Schedule IV or Schedule V controlled substance is guilty of a Class D felony. § 5-64-434. Delivery of fentanyl is a Class Y felony. § 5-64-421(c)(2). Delivery to minors entails enhanced penalties. § 5-64-406.

Arkansas also has enhanced penalties for certain controlled substance crimes (possession of a controlled substance in violation of Ark. Code Ann. § 5-64-419 punishable by a Class C felony or greater, and possession with the purpose to deliver, delivery, manufacture, or trafficking of a controlled substance in violation of §§ 5-64-420 to 5-64-440) that occur within one thousand feet of the real property of a city or state park, elementary or secondary school, college or university, church, or many other locations. § 5-64-411. Possession of drug paraphernalia is also illegal, and the penalties for a violation vary depending on the purpose of the paraphernalia and the substance it is used for. § 5-64-443.

Alcohol and Minors

It is illegal for any person under the age of 21 to purchase or to have in his/her possession any intoxicating liquor, wine, or beer. Ark. Code Ann. § 3-3-203. Violation by a person aged 18 or older results in a fine of \$100–\$500, surrender of the person's driver's license, and possible "writing of themes or essays on intoxicating liquors, wine, or beer" or placement on probation. § 3-3-203. It is unlawful for any person (except for the person's family or for use in any religious ceremony or rite in any established church or religion) to knowingly give, procure, or otherwise furnish any alcoholic beverage to any person under 21 years of age. § 3-3-202. A first offense constitutes a Class A misdemeanor. Id.

It is illegal to be under the influence of alcohol or a controlled substance to the extent that: the person is likely to endanger himself or another person or property; or the person unreasonably annoys a person in his or her vicinity. Ark. Code Ann. § 5-71-212(a). This is known as public intoxication and is a Class C misdemeanor punishable by up to 30 days imprisonment and a fine of up to \$500. Id.; §§ 5-4-201, 5-4-401. If a person has been convicted of public intoxication two or more times within five years of the date of the current offense, they are guilty of an unclassified misdemeanor, punishable by up to 30 days imprisonment, a fine of up to \$500, probation not to exceed one year, and mandatory enrollment in an alcohol abuse or dependency treatment or counseling program. § 5-71-212(b). Drinking in public is also a Class C misdemeanor punishable by up to 30 days imprisonment and a fine of up to \$500. §§ 5-71-212(c)–(d); 5-4-201, 5-4-401.

Driving Under the Influence (DUI)

It is illegal to "operate or to be in actual physical control" of a motor vehicle while intoxicated (by alcohol or a controlled substance) or with a blood alcohol concentration of 0.08 or more. Ark. Code Ann. § 5-65-103. For a first offense, there is a minimum imprisonment of 24 consecutive hours up to one year with a fine of \$150–\$1,000, as well as a six-month license suspension and required alcohol education program. §§ 5-65-111, 5-65-112, 5-65-115. For a second offense within 10 years of the first offense, there is a minimum imprisonment of 7 days up to one year, and if this second offense occurs within five years, there is a fine of \$400–\$3,000 as well as a 24-month license suspension. Id. Penalties increase for subsequent offenses. Id. Under certain circumstances, the court may order public service instead of some or all required imprisonment. § 5-65-111.

It is illegal for an underaged person to drive a motor vehicle while under the influence of alcohol or another intoxicant or with a blood alcohol concentration of 0.02 to 0.08. Ark. Code Ann. § 5-65-303. The penalty for a first offense is a fine of \$100 to \$500, potential public service work, and a 90-day driver's license suspension. §§ 5-65-304 - 5-65-306. It is also generally unlawful for a person to possess an open alcoholic beverage container within the driver or passenger area of a motor vehicle, although there are listed exceptions. § 5-71-218. A violation of this section is a Class C misdemeanor. Id.

Drug and Alcohol Abuse Prevention Program

UAFS maintains a Drug and Alcohol Abuse Prevention Program for students and employees in accordance with applicable federal requirements. The program provides information regarding standards of conduct related to drugs and alcohol, applicable federal and state legal sanctions, health risks associated with alcohol and illicit drug use, available counseling, treatment, and rehabilitation resources, and university disciplinary sanctions. UAFS conducts a biennial review of the program to evaluate its effectiveness and to help ensure that disciplinary sanctions are consistently enforced. Additional information regarding the university's drug and alcohol policies, prevention efforts, and resources is available below.

- [Student Alcohol/Drug Policy](#)
- [Employee Alcohol/Drug Policy](#)
- [Alcohol/Drug Resources](#)
- [UAFS Biennial Review](#)

Examples of UAFS Drug and Alcohol Prevention Programming

- Club 129 - An event featuring mocktails and education on alcohol-free social activities.
- Sip and Slime - Education on healthy stress management and alcohol safety.
- Know Your Brew - Education regarding alcohol awareness and safety.
- Fins Up with Chief Ottman - Drug awareness, Narcan education and training, and education regarding the health risks associated with illegal drug use and abuse.
- One Pill Can Kill - Fentanyl awareness program with the Arkansas Attorney General.

Policies, Procedures, and Programs Related to Dating Violence, Domestic Violence, Sexual Assault, and Stalking

Consistent with applicable laws, the University prohibits dating violence, domestic violence, sexual assault, and stalking. The University's policy used to address complaints of this nature, as well as the procedures for filing, investigating and resolving complaints, may be found at:

- [UAFS Title IX Website](#)
- [UAFS Title IX Policy](#)

The following sections of this report discuss the university's educational programs to promote the awareness of dating violence, domestic violence, sexual assault and stalking; provides information concerning procedures students and employees should follow and the services available in the event they do become a victim of one of these offenses, and advises students and employees of the disciplinary procedures that will be followed after an allegation that one of these offenses has occurred.

Primary Prevention and Awareness Program

The university conducts a Primary Prevention and Awareness Program (PPAP) for all incoming students and new employees. The PPAP advises campus community members that the university prohibits the offenses of dating violence, domestic violence, sexual assault and stalking. They are also informed of the topics discussed below, including relevant definitions, risk reduction, and bystander intervention.

Crime Definitions

Dating Violence

The institution has determined, based on good-faith research, that Arkansas law does not define the term dating violence.

Domestic Violence

The institution has determined, based on good-faith research, that Arkansas law does not define the term domestic violence (aside from as set forth below).

Arkansas defines “domestic abuse” to mean: (A) Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury, or assault between family or household members; or (B) Any sexual conduct between family or household members, whether minors or adults, that constitutes a crime under the laws of Arkansas. Ark. Code § 9-15-103(4).

Arkansas does have various degrees of “domestic battering” that are defined in a manner that could be classified as “dating violence” and “domestic violence.” These domestic battering crimes are found at Ark. Code § 5-26-303 to 305 and generally involve a perpetrator causing some degree of physical injury to a family or household member. In this regard, Ark. Code § 5-26-302 and Ark. Code § 9-15-103 use the following definitions (or some variation thereof):

- “Dating relationship” means a romantic or intimate social relationship between two (2) individuals that is determined by examining the following factors: (i) The length of the relationship; (ii) The type of the relationship; and (iii) The frequency of interaction between the two (2) individuals involved in the relationship. “Dating relationship” does not include a casual relationship or ordinary fraternization between two (2) individuals in a business or social context.
- “Family or household member” means: (A) A spouse; (B) A former spouse; (C) A parent; (D) A child, including any minor residing in the household; (E) Persons related by blood within the fourth degree of consanguinity....; (F) Persons who presently or in the past have resided or cohabited together; (G) Persons who have or have had a child in common; or (H) Persons who are presently or in the past have been in a dating relationship together.

A person commits domestic battering in the first degree (Ark. Code § 5-26-303) if:

1. With the purpose of causing serious physical injury to a family or household member, the person causes serious physical injury to a family or household member by means of a deadly weapon;
2. With the purpose of seriously and permanently disfiguring a family or household member or of destroying, amputating, or permanently disabling a member or organ of a family or household member's body, the person causes such an injury to a family or household member;
3. The person causes serious physical injury to a family or household member under circumstances manifesting extreme indifference to the value of human life;
4. The person knowingly causes serious physical injury to a family or household member he or she knows to be 60 years of age or older or 12 years of age or younger;
5. The person:
 - A. Commits any act of domestic battering as defined in § 5-26-304 or § 5-26-305; and
 - B. For conduct that occurred within the 10 years preceding the commission of the current offense, the person has on two (2) previous occasions been convicted of any act of battery against a family or household member or aggravated assault on a family or household member, as defined by the laws of this state or by the equivalent laws of any other state or foreign jurisdiction;
6. With the purpose of causing physical injury to a family or household member, the person causes physical injury to a family or household member by means of a firearm; or
7. The person knowingly causes serious physical injury to a family or household member who is 4 years of age or younger under circumstances manifesting extreme indifference to the value of human life.

“Aggravated assault on a family member or household member,” as defined in § 5-26-306, means: A person commits aggravated assault on a family or household member if, under circumstances manifesting extreme indifference to the value of human life, the person purposely: (1) engages in conduct that creates a substantial danger of death or serious physical injury to a family or household member; (2) displays a firearm in a manner that creates a substantial danger of death or serious physical injury to a family or household member; or (3) impedes or prevents the respiration of a family or household member or the circulation of a family or household member’s blood by applying pressure on the chest throat, or neck or by blocking the nose or mouth of the family or household member.

A person commits domestic battering in the second degree (Ark. Code § 5-26-304) if:

1. With the purpose of causing physical injury to a family or household member, the person causes serious physical injury to a family or household member;
2. With the purpose of causing physical injury to a family or household member, the person causes physical injury to a family or household member by means of a deadly weapon;
3. The person recklessly causes serious physical injury to a family or household member:
 - A. By means of a deadly weapon; or
 - B. Who is 4 years of age or younger; or
4. The person knowingly causes physical injury to a family or household member he or she knows to be 60 years of age or older or 12 years of age or younger.

A person commits domestic battering in the third degree (Ark. Code § 5-26-305) if:

1. With the purpose of causing physical injury to a family or household member, the person causes physical injury to a family or household member;
2. The person recklessly causes physical injury to a family or household member;
3. The person negligently causes physical injury to a family or household member by means of a deadly weapon; or
4. The person purposely causes stupor, unconsciousness, or physical or mental impairment or injury to a family or household member by administering to the family or household member, without the family or household member's consent, any drug or other substance.

Additionally, Arkansas’ Domestic Violence Shelter Act (Ark. Code §9-6-112) defines “domestic violence” as: (A) Physical harm, bodily harm causing injury, or an assault against a person caused by: (i) A family or household member; or (ii) Another person with whom a person is in a dating relationship; (B) Mental or emotional harm to a person caused by: (i) A family or household member; or (ii) Another person with whom a person is in a dating relationship; or (C) Sexual abuse against a person by another person.

Stalking

Under Arkansas law, there are various degrees of stalking found at Ark. Code § 5-71-229.

A person commits stalking in the third degree if he or she knowingly commits an act that would place a reasonable person in the victim's position under emotional distress and in fear for his or her safety or a third person's safety.

A person commits stalking in the second degree if he or she knowingly engages in a course of conduct that harasses another person and makes a terroristic threat with the purpose of: (A) Placing that person in imminent fear of death or serious bodily injury; (B) Placing that person in imminent fear of the death or serious bodily injury of his or her family or household member; (C) Placing that person in imminent fear of unwanted sexual intercourse, a deviate sexual activity, or other sexual contact; or (D) Placing that person in imminent fear of unwanted sexual intercourse, a deviate sexual activity, or other sexual contact against his or her family or household member.

A person commits stalking in the first degree if he or she knowingly engages in a course of conduct that would place a reasonable person in the victim's position under emotional distress and in fear for his or her safety or a third person's safety, and the actor: (A) Does so in contravention of an order of protection consistent with

the Domestic Abuse Act of 1991, § 9-15-101 et seq., or a no contact order as set out in subdivision (a)(2)(A) of this section, protecting the same victim, or any other order issued by any court protecting the same victim; (B) has been convicted within the previous ten (10) years of: (i) Stalking in the second degree; (ii) Terroristic threatening, § 5-13-301, or terroristic act, § 5-13-310; or (iii) Stalking or threats against another person's safety under the statutory provisions of any other state jurisdiction; or (C) Is armed with a deadly weapon or represents by word or conduct that he or she is armed with a deadly weapon.

As used in this statute, the following definitions apply:

- (1)(A) “Course of conduct” means a pattern of conduct composed of two (2) or more acts, separated by at least 36 hours, but occurring within one (1) year, including without limitation an act in which the actor directly, indirectly, or through a third party by any action, method, device, or means follows, monitors, observes, places under surveillance, threatens, or communicates to or about a person or interferes with a person's property. (B) “Course of conduct” includes without limitation sending mail or electronic communication to a person via electronic mail, text messages, or any other type of electronic message sent using the internet, websites, or social media platforms. (C)(i) “Course of conduct” does not include constitutionally protected activity. (ii) If the defendant claims that he or she was engaged in a constitutionally protected activity, the court shall determine the validity of that claim as a matter of law and, if found valid, shall exclude that activity from evidence.
- “Emotional distress” means significant mental suffering or distress. “Emotional distress” does not require that the victim sought or received medical or other professional treatment or counseling.

Sexual Assault

- Sexual assault in the first degree (Ark. Code § 5-14-124): A person commits sexual assault in the first degree if the person engages in sexual intercourse or deviate sexual activity with a minor who is not the actor's spouse and the actor is a mandated reporter under Arkansas state law (including officials at institutions of higher education) and is in a position of trust or authority over the victim and uses the position of trust or authority to engage in sexual intercourse or deviate sexual activity.
- Sexual assault in the second degree (Ark. Code § 5-14-125): A person commits sexual assault in the second degree if the person:
 - o Engages in sexual contact with another person by forcible compulsion.
 - o Engages in sexual contact with another person who is incapable of consent because he or she is: (A) Physically helpless; (B) Mentally defective; or (C) Mentally incapacitated.
 - o Being 18 years of age or older, engages in sexual contact with another person who is less than 14 years of age.
 - o Engages in sexual contact with a minor and the actor is a mandated reporter under Arkansas state law (including officials at institutions of higher education) and is in a position of trust or authority over the minor or the minor's guardian, an employee in the minor's school or school district, a temporary caretaker, or a person in a position of trust or authority over the minor.
- Sexual assault in the third degree (Ark. Code § 5-14-126): A person commits sexual assault in the third degree if the person engages in sexual intercourse or deviate sexual activity with another person who is not the actor's spouse and the actor is a mandated reporter under Arkansas state law (including officials at institutions of higher education) or a member of the clergy and is in a position of trust or authority over the victim and uses the position of trust or authority to engage in sexual intercourse or deviate sexual activity; or being a minor, engages in sexual intercourse or deviate sexual activity with another person who is less than 14 years of age.
- Sexual assault in the fourth degree (Ark. Code § 5-14-127): A person commits sexual assault in the fourth degree if the person, being 20 years of age or older: (A) Engages in sexual intercourse

or deviate sexual activity with another person who is: (i) Less than 16 years of age; and (ii) Not the person's spouse; or (B) Engages in sexual contact with another person who is: (i) Less than 16 years of age; and (ii) Not the person's spouse.

Rape, Fondling, Incest, Statutory Rape

For purposes of the Clery Act, the term “sexual assault” includes the offenses of rape, fondling, incest, and statutory rape. These definitions under Arkansas law are as follows:

- Rape (Ark. Code § 5-14-103): A person commits rape if he or she engages in sexual intercourse or deviate sexual activity with another person:
 - o By forcible compulsion.
 - o Who is incapable of consent because he or she is: (A) Physically helpless; (B) Mentally defective; or (C) Mentally incapacitated.
 - o Who is less than 14 years of age.
 - o Who is a minor and the actor is the victim's: (i) Guardian; (ii) Uncle, aunt, grandparent, step-grandparent, or grandparent by adoption; (iii) Brother or sister of the whole or half blood or by adoption; or (iv) Nephew, niece, or first cousin.
- Capital rape (Ark. Code § 5-14-114): A person commits capital rape if:
 1. He or she engages in sexual intercourse or deviate sexual activity with another person who is 13 years of age or younger and causes or threatens to cause serious physical injury to that person;
 2. Acting alone or with one (1) or more other persons:
 - A. The person commits or attempts to commit: The person commits or attempts to commit: (i) Terrorism, § 5-54-205; (ii) Kidnapping, § 5-11-102; (iii) Vehicular piracy, § 5-11-105; (iv) Robbery, § 5-12-102; (v) Aggravated robbery, § 5-12-103; (vi) Residential burglary, § 5-39-201(a); (vii) Commercial burglary, § 5-39-201(b); (viii) Aggravated residential burglary, § 5-39-204; (ix) A felony violation of the Uniform Controlled Substances Act, §§ 5-64-101 — 5-64-508, involving an actual delivery of a controlled substance; (x) First degree escape, § 5-54-110; (xi) Trafficking of persons, § 5-18-103; (xii) Engaging children in sexually explicit conduct for use in visual or print medium, § 5-27-303; or (xiii) Transportation of minors for prohibited sexual conduct, § 5-27-305; and
 - B. During the course of or in furtherance of the offense under subdivision (a)(2) (A) of this section, the person engages in sexual intercourse or deviate sexual activity with another person who is 13 years of age or younger;
 - o While using or threatening to use a deadly weapon, he or she engages in sexual intercourse or deviate sexual activity with another person who is 13 years of age or younger; or
 - o He or she engages in sexual intercourse or deviate sexual activity with another person who is 13 years of age or younger after previously having been convicted of rape under § 5-14-103(a)(3) or capital rape under this section.
- Fondling: The institution has determined, based on good-faith research, that Arkansas law does not define the term fondling.
- Incest (Ark. Code § 5-26-202): A person commits incest if the person, being sixteen (16) years of age or older, purports to marry, has sexual intercourse with, or engages in deviate sexual activity with another person sixteen (16) years of age or older whom the actor knows to be: (1) An ancestor or a descendant; (2) A stepchild or adopted child; (3) A brother or sister of the whole or half blood; (4) An uncle, aunt, nephew, or niece; or (5) A stepgrandchild or adopted grandchild.
- Statutory Rape: The institution has determined, based on good-faith research, that Arkansas law does not define the term statutory rape. However, Arkansas prosecutes sexual assault in the fourth

degree in instances where an individual being 20 years of age or older engages in sexual contact, sexual intercourse, or deviate sexual activity with another person who is less than 16 years of age and not the person's spouse (Ark. Code § 5-14-127).

Other "Sexual Assault" Crimes

Other crimes under Arkansas law that may be classified as a "sexual assault" include the following:

- Sexual indecency with a child (Ark. Code § 5-14-110): A person commits sexual indecency with a child if:
 - o Being 18 years of age or older, the person solicits another person who is less than 15 years of age or who is represented to be less than 15 years of age to engage in: (A) Sexual intercourse; (B) Deviate sexual activity; or (C) Sexual contact;
 - o With the purpose to arouse or gratify a sexual desire of himself or herself or a sexual desire of another person, the person purposely exposes his or her sex organs to another person who is less than 15 years of age;
 - o With the purpose to arouse or gratify a sexual desire of himself or herself or a sexual desire of another person, the person purposely exposes his or her sex organs to a minor, and the actor is a mandated reporter under Arkansas state law (including officials at institutions of higher education) and is in a position of trust or authority over the minor or the minor's parent or guardian, an employee in the minor's school or school district, a temporary caretaker, or a person in a position of trust and authority over the minor;
 - o With the purpose to arouse or gratify his or her sexual desire or a sexual desire of another person, the person, being 18 years of age or older, causes or coerces a minor to expose his or her sex organs to the actor or another person, and the actor is a mandated reporter under § 12-18-402(b) and is in a position of trust or authority over the minor or The minor's parent or guardian, an employee in the minor's school or school district, a temporary caretaker, or a person in a position of trust or authority over the minor;
 - o Being 18 years of age or older, the person causes or coerces another person who is less than 14 years of age to expose his or her sex organs or the breast of a female with the purpose to arouse or gratify a sexual desire of the actor or another person; or
 - o Being 18 years of age or older, the person, for the purpose of arousing or gratifying a sexual desire of himself or herself or any other person, enters into or remains in a public changing facility that is assigned to persons of the opposite sex while knowing a minor of the opposite sex is present in the public changing facility. This section does not apply to a person entering into or remaining in a public changing facility: (i) with a minor under 7 years of age if the person is a minor's parent, guardian, or family member, or is otherwise authorized to care for the minor; (ii) for maintenance or inspection purposes if the person is authorized to conduct maintenance or inspection of the public changing facility; (iii) to render medical assistance; (iv) to accompany a person needing assistance when the actor is the parent, guardian, or family member, or is otherwise authorized to care for the person needing assistance; (v) to provide assistance in using the public changing facility; (vi) if the public changing facility has been temporarily designated for use by persons of the same sex as the person entering into or remaining in the public changing facility; or (vii) who is a certified law enforcement or corrections officer accompanying a person of the opposite sex in his or her custody.

As used in this section, (1) "Sex" means a person's immutable biological sex as objectively determined by anatomy and genetics existing at the time of birth.

Consent (as it relates to sexual activity)

The institution has determined, based on good-faith research, that Arkansas law does not define the term consent (as it relates to sexual activity).

University Definition of Consent

Consent is clear, knowing, and voluntary. Consent is active, not passive. Silence, in and of itself, cannot be interpreted as consent. Words or actions can give consent if those words or actions create mutually understandable, clear permission regarding willingness to engage in (and the conditions of) sexual activity. If coercion, intimidation, threats, or physical force are used, there is no consent.

If a person is mentally or physically incapacitated so that the person cannot understand the fact, nature, or extent of the sexual situation, there is no consent. Incapacitation can be due to alcohol or drugs or being asleep or unconscious. This policy also covers incapacity due to mental disability, involuntary physical restraint, or from the taking of rape drugs. Possession, use, and/or distribution of any of these substances, including Rohypnol, ketamine, GHB, Brundage, etc., is prohibited, and administering one of these drugs to another person is a violation of this policy. More information on these drugs can be found at 911rape.org.

The use of alcohol or other drugs will never function as a defense to a violation of this policy. An individual violates this policy if the individual initiates and engages in sexual activity with someone who is incapacitated, and (1) the individual knew the other person was incapacitated or (2) a sober reasonable person under similar circumstances as the person initiating the sexual activity would have known the other person was incapacitated.

There is also no consent when there is force, expressed or implied, or use of duress or deception upon the victim. Whether an individual has taken advantage of a position of influence over an alleged victim may be a factor in determining consent. Force is the use of physical violence and/or physically imposing on someone to gain sexual access. Force also includes overt threats, implied threats, intimidation, and coercion that overcome resistance or produce consent.

Coercion is unreasonable pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another. When someone makes clear to you that they do not want sex, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

Under Arkansas law, the age of consent varies with the degrees of assault, the age of the actor, and the relationship of the actor to the other party. For specific information, please refer to Arkansas statutes (e.g., Arkansas Code Annotated § 5-14-125, Sexual Assault in the Second Degree).

Consent to any one form of sexual activity cannot automatically imply consent to any other form of sexual activity. In addition, previous relationships or prior consent cannot imply consent to future sexual acts.

Risk Reduction

If you find yourself in an uncomfortable sexual situation, these suggestions may help you reduce your risk:

- Make your limits known before going too far.
- You can withdraw consent to sexual activity at any time. Do not be afraid to tell a sexual aggressor “NO” clearly and loudly.
- Try to remove yourself from the physical presence of a sexual aggressor. Be as direct as possible about wanting to leave the environment.
- Grab someone nearby and ask them for help.
- Be responsible about your alcohol and/or drug use. Alcohol and drugs can lower your sexual inhibitions and may make you vulnerable to someone who views an intoxicated/high person as a sexual opportunity.
- Attend large parties with friends you trust. Watch out for your friends and ask them to watch out for you.
- Be aware of someone trying to slip you an incapacitating “rape drug” like Rohypnol or GHB.

If you find yourself in the position of being the initiator of sexual behavior, these suggestions may help you to reduce your risk of being accused of sexual assault or another sexual crime:

- Remember that you owe sexual respect to the other person.
- Don't make assumptions about the other person's consent or about how far they are willing to go.
- Remember that consent to one form of sexual activity does not necessarily imply consent to another form of sexual behavior.
- If your partner expresses a withdrawal of consent, stop immediately.
- Clearly communicate your sexual intentions so that the other person has a chance to tell you their intentions clearly.
- Consider "mixed messages" a clear sign that the other person is uncomfortable with the situation and may not be ready to progress sexually.
- Don't take advantage of someone who is really drunk or on drugs, even if they knowingly and intentionally put themselves in that state. Further, don't be afraid to step in if you see someone else trying to take advantage of a nearly incapacitated person.
- Be aware of the signs of incapacitation, such as slurred speech, bloodshot eyes, vomiting, unusual behavior, passing out, staggering, etc.

It is also essential to be aware of the warning signs of an abusive person. Some examples include: past abuse; threats of violence or abuse; breaking objects; using force during an argument; jealousy; controlling behavior; quick involvement; unrealistic expectations; isolation; blaming others for problems; hypersensitivity; cruelty to animals or children; "playful" use of force during sex; Jekyll-and-Hyde personality.

Bystander Intervention

In addition to reporting incidents to appropriate authorities, below are some ways in which individuals can take safe and positive steps to prevent harm and intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking against another person.

- Look out for those around you.
- Realize that it is important to intervene to help others.
- Treat everyone respectfully. Do not be hostile or an antagonist.
- Be confident when intervening.
- Recruit help from others if necessary.
- Be honest and direct.
- Keep yourself safe.
- If things get out of hand, don't hesitate to contact the police.

Other Information Covered by the PPAP

The PPAP also provides information on possible sanctions and protective measures that may be imposed following a determination that an offense of dating violence, domestic violence, sexual assault, or stalking has occurred, an explanation of the disciplinary procedures that will be followed when one of these offenses is alleged, the rights of the parties in such a proceeding, available resources, and other pertinent information. Much of this information is set forth in the upcoming sections of this security report.

Ongoing Prevention and Awareness Campaign

The university also conducts an Ongoing Prevention and Awareness Campaign (OPAC) aimed at all students and employees. This campaign covers the same material as provided in the PPAP, but is intended to increase the understanding of students and employees on these topics and to improve their skills for addressing the offenses of dating violence, domestic violence, sexual assault and stalking.

PPAP and OPAC Programming Methods

UAFS regularly hosts educational programs aimed at preventing domestic violence, dating violence, sexual assault, and stalking. Some of these programs are led by Lion's Roar, a peer-educator organization focused on behavioral issues, and the Awareness and Prevention Committee. Notable initiatives include the Night Walk and UAFS Cares, which is a collaborative effort involving the University Police Department (UPD), Academic Affairs, and Student Affairs. Additionally, UPD offers Rape Aggression Defense (RAD) training throughout the year, contingent upon instructor availability. Throughout the year, various awareness and intervention programs are also provided.

The Title IX Office, Student Affairs, and other campus organizations sponsor prevention and awareness programming throughout the year. The University's Primary Prevention and Awareness Program (PPAP) and Ongoing Prevention and Awareness Campaign (OPAC) use a variety of strategies and, as appropriate, target specific audiences throughout the University. Programming methods may include presentations, online training modules, distribution of written materials, periodic email communications, campus announcements, and guest speakers. Examples of the University's prevention and awareness programming are provided below.

- New students receive education on preventing dating violence, domestic violence, sexual assault, and stalking through a presentation conducted by the Office of Student Services and UPD during orientation. All new employees must complete an online training module on these topics upon hire and retake it annually.
- As part of its ongoing initiative, UAFS employs various strategies, such as in-person presentations by sexual assault organizations and email blasts containing necessary information. The university also makes announcements through the student portal. While educational programming occurs year-round, it is particularly emphasized during nationally recognized observances such as Sexual Assault Awareness Month and Domestic Violence Awareness Month.

Procedures to Follow if You are a Victim of Dating Violence, Domestic Violence, Sexual Assault, or Stalking

If you are a victim of dating violence, domestic violence, sexual assault, or stalking, please go to a safe location and call 911 or UPD at 479-788-7140. You can also contact the University's Title IX Director at 479-788-7413 for assistance.

Victims will be notified in writing of the procedures to follow, including:

1. To whom and how the alleged offense should be reported (contact the Title IX coordinator or refer to the other resources listed in this report).
2. The importance of preserving evidence that may be necessary to prove the offense in a criminal proceeding or disciplinary action or to obtain a protective order.
3. The victim's options regarding notification to law enforcement, which are: (a) the option to notify either on-campus or local police; (b) the option to be assisted by campus security authorities in notifying law enforcement if the victim so chooses (the institution is obligated to comply with such a request if it is made); and (c) the option to decline to notify such authorities.
4. Where applicable, the rights of victims and the institution's responsibilities regarding orders of protection, no-contact orders, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court.

Preservation of Evidence and Forensic Examinations

Victims of physical assault are advised to not remove clothing items worn during or following an assault, as they frequently contain valuable fiber, hair, and fluid evidence. Don't bathe or wash, or otherwise clean the environment in which the assault occurred. You can obtain a forensic examination at

- Crisis Intervention Center, 5603 S. 14th St., Fort Smith, AR, 72901
- Mercy Hospital, 7301 Rogers Ave, Fort Smith, AR, 72903
- Baptist Health, 1001 Towson Ave, Fort Smith, AR, 72901

Completing a forensic examination does not require you to file a police report, but having a forensic examination will help preserve evidence in case you decide at a later date to file a police report.

Victims are also advised to retain evidence in electronic formats (e.g., text messages, emails, photos, social media posts, screenshots, etc.). Such evidence is valuable in all situations, and it may be the only type of evidence available in instances of stalking.

Security/Law Enforcement and How to Make a Police Report

- University Police Department – 479-788-7140, 1114 N. 52nd St., Fort Smith, AR, 72904
- Fort Smith Police Department – 479-709-5000, 100 S. 10th St., Fort Smith, AR, 72901
- To file a police report, a victim should contact the local police agency listed above by phone or in person. It is important for the victim to provide as much information as possible, including their name, address, and details about the incident, such as when it occurred and what happened, to the best of their ability.

Information About Legal Protection Orders

In Arkansas, victims may obtain an Adult Order of Protection, which offers protective relief for those affected by domestic violence, stalking, or sexual assault. [Get more information about Adult Orders of Protection.](#)

You can obtain a protection order by submitting a petition to the court. There are two types of protection orders that the court can issue:

1. **Ex Parte Orders:** These are temporary emergency orders that provide immediate protection to a victim for up to 30 days, until a court hearing can be held.
2. **Full Orders of Protection:** These orders can be issued for a duration of up to 10 years. For more information about these orders, [additional resources are available online.](#)
 - To file a Petition for an Order of Protection, you should visit the Sebastian County Prosecutor's Office. To schedule an appointment, call 479-783-8976. The office is located at 901 S. B St., Suite 208, Fort Smith, Arkansas.
 - Information about obtaining an Order of Protection in Sebastian County [can be found here.](#)

Victims may contact local domestic violence and sexual assault advocates for assistance in obtaining a protection order.

- UAFS collaborates with the Crisis Intervention Center, which provides victim advocacy for domestic violence and sexual assault. The center is located at 5603 S 14th St, Fort Smith, AR 72901. For more information, [go to fscic.org.](#)

When a protection order is granted, it is enforceable statewide. If you have obtained a protection order and need it enforced in your area, you should contact your local police department.

The institution will also enforce any temporary restraining order or no-contact order issued by a criminal, civil, or tribal court against the alleged perpetrator. Any student or employee with a protection order or no-contact order should notify the Title IX Coordinator and UPD to provide a copy of the order so the institution can keep it on file and enforce it on campus if necessary. Upon learning of any order, the institution will take all reasonable and lawful steps to implement it.

While the institution does not issue legal orders of protection, it may impose a no-contact order between individuals in appropriate circumstances under institutional policy. Additionally, the institution may issue a “no trespass warning” if sufficient information reasonably indicates that an individual is likely to cause harm to any member of the campus community. A person who violates a no trespass warning may be arrested and face criminal charges.

Available Victim Services

Victims will be provided written notification about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available to them, both within the university and in the surrounding community. Those services include:

University Resources

- Powell Student Health Clinic – 479-448-7574, Math-Science 105
- UAFS Counseling Center – 479-788-7752, Flanders 214
- [Student Financial Aid](#) – Sometimes, a victim of a crime may feel the need to take a leave of absence from school. If a student is considering a leave of absence due to the circumstances of a complaint, they should understand that there may be financial aid implications associated with taking such a leave. This should be discussed with financial aid personnel, and the Title IX coordinator can assist in facilitating this conversation if desired. More information can be found on the [UAFS financial aid webpage](#).

State/Local Resources

- Mercy Hospital – 479-314-6000
- Baptist Health – 479-441-4000
- Fort Smith ER – 479-974-9403
- Western Arkansas Counseling and Guidance – 479-452-6650
- Valley Behavioral Health – 479-755-2321
- Crisis Intervention Center – 479-782-1821
- Hamilton House Child Advocacy – 479-783-1002
- [Arkansas Law Help](#) – 1-888-540-2941

National Resources

- National Domestic Violence Hotline – 1-800-799-7233
- National Sexual Assault Hotline – 1-800-656-4673
- [Rape, Abuse, and Incest National Network \(RAINN\)](#)
- [U.S. Dept. of Justice Office on Violence Against Women](#)
- [National Coalition Against Domestic Violence](#)
- [National Sexual Violence Resource Center](#)
- [U.S. Citizenship and Immigration Services](#)
- [Immigration Advocates Network](#)

Accommodations and Protective Measures

The university will provide written notification to victims about options for, and available assistance in, changing academic, living, transportation, and working situations or protective measures. If victims request these accommodations or protective measures and they are reasonably available the university is obligated to provide them, regardless of whether the victim chooses to report the crime to campus security or local law enforcement. To request accommodations or protective measures, please get in touch with the Title IX director at (479) 788-7413. They determine which accommodations or protective measures may be implemented.

When determining the reasonableness of such a request, the university may consider, among other factors, the following:

- The specific need expressed by the complainant.
- The age of the students involved.
- The severity or pervasiveness of the allegations
- Any continuing effects on the complainant
- Whether the complainant and alleged perpetrator share the same class or job location.
- Whether other judicial measures have been taken to protect the complainant (e.g., civil protection orders).

The university will maintain as confidential any accommodations or protective measures provided a victim to the extent that maintaining confidentiality would not impair the university's ability to provide them. However, there may be times when certain information must be disclosed to a third party in order to implement the accommodation or protective measure. Such decisions will be made by the university in light of the surrounding circumstances, and disclosures of this nature will be limited so that only the information necessary to implement the accommodation or protective measure is provided. In the event it is necessary to disclose information about a victim in order to provide an accommodation or protective order, the university will inform the victim of that necessity prior to the disclosure, including which information will be shared, with whom it will be shared and why.

Procedures for Disciplinary Action

The filing of a formal, written complaint initiates the formal grievance process and is available to any person who is participating in (or attempting to participate in) a university educational program or activity. The Title IX coordinator (or an investigator designated by the Title IX coordinator) will investigate the allegations in the formal complaint.

A person may submit a formal complaint in writing to the UAFS Title IX coordinator. A complaint form is available in the Title IX Office (located in Room 230 of the Smith-Pendergraft Campus Center), or you may submit your own. To be considered a formal complaint under UAFS Title IX procedures, the submission must meet the following criteria:

Recommended Elements of a Formal Complaint

- It must be a written document (typed or clearly handwritten).
- It must contain your physical or digital signature.
- It must allege sexual harassment or other sexual misconduct against an individual and request that the university investigate the allegation(s).
- It must be written in your own words and may not be authored by others, including family members, advisors or attorneys.
- It should identify the person alleged to have committed the misconduct (if known).
- It should describe the incident(s) with reasonable specificity, including:
 - What occurred
 - When it occurred (date or approximate timeframe)
 - Where it occurred (location or context)
- It should include a list of any relevant sources of information such as:
 - Witnesses
 - Records or correspondence
 - Photos, messages, or documentation

Note: Under UAFS Title IX policy, at the time of filing your formal complaint, you must be participating in or attempting to participate in a UAFS education program or activity.

Visit the [Compliant and Grievance Procedure FAQ](#) page for additional details.

Reports can be made to the Office of Title IX, 479-788-7413; UPD, 479-788-7140; Office of the Vice-Chancellor for Student Affairs, 479-788-7310; or any of the Title IX coordinators or deputy coordinators:

Kathryn Janz
Title IX Coordinator
Smith-Pendergraft Campus Center 230
479-788-7413
Kathryn.Janz@uafs.edu

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We strive to respond in a manner that maintains or restores a safe and productive learning environment while looking into the complaint in a prompt, thorough, and impartial fashion.

Please note: UAFS staff will assist a reporter in making a formal report to the police if that assistance is desired. If you want full confidentiality, essentially to talk through what happened but not officially report it, and the issue is not an immediate life emergency, speak with a professional counselor, clergy member, or health care provider (e.g., the UAFS Student Counseling Center, 479-788-7752 or the Crisis Intervention Center Hotline at 1-800-359-0056). The Title IX coordinator will assist with this if you wish.

These procedures apply to all grievances regarding conduct that may constitute sexual harassment as defined in this policy (including sexual assault), and that falls within the university's Title IX jurisdiction. All other grievances by students, employees, or third parties shall be addressed through other procedures. The university's Title IX grievance process includes formal and informal procedures that encourage prompt resolution of complaints. In most cases, the complainant's submission of a formal, written complaint to the Title IX coordinator will initiate the formal grievance process. However, the Title IX coordinator may also submit a formal complaint under the circumstances described below. The university will respond promptly to all formal complaints of sexual harassment.

Basic Requirements

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

- All relevant evidence-including both inculpatory and exculpatory evidence-will be evaluated.
- Credibility determinations may not be based on a person's status as a complainant, respondent, or witness.
- The Title IX coordinator, investigator, hearing officers, or panel members, decision-makers on appeal, persons involved with the informal resolution, and any other persons that play a significant role in the Title IX grievance process shall not have a conflict of interest or bias for or against complainants or respondents generally or for or against an individual complainant or respondent.
- The respondent is presumed not to be responsible for the alleged conduct until a determination of responsibility is made at the conclusion of the grievance process.
- The time frames for concluding the grievance process shall be reasonably prompt, as outlined in more detail in the procedures below.
- The grievance process may be temporarily delayed, and limited extensions of time frames may be granted, for good cause. In such instances, written notice to the complainant and the respondent of the delay or extension and the reasons for the action will be provided. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodations of disabilities.
- Questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege will not be required, allowed, relied upon, or otherwise used. The university shall not consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in the capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the university obtains that person's voluntary, written consent to do so for a grievance under this section.

- No party shall be restricted from discussing the allegations under investigation or from gathering and presenting relevant evidence.
- A party whose participation in a hearing, investigative interview, or other meeting shall be provided with a written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.

Initial Report/Intake Process

Initial Meeting with Complainant - Promptly upon receiving a report of conduct that could potentially be a violation of Title IX, the Title IX coordinator (or designee) will contact the complainant to schedule an initial meeting to, as applicable:

- Provide a copy of this policy.
- Explain the process for filing a formal complaint and provide a copy of the Sexual Harassment Complaint Form on which the complainant may, if they agree to disclose the information, provide details regarding the allegation, including the name of the accused individual and the date, location, and general nature of the alleged violation of policy.
- Explain avenues for resolution, including informal and formal.
- Explain the steps involved in an investigation and hearing under this policy.
- Discuss confidentiality standards and concerns.
- Refer to law enforcement, counseling, medical, academic, or other resources, as appropriate.
- Discuss, as appropriate, possible supportive measures, which are available with or without the filing of a formal complaint.

If the complainant requests that no further action be taken and/or that no formal complaint be pursued, the Title IX coordinator (and/or their designee) will inform the complainant that retaliation is prohibited and that honoring the complainant's request may limit the university's ability to respond to the incident fully. If the complainant stands firm on their request that no further action be taken, the Title IX coordinator will evaluate whether to file a complaint under the criteria set forth below.

Form and Filing of Complaint - Filing a formal, written complaint initiates the formal grievance process. It is available to any person participating in (or attempting to participate in) a university educational program or activity. The Title IX coordinator (or an investigator designated by the Title IX coordinator) will investigate the allegations in the formal complaint. Formal complaints can be filed in several ways. The complainant may utilize the form provided or may submit the complainant's own document that contains the complainant's signature (either physical or digital) and is filed with the university's Title IX Office by U.S. mail, in person, through the Title IX portal provided for this purpose, or by email. The formal complaint should set forth the allegations and request that the Title IX Office investigate the matter.

Filing by Title IX Coordinator - The Title IX coordinator may initiate the grievance process, even if the complainant declines to file a formal complaint, if the coordinator determines that the circumstances require the university to respond to and address the allegations formally. Circumstances to be considered include, among others, a pattern of alleged misconduct by a respondent and whether the complaint has alleged use of violence, weapons, or other similar conduct. The Title IX coordinator will also consider the complainant's wishes regarding supportive measures and the desired response from the university. If a report is made anonymously and the Title IX coordinator files the complaint, both the complainant and respondent will receive notice of the allegations, with written details and the identities of the parties, if known.

Consolidation of Formal Complaints - The Title IX coordinator may consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances.

Dismissal of Complaint Before Resolution - The Title IX coordinator must dismiss a formal complaint if the alleged conduct (1) does not constitute sexual harassment, as defined in this policy, even if proved; (2) did not occur in the university's education program or activity; or (3) did not occur against a person in the United States. In addition, a complaint may be dismissed if, at any time during the investigation or hearing, a complainant notifies the Title IX coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein; the respondent is no longer enrolled or employed by the recipient; or specific circumstances prevent the gathering of evidence sufficient to reach a determination as to the formal complaint or any allegations therein.

Upon dismissal of a formal complaint, for any reason, the Title IX coordinator will send simultaneous written notice of the dismissal and the reason(s) for the dismissal to the parties. The dismissal decision may be appealed pursuant to the appeal procedure outlined in this policy. Dismissal of a complaint under this Title IX policy does not preclude a complainant from pursuing a grievance through other appropriate campus procedures.

Notice of Formal Complaint - Upon receipt of the formal complaint, the Title IX coordinator will send simultaneous notifications of the filing of the complaint to the complainant and the respondent (if known). If, during an investigation, the Title IX coordinator decides to investigate allegations about the complainant or respondent that are not included in the initial notice, the Title IX coordinator will provide notice of the additional allegations to the parties whose identities are known. The initial notice will contain the following:

- The allegations of the complaint that potentially constitute sexual harassment, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview (including the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment under this policy, and the date and location of the alleged incident, if known)
- A copy of the Title IX policy
- A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process
- A statement informing the parties that they have a right to have one advisor of their choice to assist them throughout the proceedings who may be (but is not required to be) an attorney
- A statement that the parties have the right to inspect and review all evidence collected during the complaint process
- A statement that any party who knowingly makes false statements or submits false information during the grievance process will be subject to disciplinary procedures.

Initial Meeting with Respondent - If a formal complaint is filed, the Title IX coordinator will promptly schedule an initial meeting with the respondent after the written notice of the formal complaint is sent as described above. Before the initial meeting, the Title IX coordinator shall provide written notice of the date, time, location, participants, and purpose of the meeting, with sufficient time for the party to prepare to participate. During the initial meeting with the respondent, the Title IX coordinator (or designee) will, as applicable:

- provide a copy of this policy (if not previously provided).
- explain avenues for resolution, including informal and formal.
- explain the steps involved in an investigation and hearing under this policy.
- discuss confidentiality standards and concerns.
- discuss non-retaliation requirements.
- inform of any supportive measures already determined and being provided to the complainant that would directly affect the respondent.
- refer to law enforcement, counseling, medical, academic, or other resources, as appropriate.
- discuss, as appropriate, possible supportive measures that can be provided to the respondent.

Right to Advisor - Both parties will be advised that one advisor/support person may accompany them to assist them throughout the Title IX process, which can be (but is not required to be) an attorney. The advisor may not

speak or otherwise actively participate during the pre-hearing interviews or meetings. It is the party's responsibility to obtain the services of an advisor, except that the university will make an advisor available to the parties during the hearing to determine responsibility upon request. A party who wants the university to provide an advisor for the determination hearing should request within 15 days after the party's filing or receipt of the formal complaint. The advisor's role at the hearing is further explained below.

Emergency Removal - If, after the Behavioral Intervention Team undertakes a safety and risk analysis, the university determines that the respondent poses an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment, it may remove the respondent from the university's programs or activities. In such instances, the respondent will be provided with a written notice of the reasons for the removal. Within five (5) days of receiving the notice, the respondent may challenge the decision by requesting a meeting with the vice chancellor for student affairs (or designee).

Administrative Leave - Nothing in this policy precludes the university from placing a non-student employee respondent on administrative leave during the pendency of the grievance process.

Supportive Measures - Supportive measures, as defined in this policy, will be based on the facts and circumstances of each situation. The Title IX coordinator is responsible for coordinating the effective implementation of supportive measures. They may include, but are not limited to, the following:

- Counseling
- Extensions of deadlines or other course-related adjustments
- Modifications of work or class schedules
- Campus escort services
- Mutual restrictions on contact between the parties
- Changes in working or housing locations
- Leaves of absence
- Increased security and monitoring of certain areas of the campus

The university will maintain confidentiality of any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the university's ability to provide the supportive measures.

Informal Resolution - At any time after a formal written complaint is filed but before a determination of responsibility is made, the university may facilitate a resolution without a full investigation and adjudication. The complainant and respondent must give their voluntary, written consent to the informal resolution process. The informal resolution process will not be utilized to resolve allegations that an employee sexually harassed a student.

Before commencing the informal resolution process, the Title IX coordinator or designee must provide the parties a written notice that includes the following information:

- Notice of the allegations contained in the formal complaint, including dates, location(s), and identities of the parties.
- Any agreed-upon resolution reached at the conclusion of the informal complaint process will preclude the parties from resuming a formal complaint arising from the same allegations.
- At any time before agreeing to a resolution, any party may withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint.
- Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.

Comprehensive Investigation

If the allegations are not resolved through the informal process, the matter will proceed to a comprehensive investigation and resolution through the formal complaint process. The Title IX coordinator will oversee the prompt, equitable, and impartial investigation during the formal complaint process. The burden of proof and

the burden of gathering evidence sufficient to reach a determination regarding responsibility shall rest with the university, not the parties.

Assignment of Investigator - If the Title IX coordinator's designee is to conduct the investigation, the Title IX coordinator will forward the complaint to the investigator and share the investigator's name and contact information with the complainant and the respondent.

Conflicts of Interest and Bias - Immediately after the identity of the person who will conduct the investigation is determined and communicated to the parties, the investigator, the complainant, or the respondent may identify to the Title IX coordinator in writing any real or perceived conflicts of interest or bias that the person charged with conducting the investigation (including the Title IX coordinator, where applicable) may have. The Title IX coordinator will carefully consider such statements and will assign a different individual as investigator if it is determined that a material conflict of interest or bias exists.

Overview of Investigation - Upon receipt of the formal complaint, the Title IX coordinator/investigator (hereinafter "investigator") will promptly begin the investigation, which shall include but is not limited to the following:

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

Inspection and Access to Evidence - The parties may identify to the investigator any evidence or witnesses they wish to be included as part of the investigation. Both parties will also have equal opportunity to inspect and review any evidence obtained during the investigation. The investigator will complete the gathering of evidence as soon as practicable, which will ordinarily occur within approximately 30 days after the filing of the formal complaint.

After the gathering of evidence has been completed but before completion of the investigative report, the investigator will provide to each party and party's advisor, if any, any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint, including the evidence upon which the university does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence (whether obtained from a party or other source), so that each party can meaningfully respond to the evidence before the conclusion of the investigation. The evidence will be provided in an electronic format or a hard copy. The parties will have five (5) days to submit a written response to the evidence, which the Investigator will consider before completing the investigative report. The evidence will be made available for the parties to use at the hearing to determine responsibility.

Investigative Report - The investigative report shall fairly summarize the relevant evidence and must include the following items and information that is relevant to the allegations in the formal complaint:

- The dates of the Title IX coordinator's initial receipt of a report of alleged sexual harassment against the complainant, intake meeting, and the filing of the formal complaint
- A statement of the allegation(s), a description of the incident(s), the date(s) and time(s) (if known), and location of the alleged incident(s)
- The names of all known witnesses to the alleged incident(s)
- The dates that the complainant, respondent, and other witnesses were interviewed, along with summaries of the interviews
- Descriptions or summaries of any physical or documentary evidence that was obtained (e.g., text messages, emails, surveillance video footage, photographs)
- Any written statements of the complainant, respondent, or other witnesses

- The response of university personnel and, if applicable, university-level officials, including any supportive measures taken with respect to the complainant and respondent

The investigator shall provide a draft of the investigative report to the Title IX coordinator for review before the report becomes final. An electronic or hard-copy version of the final investigative report will be provided to each party (and each party's advisor) concurrently. The investigative report shall be provided as soon as practicable after the parties have submitted their written responses to the evidence (if any) and at least 10 calendar days before the determination hearing. The parties may provide a written response to the investigative report within five (5) calendar days after receiving it.

Determination Hearing

After the investigative report is completed and distributed, a hearing will be held to determine the outcome and resolution of the complaint. The parties and their advisors, if any, will be notified by the hearing officer, hearing panel chairperson, or Title IX coordinator of the date, time, and location of the hearing, as outlined in the notice provisions below.

Hearing officer or Hearing panel - Within three (3) days of the release of the investigative report to the parties, the chancellor or their designee, typically the Title IX coordinator, will appoint (1) a single hearing officer, who may be (but is not required to be) an outside person not permanently employed by the university, or (2) a three-member hearing panel, which shall be composed of at least two (2) faculty and/or staff members and may include (but is not required to include) one outside person who the university does not permanently employ. If a hearing panel will be used, the chancellor or their designee will select one member of the hearing panel to act as the chair. The Title IX coordinator will provide a copy of the formal complaint and the investigative report, along with the parties' written responses to the investigative report, to the hearing officer or each member of the hearing panel.

Promptly after appointing the members of the hearing panel, the Title IX coordinator will provide concurrent written notice to the complainant and the respondent, setting forth the names of the individuals selected to serve as the hearing officer or member of the hearing panel. The parties may challenge the participation of any decision-maker based on bias or a conflict of interest by submitting a written objection to the chancellor or their designee within three (3) calendar days of receipt of the notice. Any objection must state the specific reason(s) for the objection. The chancellor or their designee will evaluate the objection and determine whether to select a new hearing officer or alter the composition of the hearing panel. Failure to submit a timely and proper objection will constitute a waiver of the objection. Any changes to the hearing officer or hearing panel will be provided in writing to both parties before the hearing date.

Submission of Witnesses Lists - Within five (5) calendar days of receipt of the notice of the hearing officer or hearing panel, both parties may provide to the hearing officer or chair of the hearing panel a list of witnesses, if any, that they propose be called to testify and a brief description of each proposed witness's connection to and/or knowledge of the issues in dispute. Absent good cause, a party cannot include a witness on the party's pre-hearing witness list unless the witness was identified during the investigation. The hearing officer or hearing panel reserves the right to call relevant witnesses who may not have been included on a party's witness list.

Notice of the Hearing - Not less than five (5) days but not more than 10 days after delivery of the notice of the hearing officer's identity or initial composition of the hearing panel, the hearing officer or chair of the hearing panel will provide a separate notice to the complainant, respondent, and any other witnesses whose testimony the hearing officer or hearing panel deems relevant, requesting such individuals to appear at the hearing to determine responsibility. The notice should set forth the date, time, and location for the individual's requested presence. The hearing officer or hearing panel shall provide, in its notice to the parties, the names of the witnesses that the hearing officer or hearing panel plans to call. The hearing shall be conducted promptly but no sooner than 10 calendar days after release of the investigative report.

Failure to Appear - If any party fails to appear at the hearing if requested to do so, and such party was provided notice of the hearing as set forth above, then absent extenuating circumstances, the hearing officer or hearing panel will proceed to determine the resolution of the complaint. As explained below, if a party fails to appear, it is unlikely that the hearing officer or hearing panel will consider the non-appearing party's version of events based on another source, such as the formal complaint or a prior statement.

Option for Virtual or Separate Presence - Live hearings may be conducted with all parties present in the same geographic location or, at the university's discretion, any or all parties and witnesses may appear virtually at the live hearing, with technology enabling participants to see and hear each other simultaneously. Either party may request not to be in the same room as the other party. If any party makes such a request, then both parties will be required to attend the hearing from a location or room different from where the hearing officer or hearing panel is sitting. If the hearing is virtual, or if there is a request for separate rooms at a physical location, the university will ensure that all participants can simultaneously see and hear the party or witness answering questions. Accessibility instructions will be provided before the hearing date.

Recordings - An audio or audio-visual recording will be created of the live hearing and will be made available for inspection and review at any party's request.

Advisor's Role at Hearing - The complainant and respondent may be accompanied by an advisor during the hearing to determine responsibility. A party must identify their advisor (if any) at least five (5) days before the hearing. The advisor's role at the hearing shall consist of (1) providing private advice to the party they are supporting and (2) questioning the opposing party and other witnesses. The advisor can be anyone, including an attorney. A party may arrange for the party's advisor of choice to attend the hearing at the party's own expense. Alternatively, the university will select and provide an advisor to assist a party at the hearing to determine responsibility, without fee or charge, upon request. In either scenario, the advisor may only participate in the hearing to the extent allowed under this policy. A party who wants an advisor to be provided by the university should notify the Title IX coordinator at least 15 days after the filing or receipt of the formal complaint.

Evidentiary Matters and Procedure - The parties, through their advisors, shall have an equal opportunity to question the opposing party and other witnesses, including fact and expert witnesses, and present other inculpatory or exculpatory evidence. Formal rules of evidence will not be observed during the hearing. The hearing officer or hearing panel will conduct initial witness questioning before an advisor questions witnesses. The hearing officer or chair of the hearing panel (acting alone or in consultation with other panelists) will make all determinations regarding the order of witnesses, relevancy of questions, and the evidence to be considered or excluded during the hearing and decision-making process. The hearing officer or hearing panel may, in its discretion, call the investigator to provide an overview of the investigation and findings.

Witness Examinations by the Parties - Each party's advisor is permitted to question the opposing party and the other witnesses, so long as the questions are relevant and not duplicative of the questions posed by the hearing officer or hearing panel. The questions may include challenges to credibility. No other questioning or speaking participation by an advisor will be allowed. A party may not examine a party or witness directly; rather, a party must use an advisor to pose questions to another party or witness. A party not represented by an advisor may, however, submit a list of proposed questions to the hearing officer or chair of the hearing panel and ask that the questions be posed to the opposing party or witness.

The hearing officer or chair of the hearing panel will determine the relevancy of questions before a party or witness answers. If a determination is made to exclude the question based on relevancy, the hearing officer or panel chair will explain why the question was deemed irrelevant and excluded.

The hearing officer or panel chair may disallow the attendance of any advisor if, in the discretion of the hearing officer or panel chair, such person's presence becomes disruptive or obstructive to the hearing or otherwise warrants removal. Advisors may not badger or question the opposing party or any witness in an abusive or threatening manner. Absent accommodation for a disability, the parties may not be accompanied by any other

individual during the hearing process except as outlined in this policy. University officials may seek advice from the university's Office of General Counsel on questions of law, policy, and procedure at any time during the process.

Prior Sexual Conduct - Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

Confidentiality and Disclosure - To comply with FERPA and Title IX and to provide an orderly process for presenting and considering relevant information without undue intimidation or pressure, the grievance process is not open to the general public. Accordingly, documents prepared in anticipation of the hearing (including the formal complaint, investigative report, evidentiary materials, notices, and prehearing submissions), recordings of the hearing, and documents, testimony, or other information used at the hearing may not be disclosed outside of the hearing proceedings, except as may be required or authorized by law.

Decision of the Hearing officer or Panel and Standard of Evidence - After the hearing concludes, the hearing officer or hearing panel will confer and determine whether the evidence establishes that it is more likely than not that the respondent violated this policy. In other words, the standard of proof will be the preponderance of the evidence. This standard applies to complaints against both students and employees. In reaching the determination, the hearing officer or hearing panel will objectively and thoroughly evaluate all relevant evidence, both inculpatory and exculpatory, and reach an independent decision, without deference to the investigative report. If a hearing panel is utilized, the determination of responsibility shall be made by majority vote.

Written Determination of Responsibility - As soon as practicable following the hearing (and ordinarily within 10 days thereafter), the hearing officer or panel chair shall complete a report of the decision-maker's findings. The hearing officer or panel chair will send simultaneous notification of the decision to both parties and their advisors, where applicable, with the following information:

- identification of the allegations potentially constituting sexual harassment under the policy.
- description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and the hearing held.
- findings of fact that support the determination.
- conclusions regarding the application of the university's conduct standards to the facts.
- statement and rationale for the result as to each allegation, including a determination as to responsibility using the preponderance of the evidence standard.
- any disciplinary sanctions imposed on respondent.
- whether any remedies designed to restore or preserve equal access to the university's education program or activity will be provided to the complainant (description of remedies is not included).
- procedures and permissible bases for the parties to appeal.

Sanctions - If the hearing officer or hearing panel determines that more likely than not the respondent violated this policy, then the hearing officer or hearing panel will determine sanctions and consider 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. Sanctions for a finding of responsibility will depend upon the nature and gravity of the misconduct, any record of prior discipline for a violation of this policy, or both. The range of potential sanctions is outlined in the definitions section of this policy.

Ordinarily, sanctions will not be imposed until any timely appeal under this policy is resolved. However, if it is deemed necessary to protect the welfare of the victim or the university community, the hearing officer or hearing panel may recommend to the decision-maker on appeal that sanctions be imposed immediately and remain in effect until the appeal process is exhausted.

Remedies - Where a determination is made that the respondent was responsible for sexual harassment, the hearing officer or hearing panel will determine any final remedies to be provided to the complainant, if any, and the Title IX coordinator will communicate such decision to the complainant and the respondent to the extent that it affects them. Remedies must be provided in all instances in which a determination of responsibility for sexual harassment has been made against the respondent. Remedies must be designed to restore or preserve equal access to the university's education program or activity. Such remedies may include the same individualized services described above as "supportive measures"; however, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the respondent.

No Retaliation - The Title IX coordinator will take steps to prevent any harassment of or retaliation against the complainant, the respondent, or third parties, such as informing them about how to report subsequent problems, following up with them to ensure that there are no subsequent problems, and providing training for the campus community.

Appeals

Procedure for Appeals - Both the complainant and the respondent may appeal from (1) the Title IX coordinator's dismissal of a formal complaint or any allegations therein or (2) the hearing officer or hearing panel's determination. The appeal should be submitted in writing to the Title IX coordinator within five (5) days of receipt of the hearing officer or hearing panel's decision. The Title IX coordinator will forward the appeal to the chancellor. The appeal will be decided based on the written record and without deference to the decision of the hearing officer or hearing panel.

If the respondent is an employee, the chancellor or their designee will decide the appeal. If the respondent is a student, the chancellor or their designee will decide the appeal or, in the alternative, the chancellor will designate an Appeal Panel comprised of at least two faculty and/or staff members. One member of the appeal panel may be (but need not be) an outside person who is not an employee. If an appeal panel is utilized, the chancellor shall designate one of the panelists as the chair of the appeal panel. The chair of the appeal panel (in cases where the respondent is a student and a panel is utilized) or the chancellor or designee (in other cases) shall make any decisions concerning appellate jurisdiction under the permissible grounds for appeal described below.

The party appealing may use the appeal form or submit their own written and signed document. Acceptable means of notification include email, facsimile, hand-delivered notification, or postal delivery. The Title IX coordinator will promptly inform the other party of the appeal.

Grounds for Appeal - The appeal from the decision of the hearing officer or hearing panel must be for one of the following reasons: (1) a procedural irregularity that affected the outcome of the decision; (2) there is new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made and that could affect the outcome of the matter; or (3) the Title IX coordinator, investigator(s), hearing officer, or panel member(s) had a conflict of interest or bias for or against complainants or respondents in general or against an individual complainant or respondent that affected the outcome.

Responses - Within five (5) days of receipt of the appeal, the other party may submit a written statement in response to the appeal that supports or challenges the dismissal or determination. The response should be submitted to the Title IX coordinator, who shall provide a copy to the decision-maker and the appealing party.

Decision on Appeal - As soon as practicable after receiving the parties' written submissions (and ordinarily within approximately 10 days), the chancellor (or designee) or appeal panel will issue a written decision describing the result of the appeal and the rationale for the result. The decision on appeal may uphold the decision, modify it, or remand for further factual development. The decision-maker on appeal will concurrently notify the complainant and the respondent of the decision, with a written copy provided to the Title IX coordinator.

Employees - All non-tenure track faculty and staff members of the university without term contracts are at-will employees who may be terminated at any time, with or without cause. About 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.

Time Periods

The university will make every reasonable effort to ensure that the investigation and resolution of a complaint occur as timely and efficiently as possible.

Any party may request an extension of any deadline by providing the Title IX coordinator or their respective deputies with a written request for an extension that includes reference to the duration of the proposed extension and the basis for the request.

The Title IX coordinator may also modify timelines when information is unclear or incomplete, relevant parties are unavailable for interview, an advisor is absent, concurrent law enforcement activity occurs, language assistance or disability accommodation is needed, or other circumstances arise.

Retaliation Prohibited

No person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, 34 C.F.R. Part 106, or this policy, or because an individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this part. Intimidation, threats, coercion, or discrimination, including changes against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sex discrimination or harassment, for the purpose of interfering with any right or privilege secured by Title IX, 34 C.F.R. Part 106, or this policy, constitutes retaliation. However, exercising rights protected under the First Amendment does not constitute retaliation.

False Reports

Willfully making a false report of sexual harassment or submitting false information during these proceedings is a violation of university policy and is a serious offense. However, a determination of responsibility alone is not sufficient to conclude that any party made a materially false statement in bad faith. Any person who willfully makes or participates in making a false or frivolous report of discrimination, harassment, retaliation, or sexual misconduct will be subject to disciplinary action. False reporting may also violate state criminal statutes and civil defamation laws.

External Reporting Agencies

Although complainants are encouraged to resolve their grievances related to discrimination by utilizing this complaint/grievance procedure, they may have the right to file a complaint directly with the following agencies. If you want to file a complaint with one of these external agencies, please contact them as soon as possible and confirm any applicable time limits and deadlines.

Office of Civil Rights (OCR)
U.S. Department of Education
1999 Bryan St., Suite 1620
Dallas, TX 75201-6810
Toll Free: 800-421-3481
Telephone: 214-661-9600
Fax: 214-661-9587
Email: OCR.Dallas@ed.gov

NSF Grantees Only
National Science Foundation
Office of Diversity and Inclusion
2415 Eisenhower Ave.
Alexandria, VA 22314
Telephone: 703-292-8020
Fax: 703-292-9072
Email: programcomplaints@nsf.gov

Effective Date

The university reserves the right to make changes and amendments to this policy as needed, with appropriate notice to the campus community. However, the policy in force when a complaint is filed will be used throughout the investigation, hearing, and any appeals.

Retention of Records

For a period of at least seven years, the university will maintain the records of:

- each sexual harassment investigation, including any determination regarding responsibility, any recordings or transcripts, disciplinary sanctions, and remedies provided to the complainant.
- any appeal and the result therefrom.
- any informal resolution and the result therefrom.
- all materials used to train Title IX coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process. These materials will be made publicly available on the university's website.

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

Documentation about terminations, expulsions, or educational sanctions may be retained indefinitely.

Rights of the Parties in an Institutional Proceeding:

During the course of the process described in the previous section, both the accuser and the individual accused of the offense are entitled to:

1. A prompt, fair and impartial process from the initial investigation to the final result.
 - o A prompt, fair and impartial process is one that is:
 - Completed within reasonably prompt timeframes designated by the institution's policy, including a process that allows for the extension of timeframes for good cause, with written notice to the accuser and the accused of the delay and the reason for the delay.
 - Conducted in a manner that:
 - Is consistent with the institution's policies and transparent to the accuser and the accused.
 - Includes timely notice of meetings at which the accuser or accused, or both, may be present; and
 - Provides timely access to the accuser, the accused and appropriate officials to any information that will be used during the informal and formal disciplinary meetings and hearings.
 - Conducted by officials who do not have a conflict of interest or bias for or against the accuser or the accused.
 2. Proceedings conducted by officials who, at a minimum, receive annual training on the 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 victims and promotes accountability.
 - o Such training addresses topics such as the definition of sexual harassment; the scope of the university's education programs and activities; how to conduct investigations, hearings, and appeals and informal resolutions (as applicable); relevant evidence and how it should be used during a proceeding; proper techniques for questioning witnesses; basic procedural rules for conducting a proceeding; and avoiding actual and perceived conflicts of interest.

- Understanding the Investigative Report Template for Investigations of Title IX Sexual Harassment
 - Collecting and Understanding Specialized Evidence
 - Effective Interviewing of Parties and Witnesses
 - No Contact Orders, Emergency Removals, and Interim Suspensions
 - Title IX Final Rule Basics
 - Neurobiology of Sexual Assault Trauma
 - Privacy, Confidentiality & Privilege in Disclosures of Sexual and Interpersonal Violence
 - Relevance and Decorum in a Title IX Hearing
 - Cross-Examination in a Title IX Hearing
3. The same opportunities to have others present during any institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice. The institution may not limit the choice of advisor, but may establish limits regarding the extent to which that advisor may participate in the proceeding, as long as those limits apply equally to both parties.
4. Have the outcome determined using the preponderance of the evidence standard .
5. Simultaneous, written notification of the results of the proceeding, any procedures for either party to appeal the result, any change to the result, and when the result becomes final. For this purpose, “result” means “any initial, interim and final decision by an official or entity authorized to resolve disciplinary matters” and must include the rationale for reaching the result and any sanctions imposed.

Possible Sanctions or Protective Measures that the University May Impose for Dating Violence, Domestic Violence, Sexual Assault or Stalking Offenses

Sanctions imposed through the University Administrative Judicial System can range from no action to expulsion. Possible sanctions for violations of VAWA (Violence Against Women Act) offenses include the following:

- 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 suspension of employment without pay (for regular or student employees)
- Adjusting compensation (for regular or student employees)
- Issuing a no-contact order of specified duration
- Expulsion or permanent separation from the university (for students)
- Suspension from the university for a period ranging from one semester to ten semesters (fall and spring semesters, with summer typically included as part of the spring semester). Re-admission may be contingent upon the completion of specific actions, such as taking a course related to the offense.
- Suspension for a specified period that allows the offended party reasonable time to complete their studies. If the offended party graduates early or leaves the university without plans to return, the suspension may be reevaluated. Re-admission may be contingent upon completing a course of action, such as a learning module related to the offense.
- Conduct probation for up to four semesters
- Disciplinary probation for up to eight semesters (for students; this is one step below suspension)
- Expulsion from campus housing (for resident employees or students)
- Mandated counseling
- Educational sanctions as deemed appropriate (e.g., research papers, interviews, reflections on assigned readings, audio material, events with presentations, or required learning courses)
- A ban for a specified duration from the entire campus or from specific portions of the campus.

The university can provide the victim with various protective measures. These may include prohibiting the accused from entering the victim's residence hall or communicating with the victim, issuing institutional no-contact orders, arranging security escorts, modifying academic requirements or class schedules, and altering work situations, among others.

Publicly Available Recordkeeping

The university will complete any publicly available recordkeeping, including Clery Act reporting and disclosures, without the inclusion of personally identifiable information about victims of dating violence, domestic violence, sexual assault, and stalking who make reports of such to the university to the extent permitted by law.

Victims to Receive Written Notification of Rights

When a student or employee reports to the university that he or she has been a victim of dating violence, domestic violence, sexual assault, or stalking, whether the offense occurred on or off campus, the university will provide the student or employee a written explanation of his or her rights and options as described in the paragraphs above.

Sex Offender Registration Program

The Campus Sex Crimes Prevention Act of 2000 requires institutions of higher education to advise members of the campus community where they can obtain information provided by the state concerning registered sex offenders. It also requires sex offenders to notify the state of each institution of higher education in the state at which they are employed or enrolled or carrying on a vocation. The state is then required to notify the University of any such information it receives. Anyone interested in determining whether such persons are on this campus may do so by contacting UPD at 479-788-7140. The [state registry of sex offender information](#) may be accessed online.

Timely Warnings and Emergency Response

Timely Warnings

In the event of criminal activity occurring either on campus or off campus that in the judgment of the chief of police or their designee constitutes a serious or continuing threat to members of the campus community, a campus-wide “timely warning” will be issued. Examples of such situations may include a sexual assault or a series of motor vehicle thefts in the area that merit a warning because they present a continuing threat to the campus community. Warnings will be communicated to students and employees via one or more of the methods discussed later in this section. Updates to the warnings will be provided as appropriate.

Anyone with information warranting a timely warning should immediately report the circumstances to:

- University Police Department, 479-788-7140
- Department of Health and Safety, 479-788-7182
- Vice Chancellor of Finance and Administration, 479-788-7385
- Strategic Communications, 479-788-7132

The university has communicated with local law enforcement asking them to notify the university if it receives reports or information warranting a timely warning.

Emergency Response

The university has an emergency action plan to ensure a prompt, effective response to significant emergencies or dangerous situations on campus that pose an immediate threat to the health or safety of the campus community. UAFS has long acknowledged the importance of being prepared for critical incidents.

Under the guidance of the university's Emergency Response Team, UAFS is actively working to prepare for, prevent, respond to, and recover from emergencies. In collaboration with local first responders, the university is well-equipped to handle a wide range of critical incidents. These situations may include, but are not limited to, tornadoes, bomb threats, chemical spills, disease outbreaks, fires, and active shooter situations. The university has engaged local police to inform us of any situations they encounter that may warrant an emergency response. Students, staff, and visitors are encouraged to notify UPD at 479-788-7140 of any emergency or potentially dangerous situations.

The chief of police or their designee will use available information from campus administrative staff and local authorities to confirm the danger. UPD will initiate the institution's response and marshal the appropriate local emergency response authorities for assistance. Depending on the nature of the emergency, other university departments may be involved in the confirmation process.

Once the emergency is confirmed, UPD will consult with other appropriate university officials to determine which segments of the University community to notify. They are responsible for consulting on a case-by-case basis when an alert is disseminated.

Students, staff and visitors are encouraged to notify UPD at 479-788-7140 of any emergency or potentially dangerous situation.

The chief of police, or their designee, will access available information from campus administrative staff and local authorities to confirm the danger and will initiate the institution's response and marshal the appropriate local emergency response authorities for assistance. Depending on the nature of the emergency, other university departments may be involved in the confirmation process.

Once an emergency is confirmed, UPD will consult with relevant university officials, depending on the nature of the emergency, to decide which segments of the University community to notify. They are responsible for making these consultations on a case-by-case basis when issuing an alert.

The chief of police or designee, in collaboration with other appropriate personnel, will determine who should be notified and will, without delay and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

Depending on the campus segments the notification targets, the content may differ. When appropriate, local authorities will determine the notification content in consultation. As appropriate, the notification will also tell recipients whether to shelter in place or evacuate.

The chief of police or designee will direct the issuance of emergency notifications using one or more of the methods discussed later in this section, depending on the nature of the threat and the segment of the campus community being threatened.

The chief of police or designee will direct the issuance of emergency notifications, which will be accomplished using one or more of methods discussed later in this section, depending on the nature of the threat and the segment of the campus community being threatened.

At the direction of the university chief of police, they will inform local law enforcement and media outlets about the emergency if they are not already aware, ensuring that the broader community outside the campus is notified.

Methods for Issuing Timely Warnings and Emergency Notifications

The method(s) listed below may be utilized when the University issues a timely warning or emergency notification to the campus community.

Method	Sign-Up Instructions
Text Message	Such notifications usually will be made by using the university's Lions Alert notification system. UAFS students, faculty, and staff are automatically enrolled in the emergency notification system. Students can select how they receive the messages by clicking on "Lions Alert" in My.UAFS under the "Campus Safety" tab. Faculty and staff members can change their alert settings by logging into Lions Alert as well.
Email	Such notifications usually will be made by using the university's Lions Alert notification system. UAFS students, faculty, and staff are automatically enrolled in the emergency notification system. Students can select how they receive the messages by clicking on "Lions Alert" in My.UAFS under the "Campus Safety" tab. Faculty and staff members can change their alert settings by logging into Lions Alert as well.
Phone Call	Such notifications usually will be made by using the university's Lions Alert notification system. UAFS students, faculty, and staff are automatically enrolled in the emergency notification system. Students can select how they receive the messages by clicking on "Lions Alert" in My.UAFS under the "Campus Safety" tab. Faculty and staff members can change their alert settings by logging into Lions Alert as well.

Testing and Documentation

The university tests its emergency response and evacuation procedures at least once a year. Tests may be announced or unannounced and may include drills, exercises, and appropriate follow-through activities designed to assess and evaluate the university's emergency plans and capabilities. In conjunction with at least one test each calendar year, UAFS publicizes its emergency response and evacuation procedures to the campus community. The university documents each test, including a description of the exercise, the date and time it was conducted, and whether the test was announced or unannounced. The Emergency Management Team also meets as appropriate to train, test, and evaluate the university's emergency response plan.

Evacuation Scope

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

Building Evacuation

- All building occupants are required to evacuate when the fire alarm sounds or upon the order of an authorized university official, such as a UPD officer.
- If time permits, stabilize laboratory procedures, turn off stoves and ovens, and unplug or turn off any device that could make a dangerous situation worse.
- Move to the closest exit and proceed down the exit stairwell in a safe and orderly manner. Take personal belongings with you if it is safe to do so. Do not use elevators. **
- Remain at least 150 feet outside of the building and await further instructions. Keep roadways open and be aware of approaching emergency vehicles.
- Notify emergency responders of anyone who may be trapped or otherwise unable to evacuate, including individuals with disabilities who may require assistance.

Large-Scale Campus Evacuation

- If evacuation of part or all of the campus is necessary, members of the campus community should monitor the university's text message/voice alert system, email, university website, and other emergency communications for additional information and instructions.
- Individuals in need of transportation will be directed to designated areas to await transportation to an off-campus location.

General Evacuation Procedures

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

- Remain calm.
- Do not use elevators. Use the stairs.
- Assist individuals with disabilities when it is safe and appropriate to do so. If an individual cannot exit without using an elevator, assist them to a safe location near a stairwell and immediately inform UPD or responding fire department personnel of the individual's location.
- Proceed to a clear area at least 150 feet from the building. Keep walkways and roadways clear for emergency personnel and vehicles.
- When possible, account for personnel and notify emergency responders of anyone believed to remain inside the building.
- Do not re-enter the building until authorized by emergency personnel or an appropriate university official.

Shelter-in-Place Procedures

University authorities may instruct members of the campus community to shelter in place when a condition exists that is potentially life-threatening and poses an immediate threat to the health or safety of the campus community. Immediate threats may include, but are not limited to, active shooter incidents, mass acts of violence, tornadoes, terrorist attacks, or hazardous materials incidents.

Sheltering in place generally means remaining inside or immediately seeking shelter in a building and using that location for protection from the emergency. Depending on the nature of the threat, you may need to adjust your location to increase safety. Members of the campus community should remain sheltered until emergency response personnel or university authorities communicate that it is safe to leave or provide other instructions through the university's emergency communications systems.

Basic Shelter-in-Place Guidance

If an incident occurs and your building is not damaged, remain inside and move to an appropriate interior location until you are told it is safe to leave. If your building is damaged or you are instructed to evacuate, take your personal belongings if it is safe to do so and follow the building's evacuation procedures. Close doors behind you, proceed to the nearest safe exit, and use stairs instead of elevators.

Once evacuated, follow instructions provided by university officials, police, fire department personnel, or other emergency responders.

How Will You Know to Shelter in Place?

A shelter-in-place notification may come from several sources, including UPD, Housing and Residential Life staff, other university employees, local law enforcement, outside emergency services, or other authorized officials using the university's emergency communication systems.

How to Shelter in Place

The appropriate shelter-in-place response may vary depending on the nature of the emergency. Unless otherwise instructed by emergency personnel, members of the campus community should generally follow these procedures:

- If you are inside, remain inside. Collect available emergency supplies and, if possible, have access to a telephone or other communication device. If you are outdoors, proceed quickly into the closest appropriate building or follow instructions from emergency personnel at the scene.
- Locate an appropriate room in which to shelter. Depending on the emergency, this may be an interior room above ground level with no windows or the fewest possible windows. If a large number of people are sheltering inside a building, several rooms may be necessary.
- Shut and lock windows when appropriate and close exterior doors.
- Turn off air conditioners, heaters, and fans when appropriate for the type of emergency.
- Close vents to ventilation systems when directed or when appropriate. UAFS personnel will take appropriate action regarding building ventilation systems as circumstances require.
- If requested, account for individuals sheltering with you and provide that information to UPD, Housing and Residential Life staff, faculty, staff, or emergency responders.
- Monitor university emergency communications and other available sources of official emergency information for additional instructions.
- Remain sheltered until emergency personnel or university authorities provide further instructions or communicate that it is safe to leave.

The chief of police maintains a record of these tests and training exercises, including a description of them, the dates and times they were held and an indication of whether they were announced or unannounced. In connection with at least one such test, the University will distribute to its students and employees information to remind them of the University's emergency response and evacuation procedures.

Stop Campus Hazing Policy and Programming

At the University of Arkansas – Fort Smith, all students, faculty, staff, alumni, and volunteers should understand that hazing is not only unacceptable and violates the university's rules and policies, but is also against the law.

University of Arkansas - Fort Smith's Hazing Policy

"Hazing" means:

- A willful act on or off the property of the university by one student, alumnus, or volunteer or employee of a fraternal organization if the volunteer or employee is acting on behalf of, or in the name of, the fraternal organization, acting alone, or acting with others when the conduct is directed against any other student and done for the purpose of intimidating the student attacked by threatening him or her with social or other ostracism or of submitting such student to ignominy, shame, or disgrace among his or her fellow students, and acts calculated to produce such results;
- The playing of abusive or truculent tricks on or off the property of the university by one student, alumnus, or volunteer or employee of a fraternal organization if the volunteer or employee is acting on behalf of, or in the name of, the fraternal organization, acting alone, or acting with others, upon another student to frighten or scare them;
- A willful act on or off the property of the university by one student, alumnus, or volunteer or employee of a fraternal organization if the volunteer or employee is acting on behalf of, or in the name of, the fraternal organization, acting alone, or acting with others which is directed against any other student done for the purpose of humbling the pride, stifling the ambition, or impairing

the courage of the student attacked or to discourage them from remaining in that school, college, university, or other educational institution, or reasonably to cause them to leave the institution rather than submit to such acts; or

- A willful act on or off the property of the university by one student, alumnus, or volunteer or employee of a fraternal organization if the volunteer or employee is acting on behalf of, or in the name of, the fraternal organization, acting alone, or acting with others in striking, beating, bruising, or maiming; or seriously offering, threatening, or attempting to strike, beat, bruise, or maim; or to do or seriously offer, threaten, or attempt to do physical violence to any Student of any such educational institution; or any assault upon any such student made for the purpose of committing any of the acts, or producing any of the results, to such student as defined in this section

The term “hazing”

- Does not include customary athletic events or similar contests or competitions; and
- Is limited to those actions taken and situations created in connection with initiation into or affiliation with an organization, extracurricular activity, or sports program.

If you have any complaints or concerns about hazing, please report them to the Dean of Students Office at 479-788-7310 or DeanofStudents@uafs.edu. You can also contact UPD at 479-788-7140 or UPD@uafs.edu. If your complaint involves a university employee, you may reach out to the director of Human Resources/EEO officer at 479-788-7086.

Investigation Process

The institution will investigate and handle complaints or concerns about hazing using the investigatory process identified in the Student Code of Conduct.

Investigation by Law Enforcement:

Nothing in this policy should be construed as restricting the ability of campus law enforcement to investigate a possible criminal violation. If a law enforcement investigation has been initiated, the university will take reasonable measures to avoid undue interference with the law enforcement investigation. In most cases, the university’s investigation will not be halted because a parallel law-enforcement investigation has commenced.

Student Code of Conduct Investigative Process

1. Equal Treatment. The university shall treat the complainant and respondent equitably.
2. Notice. A party whose participation is invited or expected shall receive written notice of the date, time, location, participants, and purpose of all meetings, investigative interviews, or hearings with sufficient time for the party to prepare to participate.
3. Access to Administrative File
 - a. The university shall maintain an administrative file of all disciplinary proceedings.²³
 - b. The parties may have reasonable continuing access to the administrative file²⁴ and the ability to review all documents and evidence in the administrative file by contacting the student conduct administrator to schedule a reasonable date and time for the inspection.
 - c. Individual portions of the administrative file shall be redacted if confidentiality of the evidence is required by law²⁵
4. Presumption of Innocence. Respondents are presumed innocent. They shall not be deemed guilty of a violation of the code until (1) a student or student organization acknowledges the responsibility for a violation of the code or (2) the conclusion of all disciplinary proceedings during which an institution has established every element of an alleged violation by the student or student organization.²⁶
5. Notice of allegations. The respondent shall be afforded sufficient notice of the allegations to enable a meaningful response. Section 11 describes the specific notice requirements.

6. Consideration of Evidence. The university shall make good-faith efforts to include relevant evidence and exclude evidence that is neither relevant nor probative.²⁷ The university will not, however, follow formal rules of evidence or other rules of court.²⁸ An objective evaluation of the evidence must include both inculpatory and exculpatory evidence, and credibility determinations must not be based on a person's status as a complainant, respondent, or witness. However, all evidence (including relevant evidence) of the following types will be excluded, and evidence seeking that evidence will be disallowed as impermissible (i.e., not accessed, considered, disclosed, or otherwise used):
- a. Evidence that is protected under a privilege as recognized by federal or state law, unless the person holding such a privilege has waived the privilege voluntarily in a manner permitted in Arkansas;
 - b. The university's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party, unless the university obtains the party's voluntary, written consent for use in the university's disciplinary proceedings;
 - c. Evidence that relates to the complainant's sexual interests or prior sexual conduct, unless evidence about the complainant's prior sexual conduct is offered to prove that someone other than the respondent committed the alleged conduct or is offered to prove consent with evidence concerning specific incidents of the complainant's prior sexual conduct with the respondent. The fact of prior consensual sexual conduct between the complainant and respondent does not demonstrate or imply the complainant's consent to the alleged sex-based harassment or preclude a determination that sex-based harassment occurred.
7. Right to Appeal. A party may appeal an adverse decision regarding a finding of responsibility to the vice chancellor for Student Affairs or designee²⁹, and the decision on appeal shall serve as the final institutional decision on the matter.³⁰
8. Standard and Burden of Proof. The university and the parties bear the burden of conducting an investigation that gathers sufficient evidence to determine whether a violation occurred. The decisionmaker shall not find the respondent responsible unless the preponderance of the evidence establishes each element of the offense. The decisionmaker shall evaluate relevant evidence for its persuasiveness; if the decisionmaker is not persuaded under the foregoing standard by the evidence that a violation occurred, whatever the quantity of the evidence is, the decisionmaker should not determine that a violation occurred.
9. Obligation to Provide Truthful Information. Parties and witnesses shall, to the best of their abilities, provide truthful and accurate information in their written submissions and during investigatory interviews and hearings.
10. No Retaliation. A party shall not be subjected to retaliation because he or she exercised the party's rights under the code.
11. Weapons. Individuals may not carry a concealed handgun into any disciplinary hearing, provided that they have been notified at least 24 hours before the hearing, the meeting will last no longer than nine (9) hours, and the meeting space has been marked with appropriate signage.³¹
12. No Conflicts or Bias. The student conduct administrator shall not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. A party may raise a concern regarding a potential conflict or bias with the vice chancellor for Student Affairs.
13. Extensions of Time. The parties may obtain reasonable extensions of timeframes on a case-by-case basis for good cause with written notice to the parties that includes the reasons for the delay.
14. Role of University Counsel. At all stages of the proceedings, a student conduct administrator, hearing officer, member of a hearing panel, or other administrators may seek advice from the university's Office of General Counsel on questions of law, policy, and procedure. An attorney from the General Counsel's Office may attend proceedings for the purpose of giving such advice.

15. Additional Rights in Cases Involving Non-Academic Violations with the Possibility of Expulsion or Suspension from the University

- a. The parties shall have an equal opportunity to present relevant fact witnesses and other inculpatory and exculpatory evidence. The process shall enable the decision maker to adequately assess the credibility of the parties and witnesses to the extent credibility is both in dispute and relevant to evaluating one or more allegations.
- b. The university shall advise a party that he or she may seek representation by an attorney. Additionally, a party has the right to be present and advised by an attorney or non-attorney advisor during the party's investigatory interview, the hearing to determine responsibility,³² and the appeal.³³ The advisor may fully participate in the proceedings.³⁴ A Party may be represented by an advisor until the conclusion of the appellate process.³⁵ The following principles also apply to advisors:
 - i. An advisor may provide discreet advice to the represented party during an investigatory interview but may not interfere with the information-gathering process.
 - ii. In cases that do not involve allegations of sex-based harassment, the university is not responsible for selecting, training, or arranging for the participation of advisors or for paying a party's advising costs.
 - iii. The hearing officer or chair of the Hearing panel may disallow the attendance of a particular advisor if, in the discretion of the hearing officer or chair, such person's presence becomes disruptive or obstructive to the process. Advisors may not question a witness in an abusive or threatening manner.
- c. Both parties shall receive a written notification of the decision within a reasonable period of time after the hearing.
- d. The parties shall have the right for the disciplinary proceedings to be carried out free from conflicts of interest by ensuring that there is no commingling of administrative or adjudicative roles.³⁷ During the disciplinary proceedings, there shall be no commingling of the roles of (1) attorney or non-attorney advisor, (2) investigator, (3) adjudicator³⁸, and (4) appellate adjudicator. The investigator may, however, present evidence at a hearing.³⁹

²³ Ark. Code Ann. § 6-60-1404(b)(1)

²⁴ Ark Code Ann. § 6-60-1404(c)(1)(G). The statute requires "reasonable continuing access" and the "ability to review all evidence or documents in the administrative file beginning at least seven (7) business days before a disciplinary Hearing, or sooner if otherwise specified by federal law." Neither Title IX nor FERPA contain a provision that would limit a Student's access to the seven-day period prior to a Hearing with regard to his or her own educational records.

²⁵ Ark. Code Ann. § 6-60-1404(c)(1)(G)

²⁶ Ark. Code Ann. § 6-60-1404(c)(1)(C);

²⁷ Ark. Code Ann. § 6-60-1403(2)(B)(i)

²⁸ Id.

²⁹ Ark. Code Ann. § 6-60-1404(c)(1)(F)(i)

³⁰ Ark. Code Ann. § 6-60-1404(c)(1)(F)(iii)

³¹ Ark. Code Ann. § 5-73-322(e)

³² Ark. Code Ann. § 6-60-1404(c)(1)(D)

³³ Ark. Code Ann. §§ 6-60-1403(1) to 60-60-1403(2); Ark. Code Ann. § 6-60-1404(c)(1)(B)

³⁴ Ark. Code Ann. § 6-60-1404(c)(1)(B)(ii)

³⁵ Ark. Code Ann. § 6-60-1404(c)(1)(B)(iii)

³⁶ Ark. Code Ann. § 6-60-1404(c)(1)(B)(iv)

³⁷ Ark. Code Ann. § 6-60-1404(c)(1)(H)(i)

³⁸ Ark. Code Ann. § 6-60-1404(c)(1)(H)(ii)

³⁹ Id.

Section 11: Procedures in Disciplinary Proceedings

Procedures that apply to all cases involving an alleged violation of the Code of Conduct (other than acts of academic dishonesty)

Preliminary Procedures

General Requirements - Upon being notified of conduct that may constitute a violation of the code, the student conduct administrator shall:

- Notify the parties of the procedures outlined in this code;
- Notify the Parties of the informal resolution process under this code if available and appropriate;
- Offer and coordinate supportive measures under this code, as appropriate, to restore or preserve a party's access to the university's education program or activity;
- In response to a complaint, initiate the disciplinary proceedings or informal resolution process outlined in this code.
- In the absence of a complaint or informal resolution process, determine whether to initiate a complaint that complies with the procedures outlined in this code if necessary to address conduct that may constitute a violation; and
- Take other appropriate, prompt, and effective steps to ensure that the violation of this code does not continue or recur within the university's education program or activity, in addition to the remedies provided to an individual complainant.

Written Complaint - Appendix B outlines the form for a written complaint. The following persons have the right to make a complaint under this code, requesting that the university initiate disciplinary proceedings:

- A complainant;
- A person who has a right to make a complaint on behalf of a complainant, such as an authorized legal representative; or
- A third party participating or attempting to participate in the university's education program or activity when the alleged violation of this code occurred.

Complaints submitted orally or submitted by the student conduct administrator shall be memorialized in writing at the time of submission.

The complaint should be submitted as soon as practicable. Unreasonable filing delays could dull memories and result in the loss of relevant evidence and witness testimony. Delays in filing shall not, however, affect the complainant's eligibility for supportive measures from the university.

Because the university is bound by its obligation to provide a fundamentally fair process, the university may accept anonymous complaints. Still, anonymity may limit the university's ability to respond and may preclude disciplinary action.

Notice of Allegations and Initial Communications to the Parties - Upon initiation of the procedures set forth in this code, the university shall provide written notice to the parties whose identities are known. This notice shall include:

- A copy of this code, along with the appendices (which will include Act 470 of 2023 as set forth in Appendix A);⁴⁰
- Sufficient information, available at the time, to allow the parties to respond to the allegations.

Sufficient information includes:

- i. The identity of the parties involved in the incident;
- ii. The date and location of the alleged incident; and
- iii. The conduct allegedly constituting a violation of the code, with sufficient time for the parties to prepare a response before any initial interview;

- A statement that the respondent is presumed not responsible for the alleged conduct until a determination of whether a violation of the code occurred is made at the conclusion of the disciplinary proceedings under this code;
- A statement that, in cases involving allegations of conduct for which a sanction of expulsion or suspension from the university may be imposed, the parties may seek representation by an attorney. Additionally, a statement that the parties are entitled to an advisor of their choice during the disciplinary proceedings (i.e., investigatory interview, hearing, and appeal), and the advisor may be (but is not required to be) an attorney. The statement must be provided no later than 24 hours before the respondent may be questioned regarding an alleged violation.⁴¹ The statement shall further explain that in non-Title IX cases in which a sanction of expulsion or suspension from the university may be imposed, the party will be responsible for securing an advisor at the party's own expense;⁴²
- A statement that the party is entitled to receive access to the Administrative File;
- A statement that the code prohibits knowingly making false statements or knowingly submitting false information during the grievance procedure; and
- A statement that retaliation is prohibited.

If, in the course of an investigation, the student conduct administrator decides to investigate additional allegations about the respondent's conduct toward the complainant that are not included in the original notice or that are included in a complaint that is consolidated as set forth in this code, the student conduct administrator must provide notice of the additional allegations of the parties whose identities are known.

Student Conduct Administrator's Screening and Dismissal Decision - After receiving a complaint, the student conduct administrator shall promptly decide two threshold issues: (1) whether the complaint should be dismissed, and (2) whether, in the student conduct administrator's discretion, the allegations could result in a sanction of expulsion or suspension from the university. The student conduct administrator's discretionary decision should be guided by factors such as the severity of the alleged conduct, prior offenses, the impermissible possession of weapons, and the negative impact on the campus community. The student conduct administrator shall make this initial determination within 10 business days after the complaint is filed or as soon as practicable thereafter.

The student conduct administrator shall dismiss a complaint if:

- The student conduct administrator determines that the conduct alleged in the complaint, even if proven, would not constitute a violation of the code; provided, however, that before dismissing the complaint under this paragraph, the student conduct administrator shall make reasonable efforts to clarify the allegations with the complainant;
- The code does not apply to the alleged facts under Section 4 (pertaining to applicability of the Code); or
- The alleged conduct constitutes a protected exercise of the student's free speech rights.

The student conduct administrator may dismiss a complaint if:

- The university is unable to identify the respondent after taking reasonable steps to do so;
- The respondent is not participating in the university's education program or activity; or
- The complainant voluntarily withdraws any or all of the allegations in the complaint, and the student conduct administrator determines that, without the complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute a violation of the Code even if proven.

If the student conduct administrator dismisses the complaint, the investigation shall end immediately. The student conduct administrator shall promptly communicate the basis for the dismissal to both parties. If the dismissal occurs after the respondent has been notified of the allegations, then the student conduct administrator must also notify the respondent of the dismissal and the basis for the dismissal promptly following a notification to the complainant, or simultaneously if notification is in writing.

The student conduct administrator shall notify all parties that a dismissal may be appealed. Each party may appeal the matter to the vice chancellor of Student Affairs or designee within five (5) business days after the student conduct administrator's dismissal decision. During the appeal of a dismissal decision:

- Each party shall be notified when an appeal is filed, and the procedures shall be implemented equally for the parties;
- The university shall ensure that the decision-maker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint;
- The university shall ensure that the decision-maker for the appeal has been appropriately trained;
- The university shall provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome as follows:
 - The appealing party's submission shall consist of a concise written statement as to why the dismissal decision should be reversed; and
 - The other party may submit a concise counterstatement within five (5) business days of receiving the appealing party's submission; and
- The university shall simultaneously notify the parties of the result of the appeal and the rationale for the result.

Notwithstanding a decision to dismiss the complaint, the university shall provide supportive measures to the complainant and respondent as appropriate.

If the student conduct administrator decides that the complaint should not be dismissed but the sanctions will not be expulsion or a suspension from the university, then the parties shall be notified that the matter will be handled under the procedures outlined in Section 11.3.

Consolidation of Complaints - The student conduct administrator may consolidate complaints against more than one respondent, or by more than one complainant against one or more respondents, or by one party against another party, when the allegations arise out of the same facts or circumstances.

Informal Resolution

At any time before determining whether a violation of this code occurred, the university may offer to a complainant and respondent an informal resolution process, unless such a process would conflict with federal, state, or local law.

The student conduct administrator has discretion to determine whether it is appropriate to offer an informal resolution process and may decline to offer informal resolution despite one or more of the parties' wishes.

Circumstances when the student conduct administrator may decline to allow informal resolution include, but are not limited to, when the University determines that the alleged conduct would present a risk of future harm to others.

The university will not require or pressure the parties to participate in an informal resolution process. The student conduct administrator must obtain the parties' voluntary consent to the informal resolution process and must not require waiver of the right to an investigation and adjudication of a complaint as a condition of enrollment or continuing enrollment or exercise of any other right.

Before initiation of an informal resolution process, the student conduct administrator must provide the parties with written notice that explains:

- The allegations;
- The requirements of the informal resolution process;
- That, before agreeing to a resolution, any party has the right to withdraw from the informal resolution process and to initiate or resume the university's grievance procedures under this code;
- That the parties' agreement to a resolution at the conclusion of the informal resolution process would preclude the parties from initiating or resuming grievance procedures arising from the same allegations;

- The potential terms that may be requested or offered in an informal resolution agreement, where such potential terms include (but are not limited to):
 - Restrictions on contact; and
 - Restrictions on the respondent's participation in one or more of the university's programs or activities or attendance of specific events, including restrictions the university could have imposed as remedies or disciplinary sanctions had the university determined that a violation of this code occurred;
- Which records will be maintained and could be shared;
- That if the university initiates or resumes the procedures under this code, the university or a party must not access, consider, disclose, or otherwise use information, including records, obtained solely through an informal resolution process as part of the investigation or determination of the outcome of the complaint; and
- That, when applicable, and if the university resumes the disciplinary proceedings under this code, the informal resolution facilitator could serve as a witness for purposes other than providing information obtained solely through the informal resolution process.

The facilitator for the informal resolution process must not be the same person as the investigator or decision-maker in the University's procedures under this code. Any person designated by the university to facilitate an informal resolution process must not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant and respondent.

To encourage an open exchange of views and maximize the chances of agreement, mediation sessions may not be recorded, unless the parties agree to a different arrangement.

Any informal resolution shall be in writing and shall represent the final resolution of the case, unless one of the parties fails to adhere to the terms of the agreement.

If the parties do not agree to an informal resolution, the process is unsuccessful, or informal resolution is not appropriate due to the nature of the complaint. The formal disciplinary proceedings will commence or resume.

Investigation

After the student conduct administrator provides the parties with the information described above, the student conduct administrator shall promptly meet with the complainant and respondent separately to discuss the following:

- The allegations in the complaint, including the party's version of events, the nature and location of evidence, and the identity of witnesses;
- Supportive measures; and
- The party's interest in resolving the matter through informal resolution, unless the student conduct administrator determines that informal resolution would be inappropriate under the circumstances.

A party and their advisor are not permitted to attend interviews other than their own interview.

In addition to meeting with the parties, the student conduct administrator shall take other investigatory steps, as necessary. Such steps may include:

- Interviewing witnesses (including expert witnesses, if any) and summarizing such interviews in writing;
- Visiting, inspecting, and taking photographs of relevant sites;
- Collecting and preserving relevant evidence (potentially in coordination with law-enforcement agencies); and
- Obtaining any relevant medical records, provided that the subject of the records has voluntarily authorized the release of the records in writing.

The investigation shall ordinarily be completed within 30 calendar days after the complaint is filed or as soon as practicable thereafter.

Investigation by Law Enforcement

Nothing in this code should be construed as restricting the ability of campus law enforcement to investigate a possible criminal violation.⁴³ If a law enforcement investigation has been initiated, the university will take reasonable measures to avoid undue interference with the law enforcement investigation. In most cases, the university's investigation will not be halted because a parallel law-enforcement investigation has commenced.

Additional Procedures in Cases Involving Allegations that Could Result in a Sanction of Expulsion or Suspension from the University

Administrative File

- At the conclusion of the investigation and at least seven (7) business days before the hearing, the student conduct administrator shall remind the parties of their right to review the administrative file to the extent allowed by law.⁴⁴
- The parties shall have an opportunity to respond to the evidence contained in the administrative file at a live hearing.

Hearing Officer or Hearing Panel

- At least three (3) business days before the hearing date, the student conduct administrator shall select a hearing officer or hearing panel and disclose the individuals' identities to the parties.
- A party may challenge a hearing officer or hearing panelist for bias or any conflicts of interest with the potential to undermine the integrity of the disciplinary process. The vice chancellor for Student Affairs or a designee who is not a factfinder in the case shall promptly resolve the challenge and designate a substitute as appropriate.
- Persons who serve as hearing officers or hearing panelists may not be the same individuals who investigated the alleged misconduct.

Hearing Procedures

- The hearing officer or hearing panel may pose questions to the witnesses before allowing the parties to ask questions.
- The hearing officer or chair of the hearing panel will make all determinations regarding the order of witnesses, relevancy of questions, and the evidence to be considered or excluded during the hearing and decision-making process. The hearing officer or hearing panel may, in its discretion, choose to call a student conduct administrator for the purpose of explaining the investigation and findings.
- The hearing officer or hearing panel must determine whether a proposed question is relevant and not otherwise impermissible prior to the question being posed. It must explain any decision to exclude a question as not relevant. If a decisionmaker determines that a party's question is relevant and not otherwise impermissible, then the question must be asked except that no questions that are unclear or harassing of the party being questioned will be permitted.
- The hearing officer or chair of the hearing panel has the discretion to determine whether the parties may present expert witnesses as long as the determination applies equally to both parties.
- At the hearing, the parties may:
 - Make an opening and closing statement;
 - Present relevant evidence; and
 - Cross-examine adverse witnesses.
- The respondent may waive the right to be present at a disciplinary proceeding by providing to the student conduct administrator a signed waiver as outlined in Appendix C. The respondent and the adjudicator shall sign the waiver. The student conduct administrator shall provide one copy to the respondent and place another copy in the administrative file. If the respondent waives the right to be present at a disciplinary proceeding, the respondent shall not have the right to appeal the university's initial decision.

- Hearings may be conducted through a live hearing with the parties physically present in the same geographic location. At the university's discretion, or upon the request of either party, it will conduct the live hearing with the parties physically present in separate locations, using technology that enables the decisionmaker and parties to simultaneously see and hear the party or the witness while that person is speaking or communicating in another format.
- The university shall create an audio, audiovisual, or transcript of the hearing.
- The parties may pose relevant questions to witnesses under the following conditions:
 - If an advisor represents a party, the advisor may pose questions to the witness directly.
 - If an advisor does not represent a party, the questions may be asked through the hearing officer or hearing panel. A party may not, however, question a witness directly. The party may tender an initial set of proposed questions before the hearing and propose follow-up questions, including questions challenging credibility, that a party wants asked of any party or witness.
- If a party does not respond to questions related to their credibility, the decisionmaker must not rely on any statement of that party that supports that party's position. The decisionmaker must not draw an inference about whether misconduct occurred based solely on a party's or witness's refusal to respond to questions related to their credibility.

Written Decision

As soon as practicable after the hearing, the hearing officer or chair of the hearing panel shall simultaneously distribute to the parties a written decision of the result that contains the following:

- A description of the alleged code violation;
- Information about the policies and procedures the university used to evaluate the allegations;
- The decisionmaker's evaluation of the relevant evidence and determination of whether a violation occurred;
- When the decisionmaker finds that a violation occurred, any disciplinary sanctions the university will impose on the respondent, and whether the university will provide remedies other than the imposition of disciplinary sanctions to the complainant and, to the extent appropriate, other students identified by the university to be experiencing the effects of a violation; and
- The university's procedures to appeal the result of the disciplinary hearing.

If there is a determination that a violation occurred, as appropriate, the student conduct administrator shall provide and implement remedies to a complainant or other affected person(s) and take other prompt and effective steps to ensure that a violation does not continue or recur within the university's education program or activity.

The determination regarding responsibility becomes final either on the university providing the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

Appeals

A party may appeal a decision or sanction by submitting a written statement to the student conduct administrator within seven (7) calendar days⁵⁵ of receiving the hearing officer or hearing panel's written decision. Appendix D outlines an appeal form.

An appeal may be initiated after the deadline if the party shows that new, previously unavailable evidence came to light or that there is a compelling reason for the delay.

The vice chancellor for Student Affairs or designee shall hear the appeal.

The appeal shall be decided based on the record and without deference to the decision of the hearing officer or hearing panel.

A party may only appeal based on one of the following grounds:

- A procedural irregularity that would change the determination of whether a code violation occurred;
- The discovery of new evidence that would change the outcome of the matter and that was not reasonably available when the determination of whether a code violation occurred or dismissal was made;
- A student conduct administrator had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome of the matter; or
- The sanctions are grossly disproportionate to the severity of the offense.

The student conduct administrator shall promptly notify the other party of the appeal and provide a copy of the party's written statement. The other party may submit a written counterstatement within five (5) business days thereafter.

The decision on appeal may uphold the decision, modify it, or remand the matter to the hearing officer or hearing panel for further factual development.

The vice chancellor for Student Affairs or designee shall inform the parties of the decision in writing within five (5) business days of the last party's written submission or as soon as practicable thereafter.

The parties may challenge the vice chancellor for Student Affairs' (or designee's) involvement for bias or a conflict of interest with the potential to undermine the integrity of the appellate process. The chancellor may decide any such challenge and replace the administrator with an appropriate substitute.

Certificate of Compliance

At the conclusion of the disciplinary proceedings, the chancellor or vice chancellor of Student Affairs shall certify, on a form similar to Appendix E, that the substantial rights of the complainant and respondent as established in Act 470 of 2023 have been followed.⁵⁶

The certification shall be maintained in the administrative file.⁵⁷

Disciplinary procedures in non-Title IX cases in which neither expulsion nor suspension from the university will be imposed if the student conduct administrator determines, in his or her discretion at the inception of the case, that a sanction of expulsion or suspension will not be imposed in a non-Title IX case involving an alleged violation of the code (other than an act of academic dishonesty), then the alleged violation of the code shall be resolved through an administrative hearing before the student conduct administrator or designee.

An attorney or non-attorney advisor may not participate at any stage of the disciplinary proceedings.

The student conduct administrator or designee shall ensure that the respondent receives:

- Written notice of charges;
- An opportunity to inspect the administrative file;
- An opportunity to be heard at a meeting with the student conduct administrator or designee;
- A written decision on whether the respondent has violated the code and sanctions that will be imposed; and
- An opportunity to appeal to the vice chancellor for Student Affairs or designee, within five (5) business days of the decision, based on one of the following grounds:
 - A procedural irregularity that affected the outcome;
 - The discovery of new evidence that was not reasonably available when the determination of responsibility was made, that could affect the outcome;
 - The university investigator or decision-maker had a conflict of interest or bias that affected the outcome; or

- The sanctions are grossly disproportionate to the severity of the offense.
- A reasonably prompt, written decision from the vice chancellor for Student Affairs or designee regarding the appeal.
- An opportunity to challenge the involvement of any decision-maker due to bias or a conflict of interest.

Hazing Prevention and Awareness Program

UAFS provides campus-wide hazing prevention and awareness programming for students, faculty, and staff. Programming is research-informed and includes primary prevention strategies designed to prevent hazing before it occurs. Programs may be delivered through in-person educational presentations, online training, educational materials, and other campus-wide awareness efforts.

UAFS hazing prevention and awareness programming addresses the university's hazing policy, how to report hazing, applicable laws regarding hazing, and strategies for preventing hazing within student organizations and the campus community. Additional information regarding hazing prevention and reporting is available through the Dean of Students Office.

Hazing State Laws

Summary (Code of Arkansas)

a. ... "hazing" means:

1. A willful act on or off the property of any school, college, university, or other educational institution in Arkansas by one (1) student, alumnus, or volunteer or employee of a fraternal organization if the volunteer or employee is acting on behalf of, or in the name of, the fraternal organization, acting alone, or acting with others when the conduct is directed against any other student and done for the purpose of intimidating the student attacked by threatening him or her with social or other ostracism or of submitting such student to ignominy, shame, or disgrace among his or her fellow students, and acts calculated to produce such results;
2. The playing of abusive or truculent tricks on or off the property of any school, college, university, or other educational institution in Arkansas by one (1) student, alumnus, or volunteer or employee of a fraternal organization if the volunteer or employee is acting on behalf of, or in the name of, the fraternal organization, acting alone, or acting with others, upon another student to frighten or scare him or her;
3. A willful act on or off the property of any school, college, university, or other educational institution in Arkansas by one (1) student, alumnus, or volunteer or employee of a fraternal organization if the volunteer or employee is acting on behalf of, or in the name of, the fraternal organization, acting alone, or acting with others which is directed against any other student done for the purpose of humbling the pride, stifling the ambition, or impairing the courage of the student attacked or to discourage him or her from remaining in that school, college, university, or other educational institution, or reasonably to cause him or her to leave the institution rather than submit to such acts; or
4. A willful act on or off the property of any school, college, university, or other educational institution in Arkansas by one (1) student, alumnus, or volunteer or employee of a fraternal organization if the volunteer or employee is acting on behalf of, or in the name of, the fraternal organization, acting alone, or acting with others in striking, beating, bruising, or maiming; or seriously offering, threatening, or attempting to strike, beat, bruise, or maim; or to do or seriously offer, threaten, or attempt to do physical violence to any student of any such educational

- institution; or any assault upon any such student made for the purpose of committing any of the acts, or producing any of the results, to such student as defined in this section.
- b. The term “hazing” as defined in this section:
1. Does not include customary athletic events or similar contests or competitions; and
 2. Is limited to those actions taken and situations created in connection with initiation into or affiliation with an organization, extracurricular activity, or sports program. Ark. Code Ann. § 6-5-201

Arkansas statute also prohibits hazing as follows:

- a. A student, alumnus, or volunteer or employee of a fraternal organization of a school, college, university, or other educational institution in Arkansas shall not knowingly engage in hazing or encourage, aid, or assist any other student, alumnus, or volunteer or employee of a fraternal organization in hazing.
- b.
 1. A person shall not knowingly permit, encourage, aid, or assist another person in committing the offense of hazing, or knowingly acquiesce in the commission of the offense of hazing, or fail to report promptly his or her knowledge or any reasonable information within his or her knowledge of the presence and practice of hazing in this state to an appropriate administrative official of the school, college, university, or other educational institution in Arkansas.
 2. An act of omission or commission is hazing under this subsection.
- c. A violation of this section is a Class B misdemeanor.
- d. In addition to any penalty provided by this section, a student convicted of hazing shall be expelled from the school, college, university, or other educational institution that he or she is attending. Ark. Code Ann. § 6-5-202.

Missing Student Policy

Missing Student Notification Policy for Students Residing in On-Campus Housing

UAFS encourages all members of the university community to report any student believed to be missing immediately. There is no waiting period for reporting a missing student. If a member of the university community has reason to believe that a student residing in on-campus student housing is missing, the individual should immediately notify UPD at 479-788-7140, the dean of students, or the vice chancellor for Student Affairs at 479-788-7310.

Any report of a missing resident student received by the dean of students, vice chancellor for Student Affairs, Housing and Residential Life, or another university official will be immediately referred to UPD. Upon receiving a missing student report, UPD will generate a missing person report and initiate an investigation, with assistance from Housing and Residential Life and other university offices as appropriate. The university does not require a student to be missing for 24 hours before beginning an investigation.

Confidential Missing-Person Contact

All students residing in on-campus student housing receive information about this policy and may identify a confidential missing-person contact. The university will notify this person within 24 hours after it determines that the student is missing.

The option to identify a contact person in the event the student is determined missing is in addition to identifying a general emergency contact person, but they can be the same individual for both purposes.

The student's designated missing-person contact information will be kept confidential and accessible only to authorized campus officials. The information will not be disclosed except to law enforcement personnel to further a missing-person investigation. Students may designate this contact as part of the housing application process.

Notification When a Resident Student Is Determined Missing

If UPD or Student Affairs determines that a student residing in on-campus student housing has been missing for 24 hours, the university will take the following actions no later than 24 hours after making that determination:

The university will notify the student's designated confidential missing-person contact, if the student has designated one.

If the student is under 18 years of age and is not emancipated, the university will notify the student's custodial parent or guardian, in addition to notifying any confidential missing-person contact designated by the student.

The university will notify the local law enforcement agency with jurisdiction, unless that agency was the entity that determined the student was missing.

These notifications do not prevent UAFS from contacting appropriate individuals or law enforcement agencies earlier when circumstances warrant.

UAFS Three-Year Crime Statistics

The statistical summary of crimes for this university over the past three calendar years follows:

	On Campus			On-Campus Housing			Non-Campus			Public Property		
Crime	2025	2024	2023	2025	2024	2023	2025	2024	2023	2025	2024	2023
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	1	1	2	1	1	1	0	0	0	0	0	0
Fondling	1	1	3	0	0	2	0	0	0	0	1	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	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	1	4	5	0	1	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	1	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0
Hazing	0	N/A	N/A	0	N/A	N/A	0	N/A	N/A	0	N/A	N/A
Arrest - Liquor Law Violation	0	6	3	0	2	0	0	0	0	0	0	3
Arrest - Drug Abuse Violation	3	1	4	0	0	0	0	0	0	0	0	2
Arrest - Weapon Violation	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Referral - Liquor Law Violation	30	21	22	30	19	22	0	0	0	0	0	0
Disciplinary Referral - Drug Abuse Violation	1	8	14	1	7	12	0	0	0	0	0	1
Disciplinary Referral - Weapon Violation	1	0	0	1	0	0	0	0	0	0	0	0
Domestic Violence	1	0	0	1	0	0	0	0	0	0	0	0

	On Campus			On-Campus Housing			Non-Campus			Public Property		
Crime	2025	2024	2023	2025	2024	2023	2025	2024	2023	2025	2024	2023
Dating Violence	1	1	0	1	1	0	0	0	0	0	0	0
Stalking	0	1	3	0	0	1	0	0	0	0	0	0

Unfounded Reports

If a Clery crime is reported to have occurred within any UAfS Clery geography and is subsequently investigated by law enforcement and determined to be false or baseless, the crime is classified as unfounded. Only sworn or commissioned law enforcement personnel can classify a crime as unfounded, and this determination can only be made after a thorough investigation.

Hate Crime Reporting

There were no reports of hate crime incidents reported in 2023, 2024, or 2025.

Crimes Unfounded by the University

2025: 0 unfounded crimes

2024: 0 unfounded crimes

2023: 0 unfounded crimes

Statistics for Unfounded Crimes Provided by Law Enforcement Agencies

2025: 0 unfounded crimes

2024: 0 unfounded crimes

2023: 0 unfounded crimes

Data from Law Enforcement Agencies

- The data above reflects statistics provided from law enforcement agencies related to crimes that occurred on the university's Clery geography.
- The university was provided with some crime data from law enforcement agencies for which it cannot be determined whether any of the statistics apply to or include the university's Clery geography.
- Certain law enforcement agencies did not comply with the university's request for crime statistics.

Annual Fire Safety Report

Housing Facilities and Fire Safety Systems

The University maintains on-campus housing for its students. Below is a description of fire safety systems and the number of fire drills conducted during the previous calendar year.

Campus: University of Arkansas - Fort Smith, 5210 Grand Ave, Fort Smith, AR 72913

Facility	Fire Alarm Monitoring Done on Site	Partial Sprinkler System	Full Sprinkler System	Smoke Detection	Fire Extinguisher Devices	Evacuation Plans & Placards	Number of Evacuation (Fire) Drills in Previous Calendar Year
Lion's Den 601 N. Waldron Rd., Fort Smith, AR 72903	X		X	X	X	X	2
Sebastian Commons 801 N. 49 th St., Fort Smith, AR 72903	X		X	X	X	X	2

Policies on Portable Appliances, Smoking, and Open Flames

The use of open flames, such as candles, and the burning of substances like incense, as well as smoking, is prohibited in campus housing. Only surge-protected extension cords are allowed. The following portable cooking appliances may be used in campus housing: toasters, toaster ovens, air fryers, slow cookers, rice cookers, and enclosed electric grills (such as George Foreman grills).

Tampering with fire safety systems is strictly prohibited, and any violations may result in disciplinary action.

The university reserves the right to conduct periodic inspections of campus housing to ensure that fire safety systems are operational and that compliance with the policy on prohibited items is maintained. Any prohibited items found during inspections will be confiscated and either donated or discarded without reimbursement.

Fire Evacuation Procedures for Residence Halls

In the event of a fire, all residence hall buildings will be evacuated to protect the health and safety of residents, guests, and visitors. When an alarm sounds, assume there is an emergency and follow these steps:

- **Activate the Fire Alarm.** If the building fire alarm is not already sounding, activate it by pulling a fire alarm station as you exit.
- **Leave the Building.** Use the nearest exit to leave the building.
- **Crawl if There is Smoke.** If there is smoke, stay low where the air is cleaner and cooler. Get low and go.
- **Check Doors Before Opening.** Before opening any doors, feel the metal knob. If it is hot, do not open the door. If it is cool, brace yourself against the door and open it slightly. If you encounter heat or heavy smoke, close the door and stay inside.

- **Find the Nearest Exit or Stairway.** Go to the nearest exit or stairway. If that exit is blocked by fire, heat, or smoke, go to another exit.
- **Use the Stairs, Not Elevators.** Always use the exit stairway instead of the elevator. Elevator shafts may fill with smoke or lose power, trapping you inside. Closed stairway fire doors can help keep out fire and smoke until you reach safety. Close as many doors as possible as you leave to help confine the fire. Immediate evacuation is the safest option.
- **Use a Fire Extinguisher With Caution.** Only use a fire extinguisher if the fire is very small and you know how to use it safely. Do not delay in calling emergency responders or activating the building fire alarm. Promptly locate a fire extinguisher and direct the charge of the extinguisher toward the base of the flame. If others are with you, have one person make the emergency call while another uses the fire extinguisher. Do not attempt to extinguish fires beyond the small or beginning stage.
 - To use the fire extinguisher (remember PASS):
 - Stand 8 feet away from the fire.
 - Pull the pin.
 - Aim at the base of the fire. Hold the extinguisher upright.
 - Squeeze the trigger. Be careful not to blow sparks and create a bigger fire.
 - Sweep the nozzle side to side. The extinguisher can be discharged in as little as 30 seconds.
- **Leave Immediately if You Cannot Control the Fire.** If you are unable to put out the fire, leave the premises immediately. Notify the fire department, even if you think the fire is out.
- **If Trapped, Stay in Your Room.** If you get trapped, keep doors closed. If possible, use a wet cloth to seal around and under the door to keep smoke out.
- **Signal for Help.** Be prepared to signal your presence from a window. Hang an object, such as a jacket or shirt, at the window to attract the fire department's attention. If there is a phone in the room, call 911.

Stay safe and follow these steps to protect yourself and others during a fire emergency.

Fire Education and Training Programs

Fire safety education programs are conducted at the beginning of each semester for all residents living in on-campus student housing, as well as for all employees responsible for that housing. The purpose of these programs is to:

1. Familiarize everyone with the fire safety systems in each facility.
2. Train participants on the procedures to follow in the event of a fire.
3. Inform attendees about the university's fire safety policies.

During the sessions, participants receive information that includes maps of each facility's evacuation routes, as well as details about fire alarms and fire suppression equipment available in the building. It is important to note that participation in fire drills is mandatory. Additionally, students with disabilities have the option to be assigned a "buddy" to assist them during emergencies.

Reporting Fires

The university is required to disclose each year statistical data on all fires that occurred in on-campus student housing. When a fire alarm is pulled and/or the fire department responds to a fire, these incidents are captured. If you encounter a fire that presents an emergency situation, ensure your own safety and then please call 911.

There may also be instances when a fire is extinguished quickly and an alarm is not pulled or a response by the fire department was not necessary. It is important that these incidents be recorded as well. Therefore, if you are aware of such a fire, see evidence of one or hear about one, you should contact UPD at 479-788-7140. When providing notification of a fire, give as much information as possible about the location, date, time and cause of the fire.

Plans for Future Improvements

The university periodically reviews its fire safety protections and procedures. At this time, it has no plans for future improvements.

Fire Statistics

2025: No fires reported

2024: Sebastian Commons, 2 fires (2/26/24, 5:40 p.m.; 4/5/24, 8:02 p.m., cooking)
0 deaths, 0 injuries, 0 damage to property

2023: No fires reported