



Pine Bluff Campus  
North Little Rock Site

**2019 ANNUAL SECURITY AND  
FIRE SAFETY REPORT**  
For the 2019-2020 academic year  
Containing crime statistics for 2018, 2017, 2016.

Prepared by: University of  
Arkansas at Pine Bluff Police  
and Public Safety Department

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# UAPB

## 2018 ANNUAL SECURITY AND FIRE SAFETY REPORT

The 2019 University of Arkansas at Pine Bluff (UAPB), Annual Security Report/Fire Safety Report is provided to current and prospective students and to employees as part of the University's commitment to the safety and well-being of the UAPB community. All policy statements contained in this report apply to all campuses unless otherwise indicated.

### The Clery Act

**History:** The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) is a federal policy requiring all institutions of higher education that receive federal student financial aid program to disclose information crime statistics about their campuses surrounding communities. The Clery Act affects virtually all public and private institutions and is enforced by the U.S. Department of Education. Campuses that fail to comply with the Act can be penalized through large fines and suspension from 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 had not been notified about 38 violent crimes that had occurred on the campus in the three years prior to Clery's murder.

On November 8, 1990, President Bush signed the "Student Right to Know and Campus Security Act of 1990." The Act applies to every institution of higher education that receives federal financial aid. Title II of the Act was called the "Campus Crime Awareness and Campus Security Act of 1990." It requires institutions of higher education to distribute to all current students and employees, and applicants for enrollment or employment, two types of information: (1) Descriptions of policies related to campus security, and (2) Statistics concerning specific types of crimes. Amendments enacted in 1998 renamed Title II, and it is now known as the "Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act." The amendments require the disclosure of crimes that are reported to police and campus officials other than police, along with a breakdown of locations of criminal activity to be specified as on-campus, non-campus, residence hall or public property. The most recent update in 2013 seeks to increase transparency, accountability, and education surrounding the issue of campus violence, including sexual assaults, domestic violence, dating violence and stalking.

### **POLICY FOR REPORTING THE ANNUAL DISCLOSURE OF CRIME STATISTICS**

The University Police & Public Safety Department prepares this report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act (Clery Act). The 2018 Annual Security

Report/Fire Safety Report includes statistics for the previous three years (2016, 2017, and 2018) concerning reported crimes/fires that occurred: (1) on-campus; (2) in certain off-campus buildings or property owned or controlled by the University; and (3) on public property within, or immediately adjacent to and accessible from, the campus. University Police collect relevant information from Relativity Public Safety system (RPS), police daily/fire logs, criminal case files, campus security authorities, and Title IX investigations. The report also includes institutional policies concerning campus security, such as policies addressing dating violence, domestic violence, hate crimes, stalking, and other criminal offences and violations. In accordance with the Clery Act, the UAPB-Department of Agriculture, Regulatory Science, North Little Rock (UAPB-DARS (NLR) is defined as a separate campus. As a result, the Annual Security and Fire Safety Report separately contains information for both campuses (Pine Bluff and North Little Rock), including: 1) crime statistics chart for each campus; and 2) any policy statements at UAPB-DARS (NLR) that are different from those of the main campus. The Annual Security and Fire Safety Report is updated each year and a copy of this report may be obtained by contacting University Police & Public Safety at (870) 575-8102, Office of Student Affairs at (870) 575-8503, or by accessing the UAPB website at:

<http://www.uapb.edu/sites/www/Uploads/University%20Police/UAPB%20Clery%20Act%20Report%202018.pdf>

## **EMERGENCIES AND REPORTING CRIME**

Students, faculty or staff encountering emergencies, violations of University regulations, or crimes in violation of local, state, or federal law should report these incidents to one of the following offices.

Medical emergency –

- University Police & Public Safety  
1900 West Reeker Avenue, Pine Bluff, AR 71601  
(870) 575-8102 or dial 911
  
- Pine Bluff Police Department  
208 E. 8<sup>th</sup> Avenue, Pine Bluff, AR 71601  
(870) 541-5300
  
- Metropolitan Emergency Communication Association (MECA)  
(870) 541-5300 or dial 911
  
- Student Health Services- Hugh Browne Infirmary  
2103 John Kennedy Drive, Pine Bluff, AR 71601  
(870) 575-7107 or dial 911
  
- Metropolitan Emergency Medical Services (MEMS)  
1121 West 7<sup>th</sup> Street  
Little Rock, AR 72201  
(501) 301-1400

Other types of emergency –

- University Police & Public Safety, 1900 West Reeker Avenue Pine Bluff, AR 71601  
(870) 575-8102 or dial 911
- Pine Bluff Police Department, 208 E. 8<sup>th</sup> Avenue, Pine Bluff, AR 71601  
(870) 541-5300 or dial 911
- Metropolitan Emergency Communication Association (MECA) –  
(870) 541-5300 or dial 911
- North Little Rock Police Department  
200 West Pershing Boulevard  
North Little Rock, AR 72114  
(501) 758-1234 or dial 911
- Pulaski County Sheriff's Office  
315 W. 29<sup>th</sup> St.  
North Little Rock, AR 72114  
(501) 791-7252 or dial 911

Crimes in violations of local, state or federal laws

- University Police & Public Safety  
1900 West Reeker Avenue, Pine Bluff, AR 71601  
(870) 575-8102
- Pine Bluff Police Department, 208 E. 8<sup>th</sup> Avenue  
Pine Bluff, AR 71601  
(870) 541-5300
- Jefferson County Sheriff's Office  
101 East Barraque Street #112  
Pine Bluff, AR 71601  
(870) 541-5351
  - Arkansas State Police  
6816 Princeton Pike  
Pine Bluff, AR 71602  
(870) 247-1483
  - North Little Rock Police Department  
200 West Pershing Boulevard  
North Little Rock, AR 72114  
(501) 758-1234

- Pulaski County Sheriff's Office  
315 W. 29<sup>th</sup> St.  
North Little Rock, AR 72114  
(501) 791-7252 or dial 911

Violations of University regulations –

- Student Judicial System, 1200 North University Drive, Mail Slot 4932  
Pine Bluff, AR 71601  
(870) 575-8361
- University Police & Public Safety  
1900 West Reeker Avenue, Pine Bluff, AR 71601  
(870) 575-8102

### **Response to Reports of Crimes or Emergencies**

Responses to these reports will vary according to the situations. Emergencies will receive immediate action to resolve the situation. Reported crimes in violations of local, state or federal law will be investigated by University Police & Public Safety. Information acquired in this investigation will be used in selecting an appropriate course of action. Options for action include: 1.) Notify proper law enforcement authorities, including on-campus and local police. 2.) Be assisted in notifying law enforcement authorities if victim so chooses. 3.) Decline to notify authorities. 4.) Rights of victim and institution's responsibilities for orders of protection, no contact orders, restraining orders, or similar lawful orders issued by criminal, civil, or tribal court or by the institution. Reported violations of University policies or regulations will be investigated and, where appropriate, adjudicated by the Office of Student Affairs. All University Police incident reports are forwarded to the Dean of Students office for review and potential action. University Police officers will investigate a report when appropriate and additional information obtained during the course of the investigation will also be forwarded to the Dean of Students.

Community members, students, faculty, staff, and guests are encouraged to accurately and promptly report all crimes and public safety related incidents to University Police in a timely manner, including when the victim elects to, or is unable to, make such a report. Crimes should be reported to University Police & Public Safety and/or Primary CSA's (Dean of Students 870-575-8360, Title IX 870-575-8408, and Student Counseling, Assessment and Development 870-575-8969) to ensure inclusion in the annual crime statistics and to aid in providing timely warning notices to the community, when appropriate. If assistance is required from the Pine Bluff Police Department or the Pine Bluff Fire Department, University Police will contact the appropriate unit.

### **Higher Education Opportunity Act (HEOA) Notification to Victims of Crime(s) of Violence**

The institution will, upon written request, disclose to the alleged victim of a crime of violence or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by the institution against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.

## **CLERY ACT DEFINITIONS OF REPORTABLE CRIMES**

**Murder and Non-Negligent Manslaughter** is defined as the willful (non-negligent) killing of one human being by another.

**Manslaughter by Negligence** is defined as 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.

**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.

**Burglary** - is the unlawful entry of a structure to commit a felony or a theft.

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

**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 of another, etc.

**Liquor Law Violations** are defined as the violations of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness. Included in this classification is the furnishing, possessing, etc., of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; underage possession; using liquor by a minor or intemperate person; underage possession; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; and attempts to commit any of the above.

**Illegal Weapons Possession** is defined as the violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons. This classification encompasses weapons offenses that are regulatory in nature. Included in this classification: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; using, manufacturing, etc., of silencers; furnishing deadly weapons to minors; aliens possessing deadly weapons; and attempts to commit any of the above.

**Drug Law Violation** is defined as the violation of laws prohibiting the production, distribution and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those 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- manufactured narcotics which can cause true addiction (Demerol, methadone); and dangerous non-narcotic drugs (barbiturates, Benzedrine).

For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

UAPB prohibits the crimes of domestic violence, dating violence, sexual assault and stalking, as defined by the Clery Act.

**Hate Crime** is a criminal offense committed against a person or property which is motivated, in whole or in part, by the offender's bias against a race, gender, religion, disability, sexual orientation, or ethnicity/national origin.

- **Race bias:** A preformed negative attitude toward a group of persons who possess common physical characteristics (e.g., color of skin, eyes, and/or hair; facial features, etc.) genetically transmitted by descent and heredity which distinguish them as a distinct division of humankind (e.g., Asians, blacks, whites).
- **Gender bias:** A preformed negative opinion or attitude toward a group of persons because those persons are male or female. Gender bias is also a Clery Act-specific term, not found in the FBI's Hate Crime Data Collection Guidelines.
- **Gender Identity Bias:** A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity, e.g., bias against transgender or gender non-conforming individuals.
- **Religion bias:** A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being (e.g., Catholics, Jews, Protestants, atheists).
- **Sexual orientation bias:** A preformed negative opinion or attitude toward a group of persons based on their sexual attraction toward, and responsiveness to, members of their own sex or members of the opposite sex (e.g., gays, lesbians, heterosexuals).
- **Ethnicity bias:** A preformed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a common language, common culture (often including a shared religion) and/or ideology that stresses common ancestry.
- **National Origin bias:** A preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth. This bias may be against people that have a name or accent associated with a national origin group, participate in certain customs associated with a national origin group, or because they are married to or associate with people of a certain national origin.
- **Disability bias:** A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairment that substantially limits one or more of the major life activities or a record of such an impairment or being regarded as having such an impairment.

## **LAW ENFORCEMENT AUTHORITY OF UNIVERSITY POLICE PERSONNEL**

University Police & Public Safety has primary responsibility for campus safety. Specifically, University Police is responsible for crime prevention, University policy enforcement, law enforcement, (which includes enforcing Federal, state and local laws), parking control, emergency response, residence hall security, policing of special events, and various other community services on campus. University Police provide a full range of campus services 24 hours a day, 365 days a year. Some of these services include investigating reports of crimes, conducting follow-ups as necessary, and filing criminal charges or referring the matter (as appropriate) to another department. University Police officers have complete police authority to apprehend and arrest anyone involved in illegal acts on-campus and areas immediately adjacent to the campus pursuant to A.C.A. 25-17-305. Where appropriate, the campus police may also refer the individual to the Dean of Students. All officers of University Police & Public Safety meet state mandated training requirements and are certified by the Arkansas Commission on Law Enforcement Standards. Major offenses such as rape, murder, aggravated assault, robbery, and auto theft are jointly investigated by officers from University Police and other law enforcement agencies. State and local law enforcement agencies are deployed to investigate these serious felony crimes. The prosecution of all criminal offenses, both felony and misdemeanor, are conducted in the appropriate local, state, or federal court.

While there is no written memorandum of understanding pertaining to the investigation of alleged criminal incidents between University Police and the Pine Bluff Police Department, a verbal mutual agreement addresses the jurisdictional boundaries (restricted to the UAPB campus and the city of Pine Bluff) and the jurisdiction of law enforcement authority of University Police officers in off-campus areas. Based on this verbal mutual agreement, University Police & Public Safety officers have the authority to affect an arrest or execute a search warrant within the agreed jurisdictional boundaries. The mutual agreement also provides for reciprocal service to protect the UAPB community in the event of a critical incident. When a UAPB student is involved in an off-campus offense, University Police officers may assist with the investigation in cooperation with local, state, or federal law enforcement. University Police and Pine Bluff Police Department maintain a close working relationship and Pine Bluff Police Department officers routinely work and communicate with University Police & Public Safety officers on any serious incidents occurring on-campus or in the immediate neighborhood and business areas surrounding campus. UAPB operates no non-campus housing and there are no student organization facilities that own, lease or control permanent space (housing, offices, etc.) off campus. However, many students live in the neighborhoods surrounding UAPB. While the Pine Bluff Police Department and Jefferson County Sheriff's Department have primary jurisdiction in all areas off-campus, University Police & Public Safety officers can and do respond to student-related incidents that occur in close proximity to campus. University Police officers have direct radio communications with the city police, fire department, and ambulance services to facilitate rapid response in any emergency situation. In addition, the University Police requests specified crime statistics reported to local police agencies that occurred on or near campus and on University controlled or affiliated property to be reported for inclusion in the University's Annual Crime Report.

MECA operates an Arkansas Crime Information Center (ACIC) terminal. Through this system University Police & Public Safety personnel have access to the National Crime Information Center (NCIC) as well as ACIC. These databases are used for accessing criminal histories, nationwide police

records, department of motor vehicle information, and all other law enforcement investigative inquiries.

### **Campus Security Authorities**

The Clery Act definition of a Campus Security Authority (CSA) includes all UAPB personnel beyond University Police officers that have a significant responsibility for student and campus activities. CSAs, as defined by the Clery Act, have an obligation to assist victims by reporting allegations of Clery Act-defined crimes that they conclude are made in good faith. These crime allegations should be reported as soon as practicable to University Police or to the local police. The intent of including non-law enforcement personnel as CSAs is to acknowledge that many individuals and students in particular are hesitant about reporting crimes to the police, but may be more inclined to report incidents to other campus-affiliated individuals. Although not encouraged, crimes may be reported confidentially to CSAs for inclusion in the annual security report.

### **Confidential Reporting**

Confidential reporting is available if you witness or are the victim of a crime and do not want to pursue action within the University System or the criminal justice system. With your permission, the Chief of University Police or a designee of University Police 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, University Police can keep an accurate record of the number of incidents involving students, employees and visitors; determine whether there is a pattern of crime with regard to a particular location, method, or assailant; and when necessary alert the campus community to potential danger. Confidential reports made to University Police or CSAs are counted and disclosed in the annual crime statistic survey for the institution. It is the policy of the University to encourage the reporting of crimes even if the victim does not wish to file a complaint. All faculty and staff are informed of the policy at Faculty Staff Seminar (Professional Development) meetings each year. If a crime is reported to the CSA and the victim chooses not to report it to the police, then the faculty or staff member is required to complete a Crime Incident Report Form, on-which the victim's name is not required. This form is available at University Police, Office of Residential Life, and Office of Student Affairs. Any information received will be reported to University Police for crime reporting notifications, campus crime statistics reporting, and campus education programs. The Chief of University Police & Public Safety is responsible for the collection, reporting, and disseminating of annual crime statistics from the local police agencies and CSAs for inclusion in the annual crime report. A crime is reported when it is brought to the attention of a CSA or local law enforcement by (regardless of that person's affiliation with the campus): 1) a witness; 2) a victim; 3) a third party; and 4) the offender. The institution will disclose crimes regardless of whether the crimes have been investigated by University Police or local police, and regardless of whether a finding of guilt or responsibility has been assigned. On occasion, an agency will receive a complaint that is determined through investigation to be false or baseless. If the investigation shows that no offense occurred nor was attempted, the reported offense can be classified as "unfounded". Only sworn law enforcement may classify a reported offense as "unfounded."

### **Counselor Confidential Reporting**

The Director of Student Counseling, Assessment and Development, when acting as the counselor, is not considered to be a CSA and is not required to report crimes for inclusion into the annual security report. The counselor determines on a case-by-case basis when and how to encourage clients to report crimes on a voluntary confidential basis to law enforcement for investigation and when and how to confidentially

report crimes solely for inclusion in UAPB's annual security report. UAPB does not have pastoral counselors or provide counseling of a religious nature.

## **Daily Crime Log**

University Police maintains a daily crime log. The daily crime log discloses all alleged criminal incidents, including non-Clery Act crimes, reported to University Police and the site coordinator for UAPB-DARS (NLR) regardless of how much time has passed since the alleged incident occurred.

The Clery Act requires that the daily crime log include specific categories of information including: 1) the nature of the crime; 2) the date and time the crime occurred; 3) the general location of the crime; and, 4) the disposition of the complaint, if known.

University Police and the site coordinator for UAPB-DARS (NLR) may temporarily withhold information from the daily crime log in cases where there is clear and convincing evidence that the release of information would: 1) jeopardize an ongoing investigation; 2) jeopardize the safety of an individual; 3) cause a suspect to flee or evade detection; or, 4) result in the destruction of evidence.

**The daily crime log for each campus is open to public inspection and available at the UAPB Police Department.**

<http://www.uapb.edu/sites/www/Uploads/University%20Police/Daily%20Crime%20Log.pdf>

## **Timely Warning**

Timely warnings are activated as soon as pertinent information is available about a situation or crime that has occurred within the UAPB Clery Geography (On Campus, Public Property and Non-campus property), and represents a serious or an ongoing threat. The decision to issue a timely warning shall be decided and initiated, on a case-by-case basis, by considering all available facts, provided by the Chancellor, his or her designee, Vice Chancellor for Student Affairs, Dean of Students and/or Chief of University Police for the UAPB campus and the DARS (NLR) site coordinator for the North Little Rock Site. Timely Warning Notices are typically written by the Chief of Campus Police and distributed by approved designee. Only authorized individuals have access to send out Timely Warning Notices.

Timely warnings alert the campus community regarding any Clery Act crime committed on the Clery geography that has been reported to University Police & Public Safety, CSAs or local police agencies and is considered to represent a serious or continuing threat to students and employees. Anyone with information warranting a timely warning should report the circumstances to the following:

- UAPB Campus – University Police at (870) 575-8102 or dial 911
- UAPB-DARS (NLR) – North Little Rock Police at (501) 758-1234 or dial 911

Timely warnings are typically issued for the following incidents when it is determined that the incident represents a serious or continuing threat to students and employees:

- Murder and non-negligent manslaughter

- Sexual Assault (considered on a case-by-case basis depending on the facts of the case, when and where the incident occurred, when it was reported, and the amount of information known). Cases involving sexual assault are often reported long after the incident occurred, as such, there may be no ability to distribute a “timely” warning notice to the community. All cases of sexual assault, including stranger and non- stranger/acquaintance cases, will be assessed for potential issuance of a timely warning notice.
- Robbery
- Aggravated assault (cases involving assaults among know parties, such as two roommates fighting which results in an aggravated injury, will be evaluated on a case-by-case basis to determine if the individual is believed to be an ongoing threat to the larger community.)
- Major incidents of Arson
- Domestic violence, dating violence, stalking
- Other crimes as determined necessary

A timely warning may be distributed to the campuses using some or all of the following mechanisms:

- Microsoft Outlook-365 email system
- AlertUAPB- Rave Emergency Notifications- AlertUAPB (RAVE) is an emergency notification program which allows the University to send time-sensitive notifications via voice, e-mail and text messaging.
- The marquee located on University Drive
- The university website
- Social media platforms

Information contained in each timely warning will include: 1) specific information about the crime that prompted the alert (date/time/location and nature of the crime); 2) information promoting safety (crime prevention and safety tips); and 3) information that will assist individuals in protecting themselves (what action to take or not take). The name(s) of alleged victim(s) will be withheld as confidential from all timely warnings.

Timely Warning Notices will be distributed as soon as pertinent information is available, in a manner that withholds the names of victims as confidential, and with the goal of aiding in the prevention of similar occurrences.

The institution is not required to issue a Timely Warning with respect to crimes reported to a pastoral or professional counselor.

NOTE: FERPA does not preclude an institution’s compliance with the timely warning provision of the campus security regulations. FERPA recognizes that information can, in case of an emergency, be released without consent when needed to protect the health and safety of others. In addition, if institutions utilize information from the records of a campus law enforcement unit to issue a timely warning, FERPA is not implicated as those records are not protected by FERPA. [34 CFR.99.31(b) (6) and 99.36]

## **EMERGENCY PREPAREDNESS**

The ultimate goal of emergency preparedness is to promote community safety, assure continuity of emergency response operations, and restore normal University operations and services as quickly as possible following an emergency. The [Crisis Management Handbook](#) identifies key decision makers and their roles during a significant emergency or dangerous situation occurring on campus that involves an immediate threat to the health or safety of students or employees.

UAPB will test the emergency response and evacuation procedures at least once per calendar year. University Police will publicize these procedures in conjunction with this test and document for each test, the date and time of the event, as well as provide a description of the exercise and whether it was announced or unannounced.

The University's [Crisis Management Handbook](#) includes information about Emergency Notifications; Crisis Operations Center (COC); University operating status parameters; incident priorities and performance expectations; shelter-in-place and evacuation guidelines; and local contingency and continuity planning requirements. Each University department is responsible for making certain that individuals under its supervision are aware of the notification systems and how the messages received are to be transmitted to other offices under its jurisdiction. The University conducts numerous emergency response exercises each year, such as table top exercises, field exercises, and tests of the emergency notification systems on campus. These tests, which may be announced or unannounced are designed to assess and evaluate the emergency plans and capabilities of the institution and may be announced or unannounced.

University Police officers have received training in Incident Command and Responding to Critical Incidents on campus. When a serious incident occurs that causes an immediate threat to the campus, the first responders to the scene are usually University Police, Pine Bluff Police Department, Pine Bluff Fire Department and Emergency Ambulance Services Inc. (EASI), and they typically respond and work together to manage the incident. Depending on the nature of the incident, other UAPB departments and other local, state, or federal agencies could also be involved in responding to the incident.

Some emergencies may require the evacuation of a building or the entire campus. The decision to evacuate a building/area will be made by the Chancellor or designee. The evacuation will be carried out under the direction of University Police or other Emergency Personnel with assistance of faculty and/or Student Affairs personnel. Persons evacuated will be escorted to designated areas. University Police or other Emergency Personnel reports safety clearance to the Chancellor or designee, who decides when classes will resume. A post-incident debriefing, presided by the Chancellor or designee will be held to critique the procedures used and modify the plan for greater effectiveness.

### **Building Evacuation**

If a building is to be evacuated, everyone should move at least 500 feet from the building. Exits are marked in all buildings. Never use an elevator to exit a building. Once the building has been evacuated, no individual will be permitted to re-enter the building until approval has been given by the Chief of the University Police or designee.

1. A building evacuation will occur when a fire alarm sounds and/or upon notification by the University Police.

2. Be aware of all marked exits in your area and building. Know exit routes from your work area.
3. If necessary or directed to do so by the University Police, activate the building fire alarm.  
**Building fire alarm may stop ringing. Even if the alarm stops, continue the evacuation.**
4. When the evacuation/fire alarm sounds or when you are asked to leave by the University Police, walk, quickly to the nearest marked exit and ask others to do the same. **DO NOT USE ELEVATORS.**
5. Assist individuals with special needs to exit the building. If possible, always evacuate mobility aids (wheelchairs, crutches) with the person.
6. Once outside, move to a clear area at least 500 feet away from the building. Keep streets, fire lanes, hydrant areas and walkways clear for emergency vehicles and personnel. Know your assembly point so a roll call can be taken. Determined by department head.
7. If requested or directed, assist the emergency personnel.
8. An emergency command post may be set up near the emergency site. Keep clear of the command post unless you have important information to report.
9. If someone is not counted in roll call, the University Police Department should be notified immediately.
10. Do not return to an evacuated building until told to do so by the University Police Department.

### **Campus Evacuation**

1. Evacuation of any part of the campus will be announced by the Chancellor or designee.
2. All individuals are to vacate the site in question immediately and relocate to another part of the campus or specified assembly point off-campus as directed.
3. Special consideration will be given to individuals with disabilities. The CAS team is responsible for complete evacuation of the affected building (s) or site (s).
4. Residence Hall evacuation(s) involve utilizing a designated area announced by the CAS. Complete evacuation may consist of transporting individuals to a designated area off-campus.

### **Shelter-in-Place Procedures –What it Means to “Shelter-in-Place”**

If an incident occurs and the buildings or areas around you become unstable, or if the air outdoors becomes dangerous due to toxic or irritating substances, it is usually safer to stay indoors, because leaving the area may expose you to that danger. Thus, to “shelter-in-place” means to make a shelter of the building that you are in, and with a few adjustments this location can be made even safer and more comfortable until it is safe to go outside.

### **Basic “Shelter-in-Place” Guidance**

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

### **How You Will Know to “Shelter-in-Place”**

A shelter-in-place notification may come from several sources, UAPBPD, Housing Staff members, other University employees, or other authorities utilizing the University’s emergency communications tools.

## **How to “Shelter-in-Place”**

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

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

General information about the emergency response and evacuation procedures for UAPB are publicized each year as part of the institution’s Clery Act compliance efforts, and that information is available on the UAPB website at:

<http://www.uapb.edu/sites/www/Uploads/University%20Police/UNIVERSITY%20OF%20ARKANSAS%20AT%20PINE%20BLUFF%20Emergency%20Handbook.pdf>

## **AlertUAPB (Rave Emergency Notification System and Procedures)**

The UAPB has partnered with Rave Mobile Safety to provide the AlertUAPB emergency notification system. AlertUAPB can rapidly provide mass notifications during natural disasters or other emergencies taking place on campus. AlertUAPB uses an opt-in method of registration to provide faculty, staff and enrolled students with voice, text, and email notifications. All students and employees must register for AlertUAPB at the time of enrollment or employment. Individuals have the opportunity to opt-out of receiving text and/or voice alerts at any time. (Note: Cellular phone providers may charge a per-text message fee for the delivery of emergency notification.) The UAPB alert system is updated and purged each Fall/Spring semester by the UAPB Technical Services Department to ensure accuracy in the delivery of alerts to all currently enrolled students and employees. Face to face communication may be used if appropriate for the situation.

AlertUAPB may be activated in the event of an immediate threat to the UAPB and UAPB-DARS (NLR) campus community. University Police, in consultation with the Chancellor or designee, Vice Chancellor for Student Affairs, Dean of Students, and the site coordinator for UAPB-DARS (NLR) will determine if an emergency notification is necessary. University Police, (sometimes in conjunction with local first responders and/or the national weather center), Student Health Services, Maintenance, Residential Life, Athletics, and Dean of Students are the departments generally responsible for

confirming that a significant emergency or dangerous situation exists on campus. The types of incidents that may cause an immediate threat to the community could include, but are not limited to, emergencies such as: inclement weather, an active shooter on campus, a hostage/barricade situation, a riot, a suspicious package with confirmation of a device, a tornado, a fire/explosion, a suspicious death, structural damage to University owned or controlled facility, a biological threat (anthrax, etc.), significant flooding, a gas leak, a hazardous materials spill, etc.

In the event of an emergency, UAPB will initiate and provide, without delay, immediate notifications to the appropriate segment(s) of the University community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students, or employees occurring on campus.

Upon confirmation that a significant emergency or dangerous situation exists, the Chancellor or designee, Vice Chancellor for Student Affairs, Dean of Students, site coordinator for UAPB-DARS (NLR), or Chief of University Police will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the AlertUAPB notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency. These departments will also identify the appropriate segment of the community intended to receive the notification, if the threat is limited to a particular building or segment of the population.

	<b>Primary Message Creator</b>	<b>Backup Message Creator</b>	<b>Authority for approving &amp; sending messages</b>	<b>Primary Message Sender/ Distributor</b>	<b>Backup Message Sender/ Distributor</b>
<b>PRIMARY</b>	Domain Admin.	Safety Official	Chief of Police	Safety Official	Chief of Police
<b>SECONDARY</b>	Chief of Police Designee	Safety Official	Chief of Police designee	Safety Official	Safety Official

NOTE: In the event of inclement weather conditions, students and non-essential employees are not expected to place class or work attendance above personal safety. It is ultimately the individual employee and student’s responsibility to exercise judgment as to whether travel to or from work or school is appropriate for them at that time.

To assist in timely notification, pre-scripted emergency alerts have been developed and uploaded in AlertUAPB (e.g. Inclement Weather, Active Shooter, Active Shooter All Clear, Tornado Warning, and Tornado Warning All Clear). The University will post updates and follow-up information during a critical incident on the UAPB website at: <http://www.uapb.edu>

The local news media may be utilized to disseminate emergency information to members of the larger community, including neighbors, parents and other interested parties. The larger community can also access emergency information via the University of Arkansas at Pine Bluff homepage and/or social

media.

If there is an immediate threat to the health or safety of students or employees occurring on campus, an institution must follow its emergency notification procedures. An institution that follows its emergency notification procedures is not required to issue a timely warning based on the same circumstances; however, the institution must provide adequate follow-up information to the community as needed.

AlertUAPB provides the capability to alert the UAPB campus and the UAPB-NLR campus separately or simultaneously.

- ALL USERS (which includes all employees and students at the UAPB campus)
- North Little Rock Campus

Bi-weekly, a police official conducts a test of the AlertUAPB.

- UAPB Campus and – University Police Official
- North Little Rock Campus – University Police Official

This practice is designed to ensure that all University Police Officials can successfully navigate the AlertUAPB dashboard in a timely manner to successfully initiate the alert during an actual emergency.

Each semester University Police conducts an ALL USERS email test of AlertUAPB. In the fall semester the test is announced in advance to the entire campus community and is **unannounced** in the spring semester. Both tests provide faculty, staff and students an opportunity to verify enrollment for AlertUAPB by receipt of a text, email and/or voice message and also register for AlertUAPB.

Additionally, in the event the institution should ever experience an emergency or face an imminent emergency requiring key personnel to communicate simultaneously, UAPB alert system has the capability to broadcast group messages to first responders and the crisis management team. The crisis management team consists of the following: (Chancellor or designee,, Provost, VC Finance and Administration, VC for Enrollment Management, VC for Student Affairs, VC Advancement, Chief of Staff, Director of Athletics, Site Manager for UAPB-DARS (NLR), Dean of Students, Chief of University Police, Director Student Health Services, Director Media Services, Director Information Technology, and Director Maintenance).

Information regarding the response and notification policies will be distributed to faculty and staff during annual meetings and to students during orientation sessions.

### **EyeWitness (Rave Guardian Anonymous Reporting System)**

The Eyewitness solution of Rave Guardian offers anonymous text-based crime tips, which enhances the campus watch by offering faculty, staff and enrolled students (tipsters) absolute anonymity. To submit a tip, please register for AlertUAPB, and download Rave Guardian to submit a tip.

### **Video Surveillance**

Numerous video surveillance cameras are located in common areas throughout the UAPB campus. These include cameras at entryways and parking lots of many residence halls and other student

complexes. The cameras are monitored and recorded digitally to help enhance safety for students, faculty, and staff while on our campus. The system is set up in common areas across the campus and has both indoor/outdoor cameras that are often vandal proof and infrared.

The University gives consideration to a reasonable expectation of privacy at every camera location on campus. Typically, cameras are installed in pedestrian throughways, building egresses, parking lots, and facilities. Cameras are only installed where an individual's expectation of privacy is generally limited.

### **Emergency Blue Light Phones**

Emergency Blue Light Phones are located throughout the UAPB campus. The Blue Light Phones provide assistance, and protective and safety services to the campus community on a 24/7/365 basis. When used, the telephones are immediately connected to University Police. The phones are equipped with a speakerphone and blue light. The phones are to be used by faculty, staff, students, or visitors experiencing any problems and in need of assistance. The University maintains a proactive stance for campus safety.

### **Security and Access to Campus Facilities (Including Security Considerations in Campus Maintenance)**

The UAPB has on-campus police 24 hours a day 7 days a week. University facilities are open and accessible during normal business hours and into the evening hours for night classes. The buildings are accessible to members of the community and visitors. Tours may be scheduled through the Office of Admissions. Visitor parking is allowed in visitor parking areas only, temporary permit must be obtained to park in this area. To obtain parking permission, please call University Police at 870-575-8102. Administrative buildings are typically closed and locked at 5:00 p.m. Academic facilities are locked after the last class scheduled in the facility. Service buildings (i.e., library, university center) are open during posted hours.

Some facilities have varied hours at different times of the year. In these cases, the facilities will be secured according to schedules developed by the department responsible for the facility. Emergencies may necessitate changes or alterations to any posted schedules. University Police conducts daily security patrols of the inside of buildings as well as the exterior areas, including residential halls, to verify that all facilities on campus are secured.

Residence halls are secured 24 hours a day. Every effort is made to ensure that all residence halls are free from uninvited guests. University Housing uses camera and video surveillance in the public areas of the residence halls to identify parties responsible for damages, vandalism, and any other violation of the Student Code of Conduct. Visitation hours for all residence halls, including the Johnny B. Johnson Housing Complex have limited visitation hours from Sunday through Thursday; 5:00 p.m. until 10:00 p.m., Friday and Saturday; 5:00 p.m. until 1:00 a.m. For added security, a resident assistant is on duty in each of the residence halls during visitation hours and all visitors must check in at the desk and leave a picture ID.

Over extended breaks, the doors of residence halls will be secured around the clock, and will be equipped with a lock separate from the regular key issued to resident students.

UAPB is committed to campus safety and security, thus security considerations are used in the maintenance of campus facilities. Exterior lighting and landscape control is a critical part of the commitment. The Facilities Management maintains the University buildings and grounds, including

lighting, walks, roadways, and landscaping, and conducts routine checks of lighting on campus. University Police officers regularly patrol campus and report any deficient lighting (such as dim, obstructed, or non-operational) or other unsafe facility conditions to the Facilities Management at 575-8831.

### **Campus Safety Escort**

Campus Safety Escort is a Pilot Program, providing campus escort services for anyone who feels unsafe walking alone on campus at night. Campus Safety Escort services will be implemented as a part of additional security services and will be provided by University Police and designated CSA personnel free of charge. This service will be available to all members of the University community. Simply call University Police at 575-8102 and University Police and/or CSA will meet and escort you to the desired campus location.

### **Protection of Minors on Campus**

The University of Arkansas at Pine Bluff is committed to a safe and secure environment for all its faculty, staff, students, and visitors, including minor-aged children who participate in programs that may be connected with the University.

Further, The Child Maltreatment Act 12-12-501 and Act 6-61-133 requires mandated reporting by University employees or volunteers. Mandated reporting includes programs, camps, or activities that involve minor-aged children that University units operate, host, or permit third parties to use University facilities. This law also prohibits any person from requiring prior permission, or prohibiting a person from, making a report of suspected child maltreatment. A person, acting in good faith, who makes a report of suspected maltreatment, is immune to civil or criminal liability for making the report. The University prohibits retaliation against any person who makes a good faith report of child maltreatment.

The University makes training available regarding child maltreatment and mandated reporters. The free web-based training for mandated reporters of child abuse is available at: [www.ar.mandatedreporter.org](http://www.ar.mandatedreporter.org). All summer programs, camps, or activities that involve minor- age children provide child maltreatment training to employees, volunteers, and students who interact with minors and assure that persons involved in the conduct of camps/institutes have undergone criminal background checks (including registered sex offender checks). Units that operate facilities or locations that are frequented by minors and where inappropriate interactions could occur determine whether additional measures are needed. Failure to report suspected child maltreatment by a mandated reporter may have civil and/or criminal consequences.

The following steps will be taken if any University employee or volunteer reasonably suspects or observes child maltreatment.

1. Immediately report the suspected maltreatment to the Child Abuse Hotline (1-800-482-5964). The hotline is manned 24/7 by a team of operators.
2. Report the suspected child maltreatment to University Police at 575-8102 (emergency number). University Police will coordinate with local and state official law enforcement and will notify appropriate University personnel.

## **Security Awareness, Crime Prevention, and Educational Programs**

The Division of Student Affairs conducts regular educational programs on drug and alcohol abuse throughout each academic year. The Student Affairs Office and University Police distributes information regarding security awareness to students and personnel on procedures for reporting criminal actions, policies concerning campus security, criminal and drug enforcement policies, crime prevention, and statistics concerning criminal activities on campus.

Domestic Abuse Awareness Training is conducted annually in October and Sexual Assault Awareness Training is conducted annually in the April semester. All trainings and educational programs are available for faculty, staff, and students. During 2018, UAPB offered three crime prevention and security awareness programs. Topics such as personal safety, residence hall security, drug and alcohol abuse awareness and sexual assault prevention are some examples of programs offered during the prior academic year.

Specifically, the University offered the following primary prevention and awareness programs through Safecollege in 2018:

- Active Shooter
- Clery Act Overview
- Drug Awareness and Abuse
- Drug Free Workplace
- Title IX and Sexual Misconduct
- Title VI Overview
- Campus SaVE Act for Employees
- Sexual Violence Awareness
- Discrimination Awareness in the Workplace
- Sexual Harassment: Staff-to-Staff
- Intimate Partner Violence (VAWA)

Crime prevention programs are conducted in the residence halls under the direction of the Office of Residential Life. Video and PowerPoint presentations outline ways to maintain personal safety and residence hall security. A common theme of all security awareness and crime prevention programs is to encourage students and employees to be aware of their responsibility for their own security and the security of others. In addition to seminars, information is disseminated to students and employees through crime prevention awareness packets, security alert posters, displays, videos, and articles or advertisements in the university newspaper. University Police will compile campus crime statistics and these statistics will be distributed annually to all students and staff. When time is of the essence, information about potentially dangerous situations will be released to the university community through security alerts posted throughout campus, through computer memos sent over the university's electronic mail system and/or voice mail broadcasting system.

UAPB strives to inform campus community about safety procedures and a common theme during security awareness programs is to encourage the campus community to be responsible for their own security and the security of others.

### **Behavior Intervention Team (BIT)**

The UAPB is committed to the health and safety of its faculty/staff/students and to maintaining a safe and efficient workplace. Safety and security concerns are managed with both employee/student safety and student success as primary goals.

The Behavioral Intervention Team (BIT) is designed to assist faculty, staff, and administration with students facing high levels of distress in their lives and those with behavior problems. The Behavioral Intervention Team is not an administrative, treatment or disciplinary body. It does not adjudicate, discipline, or impose sanctions against any member of the campus. In an effort to respond to the safety needs of the campus, the University of Arkansas at Pine Bluff Office of Dean of Student Life has established the Behavioral Intervention Team.

The Behavioral Intervention Plan was developed in accordance with the College and University Behavioral Intervention Team (CUBIT) model that was introduced by the National Center for Higher Education Risk Management (NCHERM).

BIT will assist in helping keep the university community safe and connect distressed students to available support services and present various seminars to students that have been disciplined through the student judicial process. BIT primary goal seeks to act preventively versus reactionary to students in distress. Faculty, staff and students that become concerned about a student displaying mild to moderate levels of distress, are encouraged to fill out a Person of Concern Report and submit it to the Director of Counseling Services. For convenience, the Person of Concern Report form may be found at: <http://www.uapb.edu/sites/www/Uploads/StudentLife/University%20of%20Arkansas%20at%20Pine%20Bluff%20Behavioral%20Observation%20Report%20Form.pdf>.

**NOTE:** The committee is not intended to address random conduct matters that occur in the classroom but a consistent behavior problem/pattern that is noticeable in a student.

**JEANNE CLERY DISCLOSURE OF CAMPUS SECURITY POLICY AND CAMPUS CRIME  
STATISTICS ACT, AS AMENDED BY THE VIOLENCE AGAINST WOMEN  
REAUTHORIZATION ACT OF 2013**

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UAPB prohibits the offenses of domestic violence, dating violence, sexual assault and stalking (as defined by the Clery Act) and reaffirms its commitment to maintaining a campus environment that emphasizes the dignity and worth of all members of the university community. Toward that end, UAPB issues this statement of policy to inform the campus community of our programs to address domestic violence, dating violence, sexual assault and stalking as well as the procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking, which will be followed regardless of whether the incident occurs on or off campus when it is reported to a University official.

**SEXUAL MISCONDUCT, DISCRIMINATION, HARASSMENT, AND  
RETALIATION COMPLAINTS**

The University of Arkansas at Pine Bluff is committed to providing an environment that emphasizes the dignity and worth of every member of its community and that is free from harassment and discrimination

based upon race, color, religion, national origin, service in the uniformed services (as defined in state and federal law), veteran status, sex, age, pregnancy, gender identity, sexual orientation, physical or mental disability or genetic information. Such an environment is necessary to a healthy learning, working and living atmosphere. Accordingly, all acts of discrimination, harassment, retaliation and sexual misconduct as defined by this Policy are prohibited.

### **Jurisdiction**

Title IX protects the University community from sexual discrimination, harassment and misconduct in the institution's education programs and activities. Title VI protect the university common from discrimination on the basis of race, color, or national origin. Title IX and Title VI protects the University community in connection with all academic, educational, extracurricular, athletic and other University programs, whether those programs take place on University property, in University transportation, at a class or training program sponsored by the University at another location within the university's control.

This Policy shall not be construed or applied to restrict academic freedom at the University, nor shall it be construed to restrict constitutionally protected expression. Terms used throughout this policy can be referenced in appendix B.

All complaints or concerns at UAPB Main Campus and UAPB NLR Site about conduct that may violate this policy should be submitted to:

Director of Affirmative Action/Title IX  
University of Arkansas at Pine Bluff  
Office of Affirmative Action  
Administration Building, Room 102  
P: 870-575-8406 or F: 870-575-4753  
e-mail: [affirmaction@uapb.edu](mailto:affirmaction@uapb.edu)

For Students  
Deputy Title IX Coordinator  
Dean of Students  
Caldwell Hall, Room 201  
P: 870-575-8361 or F: 870-575-4652  
e-mail: [dsl@uapb.edu](mailto:dsl@uapb.edu)

UAPB Faculty, staff, and visitors:  
University of Arkansas at Pine Bluff  
Office of Affirmative Action  
Administration Building, Room 102  
P: 870-575-8406 or F: 870-575-4753  
e-mail: [affirmaction@uapb.edu](mailto:affirmaction@uapb.edu)

**Note: The Director of affirmative action is responsible for administration of the grievance procedure for all complaint against faculty, staff, and visitors, including those complaints filed by students.**

Additional Resources:

Dallas Office

Office of Civil Rights

U.S Department of Education 1999

Bryan Street, Suite 1620

Dallas Texas 75201-6810

Telephone: 214-661-9600

Fax: 214-661-9587; TDD (877)521-2172

Email: OCR.Dallas@ed.gov

### **Filing Report with Local Law Enforcement**

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

University Police Dept.  
1900 Reeker Street  
Pine Bluff, AR 71601  
870-575-8102

Pine Bluff Police Dept.  
200 EAST 8<sup>TH</sup>  
Pine Bluff, AR 71601  
870-543-5100

Jefferson County Sheriff  
101 East Barraque Street  
PINE BLUFF, AR 71611  
870-541-5351

Arkansas State Police  
6816 Princeton Pike  
Pine Bluff, Ar. 71602  
501-758-1234

North Little Rock Police  
200 West Perching  
North Little Rock, Ar. 72114  
501-758-1234

### **PRESERVING EVIDENCE**

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

### **Student and Visitor Responsibility to Report**

In cases of sexual misconduct, students and visitors to the University are strongly encouraged to report allegations of discrimination, harassment, retaliation and sexual misconduct to the Title IX Coordinator or Deputy Coordinator. A report, written or verbal, should be made as soon as possible, preferably within 24 hours, after the incident in order to facilitate an effective response. The longer a report is delayed, the more difficult it will be for the University to investigate. Reports may be made by the person experiencing the misconduct or by a third party, such as a witness or someone who is told of the misconduct.

### **Mandatory Employee Reporting**

In order to enable the University to respond effectively and to proactively stop instances of discrimination, harassment, retaliation and sexual misconduct at the University, all employees must, as soon as possible and preferably within 24 hours of receiving information regarding a potential

violation of this policy, report information to the Title IX Coordinator (or deputy Coordinator) or Campus Police. Only employees who are statutorily prohibited from reporting such information (e.g., licensed health-care professionals) are exempt from these reporting requirements. This policy is not intended to restrict curriculum or prohibit or abridge the use of particular textbooks or curricular materials.

### **Off-Campus Conduct**

Violations of this policy that occur off campus can be the subject of a complaint or report and will be evaluated to determine whether the conduct occurred at a location or context within the university control. Potential allegations of off-campus sexual misconduct should be brought to the University's attention.

### **Confidentiality**

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

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

### **Availability of Counseling and Advocacy**

Counseling and other mental health services for victims, including those of sexual assault, are available on campus and in the community. Students and employees may use the Health Services Center or Student Counseling, Assessment and Development Center. Employees of the University may be able to seek help through the Employee Assistance Program (EAP) or community mental health agencies, such as the Southeast Arkansas Behavioral Healthcare Mental Health Facility may be available. Additionally, counselors and psychotherapists in private practice in the area can provide individual and group therapy. The Coalition 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 help and serve as a victim advocate upon request.

<b>ON CAMPUS</b>	<b>Type of Services Available</b>	<b>Service Provider</b>	<b>Contact Information</b>
Counseling	<ul style="list-style-type: none"> <li>• Providing effective counseling</li> <li>• Psycho-social support</li> </ul>	Student Counseling, Assessment and Development Center.	Caldwell 106 870-575-8969
Health	Medical	Health Services	Brownie Infirmary 870-575-7105
Mental Health	<ul style="list-style-type: none"> <li>• Providing effective counseling</li> <li>• Psycho-social support</li> </ul>	Student Counseling, Assessment and Development Center.	Caldwell 106 870-575-8969
Victim Advocacy	NA	NA	NA
Legal Assistance	NA	NA	NA
Visa and Immigration Assistance	Counseling Support	Office of International Studies	Holiday Hall Lobby 870-575-8545
Student Financial Aid	Satisfaction Academic Progress financial consideration for students that have been victimize	Office of Student Financial Services	Caldwell Hall 101 870-575-8302
Other	NA	NA	NA
<b>OFF CAMPUS</b>	<b>Type of Services Available</b>	<b>Service Provider</b>	<b>Contact Information</b>
Counseling	<ul style="list-style-type: none"> <li>• Screenings</li> <li>• Drug Testing;</li> <li>• Evaluations</li> <li>• Outpatient Treatment</li> </ul>	Jefferson Comprehensive Counseling Associates, Inc.	2304 West 29th Avenue Suite 1&2 Pine Bluff, AR 71603 (870) 247-5222
Health	<ul style="list-style-type: none"> <li>• Psychiatric Services</li> <li>• Heart &amp; Vascular Care (Cardiology) Digestive Care (G.I. Services) Pediatrics General Surgery</li> <li>• Women's Health</li> <li>• Orthopedics &amp; Spine Pain Management</li> <li>• Rehabilitation &amp; Therapy</li> </ul>	Jefferson Regional Medical Center	1600 W. 40 <sup>th</sup> Ave. Pine Bluff, AR 71603 (870) 541-7100
Counseling	<ul style="list-style-type: none"> <li>• Screenings</li> </ul>	Jefferson Comprehensive Counseling	1100 N. University Ave. Suite 262 Little Rock, Ar. 72207

	<ul style="list-style-type: none"> <li>• Drug Testing</li> <li>• Evaluations</li> <li>• Outpatient Treatment</li> </ul>	Associates, Inc.	501-319-7911
Mental Health	<ul style="list-style-type: none"> <li>• Rehabilitation Facilities,</li> <li>• Community Mental Health Center</li> <li>• Outpatient Substance Abuse Treatment Program</li> </ul>	Southeast Arkansas Behavioral Health	2500 Rike Dr. Pine Bluff, Ar. 71603 870-534-1834
Victim Advocacy	<ul style="list-style-type: none"> <li>• Provide a temporary place for women and their battered children,</li> <li>• Help battered women understand about domestic violence and support groups</li> </ul>	CASA Women's Shelter	Pine Bluff, AR 870-535-2955
Victim Advocacy	<ul style="list-style-type: none"> <li>• An Adult Rehabilitation Center (ARC) where men and women make a 6-month rehabilitation commitment to live and work at the ARC residence.</li> <li>• The program is primarily to combat addiction.</li> <li>• Working in the store is referred to as "work therapy".</li> <li>• They attend classes, twelve-step programs and chapel services as a part of their rehabilitation.</li> </ul>	Salvation Army	501 E 12th Ave, Pine Bluff, AR 71601 Phone: (870) 534-0504
Legal Assistance	Domestic Assistance	Victim Witness Assistance	101 East Barraque Street Pine Bluff, AR71601 870-541-5386
Legal Assistance	Sexual Assault	Jefferson County Prosecutors Office	101 East Barraque Street Pine Bluff, AR71601 870-541-5387
Visa and Immigration Assistance	NA	NA	NA
Other	NA	NA	NA

See list below for identifying non-counseling campus and community

resources that may be of additional help and serve as a victim advocate upon request.

Arkansas Coalition Against Sexual Assault Toll Free  
1-866-63-ACASA (22272)

Arkansas Coalition Against Domestic Violence 800-799-SAFE  
Teen Dating Abuse Helpline: 866-331-9474

National Sexual Assault Hotline  
1-800-656-HOPE

National Center on Domestic and Sexual Violence Web:  
[www.ncdsv.org](http://www.ncdsv.org)

National Coalition Against Domestic Violence Web:  
[www.ncadv.org](http://www.ncadv.org)

National Center for Victims of Crime Web:  
[www.ncvc.org](http://www.ncvc.org)

National Sexual Violence Resource Center  
[www.nsvrc.org](http://www.nsvrc.org)

Rape Abuse Incest National Network (RAINN)  
[www.rainn.org](http://www.rainn.org)

### **EDUCATION AND AWARENESS PROGRAMS**

The University's Title IX Office, Student Counseling, Assessment and Development Center and UAPB Campus Police are responsible for planning and coordinating campus education and awareness programs about all forms of sexual assault, including rape, acquaintance rape, domestic violence, dating violence, and other sex offenses. Programs are presented regularly throughout the academic year in residence halls, fraternities, sororities, and for other student organizations, academic classes, employee training and professional development, and in other settings that are likely to reach people throughout the campus community. Campus-wide education and awareness activities are also conducted during Sexual Assault Prevention and Awareness Week.

University Police and the Office of Judicial Affairs provide educational programs designed for prevention and awareness of rape, acquaintance rape, domestic violence, dating violence, sexual assault, and stalking for current and incoming students and current and new employees. It is the policy of the University of Arkansas at Pine Bluff to provide an educational and work environment in which thought, creativity, and growth are stimulated, and in which individuals are free to realize their full potential. The university should be a place of work and study for students, faculty, and staff, which is free of all forms of sex and gender discrimination, sexual harassment, sexual assault, sexual misconduct, interpersonal violence which include domestic and dating violence and stalking. Therefore, it is the policy of the University of Arkansas at Pine Bluff, to prohibit discrimination and sexual harassment of its students, faculty, and staff and to make every effort to eliminate discrimination and sexual harassment in the university. The

University engages in comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault and stalking that:

- A. Are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research, or assessed for value, effectiveness, or outcome; and
- B. Consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community and societal levels.

### **Policy Expectations with Respect to Consensual Relationships**

There are inherent risks in any romantic or sexual relationship between individuals in unequal positions (such as teacher and student, or supervisor and employee). These relationships may be less consensual than perceived by the individual whose position confers power. The relationship also may be viewed in different ways by each of the parties, particularly in retrospect. Furthermore, circumstances may change, and conduct that was previously welcomed may become unwelcomed. Even when both parties have consented at the outset to a romantic or sexual involvement, this past consent may not remove grounds for a later charge of a violation of policy.

The University does not wish to interfere with private choices regarding personal relationships when those relationships do not interfere with the goals and policies of the University. However, for the personal protection of members of this community, relationships in which power differentials are inherent (faculty-student, staff-student, administrator-student or employee) are prohibited except in extraordinary circumstances.

Consensual romantic or sexual relationships in which one party maintains a direct supervisory or evaluative role over the other party are prohibited. Therefore, persons with direct supervisory or evaluative responsibilities who are involved in such relationships must bring those relationships to the timely attention of their supervisors. This will likely result in removing the employee from the supervisory or evaluative responsibilities, or shifting the student or employee out of being supervised or evaluated by someone with whom he or she has established a consensual relationship. Failure to self-report such relationships to a supervisor as required may result in disciplinary action for an employee, up to and including termination.

These procedures are intended to apply to all grievances involving discrimination, harassment, retaliation, and sexual misconduct as described in this policy, including but not limited to those brought by a student against an employee and/or fellow student, employee against fellow employee and/or student, and third party against employee and/or student. All other grievances by students, employees, or third parties shall be addressed through other grievance procedures. The University benefits from formal and informal procedures that encourage prompt resolution of complaints and concerns raised by members of the University community.

### **COMPLAINT PROCESS/GRIEVANCE PROCEDURE**

These procedures are intended to apply to all complaints involving discrimination, harassment, retaliation, and sexual misconduct as described in this policy, including but not limited to those brought by a student against an employee and/or fellow student, employee against fellow employees and/or student, and third party against employees and/or student. All other grievances by students, employees, or third parties shall be addressed through other grievance procedures. The university benefits from formal and informal procedures that encourage prompt resolution of complaints and concerns raised by members of the university community.

### **Informal Complaint Process**

The University does not require a complainant to utilize the informal complaint process if doing so is impracticable or unsafe, or if the Complainant believes that the conduct cannot be effectively addressed through informal means. For example, the informal Complaint Process should not be used to address allegations of sexual assault. However, the circumstances where it is practical and safe to do so, every reasonable effort should be made to constructively resolve issues with students, faculty, staff, and administrators before pursuing the Formal Complaint Process. Under the Informal Complaint Process, a Complainant may elect to resolve his/her Complaint by discussing it with the offending party. If the offending party is an employee and satisfactory resolution cannot be reached after discussion, the Complainant may also contact the individual's direct supervisor to resolve the Complaint. If these efforts are unsuccessful, the Formal Complaint Process may be initiated.

### **Formal and Informal Complaint Process**

The University benefits from formal and informal procedures that encourage prompt resolution of Complaints and concerns raised by members of the University community. These procedures are intended to apply to all complaints involving discrimination, harassment, retaliation, and sexual misconduct.

Upon receiving a report of alleged or possible violation of this policy, the Affirmative Action/Title IX Coordinator and/or Deputy Coordinator will evaluate the information received and determine what further actions should be taken. During the informal complaint assessments every reasonable effort should be made to constructively resolve issues with students, faculty, staff and administrators. The complainant may want to resolve his/her complaint by discussing it with the offending party in circumstances where it is practical and safe to do so, or elect to forgo the informal complaint process.

If the conduct of parties involved is impracticable, unsafe, or cannot be effectively addressed through the informal complaint process the complaint will automatically progress to the formal complaint process.

All matters involving sexual assault complaints should be handled through the formal complaint process and the Affirmative Action/Title IX Coordinator and law enforcement will follow the procedures described in this policy, including but not limited to those brought by a student against an employee and/or fellow student, employee against fellow employee and/or student, and third party against employee and/or student.

The Affirmative Action/Title IX Coordinator and/or Deputy Coordinator will take steps, either directly with the complainant or through a reporting employee, to provide information about the University's Complaint Procedure, as well as available health and advocacy resources and options for criminal reporting.

### **Investigation**

The Title IX Coordinator will be responsible for overseeing the prompt, fair, and impartial investigation and resolution of complaints filed with the University. The Title IX Coordinator or his/her designee will investigate all complaints of discrimination, harassment, retaliation and sexual misconduct and determine any accommodations or other remedial short-term actions necessary in light of the individual circumstances presented.

The Title IX Coordinator or his/her designee will apprise human resources, manager, and the vice chancellor for the appropriate division or department of the complaint, or if the complaint is against a student, the Dean of Students and Vice Chancellor of Student Affairs.

The Title IX Coordinator or his/her designee, who will have been properly trained, will:

- a. Identify the correct policies allegedly violated;
- b. Conduct an immediate initial investigation to determine if reasonable grounds exist for believing that the conduct at issue violates this policy;
- c. Meet with the complainant to finalize the complaint;
- d. Prepare the notice of allegations on the basis of initial investigation;
- e. Develop a strategic investigation plan which may include a witness list, an evidence list, an intended timeframe, and an order of interviews for all witnesses, including the respondent;
- f. Conduct a thorough, reliable and impartial investigation during which witnesses may or may not be given notice prior to the interview;
- g. Complete the investigation promptly, and without unreasonable deviation from the intended timeline;
- h. Make a written finding on the case, based on a preponderance of the evidence, which indicates that it is more likely than not that a policy violation has or has not occurred, and identifies appropriate Remedies and/or sanctions, if any; and
- i. Prepare a complete report on the investigation and findings. This report shall be maintained by the Title IX Coordinator and made available in the event of an appeal.

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

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

- a. Source and nature of the information;
- b. Seriousness of the alleged incident;
- c. The specificity of the information;
- d. Objectivity and credibility of the source of the information;
- e. Identification of the alleged victims; and
- f. Determine whether those individuals wish to pursue the matter.

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

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

If another individual is designated to investigate the matter, the Title IX Coordinator will share the investigator's name and contact information with the alleged victim and the respondent and will forward the complaint to the investigator. Within three (3) business days of such appointment, the investigator, the alleged victim or the Respondent may identify to the Title IX Coordinator in writing any real or perceived conflicts of interest posed by assigning such investigator to the matter. The Title IX Coordinator will carefully consider such statements and will assign a different individual as investigator if it is determined that a material conflict of interest exists.

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

- a. Conducting interviews with the complainant, the alleged victim (if not the complainant), the respondent, and third-party witnesses (including expert witnesses, where applicable) and summarizing such interviews in written form;
- b. Visiting, inspecting, and taking photographs at relevant sites; and
- c. Where applicable, collecting and preserving relevant evidence (in cases of corresponding criminal reports, this step may be coordinated with law enforcement agencies).

Throughout the investigation, the Title IX Coordinator will remain neutral. The Title IX Coordinator should obtain, where applicable and where possible, the written consent of any third-party witnesses to the disclosure, as stipulated by this policy, of any personally identifiable information contained in the complaint, the investigative report, and for any other documents the disclosure of which is stipulated by this policy in order to further the resolution of the complaints.

**Initial Meeting with Complainant and/or Alleged Victim.** As soon as is practicable, the Title IX Coordinator will contact the complainant and the alleged victim (if not the complainant) to schedule an initial meeting to, as applicable:

- a. Provide a copy of this policy;
- b. Provide a copy of the Discrimination, Harassment and Sexual Misconduct Complaint on which the complainant may, if he or she agrees to disclose the information, provide details regarding the allegation, including the name of the accused individual and the date, location and general nature of the alleged violation of policy (the complaint form may be completed by complainant or dictated to the Title IX Coordinator, who will confirm the accuracy of his or her documentation with the complainant);
- c. Explain avenues for resolution;
- d. Explain the steps involved in an investigation under this policy;
- e. Discuss confidentiality standards and concerns;

- f. Determine whether the complainant or the alleged victim (if not the complainant) wishes to pursue a resolution through the University or no resolution of any kind;
- g. Refer to law enforcement, counseling, medical, academic or other resources, as appropriate; and
- h. Discuss, as appropriate, possible interim measures that can be provided during the pendency of the investigative and resolution processes.

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

- a. Issuing no-contact orders;
- b. Providing an escort to ensure that an individual can move safely between classes, work, and/or activities;
- c. Reassigning on-campus housing;
- d. Dissolving a campus housing contract and offering a pro-rated refund;
- e. Changing work arrangements or location;
- f. Rescheduling class work, assignments, and examinations;
- g. Arranging for the complainant to take an incomplete in a class;
- h. Reassigning class section;
- i. Permitting a temporary withdrawal from the University;
- j. Providing alternative course completion options;
- k. Providing counseling services; and
- l. Providing academic support services.

Following the initial meeting with the complainant and the alleged victim (if not the complainant), the Title IX Coordinator will, if applicable, promptly determine the interim measures to be provided to the alleged victim. Such determination will be promptly communicated to the alleged victim, and no later than the point at which it is communicated, to the respondent.

**Initial Meeting with Respondent.** If the complainant or alleged victim (if not the complainant) wishes to pursue resolution through the University or if the University otherwise deems that a further investigation

is warranted, as soon as is reasonably practicable after the Title IX Coordinator's initial meeting with the complainant (and, if applicable, the alleged victim), the Title IX Coordinator will schedule an initial meeting with the respondent. During the initial meeting with the respondent, the Investigator will, as applicable:

- a. Provide sufficient written information, consistent with privacy laws and any request for confidentiality, to allow respondent to address the allegation (e.g., the name of the complainant/alleged victim, the date, location, nature of the alleged violation of policy, etc.);
- b. Provide a copy of this policy;
- c. Explain the University's procedures for resolution of the complaint;
- d. Explain the steps involved in an investigation under this policy;
- e. Discuss confidentiality standards and concerns;
- f. Discuss non-retaliation requirements;
- g. Inform of any interim measures already determined and being provided to the complainant and/or the alleged victim that would directly affect the respondent (e.g., changing his or her class schedule, moving him or her to an alternate residence hall, etc.);
- h. Refer to law enforcement, counseling, medical, academic or other resources, as appropriate; and
- i. Discuss, as appropriate, possible interim measures that can be provided to the respondent during the pendency of the investigative and resolution processes.

### **Investigative Report**

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

- a. Name and sex of the alleged victim and, if different, the name and sex of the person reporting the allegation (It should also include any other relevant protected class characteristics if the complaint involves a violation of this policy based on a protected status other than gender);
- b. Statement of the allegation, a description of the incident(s), and the date(s) and time(s) (if known) of the alleged incident(s);
- c. Date that the complaint or other report was made;
- d. Date the complainant and alleged victim (if not the complainant) were interviewed;
- e. Date the respondent was interviewed;
- f. Names and sex of all persons alleged to have committed the alleged violation of this policy (It should also include any other relevant protected status characteristics if the complaint involves a violation of this policy based on a protected status other than gender);

- g. Names and sex of all known witnesses to the alleged incident(s);
- h. Dates that any relevant and material evidence (including cell phone and other records as appropriate) was obtained;
- i. Written statements of the complainant (or victim, if different from the complainant), the respondent and any witnesses;
- j. Summaries of all interviews conducted, photographs, and descriptions of relevant evidence, summaries of relevant electronic records, and a detailed report of the events in question;
- k. Written finding on the case, based on a preponderance of the evidence which indicates whether or not it is more likely than not that a policy violation has occurred;
- l. Policy or policies violated and, in consultation, as necessary, with the complainant, alleged victim (if different than the complainant), respondent, and other University officials, any remedial and/or disciplinary action deemed appropriate under the circumstances;
- m. Response of University personnel and, if applicable, University-level officials, including any interim measures and permanent steps taken with respect to the complainant, alleged victim (if different than the complainant) and the respondent; and
- n. Narrative of all action taken to prevent recurrence of any harassing incident(s), including any written documentation.

If the Title IX Coordinator is unable to obtain the consent of third-party witnesses, he or she may redact the investigative report to avoid inappropriate disclosure of such witness's personally identifiable information, to the extent that such redaction does not prevent resolution of the complaint or impeded due process.

If the Title IX Coordinator determines and documents, based on the investigation, that reasonable grounds exist to believe that the conduct at issue constitutes a violation of this policy, the Title IX Coordinator/Deputy Coordinator will determine the appropriate remedy and/or sanction to be imposed and will include the appropriate remedy and/or sanction in the investigative report. Imposition of the appropriate remedy and/or sanction will be imposed only after all appeals have been exhausted.

In determining the appropriate remedy and/or sanction, the University will act to end the discrimination, harassment, retaliation or sexual misconduct, prevent its recurrence and remedy its effects on the victim and/or University community. Sanctions will depend upon the nature and gravity of the misconduct, any record of prior discipline for a violation of this Policy, or both. Sanctions may include, without limitation, withholding a promotion or pay increase, reassigning employment, terminating employment, temporary suspension without pay, compensation adjustments, expulsion or suspension from the University, disciplinary probation, expulsion from campus housing, mandated counseling and/or educational sanctions as deemed appropriate.

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

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

### **Appeals Involving Faculty and Staff**

All appeals where the respondent is a University faculty or staff member shall be made to the Chancellor or his/her designee. Both the alleged victim and the respondent may appeal any or all of the Title IX Coordinator's decisions in writing to the Chancellor or his/her designee within ten (10) business days of receipt of the investigative report. The appealing party must also provide a copy of the appeal to the Title IX Coordinator within the same time period. The appeal should include a brief statement describing any or all parts of the investigative report that is being appealed and the reason for appeal. Acceptable means of notification include email, facsimile, hand delivered notification or postal delivery. The Title IX Coordinator will promptly inform the other party of the appeal.

Within thirty (30) days of receipt of the appeal, the Chancellor or his/her designee will make a final determination as to whether the complaint should be closed, whether a violation of policy has occurred, and/or whether any additional or different remedial action or sanctions are warranted. The Chancellor or his/her designee will concurrently notify the alleged victim and the respondent of his/her decision.

All non-tenured faculty and staff members of the University are at-will employees who may be terminated at any time, with or without cause. With regard to such faculty and staff, nothing in this policy shall create an expectation of continued employment with the University or be construed to prevent or delay the University from taking any disciplinary action deemed appropriate (including suspension and immediate termination of employment) for any violation of state law, federal law or University policy. When the respondent is a faculty member with tenure and the sanction imposed or upheld by the Chancellor or his/her designee is dismissal of the respondent's employment, the matter shall proceed pursuant to Board Policy 405.1.

### **Appeals Involving Students**

In those instances where the Respondent is a University student, the alleged victim and/or the Respondent may appeal any or all of the Title IX Coordinator's decision to a hearing panel by providing a written appeal to the Chancellor or his/her designee with a copy also being provided to the Title IX Coordinator. The appeal must be submitted within ten (10) business days of receipt of the investigative report and must include a brief statement describing any or all parts of the investigative report being appealed and the reason for appeal. Acceptable means of notification include email, facsimile, hand delivered notification or postal delivery.

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

Promptly after the appointment of the members of the hearing panel, the Title IX Coordinator will provide concurrent written notice to the alleged victim and the respondent, setting forth the names of the individuals

selected to serve on and chair the hearing panel. If only a portion of the findings and determination are appealed, the Title IX Coordinator will also specify in the notice which part(s) of the alleged misconduct will be the subject of the hearing.

The parties may challenge the participation of any member of the hearing panel by submitting a written objection to the Chancellor or his/her designee within three (3) business days of receipt of the notice of the composition of the hearing panel. Any objection must state the specific reason(s) for the objection.

The Chancellor or his/her designee will evaluate the objection and determine whether to alter the composition of the hearing panel. Failure to submit a timely and proper objection will constitute a waiver of any right of objection to the composition of the hearing panel. Any changes in the composition of the hearing panel will be provided in writing to both parties prior to the date of the hearing.

**Submission of Written Materials.** Within five (5) business days of receipt of the notice of the initial composition of the hearing panel, the alleged victim and the respondent may provide the Chair of the hearing panel with a list of witnesses, if any, that they propose that the hearing panel call and a brief description of each proposed witness's connection to and/or knowledge of the issues in dispute, and a written statement of position.

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

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

**Support Persons.** Both the alleged victim and the respondent may be accompanied by one support person to assist them during the hearing process. This support person can be anyone, including an attorney. Unless the student has received a suspension of ten (10) or more days or expulsion, the support person may not address the hearing panel, present evidence, make objections or statements, ask questions of any party or witness or otherwise participate in the hearing, beyond privately communicating with the party that he/she is supporting. If the student has received a suspension of ten (10) or more days or expulsion, the support person may fully participate during the disciplinary appeal proceeding.

The Chair must be notified five (5) business days in advance of the hearing if a party will be accompanied by a support person. The Chair may disallow the attendance of any support person if he/she is also a witness or if, in the discretion of the Chair, such person's presence would be disruptive or obstructive to the hearing or otherwise warrant removal. All support persons must agree to keep all information presented in the hearing confidential in order to attend. Absent accommodation for disability, the parties may not be accompanied by any other individual during the hearing process except as set forth in this policy. College officials may seek advice from the University Of Arkansas System Office Of General

Counsel on questions of law and procedure at any time during the process.

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

**Prior Sexual Conduct.** Evidence of the prior sexual conduct of the alleged victim and the respondent with others will not be permitted at the hearings, with the following exceptions:

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

**Hearing Procedure.** The hearing panel will conduct a hearing during which it will interview and question the complainant, the alleged victim, the respondent, and any witnesses or other third parties whose testimony the hearing panel deems relevant. The parties will not be allowed to personally question or cross-examine each other during the hearing, but will be allowed to question witnesses. The Chair will resolve all questions concerning procedure or the admission of evidence or testimony, including the relevancy and reliability of the evidence and testimony. All participants at the hearing are expected to provide truthful testimony. The complainant and/or alleged victim have the option not to be in the same room with the respondent during the hearing. Any party may choose not to testify or appear before the hearing panel; however, his/her exercise of that option will not preclude the hearing panel from making a determination regarding the complaint filed against the respondent.

**Decision of the Hearing Panel.** Following the conclusion of the hearing, the hearing panel will confer and by majority vote determine whether the evidence (including the information provided in and by the investigative report, the parties’ written statements, if any, the evidence presented at the hearings, and the testimony of the parties and witnesses) establishes that it is more likely than not that the respondent committed a violation of this policy. In other words, the standard of proof will be the preponderance of the evidence. If the hearing panel determines that more likely than not the respondent committed a violation of this policy, the hearing panel will recommend 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. The hearing panel will forward its recommendations regarding sanctions to the Chancellor or his designee, who will make the final determination regarding all sanctions.

Sanctions for a finding of responsibility will depend upon the nature and gravity of the misconduct, any record of prior discipline for a violation of this policy, or both. Sanctions may include, without limitation, expulsion or suspension from the University, disciplinary probation, expulsion from campus housing, mandated counseling, and/or educational sanctions deemed appropriate by the hearing panel.

Ordinarily, sanctions will not be imposed until the resolution of any timely appeal under this policy. However, if it is deemed necessary to protect the welfare of the victim or the University community, the hearing panel may recommend and the Chancellor or his/her designee may determine that any sanctions be imposed immediately and continue in effect until such time as the appeal process is exhausted.

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

The Title IX Coordinator will also take steps to prevent any harassment or retaliation against the complainant, the victim (if not the complainant), or third parties, such as informing them about how to report subsequent problems, following up with them to ensure that there are no subsequent problems, providing training for the campus community, and providing counseling for the respondent. The Title IX Coordinator will also take steps to prevent the harassment or retaliation against the respondent.

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

**Final Outcome Letter.** Within ten (10) business days following the conclusion of the hearings, the hearing panel will issue a written decision letter (the “Final Outcome Letter”) concurrently to the respondent, and the alleged victim (if not the complainant). The Final Outcome Letter will set forth (1) the name of the respondent, (2) the violation(s) of this policy for which the respondent was found responsible, if any, (3) the recommended sanctions imposed on the Respondent, if any, and the names of other individuals, such as a victim or witness, provided that such other individuals provide their written consent to such inclusion.

In order to comply with Family Educational Rights and Privacy Act (FERPA), the letter will not include information considered part of a party’s “education record” (as that term is defined by FERPA) that is not otherwise exempt from disclosure under the Act, or other information about sanctions that do not relate to the victim.

### **Possible Sanctions for faculty, staff and students**

<b>Prohibited Behavior/Conduct</b>	<b>Range of Sanctions</b>
<b>Dating Violence</b>	Dismissal/termination

	Suspension With/Without Pay Written Warning Expulsion Suspension Probation Community Service Educational Counseling
<b>Discrimination</b>	Dismissal/termination Suspension With/Without Pay Written Warning Expulsion Suspension Probation Community Service Educational Counseling
<b>Domestic Violence</b>	Dismissal/termination Suspension With/Without Pay Written Warning Expulsion Suspension Probation Community Service Educational Counseling
<b>Hostile Environment</b>	Dismissal/termination Suspension With/Without Pay Written Warning Expulsion Suspension Probation Community Service Educational Counseling
<b>Non-Consensual Sexual Contact</b>	Dismissal/termination Suspension With/Without Pay Written Warning Expulsion Suspension Probation Community Service Educational Counseling
<b>Non-Consensual Sexual Intercourse</b>	Dismissal/termination Suspension With/Without Pay Written Warning Expulsion Suspension Probation

	Community Service Educational Counseling
<b>Retaliation</b>	Dismissal/termination Suspension With/Without Pay Written Warning Expulsion Suspension Probation Community Service Educational Counseling
<b>Sexual Assault</b>	Dismissal/termination Suspension With/Without Pay Written Warning Expulsion Suspension Probation Community Service Educational Counseling
<b>Sexual Exploitation</b>	Dismissal/termination Suspension With/Without Pay Written Warning Expulsion Suspension Probation Community Service Educational Counseling
<b>Sexual Harassment</b>	Dismissal/termination Suspension With/Without Pay Written Warning Expulsion Suspension Probation Community Service Educational Counseling

**Confidentiality and Disclosure.** In order to comply with FERPA and Title IX and to provide an orderly process for the presentation and consideration of relevant information without undue intimidation or pressure, the hearing process is not open to the general public. Accordingly, documents prepared in anticipation of the hearings (including the complaint, the investigative report, the notices of hearing, and the pre-hearing submissions referenced above) and documents, testimony, or other information introduced at the hearings may not be disclosed outside of the hearing proceedings, except as may be required or authorized by law.

**Time Periods**

The University will make every reasonable effort to ensure that the investigation and resolution of a complaint occurs in as timely and efficient a manner as possible. The University's investigation and resolution of a complaint (including an appeal, if applicable) will generally be completed within 60 calendar days of the receipt of the complaint, absent extenuating circumstances. Hearings, if needed, will take place after the conclusion of the investigation. If hearings have taken place, both the complainant and the respondent generally will receive a Final Outcome Letter within ten (10) business days of the conclusion of the hearing.

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

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

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

### **Acknowledgement of Responsibility**

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

### **No Retaliation**

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

### **False Reports**

Willfully making a false report of sexual harassment is a violation of University policy and is a serious offense. Any person who willfully makes or participates in making a false or frivolous report of discrimination, harassment, retaliation or sexual misconduct will be subject to disciplinary action. False reporting may also violate state criminal statutes and civil defamation laws.

### **Office of Civil Rights Complaint**

Although complainants are encouraged to resolve their grievances related to discrimination by utilizing this Complaint/Grievance Procedure, they have the right to file a complaint directly with the U.S. Department of Education, Office for Civil Rights (OCR). Information regarding applicable timelines and procedures is available from OCR. Call 1-800-421-3481 to obtain further information about filing a complaint with OCR.

### **Effective Date**

The University reserves the right to make changes and amendments to this policy as needed, with

appropriate notice to the community. However, the policy in force at the time that a complaint is filed will be the policy used throughout the investigation, hearing and any appeals that are heard.

### **Documentation**

The University will retain documentation (including but not limited to the written complaint, notifications, the investigative report, any written findings of fact, petitions for appeal, any documents or evidence submitted by the parties, hearing transcripts or recording (if any) and any written communication between the parties), for at least three (3) years. Documentation pertaining to terminations, expulsions or educational sanctions may be retained indefinitely.

### **Definition of terms**

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

**Consent:** Consent is a clear, knowing and voluntary decision to engage in sexual activity.

Because consent is voluntary, it is given without coercion, force, threats, or intimidation. It is given with positive cooperation in the act or expression of intent to engage in the act pursuant to an exercise of free will.

Consent is active, not passive. Silence, in and of itself, cannot be interpreted as consent. Consent can be given by words or actions, as long as those words or actions consist of an affirmative, unambiguous, conscious decision by each participant to engage in mutually agreed-upon sexual activity.

Consent is revocable, meaning consent can be withdrawn at any time. Thus, consent must be ongoing throughout a sexual encounter. Once consent has been revoked, sexual activity must stop immediately.

Consent can be limited, meaning consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity. Further, previous relationships or prior consent cannot imply consent to future sexual acts.

Consent cannot be given when a person is incapacitated, such as when a person is physically or mentally unable to make informed, rational judgments, or lacks the ability to understand the “who, what, when, where and how” related to the sexual activity. States of incapacitation include, but are not limited to, unconsciousness and sleep. Where alcohol or drugs are involved, incapacitation is determined by how the alcohol or other drugs have impacted a person’s decision-making capacity, awareness of consequences, and/or ability to make fully informed judgments.

Use of alcohol or other drugs will never function as a defense to a violation of this Policy.

In summary:

- a. Silence does not equal consent.
- b. Lack of verbal resistance does not constitute consent.
- c. Lack of physical resistance does not constitute consent.

- d. There is no consent when there is force, coercion, intimidation, threats or duress.
- e. Consent may be withdrawn at any time, and sexual activity must cease when consent is withdrawn unless or until additional consent is given.
- f. Consent to one form of sexual activity does not indicate consent to another form of sexual activity.
- g. A prior sexual relationship does not indicate current or future consent.
- h. Minors cannot give consent.
- i. Physically or mentally incapacitated persons cannot give consent.
- j. Consent may be determined by whether the accused knew, or a reasonable person should have known, that the alleged victim was incapacitated.

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

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

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

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

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

harassment”) violates this Policy.

**Non-Consensual Sexual Contact** - Non-consensual sexual contact is any intentional sexual touching, however slight, with any object by a male or female upon a male or a female that is without consent and/or by force. Sexual Contact includes intentional contact with the breasts, buttock, groin, or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; any intentional bodily contact in a sexual manner, though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth or other orifice.

**Non-Consensual Sexual Intercourse** - Non-consensual sexual intercourse is any sexual intercourse however slight, by a male or female upon a male or a female that is without consent and/or by force. Intercourse includes vaginal penetration by a penis, object, tongue or finger; anal penetration by a penis, object, tongue, or finger; and oral copulation (mouth to genital contact or genital to mouth contact), no matter how slight the penetration or contact.

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

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

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

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

- a. Invading sexual privacy;
- b. Prostituting another person;
- c. Non-consensual video or audio-taping of sexual activity;
- d. Going beyond the boundaries of consent (e.g., allowing others to watch consensual sex without that party’s knowledge or consent);
- e. Engaging in voyeurism;
- f. Non-consensual distribution of photos, other images, or information of an individual’s sexual activity, intimate body parts, or nakedness, with the intent to or having the effect of embarrassing an individual who is the subject of such images or information;
- g. Knowingly transmitting an STI, such as HIV, to another without disclosing your STI status;

- h. Exposing one's genitals in non-consensual circumstances or inducing another to expose his or her genitals; or
- i. Possessing, distributing, viewing or forcing others to view illegal pornography,
- j. Sexually-based stalking and/or bullying may also be forms of sexual exploitation.

**Sexual Harassment** - Sexual Harassment is unwelcome, gender-based spoken, written or symbolic action or physical conduct that is sufficiently severe, persistent or pervasive that it has the effect of unreasonably interfering with, limiting or denying someone the ability to participate in or benefit from the University's educational programs. The unwelcome behavior may be based on power differentials, the creation of a hostile environment or retaliation.

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

Not all workplace or educational conduct that may be described as "harassment" affects the terms, conditions or privileges of employment or education. For example, a mere utterance of an ethnic, gender-based or racial epithet which creates offensive feelings in an employee or student would not normally affect the terms and conditions of their employment or limits a student's ability to participate in or benefit from the University's educational programs or activities.

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

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

**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. **The Information can be found on Page 4 through 18 in the Student Handbook(The ROAR) and at <http://www.uapb.edu/sites/www/Uploads/Stud-Life/Roar%202017%20-%202018.pdf>.**

### **PROCEDURES VICTIMS SHOULD FOLLOW IF A CRIME OF DATING VIOLENCE, DOMESTIC VIOLENCE, STALKING OR SEXUAL ASSAULT OCCURS**

After an incident of sexual assault, dating violence or domestic violence, the victim should consider seeking medical attention as soon as possible at Jefferson Regional Medical Center. In Arkansas,

evidence may be collected even if you chose not to make a report to law enforcement.<sup>1</sup> It is important that a victim of sexual assault not bathe, douche, smoke, change clothing or clean the bed/linen/area where they were assaulted if the offense occurred within the past 96 hours so that evidence may be preserved that may assist in proving that the alleged criminal offense occurred/or is occurring or may be helpful in obtaining a protection order. In circumstances of sexual assault, if victims do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted infections. Victims of sexual assault, domestic violence, stalking, and dating violence are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs or other copies of documents, if they have any, that would be useful to University adjudicators/investigators or police.

**Procedures the University Will Follow When a Crime of Domestic Violence, Dating Violence, Sexual Assault and Stalking is Reported**

The University has procedures in place that serve to be sensitive to victims who report sexual assault, domestic violence, dating violence, and stalking, including informing individuals about their right to file criminal charges as well as the availability of counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and other services on and/or off campus as well as additional remedies to prevent contact between a complainant<sup>2</sup> and an accused party, such as changes to housing, academic, protective orders, transportation and working situations, if reasonably available. The University will make such accommodations or protective measures, if the victim requests them and if they are reasonable available, regardless of whether the victim chooses to report the crime to the campus police or local law enforcement. Students and employees should contact the Dean of Student for such accommodations.

If a report of domestic violence, dating violence, sexual assault or stalking is reported to the University, below are the procedures that the University will follow:

<b>Incident Being Reported</b>	<b>Procedure Institution Will Follow</b>
<b>Sexual Assault</b>	<ol style="list-style-type: none"> <li>1. Depending on when reported (immediate vs delayed report), institution will provide complainant with access to medical care</li> <li>2. Institution will assess immediate safety needs of complainant</li> <li>3. Institution will assist complainant with contacting local police if complainant requests AND provide the complainant with contact information for local police department</li> <li>4. Institution will provide complainant with referrals to on and off campus mental health providers</li> <li>5. Institution will assess need to implement interim or long-term protective measures, if appropriate.</li> </ol>

<sup>1</sup> Under the Violence Against Women and Department of justice Reauthorization Act of 2005, starting in 2009, states must certify that they do not “require a victim of sexual assault to participate in the criminal justice system or cooperate with law enforcement in order to be provided with a forensic medical exam, reimbursement for charges incurred on account of such an exam. Or both.”

	<ol style="list-style-type: none"> <li>6. Institution will provide the victim with a written explanation of the victim’s rights and options</li> <li>7. Institution will provide a “No trespass” (PNG) directive to accused party if deemed appropriate</li> <li>8. Institution will provide written instructions on how to apply for Protective Order</li> <li>9. Institution will provide a copy of the policy applicable to Sexual Assault to the complainant and inform the complainant regarding timeframes for inquiry, investigation and resolution</li> <li>10. Institution will inform the complainant of the outcome of the investigation, whether or not the accused will be administratively charged and what the outcome of the hearing is</li> <li>11. Institution will enforce the anti-retaliation policy and take immediate and separate action against parties that retaliate against a person for complaining of sex-based discrimination or for assisting in the investigation</li> </ol>
<b>Stalking</b>	<ol style="list-style-type: none"> <li>1. Institution will assess immediate safety needs of complainant</li> <li>2. Institution will assist complainant with contacting local police if complainant requests AND provide the complainant with contact information for local police department</li> <li>3. Institution will provide written instructions on how to apply for Protective Order</li> <li>4. Institution will provide written information to complainant on how to preserve evidence</li> <li>5. Institution will assess need to implement interim or long-term protective measures to protect the complainant, if appropriate</li> <li>6. Institution will provide the victim with a written explanation of the victim’s rights and options</li> <li>7. Institution will provide a “No trespass” (PNG) directive to accused party if deemed appropriate</li> </ol>
<b>Dating Violence</b>	<ol style="list-style-type: none"> <li>1. Institution will assess immediate safety needs of complainant</li> <li>2. Institution will assist complainant with contacting local police if complainant requests AND provide the complainant with contact information for local police department</li> <li>3. Institution will provide written instructions on how to apply for Protective Order</li> <li>4. Institution will provide written information to complainant on how to preserve evidence</li> <li>5. Institution will assess need to implement interim or long-term protective measures to protect the complainant, if appropriate</li> <li>6. Institution will provide the victim with a written explanation of the victim’s rights and options</li> <li>7. Institution will provide a “No trespass” (PNG) directive to accused party if deemed appropriate</li> </ol>

<b>Domestic Violence</b>	<ol style="list-style-type: none"> <li>1. Institution will assess immediate safety needs of complainant</li> <li>2. Institution will assist complainant with contacting local police if complainant requests AND complainant provided with contact information for local police department</li> <li>3. Institution will provide written instructions on how to apply for Protective Order</li> <li>4. Institution will provide written information to complainant on how to preserve evidence</li> <li>5. Institution will assess need to implement interim or long-term protective measures to protect the complainant, if appropriate</li> <li>6. Institution will provide the victim with a written explanation of the victim's rights and options</li> <li>7. Institution will provide a "No trespass" (PNG) directive to accused party if deemed appropriate</li> </ol>
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**Assistance for Victims: Rights & Options**

Regardless of whether a victim elects to pursue a criminal complaint or whether the offense is alleged to have occurred on or off campus, the university will assist victims of sexual assault, domestic violence, dating violence, and stalking and will provide each victim with a written explanation of their rights and options. Such written information will include:

- the procedures victims should follow if a crime of dating violence, domestic violence, sexual assault or stalking has occurred;
- information about how the institution will protect the confidentiality of victims and other necessary parties;
- a statement that the institution will provide written notification to students and employees about victim services within the institution and in the community;
- a statement regarding the institution's provisions about options for, available assistance in, and how to request accommodations and protective measures; and
- an explanation of the procedures for institutional disciplinary action

**Rights of Victims and the Institution's Responsibilities for Orders of Protection, "No Contact" Orders, Restraining Orders, or Similar Lawful Orders Issued by a Criminal, Civil, or Tribal Court or by the Institution**

The University of Arkansas at Pine Bluff complies with Arkansas law in recognizing orders of protection. Any person who obtains an order of protection from Arkansas or any reciprocal state (list reciprocal states) should provide a copy to Campus Police and the Office of the Title IX Coordinator. A complainant may then meet with Campus Police to develop a Safety Action Plan, which is a plan for campus police and the victim to reduce risk of harm while on campus or coming and going from campus. This plan may include, but is not limited to escorts, special parking arrangements, changing classroom location or allowing a student to complete assignments from home, etc.) The University cannot apply for a legal order of protection, no contact order or restraining order for a victim from the applicable jurisdiction(s).

Type Of Order	Rights of Victims	Institution's Responsibilities
Orders of protection	Prohibits the respondent from calling, texting, emailing, stalking, attacking, hitting, or disturbing the victim, and excludes respondent from victim's home, job, vehicle, school, and by keeping respondent at certain distances away from victim.	Enforcement of all Orders of Protection by Campus Police and Title IX Coordinator
No contact orders	Prohibits all forms of communications by the respondent either direct or indirect	Full enforcement of all No Contact Orders by Campus Police and Title IX Coordinator
Restraining orders	Protects the victim from future physical, emotional or material harm by a third party.	Full enforcement of all Restraining Orders by Campus Police and Title IX Coordinator
Similar lawful orders issued by a criminal, civil, or tribal court Orders by the institution (PNG)	Protection under the provisions specified in the Orders issued by the judicial court	Full enforcement of all Similar lawful Orders issued by the courts with regards to the Domestic Violence Act.

The victim is required to apply directly for these services **IN CONJUNCTION WITH** Orders of Protection. Protection from abuse orders may be available through the Jefferson County Prosecuting Attorney's Office at the Jefferson County Courthouse, located at 101 East Barraque Street, Pine Bluff, AR 71601. **PEACE ORDERS OR NO CONTACT ORDERS** may be issued by either District Court Division 1 or 2.

**CHART DEMONSTRATING TYPES OF ORDERS AVAILABLE IN JURISDICTION**

<b>Type of Order:</b>	<b>Who Can File For One:</b>	<b>Court:</b>	<b>Based On:</b>
<b>Domestic Violence Civil Protection Order – up to 5 years, can be renewed**</b>	Family or household members including : <ul style="list-style-type: none"> <li>• Spouses, former spouses</li> <li>• Parent, child, foster parent</li> <li>• People who have kids together</li> <li>• Intimate partners who lived together in the last 5 years</li> <li>• Same sex couples are eligible</li> </ul>	Domestic Relations Court – where victim lives, where abuser lives or has a business, or where incident(s) occurred	Causing or trying to cause injury or placing someone in fear of imminent serious harm (Courts use different requirements for how recent the incident must be)
<b>Stalking Protection Order - up to 5 years, can be renewed**</b>	Any person who is a victim of stalking. No relationship with stalker is required.	Common Pleas Court - where victim lives (if family or household member, can be filed as DV Protection Order, see above)	Pattern of conduct (2 or more events), closely related in time, that cause distress or make a victim believe the stalker will cause harm
<b>Sexually Oriented Offense Protection Order - up to 5 years, can be renewed**</b>	Any person who was a victim of a sexually oriented offense (see ORC 2950.01). No relationship with offender is required. Case does not have to be criminally prosecuted.	Common Pleas Court – where victim lives	Sexual assault or unwanted sexual contact (see ORC 2950.01)
<b>Juvenile Protection Order – until abuser reaches age 19</b>	Victim of abuse by a person who is under age 18, or the victim’s parent or other household member, or other parties the Court approves.	Juvenile Court – where victim lives	Assault, stalking, sexual offenses, threats of harm or aggravated trespass

The University may issue an institutional no contact order if deemed appropriate or at the request of the victim or accused. If the University receives a report that such an institutional no contact order has been violated, the University will initiate disciplinary proceedings appropriate to the status of the accused (student, employee, etc.) and will impose sanctions if the accused is found responsible for violating the no contact order.

**On and Off Campus Services for Victims**

Upon receipt of a report of domestic violence, dating violence, sexual assault or stalking, UAPB will provide written notification to students and employees about existing assistance with and/or information about obtaining resources and services including counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and assistance in notifying appropriate local law enforcement. These resources include the following:

## 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.”<sup>3</sup> 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<sup>4</sup> of some ways to be an active bystander. Further information regarding bystander intervention may be found. 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.

1. 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.
2. Confront people who seclude, hit on, and try to make out with, or have sex with people who are incapacitated.
3. Speak up when someone discusses plans to take sexual advantage of another person.
4. Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.
5. Refer people to on or off campus resources listed in this document for support in health, counseling, or with legal assistance. The safe and positive way for bystander invention is to use the 3 D's of Bystander Intervention. Distract: Anything that distracts someone enough to discontinue the abusive behavior. Delegate: If you do not feel comfortable or safe intervening, delegate the intervention to someone else. Direct: Directly address the abuse.

## Risk Reduction

With no intent to victim blame and recognizing that only abusers are responsible for their abuse, the following are some strategies to reduce one’s risk of sexual assault or harassment (taken from Rape, Abuse, & Incest National Network, [www.rainn.org](http://www.rainn.org))

1. **Be aware** of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
2. Try to **avoid isolated areas**. It is more difficult to get help if no one is around.
3. **Walk with purpose**. Even if you don’t know where you are going, act like you do.
4. **Trust your instincts**. If a situation or location feels unsafe or uncomfortable, it probably isn’t the best place to be.
5. **Try not to load yourself down** with packages or bags as this can make you appear more vulnerable.
6. **Make sure your cell phone is with you** and charged and that you have cab money.
7. **Don't allow yourself to be isolated** with someone you don’t trust or someone you don’t know.
8. **Avoid putting music headphones in both ears** so that you can be more aware of your surroundings, especially if you are walking alone.

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<sup>3</sup> Burn, S.M. (2009). A situational model of sexual assault prevention through bystander intervention. *Sex Roles, 60*, 779-792.

<sup>4</sup> Bystander intervention strategies adapted from Stanford University’s Office of Sexual Assault & Relationship Abuse

9. **When you go to a social gathering, go with a group of friends.** Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.
10. **Trust your instincts.** If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.).
11. **Don't leave your drink unattended** while talking, dancing, using the restroom, or making a phone call. If you've left your drink alone, just get a new one.
12. **Don't accept drinks from people you don't know or trust.** If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don't drink from the punch bowls or other large, common open containers.
13. **Watch out for your friends, and vice versa.** If a friend seems out of it, is way too intoxicated for the amount of alcohol they've had, or is acting out of character, get him or her to a safe place immediately.
14. **If you suspect you or a friend has been drugged, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.).** Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).
15. If you need to get out of an uncomfortable or scary situation here are some things that you can try:
  - a. **Remember that being in this situation is not your fault.** You did not do anything wrong; it is the person who is making you uncomfortable that is to blame.
  - b. **Be true to yourself.** Don't feel obligated to do anything you don't want to do. "I don't want to" is always a good enough reason. Do what feel right to you and what you are comfortable with.
  - c. **Have a code word with your friends or family** so that if you don't feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.
  - d. **Lie.** If you don't want to hurt the person's feelings it is better to lie and make up a reason to leave than to stay and be uncomfortable, scared, or worse. Some excuses you could use are: needing to take care of a friend or family member, not feeling well, having somewhere else that you need to be, etc.
16. **Try to think of an escape route.** How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you? Is there an emergency phone nearby?
17. **If you and/or the other person have been drinking,** you can say that you would rather wait until you both have your full judgment before doing anything you may regret later.

UAPB primary prevention and awareness program for all incoming students is Safecolleges Training.



Additional Ongoing Education and Awareness Programs

- Throughout the year, University of Arkansas at Pine Bluff staff and students provide professional training and educational programming to faculty, staff and students on a variety of issues related to sexual assault, dating and domestic violence, and sexual harassment and stalking.
- Programming available includes bystander intervention training, sexual assault response training, workshops for athletic teams, and workshops for Greek organizations, workshops for band and choirs and student residential assistance.
- The Title IX coordinator and Deputy Title IX coordinator provide ongoing training and education to UAPB faculty, staff and students on issues related to sexual misconduct and stalking and staff reporting responsibilities.
- Student Counseling, Assessment and Development, Residence Life and the University Police Department offer programs on domestic violence, dating violence, sexual assault and stalking to the campus community.

### Primary Prevention and Awareness Programs

Specifically, the University offered the following **primary prevention and awareness programs** for all **incoming students** in YEAR: 2018

Name of Program	Date Held	Location Held	Which Prohibited Behavior* Covered?
Safe College	August 1, 2018	Online	DoV, DaV, SA, S
Title IX	October 23, 2018	Harrold Complex Freshman Residence Hall	DoV, DaV, SA, S
Title IX	October 25, 2018	Delta Residence Halls	DoV, DaV, SA, S

\*DoV means Domestic Violence, DaV means Dating Violence, SA means Sexual Assault and S means Stalking

The University offered the following **primary prevention and awareness programs** for all **new employees** in YEAR:

Name of Program	Date Held	Location Held	Which Prohibited Behavior* Covered?
Safe College	July 10, 2018	Online	DoV, DaV, SA, S
Faculty and Staff Seminar	August 17, 2018	Fine Arts Auditorium	DoV, DaV, SA, S
Wellness Fair	November 13, 2018	STEM Conference Center	DoV, DaV

\*DoV means Domestic Violence, DaV means Dating Violence, SA means Sexual Assault and S means Stalking

### Ongoing Prevention and Awareness Campaigns

The University has developed an annual educational campaign consisting of:

The University offered the following **ongoing awareness and prevention programs** for **students** in

YEAR: 2018

<b>Name of Program</b>	<b>Date Held</b>	<b>Location Held</b>	<b>Which Prohibited Behavior* Covered?</b>
Safe College	July 10, 2018	Online	DoV, DaV, SA, S
Title IX	October 23, 2018	Harrold Complex Freshman Residence Hall	DoV, DaV, SA, S
Abusive Relationships	November 8, 2018	Johnnie B. Johnson Residence Hall	DoV, DaV
Dating 101	February 13, 2019	Delta Housing Complex	DoV, DaV
Drugs and Alcohol Abuse	February 22, 2019	Johnnie B. Johnson Residence Hall	Violating Student Code of Conduct
Substance Abuse Awareness Week Informational Table	March 12, 2019	Delta Housing and LA Davis Student Union Cafeteria	Violating Student Code of Conduct
Substance Abuse Awareness Week Roundtable Discussion	March 14, 2019	Davis Student Union Black and Cold Room	Violating Student Code of Conduct

\*DoV means Domestic Violence, DaV means Dating Violence, SA means Sexual Assault and S means Stalking

The University offered the following **ongoing awareness and prevention programs** for employees in YEAR:

<b>Name of Program</b>	<b>Date Held</b>	<b>Location Held</b>	<b>Which Prohibited Behavior* Covered?</b>
Safe College	July 10, 2018	Online	DoV, DaV, SA, S
Faculty and Staff Seminar-Title IX	August 17, 2018	Fine Arts Auditorium	DoV, DaV, SA, S
Wellness Fair	November 13, 2018	STEM Conference Center	DoV, DaV

\*DoV means Domestic Violence, DaV means Dating Violence, SA means Sexual Assault and S means Stalking

Throughout the year, University of Arkansas at Pine Bluff staff and students provide professional training and educational programming to faculty, staff and students on a variety of issues related

### **Primary Prevention and Awareness Campaigns**

All students and employees within our campus community deserve to feel safe and supported. University of Arkansas at Pine Bluff prohibits the crimes of sexual assault, domestic violence, dating violence and stalking and works annually to provide you with education, tools, and resources to recognize concerning or harmful behaviors and strategies for intervening or to help others get the support they need.

As part of these efforts, University of Arkansas at Pine Bluff provides primary prevention and awareness campaigns for all incoming students and new employees as well as ongoing prevention and awareness campaigns for all Students and employees.

### **POLICY EXPECTATIONS WITH RESPECT TO CONSENSUAL RELATIONSHIPS**

There are inherent risks in any romantic or sexual relationship between individuals in unequal positions (such as teacher and student, or supervisor and employee). These relationships may be less consensual than perceived by the individual whose position confers power. The relationship also may be viewed in different ways by each of the parties, particularly in retrospect. Furthermore, circumstances may change, and conduct that was previously welcome may become unwelcome. Even when both parties have consented at the outset to a romantic or sexual involvement, this past consent may not remove grounds for a later charge of a violation of Policy.

The University does not wish to interfere with private choices regarding personal relationships when those relationships do not interfere with the goals and policies of the University. However, for the personal protection of members of this community, relationships in which power differentials are inherent (faculty-student, staff-student, administrator-student or employee) are prohibited except in extraordinary circumstances.

Consensual romantic or sexual relationships in which one party maintains a direct supervisory or evaluative role over the other party are unethical. Therefore, persons with direct supervisory or evaluative responsibilities who are involved in such relationships must bring those relationships to the timely attention of their supervisors. This will likely result in removing the employee from the supervisory or evaluative responsibilities or shifting the student or employee out of being supervised or evaluated by someone with whom he or she has established a consensual relationship. Failure to self-report such relationships to a supervisor as required may result in disciplinary action for an employee, up to and including termination.

### **Adjudication of Violations**

In all instances, the process will be conducted in a manner that is consistent with the institution's policy and that is transparent to the accuser and the accused. University officials involved in the investigation or adjudication of domestic violence, dating violence, sexual assault and stalking complaints are trained annually on the issues related to domestic violence, dating violence, sexual assault, and stalking as well as how to conduct an investigation and hearing process that protects the safety of the victim and promotes accountability. Furthermore, each policy provides that:

1. The accuser and the accused will have timely notice for meetings at which the accuser or accused, or both, may be present;
2. The accuser, the accused and appropriate officials will have timely and equal access to any information that will be used during formal and informal disciplinary meeting and hearings;
3. The institutional disciplinary procedures will not be conducted by officials who have a conflict of interest or bias for or against the accuser or the accused;
4. The accuser and the accused will have the same opportunities to have a support person present during any institutional disciplinary proceeding. This support person can be anyone, including

an attorney. Unless the student has received a suspension of ten (10) or more days or expulsion, the support person may not address the Hearing Panel, present evidence, make objections or statements, ask questions of any party or witness or otherwise participate in the hearing, beyond privately communicating with the party that he/she is supporting. If the student has received a suspension of ten (10) or more days or expulsion, the support person may fully participate during the disciplinary appeal proceeding to the same extent as the accused person. The University will not limit the choice of advisor or presence for either the accuser or the accused in any meeting or institutional disciplinary proceeding.

5. The accuser and the accused will be notified simultaneously, in writing, of the any initial, interim and final decision of any disciplinary proceeding; and
6. Where an appeal is permitted under the applicable policy, the accuser and the accused will be notified simultaneously in writing, of the procedures for the accused and the victim to appeal the result of the institutional disciplinary proceeding. When an appeal is filed, the accuser and the accused will be notified simultaneously in writing of any change to the result prior to the time that it becomes final as well as of the final result once the appeal is resolved.

### **FEDERAL CLERY ACT DEFINITIONS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT AND STALKING**

The Clery Act defines the crimes of domestic violence, dating violence, sexual assault and stalking as follows:

- **Domestic Violence:**
  - A Felony or misdemeanor crime of violence committed—
    - A) By a current or former spouse or intimate partner of the victim;
    - B) By a person with whom the victim shares a child in common;
    - C) By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
    - D) By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
    - E) By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
  - For the purposes of complying with the requirements of this section and §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.
- **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.
  - i. The existence of such a relationship shall be based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
  - ii. For the purposes of this definition—
    - A) Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

- B) Dating violence does not include acts covered under the definition of domestic violence.
  - iii. For the purposes of complying with the requirements of this section and §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.
- **Sexual Assault** An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting (UCR) program. Per the National Incident-Based Reporting System User Manual from the FBI UCR Program, a sex offense is "any sexual act directed against another person, without the consent of the victim, including instances where the victim if incapable of giving consent."
  - **Rape** is defined as 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.
  - **Fondling** is defined as the touching of the private parts of another person for the purposes 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 defined as sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
  - **Statutory Rape** is defined as sexual intercourse with a person who is under the statutory age of consent.
  - For the purposes of complying with the requirements of this section and §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.
- **Stalking:**
  - i. Engaging in a course of conduct directed at a specific person that would cause a reasonable person to—
    - A) Fear for the person's safety or the safety of others; or
    - B) Suffer substantial emotional distress.
  - ii. For the purposes of this definition—
    - A) Course of conduct means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property.
    - B) Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
    - C) Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling. For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

## JURISDICTIONAL DEFINITIONS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT AND STALKING

### AR - Arkansas Code Annotated

#### 18-16-112. Protection for victims of Domestic abuse -- Definitions.

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(a) As used in this section:

(1) "Documented incident of domestic abuse" means evidence of domestic abuse contained in an order of a court of competent jurisdiction;

(2) " **Domestic** abuse" means:

(A) The infliction of physical injury or the creation of a reasonable fear that physical injury or harm will be inflicted upon a member of a household by a member or former member of the household; or

(B) The commission of a sex crime or act of stalking upon a member of a household;

(3) " **Domestic** abuse offender" means a person identified in a documented incident of **domestic** abuse as performing any act of **domestic** abuse;

(4) "Sex crime" includes without limitation:

(A) The following offenses:

(i) Rape, § 5-14-103;

(ii) Sexual indecency with a child, § 5-14-110;

(iii) Sexual assault in the first degree, § 5-14-124;

(iv) Sexual assault in the second degree, § 5-14-125;

(v) Sexual assault in the third degree, § 5-14-126;

(vi) Sexual assault in the fourth degree, § 5-14-127;

(vii) Incest, § 5-26-202;

(viii) Engaging children in sexually explicit conduct for use in visual or print medium, § 5-27-303;

(ix) Transportation of minors for prohibited sexual conduct, § 5-27-305;

(x) Employing or consenting to the use of a child in a sexual performance, § 5-27-402;

(xi) Pandering or possessing visual or print medium depicting sexually explicit conduct involving a child, § 5-27-304;

(xii) Producing, directing, or promoting a sexual performance by a child, § 5-27-403;

(xiii) Promoting prostitution in the first degree, § 5-70-104;

(xiv) Indecent exposure, § 5-14-112, if a felony level offense;

(xv) Exposing another person to human immunodeficiency virus when a person who has tested positive for human immunodeficiency virus was ordered by the sentencing court to register as a sex offender, § 5-14-123;

(xvi) Kidnapping pursuant to § 5-11-102(a) when the victim is a minor and the offender is not the parent of the victim;

(xvii) False imprisonment in the first degree and false imprisonment in the second degree, §§ 5-11-103 and 5-11-104, when the victim is a minor and the offender is not the parent of the victim;

(xviii) Permitting abuse of a minor pursuant to § 5-27-221;

(xix) Computer child pornography, § 5-27-603;

(xx) Computer exploitation of a child, § 5-27-605;

(xxi) Permanent detention or restraint when the offender is not the parent of the victim, § 5-11-106; and

(xxii) Distributing, possessing, or viewing matter depicting sexually explicit conduct involving a child, § 5-27-602;

- (B) An attempt, solicitation, or conspiracy to commit any offense enumerated in subdivision (a)(4)(A) of this section; and
- (C) An adjudication of guilt for an offense of the law of another state, for a federal offense, for a tribal court offense, or for a military offense:
  - (i) That is similar to any offense enumerated in subdivision (a)(4)(A) of this section; or
  - (ii) When that adjudication of guilt requires registration under another state's sex offender registration laws;
- (5) "Stalking" means following or loitering near a person with the purpose of annoying, harassing, or committing an assault or battery against the person; and
- (6) "Victim of **domestic** abuse" means a person or a member of the person's household who is identified in a documented incident of **domestic** abuse within:
  - (A) The immediately preceding sixty (60) days; or
  - (B) Sixty (60) days of the termination of a residential tenancy by the person, a member of the person's household, or landlord because of **domestic** abuse.
- (b) If a residential tenant, an applicant for a residential tenancy, or a member of the tenant or applicant's household is a victim of **domestic** abuse as evidenced by a documented incident of **domestic** abuse:
  - (1) With respect to the victim of **domestic** abuse, a landlord shall not terminate or fail to renew a residential tenancy, refuse to enter into a residential tenancy, or otherwise retaliate in the leasing of a residence because of the **domestic** abuse; and
  - (2)
    - (A) At the residential tenant's expense and with the landlord's prior consent, a landlord or a residential tenant other than a **domestic** abuse offender may change the locks to the residential tenant's residence.
    - (B) The landlord or residential tenant shall furnish the other a copy of the new key to the residential tenant's residence immediately after changing the locks or as soon after changing the locks as possible if either the landlord or residential tenant is unavailable.
- (c) Notwithstanding a conflicting provision in a **domestic** abuse offender's residential tenancy agreement, if a **domestic** abuse offender is under a court order to stay away from a co-tenant residing in the **domestic** abuser's offender's residence or the co-tenant's residence:
  - (1) The **domestic** abuse offender under the court order may access either residence only to the extent permitted by the court order or another court order;
  - (2) A landlord may refuse access by a **domestic** abuse offender to the residence of a victim of **domestic** abuse unless the **domestic** offender is permitted access by court order; and
  - (3) A landlord may pursue all available legal remedies against the **domestic** abuse offender, including without limitation an action:
    - (A) To terminate the residential tenancy agreement of the **domestic** abuse offender;
    - (B) To evict the **domestic** abuse offender whether or not a residential tenancy agreement between the landlord and **domestic** abuse offender exists; and
- (C) For damages against the **domestic** abuse offender:
  - (i) For any unpaid rent owed by the **domestic** abuse offender; and
  - (ii) Resulting from a documented incident of **domestic** abuse.
- (d) A landlord is entitled to a court order terminating the residential tenancy agreement of a person or evicting a person, or both, under subdivision (c)(3)(A) or (c)(3)(B) of this section upon proof that the person is a **domestic** abuse offender under this section.
- (e) A landlord is immune from civil liability if the landlord in good faith:
  - (1) Changes the locks under subdivision (b)(2) of this section; or
  - (2) Acts in accordance with a court order under subsection (c) of this section.

(f) A residential tenant may not waive in a residential tenancy the residential tenant's right to request law enforcement assistance or other emergency assistance.

#### **5-14-124. Sexual assault in the first degree.**

---

(a) A person commits sexual assault in the first degree if:

(1) The person engages in sexual intercourse or deviate sexual activity with a minor who is not the actor's spouse and the actor is:

(A) Employed with the Department of Correction, the Department of Community Correction, the Department of Human Services, or any city or county jail or a juvenile detention facility, and the victim is in the custody of the Department of Correction, the Department of Community Correction, the Department of Human Services, any city or county jail or juvenile detention facility, or their contractors or agents;

(B) Employed by or contracted with the Department of Community Correction, a local law enforcement agency, a court, or a local government and the actor is supervising the minor while the minor is on probation or parole or for any other court-ordered reason;

(C) A mandated reporter under § 12-18-402(b) and is in a position of trust or authority over the victim and uses the position of trust or authority to engage in sexual intercourse or deviate sexual activity; or

(D) An employee in the victim's school or school district, a temporary caretaker, or a person in a position of trust or authority over the victim; or

(2) The person is a teacher, principal, athletic coach, or counselor in a public or private school in kindergarten through grade twelve (K-12) and the actor:

(A) Engages in sexual intercourse or deviate sexual activity with a person who is not the actor's spouse and the victim is:

(i) Less than twenty-one (21) years of age; and

(ii) A student enrolled in the public or private school employing the actor; and

(B) Is in a position of trust or authority over the victim and uses his or her position of trust or authority over the victim to engage in sexual intercourse or deviate sexual activity.

(b) It is no defense to a prosecution under this section that the victim consented to the conduct.

(c) It is an affirmative defense to a prosecution under subdivision (a)(1)(D) of this section that the actor was not more than three (3) years older than the victim.

(d) Sexual assault in the first degree is a Class A felony.

#### **5-14-125. Sexual assault in the second degree.**

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(a) A person commits sexual assault in the second degree if the person:

(1) Engages in sexual contact with another person by forcible compulsion;

(2) Engages in sexual contact with another person who is incapable of consent because he or she is:

(A) Physically helpless;

(B) Mentally defective; or

(C) Mentally incapacitated;

(3) Being eighteen (18) years of age or older, engages in sexual contact with another person who is:

(A) Less than fourteen (14) years of age; and

(B) Not the person's spouse;

(4) (A) Engages in sexual contact with a minor and the actor is:

(i) Employed with the Department of Correction, the Department of Community Correction, any city or county jail, or any juvenile detention facility, and the minor is in custody at a facility operated by the agency or contractor employing the actor;

- (ii) Employed by or contracted with the Department of Community Correction, a local law enforcement agency, a court, or a local government and the actor is supervising the minor while the minor is on probation or parole or for any other court-ordered reason;
- (iii) A mandated reporter under § 12-18-402(b) and is in a position of trust or authority over the minor; or
- (iv) The minor's guardian, an employee in the minor's school or school district, a temporary caretaker, or a person in a position of trust or authority over the minor.
- (B) For purposes of subdivision (a)(4)(A) of this section, consent of the minor is not a defense to a prosecution;
- (5) (A) Being a minor, engages in sexual contact with another person who is:
  - (i) Less than fourteen (14) years of age; and
  - (ii) Not the person's spouse.
- (B) It is an affirmative defense to a prosecution under this subdivision (a)(5) that the actor was not more than:
  - (i) Three (3) years older than the victim if the victim is less than twelve (12) years of age; or
  - (ii) Four (4) years older than the victim if the victim is twelve (12) years of age or older; or
- (6) Is a teacher, principal, athletic coach, or counselor in a public or private school in a grade kindergarten through twelve (K-12), in a position of trust or authority, and uses his or her position of trust or authority over the victim to engage in sexual contact with a victim who is:
  - (A) A student enrolled in the public or private school; and
  - (B) Less than twenty-one (21) years of age.
- (b)
  - (1) Sexual assault in the second degree is a Class B felony.
  - (2) Sexual assault in the second degree is a Class D felony if committed by a minor with another person who is:
    - (A) Less than fourteen (14) years of age; and
    - (B) Not the person's spouse.

#### **5-14-126. Sexual assault in the third degree.**

---

- (a) A person commits sexual assault in the third degree if the person:
  - (1) Engages in sexual intercourse or deviate sexual activity with another person who is not the actor's spouse, and the actor is:
    - (A) Employed with the Department of Correction, Department of Community Correction, Department of Human Services, or any city or county jail, the victim is in the custody of the Department of Correction, Department of Community Correction, Department of Human Services, or any city or county jail, and the actor is in a position of trust or authority over the victim and uses the position of trust or authority to engage in sexual intercourse or deviate sexual activity;
    - (B) Employed by or contracted with the Department of Community Correction, a local law enforcement agency, a court, or a local government and the actor is supervising the person while the person is on probation or parole or for any other court-ordered reason;
    - (C) Employed or contracted with or otherwise providing services, supplies, or supervision to an agency maintaining custody of inmates, detainees, or juveniles, the victim is in the custody of the Department of Correction, Department of Community Correction, Department of Human Services, or any city or county jail, and the actor is in a position of trust or authority over the victim and uses the position of trust or authority to engage in sexual intercourse or deviate sexual activity; or

**(D)** A mandated reporter under § 12-18-402(b) or a member of the clergy and is in a position of trust or authority over the victim and uses the position of trust or authority to engage in sexual intercourse or deviate sexual activity; or

**(2) (A)** Being a minor, engages in sexual intercourse or deviate sexual activity with another person who is:

**(i)** Less than fourteen (14) years of age; and

**(ii)** Not the person's spouse.

**(B)** It is an affirmative defense under this subdivision (a)(2) that the actor was not more than three (3) years older than the victim.

**(b)** It is no defense to a prosecution under this section that the victim consented to the conduct.

**(c)** Sexual assault in the third degree is a Class C felony.

### **5-14-127. Sexual assault in the fourth degree.**

---

**(a)** A person commits sexual assault in the fourth degree if the person:

**(1)** Being twenty (20) years of age or older:

**(A)** Engages in sexual intercourse or deviate sexual activity with another person who is:

**(i)** Less than sixteen (16) years of age; and

**(ii)** Not the person's spouse; or

**(B)** Engages in sexual contact with another person who is:

**(i)** Less than sixteen (16) years of age; and

**(ii)** Not the person's spouse; or

**(2)** Engages in sexual contact with another person who is not the actor's spouse, and the actor is employed with the Department of Correction, Department of Community Correction, Department of Human Services, or any city or county jail, and the victim is in the custody of the Department of Correction, Department of Community Correction, Department of Human Services, or a city or county jail.

**(b)**

**(1)** Sexual assault in the fourth degree under subdivisions (a)(1)(A) and (a)(2) of this section is a Class D felony.

**(2)** Sexual assault in the fourth degree under subdivision (a)(1)(B) of this section is a Class A misdemeanor if the person engages only in sexual contact with another person as described in subdivision (a)(1)(B) of this section.

### **History**

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"Domestic violence" means:

**(A)** Physical harm, bodily harm causing injury, or an assault against a person caused by:

**(i)** A family or household member; or

**(ii)** Another person with whom a person is in a dating relationship;

**(B)** Mental or emotional harm to a person caused by:

**(i)** A family or household member; or

**(ii)** Another person with whom a person is in a dating relationship; or

**(C)** Sexual abuse against a person by another person;

**5-26-303. Domestic battering in the first degree.** [Effective until 91 days after final adjournment of the 2019 Regular Session.]

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- (a) A person commits domestic battering in the first degree if:
- (1) With the purpose of causing serious physical injury to a family or household member, the person causes serious physical injury to a family or household member by means of a deadly weapon;
  - (2) With the purpose of seriously and permanently disfiguring a family or household member or of destroying, amputating, or permanently disabling a member or organ of a family or household member's body, the person causes such an injury to a family or household member;
  - (3) The person causes serious physical injury to a family or household member under circumstances manifesting extreme indifference to the value of human life;
  - (4) The person knowingly causes serious physical injury to a family or household member he or she knows to be sixty (60) years of age or older or twelve (12) years of age or younger;
  - (5) The person:
    - (A) Commits any act of domestic battering as defined in § 5-26-304 or § 5-26-305; and
    - (B) For conduct that occurred within the ten (10) years preceding the commission of the current offense, the person has on two (2) previous occasions been convicted of any act of battery against a family or household member as defined by the laws of this state or by the equivalent laws of any other state or foreign jurisdiction; or
  - (6) With the purpose of causing physical injury to a family or household member, the person causes physical injury to a family or household member by means of a firearm.
- (b)
- (1) Domestic battering in the first degree is a Class B felony.
  - (2) However, domestic battering in the first degree is a Class A felony upon a conviction under subsection (a) of this section if:
    - (A) Committed against a woman the person knew or should have known was pregnant; or
    - (B) The person committed one (1) or more of the following offenses within five (5) years of the offense of domestic battering in the first degree:
      - (i) Domestic battering in the first degree;
      - (ii) Domestic battering in the second degree, § 5-26-304;
      - (iii) Domestic battering in the third degree, § 5-26-305; or
      - (iv) A violation of an equivalent penal law of this state or of another state or foreign jurisdiction.

**5-26-304. Domestic battering in the second degree.**

---

- (a) A person commits domestic battering in the second degree if:
- (1) With the purpose of causing physical injury to a family or household member, the person causes serious physical injury to a family or household member;
  - (2) With the purpose of causing physical injury to a family or household member, the person causes physical injury to a family or household member by means of a deadly weapon;
  - (3) The person recklessly causes serious physical injury to a family or household member by means of a deadly weapon; or
  - (4) The person knowingly causes physical injury to a family or household member he or she knows to be sixty (60) years of age or older or twelve (12) years of age or younger.
- (b)
- (1) Domestic battering in the second degree is a Class C felony.
  - (2) However, domestic battering in the second degree is a Class B felony if:
    - (A) Committed against a woman the person knew or should have known was pregnant;

(B) The person committed one (1) or more of the following offenses within five (5) years of the offense of domestic battering in the second degree:

(i) Domestic battering in the first degree, § 5-26-303;

(ii) Domestic battering in the second degree;

(iii) Domestic battering in the third degree, § 5-26-305; or

(iv) A violation of an equivalent penal law of this state or of another state or foreign jurisdiction; or

(C) The person committed two (2) or more offenses of battery against a family or household member as defined by a law of this state or by an equivalent law of any other state or foreign jurisdiction within ten (10) years of the offense of domestic battering in the second degree.

### **5-26-305. Domestic battering in the third degree.**

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(a) A person commits domestic battering in the third degree if:

(1) With the purpose of causing physical injury to a family or household member, the person causes physical injury to a family or household member;

(2) The person recklessly causes physical injury to a family or household member;

(3) The person negligently causes physical injury to a family or household member by means of a deadly weapon; or

(4) The person purposely causes stupor, unconsciousness, or physical or mental impairment or injury to a family or household member by administering to the family or household member, without the family or household member's consent, any drug or other substance.

(b)

(1) Domestic battering in the third degree is a Class A misdemeanor.

(2) However, domestic battering in the third degree is a Class D felony if:

(A) Committed against a woman the person knew or should have known was pregnant;

(B) The person committed one (1) or more of the following offenses within five (5) years of the offense of domestic battering in the third degree:

(i) Domestic battering in the first degree, § 5-26-303;

(ii) Domestic battering in the second degree, § 5-26-304;

(iii) Domestic battering in the third degree;

(iv) Aggravated assault on a family or household member, § 5-26-306; or

(v) A violation of an equivalent penal law of this state or of another state or foreign jurisdiction; or

(C) The person committed two (2) or more offenses of battery against a family or household member as defined by a law of this state or by an equivalent law of any other state or foreign jurisdiction within ten (10) years of the offense of domestic battering in the third degree.

### **5-71-229. Stalking.**

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(a) (1) A person commits **stalking** in the first degree if he or she knowingly engages in a course of conduct that would place a reasonable person in the victim's position under emotional distress and in fear for his or her safety or a third person's safety, and the actor:

(A) Does so in contravention of an order of protection consistent with the Domestic Abuse Act of 1991, § 9-15-101 et seq., or a no contact order as set out in subdivision (a)(2)(A) of this section, protecting the same victim, or any other order issued by any court protecting the same victim;

(B) Has been convicted within the previous ten (10) years of:

(i) **Stalking** in the second degree;

(ii) Terroristic threatening, § 5-13-301, or terroristic act, § 5-13-310; or

(iii) **Stalking** or threats against another person's safety under the statutory provisions of any other state jurisdiction; or

(C) Is armed with a deadly weapon or represents by word or conduct that he or she is armed with a deadly weapon.

(2)

(A) Upon pretrial release of the defendant, a judicial officer shall enter a no contact order in writing consistent with Rules 9.3 and 9.4 of the Arkansas Rules of Criminal Procedure and shall give notice to the defendant of penalties contained in Rule 9.5 of the Arkansas Rules of Criminal Procedure.

(B) The no contact order remains in effect during the pendency of any appeal of a conviction under this subsection.

(C) The judicial officer or prosecuting attorney shall provide a copy of the no contact order to the victim and the arresting law enforcement agency without unnecessary delay.

(D) If the judicial officer has reason to believe that mental disease or defect of the defendant will or has become an issue in the case, the judicial officer shall enter orders consistent with § 5-2-327 or § 5-2-328, or both.

(3) **Stalking** in the first degree is a Class C felony.

(b)

(1) A person commits **stalking** in the second degree if he or she knowingly engages in a course of conduct that harasses another person and makes a terroristic threat with the purpose of placing that person in imminent fear of death or serious bodily injury or placing that person in imminent fear of the death or serious bodily injury of his or her immediate family.

(2)

(A) Upon pretrial release of the defendant, a judicial officer shall enter a no contact order in writing consistent with Rules 9.3 and 9.4 of the Arkansas Rules of Criminal Procedure and shall give notice to the defendant of penalties contained in Rule 9.5 of the Arkansas Rules of Criminal Procedure.

(B) The no contact order remains in effect during the pendency of any appeal of a conviction under this subsection.

(C) The judicial officer or prosecuting attorney shall provide a copy of the no contact order to the victim and arresting law enforcement agency without unnecessary delay.

(D) If the judicial officer has reason to believe that mental disease or defect of the defendant will or has become an issue in the case, the judicial officer shall enter orders consistent with § 5-2-327 or § 5-2-328, or both.

(3) **Stalking** in the second degree is a Class D felony.

(c)

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

(2)

(A) Upon pretrial release of the defendant, a judicial officer shall enter a no contact order in writing consistent with Rules 9.3 and 9.4 of the Arkansas Rules of Criminal Procedure and shall give notice to the defendant of penalties contained in Rule 9.5 of the Arkansas Rules of Criminal Procedure.

(B) The no contact order remains in effect during the pendency of any appeal of a conviction under this subsection.

(C) The judicial officer or prosecuting attorney shall provide a copy of the no contact order to the victim and arresting law enforcement agency without unnecessary delay.

(D) If the judicial officer has reason to believe that mental disease or defect of the defendant will or has become an issue in the case, the judicial officer shall enter orders consistent with § 5-2-327 or § 5-2-328, or both.

(3) **Stalking** in the third degree is a Class A misdemeanor.

(d) It is an affirmative defense to prosecution under this section if the actor is a law enforcement officer, licensed private investigator, attorney, process server, licensed bail bondsman, or a store detective acting within the reasonable scope of his or her duty while conducting surveillance on an official work assignment.

(e) It is not a defense to a prosecution under this section that the actor was not given actual notice by the victim that the actor's conduct was not wanted.

(f) As used in this section:

(1)

(A) "Course of conduct" means a pattern of conduct composed of two (2) or more acts, separated by at least thirty-six (36) hours, but occurring within one (1) year, including without limitation an act in which the actor directly, indirectly, or through a third party by any action, method, device, or means follows, monitors, observes, places under surveillance, threatens, or communicates to or about a person or interferes with a person's property.

(B)

(i) "Course of conduct" does not include constitutionally protected activity.

(ii) If the defendant claims that he or she was engaged in a constitutionally protected activity, the court shall determine the validity of that claim as a matter of law and, if found valid, shall exclude that activity from evidence;

(2)

(A) "Emotional distress" means significant mental suffering or distress.

(B) "Emotional distress" does not require that the victim sought or received medical or other professional treatment or counseling; and

(3) "Harasses" means an act of harassment as prohibited by § 5-71-208.

## **Sexual Offender Registration**

The Campus Sex Crimes Prevention Act (CSCPA) of 2000 is a federal law that provides for the tracking of convicted sex offenders enrolled at, or employed by, institutions of higher education. The federal law requires institutions of higher education to issue a statement advising the campus community where information concerning registered sex offenders may be obtained. Persons convicted of sex offenses are required by law to register with the State of Arkansas and also provide notice of each institution of higher education where the person is employed or is a student. University Police maintains a folder of all registered sexual offenders in Jefferson County (UAPB) and Pulaski County (UAPB-DARS (NLR)). To view this folder, visit University Police between the hours of 8AM and 4:30PM. In addition, a current listing of all registered sex offenders in Arkansas is available at: <http://acic.org/>. The web site can be searched by city, county, zip code, or name. For Jefferson County (71601, 71602, and 71603), and Pulaski County (72114).

## **Missing Student Notification**

If a member of the University community has reason to believe that a student is missing, he or she should immediately notify University Police at (870) 575-8102 and visit [https://uapb-advocate.symlicity.com/missing\\_person/index.php/pid031776?](https://uapb-advocate.symlicity.com/missing_person/index.php/pid031776?) to fill out the missing student report form. If members of the UAPB community believe that a student has been missing for 24 hours, it is critical that

they report that information to UAPBPD. University Police will generate a missing person report and initiate an investigation.

A student shall be officially classified as “missing” when University Police has completed its investigation and determined that the reported information is credible and circumstances warrant declaring the person missing. The procedures that the institution must follow when a student who resides in an on-campus student housing facility is determined to have been missing for 24 hours include:

**Should University Police determine that a residential student is a missing person, the Vice Chancellor for Student Affairs and Dean of Students will be immediately notified** to verify the appropriate missing person contact information and the Pine Bluff Police Department or the law enforcement agency with jurisdiction in the area that the student went missing, will be notified within 24 hours of making the determination that the student is missing (regardless of the age of the missing student whether they’ve registered a confidential missing person contact). Contact will then be made with the listed contact person(s) within 24 hours by the Dean of Students. If the missing student is under the age of 18 and is not an emancipated individual, the Dean of Students will notify the student’s parent or legal guardian, in addition to the confidential missing person contact that has been identified, within 24 hours of making the determination that the student has been missing for more than 24 hours. University Police will provide the Dean of Students timely and continuous notification of the status of the investigation until the case is closed. For all missing students, UAPB will notify the local law enforcement agency within 24 hours of the determination that the student is missing, unless the local law enforcement agency was the entity that made the determination that the student is missing. If the student is under the age of 18 and is not an emancipated individual, UAPBPD will notify the student’s parent of guardian and any other designated contact person within 24 hours.

In addition to registering an emergency contact, students residing in on-campus housing have the option to identify, confidentially, an individual to be contacted by UAPB in the event the student is determined to be missing for more than 24 hours. A student who wishes to identify a confidential contact may do so by completing the Student Confidential Contact Form at the time a student checks-in the residential facility.

A student’s confidential contact information will be accessible only by authorized campus officials and law enforcement as appropriate and it may not be disclosed outside of a missing person investigation.

### **PROCEDURE FOR DETERMINING IF A STUDENT IS MISSING**

For purposes of this procedure, a University residence student may be considered to be a “missing student” if the person’s absence is contrary to their usual pattern of behavior without explanation.

When a residence staff member becomes aware of a potential missing resident student, an incident report is initiated that begins the Missing Student Protocol. The 24-hour period begin at the time the report is generated, and housing staff will follow the missing student procedure described to report and investigate for validity.

### **Resident Assistant Role:**

1. Gather information from the reporting source: name and contact information of the source, relationship to the missing person; name, age, description, campus address and contact information of the missing person; last seen date/ time/location; reason for the concern; any other information that may be helpful. Record all this information on the Incident Report (IR). Record “Missing Person” on the “other” category of the IR.
2. Immediately notify the Hall Manager of the missing person report.
3. Perform routine checks within the hall community:
  - ❖ Check with roommates to see when the missing person was last there.
  - ❖ Try to call, email, or text message the person.
  - ❖ Check with their friends to ask when they last communicated with the person.
  - ❖ If possible, check social network sites for useful information.
  - ❖ Continually update the Hall Manager with new information, including finding the missing student.

### **Dorm Coordinator**

1. Gather as much information as possible from the Resident Assistant and the source of the initial report such as reasons why they believe the resident is missing and what actions have been taken to try and locate the person.
2. Continue the investigation by:
  - ❖ Checking the student’s room
  - ❖ Interviewing roommates and asking them to watch for the student
  - ❖ Leaving a note on the student’s door to contact you as soon as they return
  - ❖ Instructing the Lobby Manager to watch for the student to enter the building
  - ❖ Update the incident report with any new information
3. Notify the Director of Residential Life if the missing resident has not been found within twelve hours.

### **Director of Residential Life**

1. Review the IR and gather information from the Hall Manager.
2. Inspect the missing person’s housing file for verification of vital information such as age, contact information, and ID number.
3. Check the person’s mailbox to determine if they have been picking up their mail.
4. If the person registered a vehicle, check the housing parking lots for their car.
5. Check for ID photo, registration verification, and class schedule.
6. Consult with the Office of the Dean of Students.
7. Contact the Office of Records and Registration to determine attendance.
8. Contact Computing Services to investigate when/where the person may have used their ID or logged onto the university network.
9. Continue to check in with roommates, hall staff and others for updates or additional information.

All housing investigating procedures should be completed by 24 hours after first notification of the missing student. If the resident has not been located, the designated contact or the custodial parent or guardian, and the Chief of University Police will be notified by the Dean of Students and/or CSA.

Circumstances to immediately notify Campus Police without following the Missing Student Procedures include:

- ❖ Suspected foul play or danger including expressed suicidal ideology
- ❖ Known medical condition that could cause a life-threatening situation
- ❖ Natural disaster or other force of nature in which the student may have been involved
- ❖ The missing student has no designated contact on file

Individuals who believe a student resident is missing should contact Resident Staff personnel to file an Incident Report and initiate a student housing investigation. If the missing resident is not yet 18 years old, the custodial parent or guardian will be contacted by the university within 24 hours of notification. UA Pine Bluff will initiate official notification procedures for any resident who is determined to be missing for more than 24 hours.

- ❖ **Designated Contact:** All residents have the option to designate a person to be contacted by UA Pine Bluff should the resident be determined to be missing for more than 24 hours. A Confidential Contact Information Form is available from the Residential Life Office, Resident Hall Security Desk, Dorm Coordinator, or the University of Arkansas, Pine Bluff, and Residential Life web site at [http://www.uapb.edu/administration/student\\_affairs/residential\\_life.aspx](http://www.uapb.edu/administration/student_affairs/residential_life.aspx). All residents are encouraged to complete and submit a confidential contact information.
- ❖ **Law Enforcement Notification:** If a resident chooses not to designate a contact and/or is not yet 18 years of age, the Dean of Students will notify the Director of University Police and Public Safety (DPS) when a resident has been determined to be missing for more than 24 hours.

### **Contact Information:**

Department of Police & Public Safety  
1900 West Reeker Avenue  
Pine Bluff, AR 71601  
(870) 575-8102

### **DRUG-FREE SCHOOLS & COMMUNITIES ACT**

In accordance with the Drug-Free Schools and Communities Act Amendments of 1989, the institution has developed and implemented a program to prevent the unlawful possession, use, sale, or distribution of illicit drugs and alcohol by students and employees. In compliance with the Drug Free Schools and Communities Act, UAPB publishes information regarding the University's educational programs related to drug and alcohol abuse prevention; sanctions for violations of federal, state, and local laws and University policy; a description of health risks associated with alcohol and other drug use; and a description of available treatment programs for UAPB students and employees. A complete description of these topics, as provided in the University's annual notification to students and employees, is available online at:

<http://www.uapb.edu/sites/www/Uploads/UAPB%20annual%20notice%20for%20Drug%20Free%20Schools%20Act%202018%20.pdf>.

The institution's annual Drug-Free Schools and Communities Act notification includes the items listed below.

1. Standards of conduct that clearly prohibit the unlawful possession, use, or distribution of illicit drugs and alcohol by employees and students on its property or as part of its activities;
2. A description of applicable legal sanctions under local, state, or federal law for the unlawful possession or distribution of illicit drugs and alcohol;
3. A description of health risks associated with the use of illicit drugs and the abuse of alcohol;
4. A description of available drug or alcohol counseling, treatment, or rehabilitation or re-entry programs;
5. A clear statement of the disciplinary sanctions that the University will impose on employees and students and the consistency of the enforcement of sanctions. Disciplinary sanctions may include, but are not limited to, a warning, written reprimand, suspension (with or without pay), dismissal, expulsion, and/or mandatory participation and successful completion of a drug abuse assistance or rehabilitation program approved by an appropriate health or law enforcement agency.

#### **Alcohol and Illicit Drug Policies & Sanctions for Students:**

UAPB strictly prohibits the dispensing, selling, supplying, possession, use, sale, manufacture, or distribution of alcohol or illicit drugs on University owned/University controlled property or at any University sponsored event, including off campus University sponsored events that have been approved by the Office of Student Affairs or another University Office. University Police actively enforces all Arkansas underage drinking laws as well as both state and Federal drug laws and University policies. Students found to be in violation of the alcohol and illicit drug policies are subject to arrest, criminal prosecution, imprisonment, and/or fine according to state and federal law. In addition, students found in violation of this policy will face university sanctions ranging from probation to expulsion.

The University may notify, in writing, a parent or legal guardian of a student who is under twenty-one (21) years of age if he/she violates any rule or policy of the university governing the use or possession of alcohol, controlled substances, or illicit drugs while on University controlled property or at a University sponsored or sanctioned event. Notification to the parent/legal guardian will be in addition to disciplinary action.

#### **Alcohol and Illicit Drug Policies & Sanctions for Employees:**

The State of Arkansas Drug-Free Workplace Policy

(Governor's Executive Order 89-2; approved by Administrative Cabinet May 15, 1989) Drug

abuse and use at the workplace are subjects of immediate concern in our society.

These problems are extremely complex and ones for which there are no easy solutions.

From a safety perspective, the users of drugs may impair the well-being of all employees, the public at large, and may cause damage to state property. Therefore, it is the policy of the State of Arkansas that the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance in a state agency's workplace is prohibited. Any employee violating this policy will be subject to discipline up to and including termination. The specifics of this policy are as follows:

1. State agencies [University of Arkansas at Pine Bluff] will not differentiate between drug users and drug pushers or sellers. Any employee who gives or in any way transfers a controlled substance to another person or sells or manufactures a controlled substance while on the job or on agency premises will be subject to discipline, up to and including termination.
2. The term "controlled substance" means any drug listed in 21 U.S.C. Section 812 and other federal regulations. Generally, these are drugs that have a high potential for abuse. Such drugs include, but are not limited to Heroin, Marijuana, Cocaine, PCP, and "Crack". They also include "legal drugs" that are not prescribed by a licensed physician.
3. Each employee is required by law to inform the agency 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 a 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.
4. [The University of Arkansas at Pine Bluff] must notify any U.S. government agency with which any contract has been made within ten (10) days after receiving notice from the employee or otherwise receiving actual notice of such a conviction.
5. If an 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 agency may require the employee to successfully finish a drug abuse program sponsored by an approved private or governmental institution.
6. As a condition of further employment under any federal government contract, the law requires all employees to abide by this policy.

#### **Alcohol Use** (Board of Trustees Policy 705.2; Governor's Policy Directive -5)

The possession or consumption of alcoholic beverages on University property or during working hours, reporting to work under the influence of alcohol, and intoxication while on duty are prohibited, and will result in disciplinary action up to and including termination. Information about laws relating to alcohol possession and use is available from Human Resources. Information about the health consequences of alcohol use and about locally-available sources of alcohol-abuse counseling is available from the Health Services. Dispensing, possessing and/or consuming alcoholic beverages on State property is strictly prohibited, except as allowed by board policy.

NOTE: Any University employee paid from federally funded grants or contracts, or any student participating in any federally funded or guaranteed Student Loan Program, must notify the University of any Criminal Drug Statute Conviction for a violation occurring at the University or while engaged in University activities.

## **Legal Sanctions Under Federal Laws:**

Federal law provides criminal and civil penalties for unlawful possession or distribution of drugs and alcohol. Along with incarceration and/or fines, there are federal laws allowing the forfeiture of property used in possession or to facilitate possession of a controlled substance. This could include homes, vehicles, boats, aircrafts and other personal or real property. Fines could range up in the millions of dollars. An individual becomes ineligible to receive federal benefits such as student loans and grants. For more details on the Federal laws related to alcohol and other drug violations, go to: <http://www.justice.gov/dea/druginfo/ftp3.shtml>

## **Crime Statistics – UAPB**

The procedures for preparing the annual disclosure of crime statistics include reporting statistics to the University community which are obtained from the following sources:

- University Police
- Pine Bluff Police Department
- North Little Rock Police Department
- Campus Security Authorities

For statistical purposes, crimes reported to any of the sources named above are recorded in the calendar year the crime was reported. A written request for statistical information is made on an annual basis to CSAs, Pine Bluff Police Department and North Little Rock Police Department, as well as other local law enforcement agencies with jurisdiction within the UAPB Clery Geography. All of the statistics are gathered, compiled, and reported to the University community via the Annual Security and Fire Safety Report (ASF SR), which is published by University Police. University Police submits the annual crime statistics published in this brochure to the U.S. Department of Education (ED). The statistical information gathered by the ED is available to the public at: <http://ope.ed.gov/security/>

NOTE: Currently, there are no off-campus locations of student organizations officially recognized by the institution, including student organizations with off-campus housing facilities.

### **Campus Map**

A map of the UAPB campus is located at:

<http://www.uapb.edu/sites/www/Uploads/Advancement/UAPB-Map.pdf>

Offense (Reported By Hierarchy)	Year	On Campus	Non campus	Public	Total	Residential Facilities*	Unfounded Crime
<b>CRIMINAL</b>							
Murder/Non Negligent Manslaughter	2018	0	0	0	0	0	0
	2017	0	0	0	0	0	0
	2016	0	0	0	0	0	0
Manslaughter by Negligence	2018	0	0	0	0	0	0
	2017	0	0	0	0	0	0
	2016	0	0	0	0	0	0
Rape	2018	0	0	0	0	0	0
	2017	0	0	0	0	0	0
	2016	0	1	0	1	0	0
Fondling	2018	0	0	0	0	0	0
	2017	0	0	0	0	0	0
	2016	1	0	0	1	1	0
Incest	2018	0	0	0	0	0	0
	2017	0	0	0	0	0	0
	2016	0	0	0	0	0	0
Statutory Rape	2018	0	0	0	0	0	0
	2017	1	0	0	1	1	0
	2016	0	0	0	0	0	0
Robbery	2018	0	0	0	0	0	0
	2017	2	0	0	2	0	0
	2016	1	0	0	1	1	0
Aggravated Assault	2018	1	0	0	1	1	0
	2017	1	0	0	1	0	0
	2016	0	0	0	0	0	0
Burglary	2018	1	0	0	1	1	0
	2017	7	0	0	7	5	0
	2016	4	0	0	4	4	0
Motor Vehicle Theft	2018	0	0	0	0	0	0
	2017	2	0	0	2	0	0
	2016	1	0	0	1	0	0
Arson	2018	0	0	0	0	0	0
	2017	0	0	0	0	0	0
	2016	0	1	0	1	0	0
<b>ARREST/ REFERRAL</b>							
Liquor Law Arrests	2018	0	0	0	0	0	0
	2017	0	0	0	0	0	0
	2016	0	0	0	0	0	0
Drug Law Arrests	2018	0	0	0	0	0	0
	2017	3	0	0	3	1	0
	2016	0	0	0	0	0	0
Weapons Law Arrests	2018	1	0	0	1	0	0
	2017	4	0	0	4	1	0
	2016	0	0	0	0	0	0
Liquor Law Violations Referred for Disciplinary Action	2018	2	0	0	2	1	0
	2017	0	0	0	0	0	0
	2016	2	0	0	2	2	0
Drug Law Violations Referred for Disciplinary Action	2018	3	0	0	3	0	0
	2017	0	0	0	0	0	0
	2016	4	0	0	4	4	0
Weapons Law Violations Referred for Disciplinary Action	2018	1	1	0	1	1	0
	2017	0	0	0	0	0	0
	2016	0	0	0	0	0	0
<b>VAWA</b>							
Domestic Violence	2018	1	0	0	1	1	0
	2017	1	0	0	1	1	0
	2016	4	0	0	4	3	0
Dating Violence	2018	1	0	0	1	0	0
	2017	1	0	0	1	1	0
	2016	0	0	1	1	0	0
Stalking	2018	2	0	0	2	2	0
	2017	1	0	0	1	1	0
	2016	1	0	0	1	0	0

\*Residential Facility crime statistics are a subset of the On Campus category, i.e. they are counted in both categories.

**There were no hate crimes reported in the categories above for 2016, 2017, or 2018.**

There were no hate crimes reported in the categories of: murder, non-negligent manslaughter, rape, fondling, incest, statutory rape, robbery, aggravated assault, burglary, motor vehicle theft, arson, simple assault, larceny-theft, intimidation, destruction/damage/vandalism of property.

### **Unfounded Crimes**

There were no unfounded crimes in the categories above for 2016, 2017, or 2018.

### **Emergencies and Reporting Crimes**

- University Police & Public Safety, 1900 West Reeker Avenue, Pine Bluff, AR 71601 (870) 575-8102 or dial 911
- Pine Bluff Police Department, 208 E. 8<sup>th</sup> Avenue, Pine Bluff, AR 71601 (870) 541-5300
- Metropolitan Emergency Communication Association (MECA) –  
(870) 541-5300 or dial 911
- Student Health Services- Hugh Browne Infirmary, 2103 John Kennedy Drive, Pine Bluff, AR 71601 (870) 575-7107 or dial 911

Other types of emergency –

- University Police & Public Safety, 1900 West Reeker Avenue Pine Bluff, AR 71601  
(870) 575-8102 or dial 911
- Pine Bluff Police Department, 208 E. 8<sup>th</sup> Avenue, Pine Bluff, AR 71601  
(870) 541-5300 or dial 911
- Metropolitan Emergency Communication Association (MECA) –  
(870) 541-5300 or dial 911

Crimes in violations of local, state or federal laws

- University Police & Public Safety  
1900 West Reeker Avenue, Pine Bluff, AR 71601  
(870) 575-8102
- Pine Bluff Police Department, 208 E. 8<sup>th</sup> Avenue  
Pine Bluff, AR 71601  
(870) 541-5300

- Jefferson County Sheriff's Office  
101 East Barraque Street #112  
Pine Bluff, AR 71601  
(870) 541-5351
- Arkansas State Police  
6816 Princeton Pike  
Pine Bluff, AR 71602  
(870) 247-1483

## **ACCESS TO FACILITIES**

The campus' facilities are open to members of the University and authorized visitors. Tours may be scheduled through the site coordinator when visiting the campus or by visiting us online: <https://uapb.tfaforms.net/46>. Visitor parking is allowed in designated areas or by temporary permit only. Permission to park on campus may be obtained visiting the Troy and Gladys Alley Information Center, 1020 N. University Dr. or by calling the site coordinator at (870) 575- 8801. The administrative and classroom on campus are typically open Monday through Friday from 8:00 a.m. until the last class in session. Unless there is a special activity, during all other times not noted and during the weekend, the campus buildings are locked. The building on campus is also monitored by security cameras 24 hours a day. Students have access to residential facilities using their access cards.

## **Maintenance of Facilities**

UAPB is committed to campus safety and security. Proper lighting and building security are major factors in reducing crime on campus. Inspections of all UAPB facilities are conducted on a regular basis and repairs are made as quickly as possible.

NOTE: All other policies and procedures outlined in this report for the Pine Bluff campus apply to the UAPB campus, unless otherwise described in this section. UAPB reports the crimes required by the Clery Act that occurred on or within an institution's Clery Geography that were reported to a Campus Security Authority.

## **\*\* CLERY ACT REQUIREMENT UPDATES: VIOLENCE AGAINST WOMEN REAUTHORIZATIONS ACT (VAWA) OF 2013**

On March 7<sup>th</sup>, 2013, President Obama signed the Violence Against Women Reauthorization Act of 2013 (VAWA) (Pub. Law 113-4), which, among other provisions, amended section 485(f) of the HEA, otherwise known as the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act). The Clery Act requires institutions of higher education to comply with certain campus safety and security related requirements as a condition of their participation in the title IV, HEA programs. Notably, VAWA amended the Clery Act to require institutions to compile statistics for incidents of dating violence, domestic violence, stalking, and sexual assault and to include certain policies, procedures, and programs pertaining to these incidents in their annual security reports (ASR). The sexual assault statistics are counted in the areas specified.

Crime statistics are reported by location, i.e., on-campus, non-campus, student residences, and public property. The areas for disclosure are identified as:

## **LOCATION DEFINITIONS**

### **On-Campus:**

- Any building or property owned or controlled by an institution of higher education within the same reasonably contiguous geographic area of the institution and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including the on-campus student housing.
- Any property within the same reasonably contiguous geographic area of the institution but controlled by another person, is used by students, and supports institutional purposes (such as food or other retail vendors). Crime statistics occurring within existing commercial lease holders within University Plaza shopping center are not reported as the business existed prior to the University's acquisition of this property.

### **Non-Campus:**

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

### **Public Property:**

- All public property that is within the same reasonably contiguous geographic area of the institution, such as a sidewalk, a street, other thoroughfare, or parking facility, and is adjacent to a facility owned or controlled by the institution if the facility is used in direct support of or in a manner related to the institution's purposes.

### **Student Residence:**

- A subset of "on-campus" crime statistics, which includes only those crimes that were reported to have occurred in on-campus student housing.

**2019 Annual Security Report University of  
Arkansas at Pine Bluff  
Department of Agriculture –Regulatory Science (North Little Rock)  
UAPB-DARS (NLR)**

1333 Main Street  
North Little Rock, AR 72114

The UAPB-DARS (NLR) serves as a satellite location for the UAPB. The site currently offers courses leading to a Bachelor's Degree in Regulatory Science with three options: Industrial Health & Safety; Environmental Biology; and Agricultural Science. The multi-disciplinary curriculum in Regulatory Science is designed to prepare students for exciting careers related to regulatory and compliance activities with federal, state, and local governments as well as private industry. Regulatory Science, services, and resources for the residents of its service area. UAPB-DARS (NLR) is conveniently located 1.5 miles from the North Little Rock Police Department.

**Emergencies and Reporting Crime**

The North Little Rock UAPB Campus does not have a Student Residential Housing Facility. Community members, students, faculty, staff, and guests are encouraged to report all crimes and public safety related incidents to one of the offices listed below.

Medical Emergency and Other Types of Emergencies

North Little Rock Police Department at (501) 758-1234  
Metropolitan Emergency Medical Services (MEMS) (501) 301-1400  
Pulaski County Sheriff's Office at 501-791-7252 or dial 911

Violations of Local, State, and Federal Law

North Little Rock Police Department at (501) 758-1234  
Pulaski County Sheriff's Office at 501-791-7252 or dial 911

Domestic violence, dating violence, sexual assault, stalking

Although it may be difficult, it is always best to report domestic violence, dating violence, sexual assault, and stalking to University Police or local police.

Individuals may report domestic violence, dating violence, sexual assault, and stalking to:

North Little Rock Police Department at (501) 758-1234  
Pulaski County Sheriff's Office at 501-791-7252

Other Available Resources:

UAPB- DARS (NLR) Site Coordinator at 501-374-3985  
Baptist Health Medical Center at 501-202-3000  
Jefferson Comprehensive Counseling Associates, Inc. at (501) 319-7911

**Access to Facilities**

The UAPB-DARS (NLR) campus' facilities are open to members of the University and authorized visitors. Tours may be scheduled through the site coordinator when visiting the campus or by calling

501-374-3985. Visitor parking is allowed in designated areas or by temporary permit only. Permission to park on campus may be obtained by calling the site coordinator at 501) 374- 3985. The administrative and classroom on campus are typically open Monday through Friday from 8:00 a.m. until 9:00. On Saturday, half day classes are held from 8:00 a.m. until 2:00 p.m. Unless, there is a special activity, during all other times not noted and during the weekend, the campus building is locked, the campus entrances are secured. The building on campus is also monitored by security cameras 24 hours a day. There are no residential facilities on the North Little Rock campus.

### **Maintenance of Facilities**

UAPB-DARS (NLR) is committed to campus safety and security. Proper lighting and building security are major factors in reducing crime on campus and at off campus facilities. Inspections of all UAPB-DARS (NLR) facilities are conducted on a regular basis and repairs are made as quickly as possible.

NOTE: All other policies and procedures outlined in this report for the Pine Bluff campus apply to the UAPB-DARS (NLR) campus, unless otherwise described in this section. UAPB reports the crimes required by the Clery Act that occurred on or within an institution's Clery Geography that were reported to a Campus Security Authority.

Offense (Reported By Hierarchy)	Year	On Campus	Non campus	Public Property	Total	Residential Facilities*	Unfounded Crime
<b>CRIMINAL OFFENSE</b>							
Murder/Non Negligent Manslaughter	2018	0	0	0	0	0	0
	2017	0	0	0	0	0	0
	2016	0	0	0	0	0	0
Manslaughter by Negligence	2018	0	0	0	0	0	0
	2017	0	0	0	0	0	0
	2016	0	0	0	0	0	0
Rape	2018	0	0	0	0	0	0
	2017	0	0	0	0	0	0
	2016	0	0	0	0	0	0
Fondling	2018	0	0	0	0	0	0
	2017	0	0	0	0	0	0
	2016	0	0	0	0	0	0
Incest	2018	0	0	0	0	0	0
	2017	0	0	0	0	0	0
	2016	0	0	0	0	0	0
Statutory Rape	2018	0	0	0	0	0	0
	2017	0	0	0	0	0	0
	2016	0	0	0	0	0	0
Robbery	2018	0	0	0	0	0	0
	2017	0	0	0	0	0	0
	2016	0	0	0	0	0	0
Aggravated Assault	2018	0	0	0	0	0	0
	2017	0	0	0	0	0	0
	2016	0	0	0	0	0	0
Burglary	2018	0	0	0	0	0	0
	2017	0	0	0	0	0	0
	2016	0	0	0	0	0	0
Motor Vehicle Theft	2018	0	0	0	0	0	0
	2017	0	0	0	0	0	0
	2016	0	0	0	0	0	0
Arson	2018	0	0	0	0	0	0
	2017	0	0	0	0	0	0
	2016	0	0	0	0	0	0
<b>ARREST REFERRAL</b>							
Liquor Law Arrests	2018	0	0	0	0	0	0
	2017	0	0	0	0	0	0
	2016	0	0	0	0	0	0
Drug Law Arrests	2018	0	0	0	0	0	0
	2017	0	0	0	0	0	0
	2016	0	0	0	0	0	0
Weapons Law Arrests	2018	0	0	0	0	0	0
	2017	0	0	0	0	0	0
	2016	0	0	0	0	0	0
Liquor Law Violations Referred for Disciplinary Action	2018	0	0	0	0	0	0
	2017	0	0	0	0	0	0
	2016	0	0	0	0	0	0
Drug Law Violations Referred for Disciplinary Action	2018	0	0	0	0	0	0
	2017	0	0	0	0	0	0
	2016	0	0	0	0	0	0
Weapons Law Violations Referred for Disciplinary Action	2018	0	0	0	0	0	0
	2017	0	0	0	0	0	0
	2016	0	0	0	0	0	0
<b>VAWA</b>							
Domestic Violence	2018	0	0	0	0	0	0
	2017	0	0	0	0	0	0
	2016	0	0	0	0	0	0
Dating Violence	2018	0	0	0	0	0	0
	2017	0	0	0	0	0	0
	2016	0	0	0	0	0	0
Stalking	2018	0	0	0	0	0	0
	2017	0	0	0	0	0	0
	2016	0	0	0	0	0	0

\*Residential Facility crime statistics are a subset of the On Campus category, i.e. they are counted in both categories.

**There were no hate crimes reported in the categories above for 2016, 2017, or 2018.**

There were no hate crimes reported in the categories of: murder, non-negligent manslaughter, rape, fondling, incest, statutory rape, robbery, aggravated assault, burglary, motor vehicle theft, arson, simple assault, larceny- theft, intimidation, destruction/damage/vandalism of property.

**Unfounded Crimes**

There were no unfounded crimes in the categories above for 2016, 2017, or 2018.

**2019 FIRE SAFETY REPORT**

The Higher Education Opportunity Act, enacted on August 14, 2008, requires institutions that maintain on-campus student housing facilities to publish an annual fire safety report that contains information about campus fire safety practices and standards of the institution. This report refers to the Pine Bluff campus, where UAPB has residential facilities.

All fires shall be reported to University Police 575-8102, Maintenance 575-8831, and Residence Life 575-7256.

Faculty Name and Address	Total Fires to each Facility			Date Occurred			Time			Cause of Fire			Number of Injuries Requiring Treatment at a Medical Facility			Number of Fire Related Deaths			Value of Property Damage		
	2018	2017	2016	2018	2017	2016	2018	2017	2016	2018	2017	2016	2018	2017	2016	2018	2017	2016	2018	2017	2016
Years >	2018	2017	2016	2018	2017	2016	2018	2017	2016	2018	2017	2016	2018	2017	2016	2018	2017	2016	2018	2017	2016
Harrold Complex 1204 N. L.A. Prexy Davis Dr.	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
JBJ Complex 2000 N. L.A. Prexy Davis Dr	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Delta Complex 1701 N. L.A. Prexy Davis Dr.	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Hunt Hall 2101 N. L.A. Prexy Davis Dr.	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Lewis Hall 2102 John Kennedy Dr.	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Douglas Hall 2104 John Kennedy Dr.	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
UAPB-NLR 1333 Main Street	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Fire Statistics

## Residential Fire Safety Systems and Evacuation Drills

Residential Facility	Fire alarm monitoring done on site by Public Safety	Pull station	Heat detection	Smoke detection	Fire Extinguisher Devices	Evacuation Plan/Placards	Sprinkler System	Number of evacuation (fire) drills each calendar year
Harrold Complex 1204 N. L.A. Prexy Davis Dr.	X	X	X	X				1
JBJ Complex 2000 N. L.A. Prexy Davis Dr.	X	X	X	X	X			1
Delta Complex 1701 N. L.A. Prexy Davis Dr.	X	X	X	X	X		X	1
Hunt Hall 2101 N. L.A. Prexy Davis Dr.	X	X	X	X	X			1
Lewis Hall 2102 John Kennedy Dr.	X	X	X	X	X			1
Douglas Hall 2104 John Kennedy Dr.	X	X	X	X	X			0

### FIRE EVACUATION PROCEDURES FOR STUDENT HOUSING

Know the location of the fire extinguishers, exits, and pull stations in your area and know how to use them. Training and information are available from University Police.

- Safeguard life.
- Confine the fire by closing all doors as you leave. DO NOT lock the doors.
- Report fire and/or smoke by activating the nearest fire alarm.
- Call University Police at 870-575-8102.
- Do not attempt to fight the fire alone.
- Evacuate the building immediately when the building fire alarm sounds or when asked to do so by University Police or Residential Life personnel.
- Evacuation maps are located in each building on each floor. Familiarize yourself with

the evacuation plan.

- When you evacuate, do not stop for personal belongings. Leave immediately using the stairs. Do not use the elevator.
- Assist any individual who is disabled.
- Evacuate at least 500 feet from the building. Do not return to the building until instructed to do so by authorized personnel.
- To move through a smoke-clouded area, drop to your knees and crawl to the nearest evacuation exit.
- Notify both University Police and any authorized fire personnel if you suspect someone may be trapped inside the building.
- If you become trapped in a building during a fire and a window is available, place an article of clothing outside the window as a marker for emergency personnel. If no window is available, stay near the floor where the air will be less smoky. Shout at regular intervals to alert emergency personnel of your location.

### **Fire Drills and Evacuations**

Each residence hall will conduct at least 1 fire drill per semester to educate and prepare residents for evacuation procedures in case of fire. All residents must evacuate the residence hall when the fire alarm sounds. Failure to exit the building during a fire drill could result in disciplinary action. Ten residential fire drills were completed this year.

### **Fire Prevention**

The following items are prohibited in Residence Halls:

- Open flames
- Candles and incense
- Space heaters
- Hot plates
- Toasters/toaster ovens
- George Foreman or similar style electric grills
- Smoking

### **Suggested Ways to Prevent Fire in the Residence Halls**

- Make sure that all appliances are turned off as you finish using them. This includes curling irons, irons, and blow dryers. If you have a refrigerator or any other appliance using a large electrical cord, and find it necessary to use an extension cord, the extension cord must be of the same thickness as the appliance's cord. A smaller cord will not adequately or safely carry the necessary current.
- Avoid overloading an electrical outlet: You should not use cube plugs. Be sure that, if you do use extension cords, they are located safely and away from high traffic areas. These cords should never be frayed or have any wires exposed.
- It is important that you demonstrate your concern by noting problematic situations to others. If for any reason others are careless, you need to point this out to them so that the safety of all residents is maintained.

### **Procedures Students and Employees Should Follow In Case of a Fire**

- If you discover or suspect a fire immediately evacuate the building using the nearest available exit. Do not attempt to fight a fire unless you have been trained to do so.

Sound the building fire alarm by activating the nearest pull station and or verbally sounding the alarm and knocking on doors as you evacuate the building by the nearest exit.

- Notify University Police by dialing 8102 from any campus phone, or if using a cell phone dial 911 and inform authorities of your situation and location.
- DO NOT re-enter the building for any reason until given clearance by University Police or other emergency responders on the scene.

### **Reporting a Fire for Inclusion in the Fire Statistics - Reporting Fires**

Per federal law, the University of Arkansas at Pine Bluff is required to annually disclose statistical data on all fires that occur in on-campus student housing facilities. Therefore, if you encounter a live fire in one of these facilities, you should immediately get to a safe place, then dial 911. Once the emergency has passed, you should notify University Police at 575-8102 to investigate and document the incident for disclosure in the University's annual fire statistics.

If a member of the UAPB community finds evidence of a fire that has been extinguished, and the person is not sure whether University Police has already responded, the community member should immediately notify University Police at 575-8102 to investigate and document the incident for disclosure in the University's annual fire statistics.

### **Daily Fire Log**

University Police maintains a daily fire log. The daily fire log for each campus is open to public inspection and available on the UAPB website at:

University Police:

<http://www.uapb.edu/sites/www/Uploads/University%20Police/2018-%20FIRE%20LOG.pdf>

### **Fire Safety Education and Training**

The UAPB maintains a system of building coordinators who monitor facility use and conditions. Certain unit/office heads in the respective buildings are charged with monitoring and enforcing policies that ensure efficient energy use, safety and security measures, and initiating reports and work orders regarding cleanliness and needed repairs.

Building coordinators work with the Director of Facilities Management to comply with quality standards of maintenance, safety, and energy usage. Employees who observe conditions needing attention should notify the secretary of the building coordinator. A complete list of building coordinators is maintained in the Director of Facilities Management's office. Assignment of personnel as building coordinators is a decision of the Executive Council.

United Fire Suppression, a third-party vendor, conducts semiannual inspections of all facilities on campus that have fire alarm systems. Another third-party vendor, A&A Fire and Safety Company, LLC., conducts annual inspections of all fire extinguishers on campus and makes any necessary repairs and upgrades.

All faculty, staff, and students are expected to familiarize themselves with the evacuation plan for

the buildings in which they occupy including the identified immediate evacuation area. In the residence halls, evacuation routes are posted in the hallways on every floor and students are instructed at the opening meeting and other floor meetings on evacuation procedures. Programs are also presented in residence halls on various safety issues including fire safety. Students are reminded about fire evacuation procedures during all hall meetings, floor meetings, or after problems occur during fire drills and accidental activations of the alarm.

The resident assistant (RA) on duty completes rounds that include checking fire extinguishers (gauges, missing tags), and complete Work Order Requests for any issues. In addition, cleaning staff also check and submit Work Order Requests for extinguishers that need replacement. The Residential Fire Marshall conducts periodic inspections of exit signs, detectors, doors, and pull stations within the residence halls. Work Requests are subsequently submitted to address items that require corrective action. Additionally, student rooms are thoroughly inspected during Thanksgiving, winter, spring breaks, and during the annual state fire inspection conducted by the Pine Bluff Fire Department.

Director of Residential Life, Residential Assistants and Residential Specialists receive fire safety/emergency training annually. Employees will also receive training when policy or procedures relating to fire safety change. This training will include: protocol for reporting fires, procedures for evacuating a building, and how to respond to other emergencies. Students will receive this training during the beginning of the fall semester or orientation sessions.

#### **PLANS FOR FUTURE IMPROVEMENT**

As resources become available, the institution will continue to improve all residential and academic facilities. Currently, UAPB has plans to improve and increase police equipment, personnel, and technology.