

**2023**

**ANNUAL SECURITY REPORT**

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***HOPE • TEXARKANA***

A University of Arkansas System College

## Emergency Number Quick Reference

### **Emergency - Call 911**

*For Ambulance, Fire, or Crime in Progress*

### **Non-Emergency - Call UAHT Campus Police**

**870-722-8570 Hope Campus      870-216-2907 Texarkana Campus**

*To report a crime or other non-emergency communication*

UAHT Campus Police Hope Campus Administrative Complex room 167 2500 S. Main Hope, AR 71801 870-722-8570	UAHT Campus Police Texarkana Campus Professions Building room 121 3501 U of A Way Texarkana, AR 71854 870-216-2907
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### **National and Statewide Hotlines**

Child Abuse Hotline	800-482-5964
National Suicide Prevention Lifeline	800-273-TALK (8255)
Poison Control	800-222-1222

## **The Clery Act**

Choosing a postsecondary institution is a major decision for students and their families. Along with academic, financial, and geographic considerations, the issue of campus safety is a vital concern.

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) is a federal mandate requiring all institutions of higher education (IHEs) that participate in the federal student financial aid program to disclose information about crime on their campuses and in the surrounding communities. The Clery Act affects virtually all public and private IHEs and is enforced by the U.S. Department of Education. Campuses that fail to comply with the act can be penalized with large fines and may be suspended from participating in the federal financial aid program.

The Clery Act, formerly known as the Crime Awareness and Campus Security Act, was signed in 1990 and is named after 19-year-old Jeanne Clery, who was raped and murdered in her Lehigh University residence hall in 1986. Clery's parents lobbied Congress to enact the law when they discovered students at Lehigh hadn't been notified about 38 violent crimes that had occurred on campus in the three years prior to Clery's murder.

The Clery Act requires the University of Arkansas Hope - Texarkana to provide timely warnings of crimes that represent a threat to the safety of students or employees and to make their campus security policies available to the public. The act also requires UAHT to collect, report, and disseminate crime data to everyone on-campus and to the Department of Education annually.

## **Campus Police Department**

UAHT desires to maintain a secure and accessible campus for students, employees, contractors, visitors, and guests. The Campus Police Department is the law enforcement agency serving UAHT. The UAHT Campus Police Department police officers are trained and certified under guidelines of the state of Arkansas Commission on Law Enforcement Standards and Training, and they are sworn officers with full powers of arrest; empowered and mandated to enforce all applicable federal and state laws, local ordinances, and College policies. Security Officers are also employed by the UAHT Campus Police Department and are empowered to enforce all applicable College policies.

### **Crime Reporting Policy**

Prompt and accurate reporting of criminal offenses aids in providing a timely response and timely warning notices to the community when appropriate and assists in compiling accurate crime statistics. Community members, students, faculty, staff, and guests are encouraged to report all crimes and public safety related incidents in an accurate and timely manner to local law enforcement and the Campus Police Department.

The preferred and primary point of crime reporting should be the UAHT Campus Police Department. If you are the victim of a crime and do not want to pursue action within the College discipline system or the criminal justice system, you may still want to consider making a confidential report. If you choose to file a confidential report through the Vice Chancellor for Student Services, with your permission, the Vice Chancellor can file a report on the details of the incident without revealing your identity. The purpose of a confidential report is to comply with your wish to keep the matter confidential, while taking steps to ensure the future safety of yourself and others. With such information, the College can keep an accurate record of the number of incidents involving students, employees and visitors; determine where there is a pattern of crime with regard to a particular location, method, or assailant; and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crime statistics for the institution. It is the policy of the College to encourage the reporting of crimes even if the victim does not wish to file a complaint. The UAHT Office of the Vice Chancellor for Student Services is responsible for collecting, reporting, and disseminating the annual crime statistics from the local law enforcement agencies and Campus Security Authorities for inclusion in the Annual Security Report.

### **Timely Warnings**

Timely warnings are made to the campus community about any occurrences that would pose a threat to the College community through the Office of the Vice Chancellor for Student Services or the UAHT Safety Committee. These warnings are distributed in various ways depending on the nature of the information. Among the methods used are e-mail, text messages, warning flyers, campus meetings, and announcements.

## **Emergency Preparedness, Response, and Notification**

Emergencies can occur any time without warning. Careful planning, with an emphasis on safety, can help members of the University of Arkansas Hope - Texarkana (UAHT) community handle crises and emergencies with appropriate responses that may save lives and property. Every member of the UAHT community shares responsibility for emergency preparedness. UAHT uses the National Incident Management System (NIMS) model for emergency planning. NIMS is a systematic, proactive approach to guide departments and agencies at all levels of government, nongovernmental organizations, and the private sector to work together seamlessly and manage incidents involving all threats and hazards—regardless of cause, size, location, or complexity—in order to reduce loss of life, property and harm to the environment. UAHT is committed to supporting the welfare of its students, faculty, staff, and visitors.

### UAHT Alert

UAHT Alert is an emergency text message notification system used to notify students, faculty, and staff in the case of emergencies. All students' cell phones are uploaded into UAHT Alert each semester. Faculty and staff can also register their cell phones to receive emergency text messages. This service is used to send critical safety information from UAHT in the event of an emergency or College closing and other important messages. Users will receive a test message each semester.

### College Email

Emergency notifications are sent to college email addresses. All students, faculty (including adjunct) and staff are issued a college email address.

### Web Site

All emergency notifications are posted to the UA Hope-Texarkana web site home page.

### Mobile Panic Button

UAHT faculty and staff have access to a mobile panic button application that can be activated in case of emergencies or the need for assistance. The application immediately notifies the appropriate staff and first responders and provides the location of the person activating the panic button. All faculty and staff and law enforcement are notified simultaneously when the active assailant button is activated.

## **Evacuation**

Buildings on campus have a notification system for emergency evacuation. The fire alarm system serves as the notification system. Whenever the alarm system sounds, everyone must leave the building and move to a safe location. Faculty and staff have access to the Rave Mobile Panic Button which can be used to notify employees of emergency situations and evacuations.

## **Testing and Evaluation**

UAHT will test the emergency response and evacuation procedures at least once per calendar year. UAHT will publicize these procedures in conjunction with this test and document the date and time of the event.

## **Campus Prevention Activities and Maintenance of Campus Facilities**

Proper lighting and building security are major factors in reducing crime on campus. The UAHT Maintenance Department maintains the College buildings and grounds with a concern for safety and security. Inspections of campus facilities are conducted regularly, and repairs are made as quickly as possible. Individuals should report potential safety and security hazards, such as broken locks and windows. All members of the campus community are encouraged to report safety and security hazards to Campus Police.

### **Alcohol and Drug Policy**

UAHT regulations specify that the manufacture, use, possession, or sale of illegal drugs, controlled substances on or about campus or as part of any of its activities are in violation of College policy. Consumption, possession, distribution, manufacture, sale, and serving alcoholic beverages on College premises or at College-Sponsored Activities is prohibited, regardless of age, unless permitted by a College policy. Serious offenses which are subject to disciplinary or restricting action are: use, possession, sale, distribution, or manufacture of marijuana, illegal drugs or controlled substances, except as prescribed by a registered medical doctor; arrest for violation of local, state, or federal drug law which adversely affects the student's suitability as a member of the College community; and violations of Arkansas or federal criminal statutes.

The disciplinary response by UAHT to violations of these policies may range from required enrollment in a drug and alcohol education course to expulsion from the College. Evidence of serious offenses such as manufacture, sale, or distribution will be referred to state and/or federal law enforcement authorities.

### **Alcohol-Free and Drug-Free Workplace Statement**

UAHT adopts the policy of the State of Arkansas that the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance in the school/workplace is prohibited. Any student/employee violating this policy will be subject to discipline up to and including expulsion or termination. The specifics of this policy are as follows:

The term "controlled substance" means any drug listed in 21 U.S.C. Section 812 and other federal regulations. Generally, these are drugs which have a high potential for abuse. Such drugs include, but are not limited to: Heroin, PCP, Marijuana, Cocaine, and "Crack". They also include "legal drugs" which are not prescribed by a licensed physician.

A continual use of alcohol and illegal drugs could cause addiction, which will lead to severe physical and mental harm.

Each employee is required by law to inform the institution within five (5) days after he or she is convicted for violation of any federal or state criminal drug statute where such violation occurred on the agency's premises. A conviction means finding of guilt (including a plea of nolo contendere) or the imposition of a sentence by a judge or jury in any federal court, state court, or other court of competent jurisdiction.

- The College must notify the U.S. Government agency within ten (10) days after receiving notice from the employee or otherwise receives actual notice of such a conviction.
- If any employee is convicted of violating any criminal drug statute while in the workplace, he or she will be subject to discipline up to and including termination. Alternatively, the institution may require the employee to successfully finish a drug abuse program sponsored by an approved private or governmental institution.
- As a condition of employment, the law requires all employees to abide by this policy.

### **Drug and Alcohol Abuse Education**

UAHT provides annual alcohol abuse education programs. Referrals are available through Student Services to groups, offices, agencies, and hospitals in the Hope and Texarkana areas that offer drug treatment and rehabilitation services and programs. Information about programs is available from the Office of Student Services. Additional resources can be located online by searching “Alcoholism Information and Treatment Centers” and “Mental Health Information and Treatment Centers Counselors.”

### **Possible Drug and Alcohol Sanctions for Students**

Sanctions for Non-Academic Misconduct will be imposed by the Dean of Student Services or his/her designee. The following sanctions may be imposed for Non-Academic Misconduct:

- Educational Task - Completion of a task which educates the student about and allows the student to learn from the misconduct.
- Written Warning - Official record that a student has been warned about behavior.
- Restitution - Reimbursement by the student to cover the cost of repair or replacement of damaged or misappropriated property.
- Restriction of Activities or Privileges - Restriction of active status or participation in any and/or all organized university activities other than required academic endeavors for a designated period of time.
- Fees - Monetary requirements based on the resolution of a case.
- Conduct Probation - A period of self-reflection, during which a student is on official warning that subsequent violations of university rules, regulations or policies are likely to result in a more severe sanction including suspension or expulsion from the university.
- Conduct Suspension - Temporarily canceling a student's enrollment at UAHT. A student cannot graduate while suspended. Once assigned this sanction, students are immediately removed from their classes and banned from university property. A student cannot enter university property during his/her term of suspension without prior permission from the Dean of Student Services or designee. Any classes taken at another institution during this period of suspension cannot be transferred to UAHT.
- Expulsion - Permanently canceling a student's enrollment at UAHT. A dismissed student cannot re-enroll or graduate. Once assigned this sanction, students are immediately removed from their classes and banned from university property. A student cannot enter College property once dismissed without prior permission from the Dean of Student Services or designee.

- Revocation or Denial of Degree – UAHT reserves the right to revoke or refuse to confer a degree on the basis of a violation of the Standards of Student Conduct that occurred while the student was enrolled, given that the violation(s) would have resulted in expulsion.
- Additional Sanctions – In addition to those listed above, other sanctions may be implemented.

### **Possible Legal Sanctions for Inappropriate Drug and Alcohol Use**

These are possible legal ramifications for violation of Alcohol/Drug laws. This is not an all-inclusive list, and the laws listed have been abbreviated. Note that the penalties listed are the minimum and maximums according to law and subsequent offenses (especially with the DWI and DUI laws) can include substantially harsher penalties. If you need more information on any of these, or other, laws, please contact the Office of the Dean of Student Services.

#### Manufacture or delivery of controlled substance

It is unlawful for any person to manufacture, deliver, or possess with intent to manufacture or deliver, a controlled substance. Penalties for the manufacture, delivery, transporting, administering, or distributing of a controlled substance may be subject to an enhanced sentence of an additional term of imprisonment of ten (10) years if the offense is committed on or within one thousand feet (1,000) of the University. In addition, real and personal property used in the manufacture, delivery, or importing of controlled substances may be forfeited to the government.

#### Manufacture or delivery of a counterfeit substance

It is unlawful for any person to create, deliver, or possess with intent to deliver, a counterfeit substance purported to be a controlled substance. Penalties for the creating and/or delivery of a counterfeit substance can range from one (3) to twenty (20) years in prison and fines up to \$15,000 depending on the type of drug being counterfeited.

#### Possession of a controlled or counterfeit substance

It is unlawful for any person to possess a controlled substance or counterfeit substance. Penalties for possession of a controlled or counterfeit substance on the first offense can range from having your license suspended- Offenders under eighteen (18), one (1) year or until eighteenth (18th) birthday; Jail Time – No more than one year; Fine- No more than \$1,000. Second or subsequent offense can result in License Suspended – Offenders under eighteen (18), one (1) year or until eighteenth (18th) birthday; Jail Time – No more than one (1) year; Fine – No more than \$1,000.

#### Minor in possession of alcohol (mandatory suspension of driving privilege)

Any person under twenty-one (21) years of age who has purchased or is in possession of intoxicating liquor, wine, or beer, in violation of the “Minor in possession of alcohol” statute, will be subject to a fine of no more than five hundred dollars (\$500), and a mandatory driver’s license suspension for up to a year depending on offense by the Office of Driver Control, whether or not the person was in or about a vehicle at the time of arrest.



### Underage DUI law

The State of Arkansas has an "Underage DUI Law" (Act 863 of 1993) in which it is an offense for a person under the age of 21 with a blood alcohol content of .02 to .07 (approximately one (1) or two (2) beers or hard drinks of liquor) to operate a motorized vehicle. Penalties for a first offense can result in (1) suspension of driver's license for not less than 90 days or more than 120 days; (2) a fine of not less than \$100 nor more than \$500; (3) assignment to public service work; and/or (4) attendance at a state sponsored alcohol and driving education program.

### Driving while intoxicated

A person who drives a motorized vehicle while influenced or affected by the ingestion of alcohol, a controlled substance, or any intoxicant, commits the offense of driving while intoxicated. Penalties for such offense may include: (1) License seized upon arrest (2) suspension of license for up to 120 days for the first offense (and additional days for subsequent offenses); (3) imprisonment for no less than 24 hours and no more than one year for the first offense (with additional imprisonment for subsequent offenses); (4) fines of no less than \$100 and no more than \$500 for the first offense (with stiffer fines for subsequent offenses); (5) payment of an additional \$250 in court costs, or as an alternative to payment, public service work as deemed appropriate by the courts; and (6) a requirement to complete an alcohol education program as prescribed and approved by the Arkansas Highway Safety Program, or an alcoholism treatment program as approved by the Office on Alcohol and Drug Abuse Prevention. A blood alcohol level of .04 may be considered with other competent evidence in determining guilt or innocence. A blood alcohol level of .08 or more shall give rise to a presumption of intoxication.

### Public intoxication

A person commits the offense of "Public Intoxication" if (1) he appears in a public place manifestly under the influence of alcohol or a controlled substance to the degree that he is likely to endanger himself, other persons or property, or that he unreasonably annoys persons in his vicinity; or (2) he consumes an alcoholic beverage in a public place. Public intoxication is a Class C misdemeanor and can result in (1) a fine of up to \$100, and/or (2) imprisonment in the county jail (or other authorized institution) for up to 30 days.

### Contributing to delinquency of a minor

A person commits the offense of "contributing to the delinquency of a minor" if, being an adult, he knowingly purchases or provides alcoholic beverages for a minor. Such an offense is a Class A misdemeanor. The first offense can result in a fine of \$200- \$500. The second offense can result in (1) a fine of up to \$1,000 and/or (2) imprisonment in the county jail (or other authorized institution) for up to one full year.

### Federal penalties and sanctions for illegal possession of a controlled substance

21 U.S.C. 844(c) - First conviction: up to one (1) year imprisonment and fined at least \$1,000 but not more than \$100,000, or both. After first prior drug convictions: at least 15 days in prison, not to exceed two (2) years and fined at least \$2,500 but not more than \$250,000, or both. After two or more prior drug convictions: at least 90 days in prison, not to exceed three (3) years and fined at least \$5,000 but not more than \$250,000, or both. Special sentencing provisions for possession of crack cocaine: mandatory at least five (5) years in prison, not to exceed 20 years and fined up to \$250,000, or both if: (a) first conviction and the amount of crack possessed exceeds 5 grams,



(b) second crack conviction and the amount of crack possessed exceeds 3 grams, (c) third or subsequent crack conviction and the amount of crack possessed exceeds 1 gram.

21 U.S.C. 953(a) (2) and 881 (a)(7) - Forfeiture of personal and real property used to possess or to facilitate possession of a controlled substance if that offense is punishable by more than one (1) year imprisonment (See special sentencing provisions re: crack.)

21 U.S.C. 881(a) (4) Forfeiture of vehicles, boats, aircraft or any other conveyance used to transport or conceal a controlled substance.

21 U.S.C. 844(a) - Civil fine of up to \$10,000.

21 U.S.C. 853(a) - Denial of Federal benefits, such as student loans, grants, contracts, and professional and commercial licenses, up to one year for first offense, up to five years for second or subsequent offenses.

19 U.S.C. 922(g) - Ineligible to receive or purchase a firearm. Misc. - Revocation of certain Federal licenses and benefits, (e.g., pilot license, public housing, etc.) are vested within the authorities of individual Federal agencies.

It is illegal for a person under the age of 21 to possess alcohol. Penalties include a fine of up to \$500 and probation under the direction of the court.

### **HEA Drug Provision**

The following provision was contained in subsection (r) of section 484 of the Higher Education Act of 1998 (see 20 U.S.C. 1091®).

(r) Suspension of eligibility for drug related offenses—

(1) IN GENERAL—A student who has been convicted of any offense under any Federal or State law involving the possession or sale of a controlled substance shall not be eligible to receive any grant, loan, or work assistance under this title during the period beginning on the date of such conviction and ending after the interval specified in the following table:

The possession of a controlled substance:

First Offense—1 year, Second Offense—2 years, Third Offense—Indefinite

The sale of a controlled substance: First Offense—2 years, Second Offense—Indefinite

Rehabilitation—A student whose eligibility has been suspended under paragraph (1) may resume eligibility before the end of the ineligibility period determined under such paragraph if—

(A) The student satisfactorily completes a drug rehabilitation program that —

(i) complies with such criteria as the Secretary shall prescribe in regulations for the purposes of this paragraph; and

(ii) included two unannounced drug tests; or

(B) the conviction is reversed, set aside, or otherwise rendered nugatory.

## **Bystander Intervention**

Bystander intervention education is included in the UAHT *Sexual Assault Prevention* program which new students are required to complete. This program, based on research and best practices, teaches our community about alcohol and drug abuse, sexual assault prevention, and how to safely intervene in situations and/or to speak up in situations they see as potentially dangerous or limiting to another individual.

### **How to be an Active Bystander**

Bystanders play a critical role in the prevention of sexual and relationship violence. They are individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up, or do something about it. We want to promote a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. We may not always know what to do even if we want to help. Below is a list of some ways to be an active bystander. If you or someone else is in immediate danger, dial 911. This could be when a person is yelling at or being physically abusive towards another, and it is not safe for you to interrupt.

- Watch out for your friends and fellow students/employees. If you see someone who looks like they could be in trouble or need help, ask if they are ok.
- Confront people who seclude, hit on, try to make out with, or have sex with people who are incapacitated.
- Speak up when someone discusses plans to take advantage of another person.
- Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.
- Refer people to on or off campus resources listed in this document for support.

*(Bystander intervention strategies adapted from Stanford University)*

## **TITLE IX POLICY FOR COMPLAINTS OF SEXUAL ASSAULT AND OTHER FORMS OF SEXUAL HARASSMENT**

### **NOTICE OF NONDISCRIMINATION UNDER TITLE IX**

The University of Arkansas Community College at Hope-Texarkana (UAHT) does not discriminate on the basis of sex in the education programs and activities that it operates and is prohibited from doing so by Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 *et seq.*, and the U.S. Department of Education's implementing regulations, 34 CFR Part 106. The College's nondiscrimination policy extends to admission, employment, and other programs and activities. Inquiries regarding the application of Title IX and 34 C.F.R. Part 106 may be sent to the College's Title IX Coordinator, the U.S. Department of Education Assistant Secretary for Civil Rights, or both.

### **JURISDICTION AND SCOPE**

Sexual harassment as defined in this policy (including sexual assault) is a form of sex discrimination and is prohibited. Title IX requires UAHT to promptly and reasonably respond to sexual harassment in the College's education programs and activities, provided that the harassment was perpetrated against a person in the United States. At the time that a formal complaint is filed, the complainant must be participating in (or attempting to participate in) an education program or

activity of the College. An education program or activity includes locations, events, or circumstances over which the College exercised substantial control over both the respondent and the context in which the sexual harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by a postsecondary institution.

This policy applies to allegations and complaints of sexual harassment as defined herein. All other complaints of discrimination or misconduct that do not fall within the jurisdiction of Title IX may be made through other campus procedures.

This policy shall not be construed or applied to restrict academic freedom at UAHT. Further, it shall not be construed to restrict any rights protected under the First Amendment, the Due Process Clause, or any other constitutional provisions. This policy also does not limit an employee's rights under Title VII of the Civil Rights Act.

### **REPORTING**

All complaints or reports about sex discrimination (including sexual harassment) should be submitted to the Title IX Coordinator:

**Brian Berry, Vice Chancellor for Student Services  
University of Arkansas Hope - Texarkana  
Student Center office 229  
P.O. Box 140, Hope, AR 71802-0140  
870-722-8227  
brian.berry@uaht.edu**

A complaint may also be submitted to the Title IX Deputy Coordinators:

**Kathryn Hopkins, Human Resource Officer  
Title IX Deputy Coordinator for Employees  
Administrative Complex office 125  
P.O. Box 140, Hope, AR 71802-0140  
870-722-8164  
kathryn.hopkins@uaht.edu**

**Reginald Lambert, Dean of Student Services  
Title IX Deputy Coordinator for Students  
Student Center office 224  
P.O. Box 140, Hope, AR 71802-0140  
870-722-8108  
reginald.lambert@uaht.edu**

In addition, the U.S. Department of Education, Office of Civil Rights, may be contacted by phone at 800-421-3481 or by email at [ocr@ed.gov](mailto:ocr@ed.gov).

Any person may report sex discrimination, including sexual harassment (whether or not the person is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual

harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed above, or by any other means that results in the Title IX Coordinator receiving the person’s verbal or written report. Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address, listed for the Title IX Coordinator.

**AMNESTY**

UAHT encourages reporting of incidents of prohibited conduct and seeks to remove any barriers to reporting. The College recognizes that an individual who has been drinking or using drugs at the time of an incident may be hesitant to make a report because of potential consequences for their own conduct. Individuals who report prohibited conduct or participate as witnesses will not be subject to disciplinary sanctions for personal consumption of alcohol and/or other substances.

The College may initiate an educational discussion with individuals about their alcohol and/or drug use or may direct these individuals to services such as counseling for alcohol and/or drug use. Amnesty will not be extended for any violations of College policy other than alcohol/drug use. The use of alcohol, drugs, and/or legally prescribed medication does not justify or excuse behavior that constitutes prohibited conduct under this policy.

**FILING REPORT WITH LOCAL LAW ENFORCEMENT**

In some instances, sexual harassment may constitute both a violation of this policy and criminal activity. The UAHT grievance process is not a substitute for instituting legal action. **UAHT encourages individuals to report alleged sexual misconduct promptly to campus officials AND to law enforcement authorities, where appropriate.** Individuals may file a report directly with local law enforcement agencies by dialing 911. Individuals may also contact any of the following for assistance in filing a report with local law enforcement:

UAHT Campus Police – Hope Campus 2500 S. Main Hope, AR 71801 870-722-8570	UAHT Campus Police – Texarkana Campus 3501 U of A Way Texarkana, AR 71854 870-216-2907
Hope Police Department 312 S. Washington Ste. Hope, AR 71801 870-777-3434	Texarkana Police Department 100 N. Stateline Ave. Texarkana, AR 75501 903-798-3130

**PRESERVING EVIDENCE**

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

### **EMPLOYEES' DUTY TO REPORT TO TITLE IX COORDINATOR**

In order to enable the College to respond effectively and to proactively stop instances of sexual harassment, employees must, within 24 hours of receiving information regarding a potential violation of this policy, report information to the Title IX Coordinator. Any employee who fails to promptly report a matter to the Title IX Coordinator may be subjected to disciplinary action for failing to do so. There are two categories of employees who are exempt from this requirement: (1) licensed health-care professionals and other employees who are statutorily prohibited from reporting such information and (2) persons designated by the campus as victim advocates.

### **OFF-CAMPUS CONDUCT**

Conduct that occurs off campus that is the subject of a formal complaint or report will be evaluated to determine whether the matter falls within the College's jurisdiction under Title IX or should be referred to a different department or official within the College.

### **CONFIDENTIALITY**

Except as compelled by law or as required to conduct a full and fair grievance proceeding in response to a formal complaint, the College will treat the information obtained or produced as part of the Title IX procedures as confidential. The College will keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by the FERPA statute, 20 U.S.C. § 1232g, or FERPA regulations, 34 CFR Part 99, or as required by law, or to carry out the purposes of 34 CFR Part 106, including the conduct of any investigation, hearing, or judicial proceedings arising thereunder.

### **AVAILABILITY OF COUNSELING AND ADVOCACY**

Counseling and other mental health services for victims of sexual assault are available in the community and through UAHT's contracted provider. Employees of the College may be able to seek help through the Employee Assistance Program. Community mental health agencies, such as the Southwest Arkansas Counseling & Mental Health Center and counselors and psychotherapists in private practice in the area can provide individual and group therapy. Committee Against Spouse Abuse (CASA) Women's Shelter or Domestic Violence and Rape Crisis Programs may assist with making referrals for individual counseling and support groups and in identifying non-counseling campus and community resources that may be of additional help and serve as a victim advocate upon request.

### **EDUCATION AND AWARENESS PROGRAMS**

UAHT's Title IX Coordinator is responsible for planning and coordinating campus education and awareness programs about all forms of sexual harassment. Programs are presented regularly throughout the academic year for student organizations, academic classes, employee training and professional development, and in other settings that are likely to reach people throughout the campus community. Campus-wide education and awareness activities are also conducted during Sexual Assault Prevention and Awareness Week.

## **GRIEVANCE PROCEDURE**

These procedures apply to all grievances regarding conduct that may constitute sexual harassment as defined in this policy (including sexual assault) and that falls within the College's Title IX jurisdiction. All other grievances by students, employees, or third parties shall be addressed through other procedures. The College'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 College will respond promptly to all formal complaints of sexual harassment.

### **BASIC REQUIREMENTS**

The College'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 College shall carry out its disciplinary proceedings in a manner that is free from conflicts of interest by ensuring that there is no commingling of administrative or adjudicative roles. An advisor, investigator, adjudicator, and appellate adjudicator shall not carry out more than one role; however, it is not a conflict of interest for College's investigator to present evidence to an adjudicator.
- The respondent is presumed to not be responsible for the alleged conduct until a determination of responsibility is made at the conclusion of the grievance process.
- The time frames for concluding the grievance process shall be reasonably prompt, as set forth in more detail in the procedures below.
- The grievance process may be temporarily delayed, and limited extensions of time frames may be granted, for good cause. In such instances, written notice to the complainant and the respondent of the delay or extension and the reasons for the action will be provided. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurring law enforcement activity; or the need for language assistance or accommodations of disabilities.
- Questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege will not be required, allowed, relied upon, or otherwise used. The College 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 College obtains that person's voluntary, written consent to do so for a grievance under this section.

- No party shall be restricted from discussing the allegations under investigation or to gather and present relevant evidence.
- A party whose participation in a hearing, investigative interview, or other meeting shall be provided with a written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.
- The College shall maintain an administrative file that includes without limitation all documents and evidence in the institution's possession or control that is relevant to an alleged violation and the College's investigation. The parties shall have reasonable continuing access to the administrative file and may ask the Title IX Coordinator to schedule a reasonable time to inspect it. The administrative file shall not include privileged documents, internal communications, or communications from nonparties that the institution does not intend to introduce as evidence at a disciplinary proceeding. The administrative file shall include, without limitation
  - Exculpatory evidence;
  - Statements by an accuser or an accused student or a student organization;
  - Third-party witness statements;
  - Written communications;
  - Social media posts;
  - Demonstrative evidence;
  - Documents submitted by any participant involved in disciplinary procedures; and
  - The College's choice of a video recording, audio recording, or a transcript of any disciplinary ultimately held on the matter.

### **INITIAL REPORT/INTAKE PROCESS**

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

- Provide a copy of this policy and a copy of Act 470 of 2023, codified at Ark. Code Ann. § 6-62-1401 et seq.
- Explain the process for filing a formal complaint and provide a copy of the Sexual Harassment Complaint Form on which the complainant may, if he or she agrees to disclose the information, provide details regarding the allegation, including the name of the accused individual and the date, location, and general nature of the alleged violation of policy
- Explain avenues for resolution, including informal and formal
- Explain the steps involved in an investigation and hearing under this policy
- Discuss confidentiality standards and concerns
- Refer to law enforcement, counseling, medical, academic or other resources, as appropriate
- Discuss, as appropriate, possible supportive measures, which are available with or without the filing of a formal complaint



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

### **FORMAL COMPLAINT PROCESS**

***Form and Filing of Complaint:*** The filing of a formal, written complaint initiates the formal grievance process and is available to any person who is participating in (or attempting to participate in) a College 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 College's Title IX Office by U.S. mail, in person, through the Title IX portal provided for this purpose, or by email. The formal complaint should set forth the allegations and request that the Title IX Office investigate the matter.

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

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

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

Upon dismissal of a formal complaint, for any reason, the Title IX Coordinator will send simultaneous, written notice of and reason(s) for the dismissal to the parties. The dismissal decision may be appealed pursuant to the procedure for appeals set forth in this policy. Dismissal

of a complaint under this Title IX policy does not preclude a complainant from pursuing a grievance through other appropriate campus procedures.

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

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

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

- Provide a copy of this policy and a copy of Act 470 of 2023, codified at Ark. Code Ann. § 6-62-1401 et seq. (if not previously provided)
- (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
- At least 24 hours before a student may be questioned regarding the events giving rise to the complaint, the student must be notified of the student's rights under Act 470 of 2023, including the right have the assistance of an advisor.

**Right to Advisor:** Both parties will be advised that they may be accompanied by one advisor/support person to assist them throughout the Title IX process (including any appeals), which can be (but is not required to be) an attorney. The advisor is not allowed to speak or otherwise actively participate during the pre-hearing interviews or meetings. It is the party's responsibility to obtain the services of an advisor, except that the College will make an advisor available to the parties during the hearing to determine responsibility upon request. A party who wants the College to provide an advisor for the determination hearing should make a request within 15 days after the party's filing or receipt of the formal complaint. The advisor's role at the hearing is further explained below.

**Emergency Removal:** The College may remove an accused student from the College's programs or activities on an emergency basis if the College:

- Undertakes an individualized safety and risk analysis;
- Determines that an immediate threat or the threat of safety of a student or another individual arising from the allegations of misconduct justifies removal of the accused student; and
- Provides the accused student with notice and an opportunity to challenge the decision immediately following his or her removal.
- An institution that removes an accused student on an emergency basis shall:
  - Within 24 hours of an institution removing an accused student on an emergency basis, provide written notice to the accused student that explains the institution's reasons for removing the accused student on an emergency basis;
  - Within 3 business days of the written notice, unless otherwise waived by the removed student, convene an interim hearing to determine whether there is substantial evidence that the removed accused student poses a risk to the health or safety of any student or other individual and that the emergency removal of the accused student is appropriate to mitigate that risk.
  - At the interim hearing, the removed accused student and the accusing student may be represented by an attorney or non-attorney advocate who may fully participate to the same extent as in a final hearing to determine responsibility.
  - An accused student's waiver of his or her right to be represented by an attorney or a non-attorney advocate shall not constitute an admission of guilt or a waiver of additional rights.

**Administrative leave:** Nothing in this policy precludes the College 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 College will maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the College to provide the supportive measures.

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

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

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

### **COMPREHENSIVE INVESTIGATION**

If resolution of the allegations does not proceed through the informal process, the matter will proceed with a comprehensive investigation and resolution through the formal complaint processes. The Title IX Coordinator will be responsible for overseeing the prompt, equitable, and impartial investigation during the formal complaint process. The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility shall rest on the College and not the parties.

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

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

***Overview of Investigation:*** Upon receipt of the formal complaint, the Title IX Coordinator/Investigator (hereinafter “Investigator”) will promptly begin the investigation, which shall include but is not limited to the following:

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

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

After the gathering of evidence has been completed but prior to completion of the investigative report, the Investigator will provide to each party and party’s advisor, if any, any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint, including the evidence upon which the College does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence (whether obtained from a party or other source), so that each party can meaningfully respond to the evidence prior to the conclusion of the investigation. The evidence will be provided in an electronic format or a hard copy. The parties will have 10 calendar days to submit a written response to the evidence, which will be considered by the Investigator prior to completion of the investigative report. The evidence will be made available for the parties to use at the hearing to determine responsibility.

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

- 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 College personnel and, if applicable, College-level officials, including any supportive measures taken with respect to the complainant and respondent

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

### **DETERMINATION HEARING**

Following the conclusion and distribution of the investigative report, a hearing will be conducted to determine the outcome and resolution of the complaint. The parties and their advisors, if any, will be notified by the Hearing Panel chairperson, or Title IX Coordinator of the date, time and location of the hearing, as set forth in the notice provisions below. A student or student organization may waive the right to be present at a disciplinary proceeding, but the waiver must be in writing and signed by the student. A copy of the signed waiver shall be provided to the student and placed in the administrative file. If a student waives the right to be present at a disciplinary proceeding, the student shall not have a right to appeal the College's initial decision regarding whether the student is responsible for violating this policy.

**Hearing Panel:** Within 3 days of the release of the investigative report to the parties, the Chancellor or his/her designee will appoint three-member Hearing Panel, which shall be composed of at least 2 faculty and/or staff members and may include (but is not required to include) one outside person who is not permanently employed by the College. The Chancellor or his/her designee will select one member of the Hearing Panel to act as the Chair. The Title IX Coordinator will provide a copy of the formal complaint and the investigative report, along with the parties' written responses to the investigative report, to each member of the Hearing Panel.

Promptly after the appointment of the members of the Hearing Panel, the Title IX Coordinator will provide concurrent written notice to the complainant and the respondent, setting forth the names of the individuals selected to serve as members 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 his/her designee within 3 calendar days of receipt of the notice. Any objection must state the specific reason(s) for the objection. The Chancellor or his/her designee will evaluate the objection and determine whether to alter the composition of the Hearing Panel. Failure to submit a timely and proper objection will constitute a waiver of the objection. Any changes in the Hearing Panel will be provided in writing to both parties prior to the date of the hearing.



***Submission of Witnesses Lists:*** Within 5 calendar days of receipt of the notice of the Hearing Panel, both parties may provide to the 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 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 5 days but not more than 10 days after delivery of the notice of the initial composition of the Hearing Panel, the Chair of the Hearing Panel will provide a separate notice to the complainant, respondent, and any other witnesses whose testimony the 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 Panel shall provide, in its notice to the parties, the names of the witnesses that the 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 Panel will proceed to determine the resolution of the complaint. As explained below, a party's failure to appear may impact the Hearing Panel's consideration and weight given to the non-appearing party's version of events based on another source, such as the formal complaint or a prior statement.

***Option for Virtual or Separate Presence:*** Live hearings may be conducted with either all parties present in the same geographic location or, at the College's discretion, any or all parties and witnesses may appear at the live hearing virtually, with technology enabling participants simultaneously to see and hear each other. Either party may request not to be in the same room as the other party. If any party makes such a request, then both parties will be required to attend the hearing from a location or room different from where the Hearing Panel is sitting. If the hearing is virtual, or there is a request for separate rooms at a physical location, the College will ensure that all participants are able to simultaneously see and hear the party or witness answering questions. Instructions will be provided for accessibility prior to the hearing date.

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

***Advisor's Role at Hearing:*** The complainant and respondent may be accompanied by an advisor during the hearing to determine responsibility. A party must identify his or her advisor (if any) at least 5 days prior to the hearing. The advisor may fully participate to the same extent as a party, including by (1) making an opening and closing statement, (2) presenting relevant evidence, and (3) cross-examining adverse witnesses. The advisor can be anyone, including an attorney. A party may arrange for the party's advisor of choice to attend the hearing at the party's own expense. Alternatively, the College 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 College 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 Panel will conduct the initial questioning of witnesses prior to the questioning by an advisor. The 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 Panel may, in its discretion, choose to call the Investigator for the purpose of providing an overview of the investigation and findings.

***Witness Examinations by the Parties:*** Each party's advisor is permitted to question the opposing party and the other witnesses, so long as the questions are relevant and not duplicative of the questions posed by the Hearing Panel. The questions may include challenges to credibility. No other questioning or speaking participation by an advisor will be allowed. A party may not examine a party or witness directly; rather, a party must utilize the services of an advisor for the purpose of posing questions to another party or witness. A party not represented by an advisor may, however, submit a list of proposed questions to the Chair of the Hearing Panel and ask that the questions be posed to the opposing party or witness.

The decision-maker(s) cannot draw an inference about responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions. In a circumstance where a party or witness does not participate in a hearing, the panel should weigh the facts and circumstances in determining whether to consider, and what weight to assign, any statements furnished outside the hearing process.

The Chair of the Hearing Panel will make determinations regarding relevancy of questions before a party or witness answers. If a determination is made to exclude the question based on relevancy, the Panel Chair will provide an explanation of why the question was deemed irrelevant and excluded.

The Panel Chair may disallow the attendance of any advisor if, in the discretion of the Panel Chair, such person's presence becomes disruptive or obstructive to the hearing or otherwise warrants removal. Advisors will not be permitted to badger or question the opposing party or any witness in an abusive or threatening manner. Absent accommodation for a disability, the parties may not be accompanied by any other individual during the hearing process except as set forth in this policy. College officials may seek advice from the College's Office of General Counsel on questions of law, policy, and procedure at any time during the process.

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

the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

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

***Decision of the Panel and Standard of Evidence:*** Following the conclusion of the hearing, the Hearing Panel will confer and determine whether the evidence establishes that it is more likely than not that the respondent committed a violation of this policy. In other words, the standard of proof will be the preponderance of the evidence. This standard applies to complaints against both students and employees. In reaching the determination, the Hearing Panel will objectively and thoroughly evaluate all relevant evidence, both inculpatory and exculpatory, and reach an independent decision, without deference to the investigative report. 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 Panel Chair shall complete a report of the decision-maker's findings. The Panel Chair will send simultaneous notification of the decision to both parties and their advisors, where applicable, with the following information:

- Identification of the allegations potentially constituting sexual harassment under the policy
- A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence and the hearing held
- Findings of fact that support the determination
- Conclusions regarding the application of the College's conduct standards to the facts
- A statement and rationale for the result as to each allegation, including a determination as to responsibility using the preponderance of the evidence standard
- Any disciplinary sanctions imposed on respondent
- Whether any remedies designed to restore or preserve equal access to the College'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 Panel determines that more likely than not the respondent committed a violation of this policy, then the Hearing Panel will determine sanctions and give consideration to whether a given sanction will (a) bring an end to the violation in question, (b) reasonably prevent a recurrence of a similar violation, and (c) remedy the effects of the violation. Sanctions for a finding of responsibility will depend upon the nature and gravity of the misconduct, any record of

prior discipline for a violation of this policy, or both. The range of potential sanctions is set forth in the definitions section of this policy.

Ordinarily, sanctions will not be imposed until the resolution of any timely appeal under this policy. However, if it is deemed necessary to protect the welfare of the victim or the College community, the Hearing Panel may recommend to the decision-maker on appeal that any sanctions be imposed immediately and continue in effect until such time as the appeal process is exhausted.

**Remedies:** Where a determination is made that the respondent was responsible for sexual harassment, the Hearing 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 him/her. 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 College'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 Panel's determination. The appeal should be submitted in writing to the Title IX Coordinator within 5 days of receipt of the 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 Panel.

The Chancellor or his/her designee will decide the appeal. The Chancellor or designee shall make any decisions concerning appellate jurisdiction under the permissible grounds for appeal described below.

The party appealing may use the Appeal Form or the party may submit his/her 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 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), 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 5 days of receipt of the appeal, the other party may submit a written statement in response to the appeal and which supports or challenges the dismissal or determination. The response should be submitted to the Title IX Coordinator, who shall provide a copy to the decision-maker and the appealing party.

**Decision on Appeal:** As soon as practicable after receiving the parties' written submissions (and ordinarily within approximately 10 days), the Chancellor (or designee) 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 College without term contracts are at-will employees who may be terminated at any time, with or without cause. With regard to such faculty and staff, nothing in this Policy shall create an expectation of continued employment with the College or be construed to prevent or delay the College from taking any disciplinary action deemed appropriate (including suspension and immediate termination of employment) for any violation of state law, federal law, UA Board Policy, or College policy.

### **CERTIFICATION OF COMPLIANCE**

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

### **TIME PERIODS**

The College will make every reasonable effort to ensure that the investigation and resolution of a complaint occurs in as timely and efficient a manner as possible.

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

The Title IX Coordinator may also modify timelines in cases where information is not clear, judged to be incomplete, relevant parties are not available for interview, absence of an advisor, concurrent law enforcement activity, the need for language assistance or disability accommodation and/or other circumstances that may arise.

### **RETALIATION PROHIBITED**

No person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, 34 C.F.R. Part 106, or this policy, or because an individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this part.

Intimidation, threats, coercion, or discrimination, including changes against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sex discrimination of harassment, for the purpose of interfering with any right or privilege secured by Title IX, 34 C.F.R. Part 106, or this policy, constitutes retaliation. However, the exercise of rights protected under the First Amendment does not constitute retaliation.

### **FALSE REPORTS**

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

### **EXTERNAL REPORTING AGENCIES**

Although complainants are encouraged to resolve their grievances related to discrimination by utilizing this Complaint/Grievance Procedure, they may have the right to file a complaint directly with the following agencies. Individuals who wish to file complaints with these external agencies should make contact as soon as possible and verify any applicable time limits and deadlines.

#### **Office of Civil Rights (OCR)**

U.S. Department of Education  
1999 Bryan St., Suite 1620  
Dallas, TX 75201-6810  
Toll Free: 1-800-421-3481  
Telephone: 214-661-9600  
Fax: 214-661-9587  
Email: [OCR.Dallas@ed.gov](mailto:OCR.Dallas@ed.gov)

#### **NSF Grantees Only**

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

### **EFFECTIVE DATE**

The College reserves the right to make changes and amendments to this Policy as needed, with appropriate notice to the campus community. However, the Policy in force at the time that a Complaint is filed will be the Policy used throughout the investigation, hearing, and any appeals.

## **RETENTION OF RECORDS**

For a period of at least seven years, the College 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 College'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 College's bases for its conclusion that its response was not deliberately indifferent.

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

## **DEFINITIONS**

***Complainant:*** Any individual who is alleged to be the victim of conduct that could constitute sexual harassment. At the time of the filing of a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the recipient with which the formal complaint is filed. Any person may report sex discrimination, including harassment, whether or not the person reporting is the person alleged to be the victim of discrimination or harassment.

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

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

Use of alcohol or other drugs will never function as a defense to a violation of this policy. An individual violates this policy if the individual initiates and engages in sexual activity with someone who is incapacitated, and (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 imposing on someone physically to gain sexual access. Force also includes overt threats, implied threats, intimidation, and coercion that overcome resistance or produce consent.

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

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

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

***Dating Violence:*** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such relationship is determined based on consideration of the following factors: (1) the length of the relationship; (2) the type of relationship; and (3) the frequency of interaction between the persons involved in the relationship.

***Days:*** Refers to working days, rather than calendar days, unless otherwise specified.

***Domestic Violence:*** The term includes felony or misdemeanor crimes of violence committed by a current spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of Arkansas, or by any other person against an adult or youth victim who is protected from that person's acts under the laws of Arkansas. Under the Arkansas law on domestic abuse, "family or household members" means spouses, former spouses, parents and children, persons related by blood within the fourth degree of consanguinity, in-laws, any children residing in the household, persons who presently or in the past have resided or cohabitated together, persons who have or have had a child in common, and persons who are presently or in the past have been in a dating relationship together.

***Education Program or Activity:*** Includes locations, events, or circumstances over which the College exercised substantial control over both the respondent and the context in which the sexual harassment occurred, and also includes any building owned or controlled by an officially recognized student organization.



**Formal Complaint:** A document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the recipient investigate the allegation of sexual harassment. The phrase “document filed by a complainant” means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by the College) that contains the complainant’s physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint.

**Party:** The complainant or respondent.

**Preponderance of the Evidence:** A standard of proof where the conclusion is based on facts that are more likely true than not.

**Respondent:** An individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

**Sanctions:** The determination of sanctions to be imposed against a respondent who is found to have been responsible for violating this policy will depend upon the nature and gravity of the misconduct, any record of prior discipline for a violation of this Policy, or both. Sanctions against students may include, without limitation, expulsion or suspension from the College, disciplinary probation, expulsion from campus housing, mandated counseling, and/or educational sanctions. Sanctions against employees and other non-students may include, without limitation, a written reprimand, disciplinary probation, suspension, termination, demotion, reassignment, revision of job duties, reduction in pay, exclusion from campus or particular activities, and/or educational sanctions deemed appropriate.

**Sexual Assault:** The term “sexual assault” means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation. A nonforcible sex offense includes incest (*i.e.*, the nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law) and statutory rape (*i.e.*, nonforcible sexual intercourse with a person who is under the statutory age of consent). A forcible sex offense is any sexual act directed against another person, without the consent of the victim including instances where the victim is incapable of giving consent. A forcible sex offense includes:

- **Forcible rape:** the penetration, no matter how slight, of the vagina or anus with any part of the body or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- **Forcible sodomy:** Oral or sexual intercourse with another person, forcibly and/or against that person’s will or not forcibly or against that person’s will in instances where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity;
- **Sexual assault with an object:** Using an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person’s will or not forcibly or against that person’s will in instances where the victim is incapable of giving consent because of his/her youth or because his/her temporary or permanent or physical incapacity.

- **Forcible fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person’s will or not forcibly or against that person’s will in instances where the victim is incapable of giving consent because of his/her youth or because his/her temporary or permanent or physical incapacity.

**Sexual Harassment:** Sexual harassment is conduct on the basis of sex constituting one of the following:

- (1) An employee of the College conditioning the provision of an aid, benefit, or service of the institution on an individual’s participation in unwelcome sexual conduct;
- (2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to the College’s educational programs or activities; or
- (3) Any of the following:
  - (A) “Sexual assault” as defined in 20 U.S.C. 1092(f)(6)(A)(v) and this policy
  - (B) “Dating violence” as defined in 34 U.S.C. 12291(a)(10) and this policy
  - (C) “Domestic violence” as defined in 34 U.S.C. 12291(a)(8) and this policy
  - (D) “Stalking” as defined in 34 U.S.C. 12291(a)(30) and this policy

**Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others or suffer substantial emotional distress.

**Supportive Measures:** Non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without a fee or charge to the complainant or respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the recipient’s education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the College’s educational environment or deter sexual harassment.

### **Procedures for On-Campus Disciplinary Action**

Any member of the College community may file an incident report for violence or misconduct. Charges shall be prepared in writing and directed to the Dean of Student Services. Detailed filing and hearing procedures and regulations are listed in the UAHT Student Handbook. The complainant and the accused have the right to be assisted by a College advisor and to have that advisor present during the hearing. Following the final decision of the hearing body, both the victim and the accused will be informed of the determination and recommended sanctions, if any.

### **Sex Offender Registration**

Section 12-12-906(e) of the Arkansas Code and the federal Campus Sex Crimes Prevention Act requires sex offenders who plan to enroll in college to register with the law enforcement agency having jurisdiction over the campus. The statute states that, “[l]ocal law enforcement agencies having jurisdiction shall disclose, in accordance with guidelines promulgated by the [Arkansas]

Sex Offenders Assessment Committee, relevant and necessary information regarding offenders to the public when the disclosure is relevant and necessary for public protection.” The Arkansas Sex Offender Registry is available on-line at <http://www.acic.org/Registration/index.htm>.

### **Annual Disclosure and Distribution**

The UAHT Office of the Vice Chancellor for Student Services is responsible for the collection, reporting, and disseminating of the annual crime statistics from the local law enforcement agencies and Campus Security Authorities for inclusion in the Annual Crime Report following the guidelines of the Code of Federal Regulations.

By October 1 of each year, notification of the new annual disclosure report is provided to current students and employees by electronic mail with one-click hyperlinks to the report on the College web page. A paper copy of the report is available at the UAHT Campus Police Department and the Office of the Vice Chancellor for Student Services. The crime statistics are also submitted to the U.S. Department of Education every year as prescribed by the Department of Education.

## Safety Tips on Campus

### Personal Safety

The keys to personal safety are *awareness* and *assertiveness*.

***Look assertive, confident, and aware of your surroundings.***

Trust your intuition. If a particular situation makes you feel uncomfortable or unsafe, choose an alternative. Don't be afraid to ask for help.

Keep keys accessible and wear comfortable clothing for added safety and defense. Have keys ready before you get to the car, so you don't have to search for them.

If you think you're being followed, find other people immediately. Turn around and confront someone you think is following you; the surprise of a hostile look will deter most assailants.

Know vulnerable targets of the assailant; eyes, nose, throat, stomach, kneecaps, and groin.

Backpacks, purses, book bags, etc., should never be left unattended.

Alert Campus Police about suspicious-looking people or activities.

Always let family/friends know where you're going and when you expect to arrive/return.

Steer clear of shrubbery, trees or structures that people could hide behind.

When walking alone, walk confidently and be aware of your surroundings.

Keep vehicles locked and don't leave valuables in plain sight.

If you have someone that is prohibited, by law, from coming in contact with you, give that information to Campus Police.

University of Arkansas Hope - Texarkana  
 Hope Campus  
 Crime Statistics

*There were no hate crimes reported in 2022, 2021, or 2020.*

	On Campus			Public Property			Non-Campus			Unfounded Cases
	2022	2021	2020	2022	2021	2020	2022	2021	2020	2022
Aggravated Assault	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0
Burglary: Total	0	0	1	0	0	0	0	0	0	0
Forcible Burglary*	0	0	0	0	0	0	0	0	0	0
Non-Forcible Burglary*	0	0	1	0	0	0	0	0	0	0
Attempted Burglary*	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0
Sexual Offenses: Total	0	0	0	0	0	0	0	0	0	0
Rape*	0	0	0	0	0	0	0	0	0	0
Fondling*	0	0	0	0	0	0	0	0	0	0
Incest*	0	0	0	0	0	0	0	0	0	0
Statutory Rape*	0	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0	0
Domestic Violence	0	0	1	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0	0
<b>ARRESTS</b>										
Liquor Law Violations	0	0	0	0	0	0	0	0	0	0
Drug Violations	0	0	0	0	0	0	0	0	0	0
Weapons Violations	0	0	0	0	0	0	0	0	0	0
<b>NON-ARREST CAMPUS REFERRALS</b>										
Alcohol	0	0	0	0	0	0	0	0	0	0
Drug Violations	0	0	0	0	0	0	0	0	0	0
Weapons Violations	0	0	0	0	0	0	0	0	0	0

*Items with an \* are also included in the total row for that category of crime.*

*The James Black School of Bladesmithing & Historic Trades was started in 2020, and it is a non-campus property located in Washington, AR.*

University of Arkansas Hope - Texarkana  
 Texarkana Campus  
 Crime Statistics

*There were no hate crimes reported in 2022, 2021, or 2020.*

	On Campus			Public Property			Unfounded Cases
	2022	2021	2020	2022	2021	2020	2022
Aggravated Assault	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0
Burglary: Total	0	0	0	0	0	0	0
Forcible Burglary*	0	0	0	0	0	0	0
Non-Forcible Burglary*	0	0	0	0	0	0	0
Attempted Burglary*	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0
Sexual Offenses: Total	0	0	0	0	0	0	0
Rape*	0	0	0	0	0	0	0
Fondling*	0	0	0	0	0	0	0
Incest*	0	0	0	0	0	0	0
Statutory Rape*	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0
<b>ARRESTS</b>							
Liquor Law Violations	0	0	0	0	0	0	0
Drug Violations	0	0	0	0	0	0	0
Weapons Violations	0	0	0	0	0	0	0
<b>NON-ARREST CAMPUS REFERRALS</b>							
Alcohol	0	0	0	0	0	0	0
Drug Violations	0	0	0	0	0	0	0
Weapons Violations	0	0	0	0	0	0	0

*Items with an \* are also included in the total row for that category of crime.*

## Appendix

### Definitions of Criminal Offenses

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

**Arson** is any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property, etc.

**Burglary** is the unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or a felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

**Dating Violence** is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the alleged victim. It includes any unwelcome physical violence such as hitting, pulling, shoving, kicking, biting or throwing things; and sexual assault, sexual exploitation and sexual harassment.

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

**Drug abuse violations** are defined as the violations of state and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadones); and dangerous non-narcotic drugs (barbiturates, benzedrine).

**Hate crimes** are committed against a person or property which is motivated, in whole or in part, by the offender's bias. Bias is a preformed negative opinion or attitude toward a group of persons based on their race, gender, gender identity, religion, disability, sexual orientation, ethnicity, national origin, or disability.

**Liquor law violations** are defined as the violation of laws or ordinance prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining



unlawful drinking places; bootlegging; operating a still; furnishing liquor to minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; all attempts to commit any of the aforementioned. (Drunkenness and driving under the influence are not included in this definition.)

**Motor vehicle theft** is the theft or attempted theft of a motor vehicle.

**Murder and non-negligent manslaughter** is the willful (non-negligent) killing of one human being by another.

**Negligent manslaughter** is the killing of another person through gross negligence.

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

**Sex offenses** are defined as any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

- **Rape** is the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This definition includes any gender of victim or perpetrator.
- **Fondling** is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- **Incest** is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory rape** is sexual intercourse with a person who is under the statutory age of consent.

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

**Weapons violations** are defined as the violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; all attempts to commit any of the aforementioned.

## **Definitions of Geography**

As specified in the Clery Act, the following property descriptions are used to identify the location of crimes on and around UAHT's campuses.

### ***On-Campus Buildings or Property***

1. Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of or in a manner related to the institution's educational purposes, including residence halls; and
2. Any building or property that is within or reasonably contiguous to the area identified in the above paragraph, that is owned by the institution but controlled by another person, is frequently used by students and supports institutional purposes (such as a food or retail vendor).

### ***Public Buildings or Property***

All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus or immediately adjacent to and accessible from the campus.

The UAHT crime statistics do not include crimes that occur in privately owned homes or businesses within or adjacent to the campus boundaries.

### ***Non-Campus Buildings or Property***

1. Any building or property owned or controlled by a student organization that is officially recognized by the institution; or
2. Any building or property owned or controlled by an institution that is used in direct support of or in relation to the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

