

Pine Bluff Campus and North Little Rock Site

# 2024 ANNUAL SECURITY AND FIRE SAFETY REPORT

2023-2024 Academic Year

Containing crime statistics for 2023, 2022 and 2021

# UAPB

*2024 Annual Security and*

*Fire Safety Report*

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# Message From the Chief of Police

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Greetings Golden Lions:

The 2024 University of Arkansas at Pine Bluff (UAPB) Annual Security and Fire Safety Report has been produced in accordance with the requirements of the federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, and provides information you may use to safeguard yourself and your property. I encourage you to review the ASFSR report; your campus police leaders, Title IX Director and Deputy Coordinator, Dean of Residential Life and many other campus partners have come together and are invested in creating a safer campus.

The UAPB Police and Public Safety Department (*hereinafter referred to as "UAPBPD"*) is committed and dedicated to continuously exceed your expectations of safety and security 24 hours a day.

The UAPBPD is comprised of commissioned law enforcement officers sworn and delegated with the authority and powers to enforce all state laws and violations of University codes and ordinances. Our Public Safety Officers, communications, and civilian personnel collaborate with partners within our campus community to ensure our campus is a safe place, where future leaders are developed academically to influence change, innovation and positively impact humanity. We pride ourselves in ensuring all members of the Golden Lion Family are treated with respect and sincerity.

Our police officers patrol the UAPB campus community and work diligently with local Pine Bluff service providers and law enforcement agencies to ensure an efficient and quality emergency response. The UAPBPD will always be here to serve and protect you. For emergency preparedness and crime prevention resources, we invite you to visit our website, [UAPB Campus Police](#). We are available to answer your questions and concerns. You may request a printed copy of this report by calling UAPBPD at (870) 575-8102.

Sincerely,

*Chief Tony B. Jordan*

Tony B. Jordan  
Chief of Police



*Tony B. Jordan*  
Chief of Police

# Overview of the *UAPB* Police Department

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## **Vision**

The UAPBPD's vision is to provide an environment for the University Community that results in: reduction and fear of crime, maximum efficiency, enhanced customer service, improved public confidence, and a personal and professional growth for employees.

## **Mission**

UAPBPD's mission is to provide professional law enforcement services to the University Community. This mission is accomplished by adhering to and enforcing the laws of this State, and codes and ordinances of the University; by serving and protecting, and by ensuring a safe environment for the university community; and by delivering quality services in a tactful and professional manner.

## **Officer Training**

UAPBPD Police officers receive the same training as other full-service police officers in Arkansas. They must successfully complete an authorized Arkansas Law Enforcement Training Academy program with a minimum of 533 hours of specialized instruction. Also, all university officers must successfully complete an on-the-job field training program under the supervision of experienced officers and supervisors. This training lasts a minimum of 3 months and covers security and crime concerns specific to the University community. The Commission on Law Enforcement Standards and Training (CLEST) requires 24 hours of annual continuing education. Racial Profiling and Firearms Qualifications are mandatory training requirements.

## **Addressing Jurisdiction and Inter-Agency Relationships with Local and State Law Enforcement Personnel**

The UAPBPD maintains excellent working and mutual aid relationships with other state and local law enforcement agencies and will coordinate responses to crime when appropriate. UAPBPD recognizes the importance of maintaining close and cooperative working relationships with the Jefferson County Sheriff's Office, Pine Bluff Police Department, Pine Bluff Fire Department, and Jefferson County Prosecuting Attorney's Office. UAPBPD routinely meets with these agencies on a formal and informal basis regarding specific issues and the need arises. UAPBPD has the authority to request law enforcement personnel from other agencies as needed or required to deal with emergency situations and special events on campus.



## Emergency Assistance and Rave Overview

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### For an Emergency, Dial 911



**Register for RAVE-** Register for approved Alert UAPB emergency communications and other important information via email, text message and voicemail.

You may also register for Guardian and transform your mobile phone into a personal alarm beacon. In the event of an emergency, your elected critical information will be provided to the UAPBPD, which helps public safety officers respond quickly to serve you. This service is provided to you free of charge by UAPB.

Rave does not charge subscribers to send or receive SMS messages, but standard or other messaging charges apply depending upon your wireless carrier plan and subscription details. Once registered, you can opt out of SMS messages at any time by texting STOP to 226787

- **Emergency Notifications via Cell Phone-** Watch for text alerts via (Alert UAPB) if there is a campus threat or campus closure due to severe weather or power outages.
- **UAPB Webpage-** Visit [www.uapb.edu](http://www.uapb.edu) for detailed emergency information and crisis updates.
- **Email-** Check your official university email after an emergency for support and resource information.
- **Phone-** Call Campus Police at (870) 575-8102 for emergency assistance and updates relating to campus alerts.

# UAPB

## *2024 Annual Security and Fire Safety Report*

The UAPB 2024 Annual Security and 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 the UAPB and UAPB-DARS (NLR) campuses unless otherwise indicated.

### **Clery Act Requirements**

**History:** The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) is a federal policy that requires all colleges and universities participating in federal financial aid programs to maintain and disclose campus crime statistics and security information 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, formally 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. Ms. 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." 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 reported to police and campus officials other than police, along with a criminal activity breakdown of locations 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.



1965 L.A. Davis Sr. Student Union

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

The UAPBPD prepares this report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act (Clery Act). The 2024 Annual Security Report/Fire Safety Report includes statistics for the previous three years (2023, 2022, and 2021) concerning reported crimes/fires that occurred: (1) on-campus; (2) in certain non-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 the Relativity Public Safety system (RPS), police daily/fire logs, criminal case files, campus security authorities, local law enforcement agencies 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 offenses and violations. In accordance with the Clery Act, the UAPB- Department of Agriculture, Regulatory Science, North Little Rock (UAPB-DARS (NLR) site 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 selecting the below link:

➤ [2024 CLERY REPORT](#)

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

University Police & Public Safety has primary responsibility for campus safety. Specifically, University police are 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. 2§ 5-17-305. 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.

The University of Arkansas at Pine Bluff has a written memorandum of understanding (MOU) between UAPBPD pertaining to the investigation of alleged criminal incidents within the City of Pine Bluff. In addition, the university has a MOU with the Jefferson County Sheriff's Office. The MOU, is a mutual agreement that addresses the jurisdictional boundaries of the campus and law enforcement authority.



Based on this MOU, University Police & Public Safety officers have the authority to affect an arrest or execute search warrants within the agreed jurisdictional boundaries. The UAPB and UAPBPD's jurisdiction includes certain highways, streets, alleys, and rights-of-way in the City of Pine Bluff, which create an imaginary "box" around a portion of the real property owned or controlled by the University. The highways, streets, alleys, and rights-of-way which form the perimeter of this "box" are, by definition, contiguous or adjacent to the real property owned or controlled by the University. When incidents occur within the jurisdiction of the Department which require expertise or resources not available within the Department; the Director, or his designee, may request assistance from the Arkansas State Police, the Jefferson County Sheriff's Department, the City of Pine Bluff Police Department, or other neighboring Police Departments as deemed necessary.



The memorandum of understanding 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. UAPBPD, Jefferson County Sheriff's Office (JCSO), and the Pine Bluff Police Department (PBPD) maintain a close working relationship. PBPD and JCSO officers routinely work and communicate with the University Police & Public Safety Department on any serious incidents occurring on-campus or in the immediate neighborhood and business areas surrounding campus. In 2021-2023, UAPB leased several apartment units (non-campus housing) with Piney Woods Apartments, and local law enforcement agencies investigate criminal activity University public safety officers shall initiate police action outside of their jurisdiction only if an event occurs, and leads the officer to believe that immediate police intervention is necessary to prevent the loss of life or serious bodily injury to an individual. University police officers shall notify the City of Pine Bluff Police Department as soon as possible after taking action, and shall request the dispatch of an officer to the scene. University police officers shall turn the investigation over to the City of Pine Bluff Police Department upon their arrival and assist in anyway directed, as it relates to Piney Woods' non-campus housing status. With the exception to this lease, UAPB operates no other 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 PBPD and JCSO have primary jurisdiction in all areas off-campus, University Police & Public Safety officers 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, leased or affiliated property to be reported for inclusion in the University's 2023-2021 Annual Crime Statistics.

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.

Vigilant Force Security is contracted to provide commissioned and non-commissioned contract security to supplement police services provided by UAPBPD. Vigilant Force enforces university/college policies and procedures, but do not have the authority to enforce the law; arrest powers; and their jurisdiction is limited to campus owned and controlled property. Security services includes, but not limited to, crowd control, ticket agents, service attendants, vehicle posts, traffic control, and parking. Vigilant Force security guards are expected to conduct gate checks of patrons to prevent prohibited items defined by UAPB from entering the premises. Security guards immediately report any situations which occur to UAPB public safety officers.

## Law Enforcement Jurisdiction

In accordance with governing law, the real and personal property owned or controlled by the University is subject to the jurisdiction of the UAPBPD. University Police officers shall be the first responding authority for the enforcement of all State of Arkansas traffic laws as well as the first responding investigating authority for all calls requiring or requesting police service on the real and personal property owned or controlled by, and contiguous and adjacent to the University to include any highway, street, alley, or right-of-way comprising and within the perimeter of the “box.” The department’s jurisdiction does not extend to private property not owned or under the control of the University which is adjacent to the areas within the “box” as follows:



- **University Drive:** North corners of Fluker Street to the southwest corner of McFadden Road
- **McFadden Road:** Southwest corner of University Drive to ¼ mile down McFadden Road
- **Oliver Road:** West corners of University Drive to the Farm and Fishery
- **Spruce Street:** North corners of Fluker Street to Oliver Road
- **Fluker Street:** North corners of Spruce Street to east dead end of Fluker Street
- **Reeker Street:** Northeast corner of Hazel Street to north corners of Spruce Street to University Street
- **Hazel Street:** Northeast corner of Reeker Street to north dead end of Hazel Street
- **Hill Street:** East corners of Hazel to Spruce Street

In addition to the above defined areas, all service drives, alleyways, and parking lots, or any other real or personal property which belongs to the University and which physically located within the city limits or elsewhere, shall fall under the jurisdiction of the Department.

The University Police Department’s jurisdiction does not extend to private property not owned or under the control of the University. The UAPBPD will have concurrent jurisdiction with the Pine Bluff Police Department over any locations falling within the reporting requirements of the Campus Security Act of 1990, as amended. University public safety officers shall initiate police action outside of their jurisdiction only if an event occurs, and leads the officer to believe that immediate police intervention is necessary to prevent the loss of life or serious bodily injury to an individual. University police officers shall notify the City of Pine Bluff Police Department as soon as possible after taking action, and shall request the dispatch of an officer to the scene. University police officers shall turn the investigation over to the City of Pine Bluff Police Department upon their arrival and assist in anyway directed.

## **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 are hesitant about reporting crimes to the police, but may be more inclined to report incidents to other campus-affiliated individuals whom they may have established a rapport with. Crimes may be reported confidentially to CSAs for inclusion in the annual security report.

## **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. 8th 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 Street Pershing Boulevard  
North Little Rock, AR 72114  
(501) 758-1234 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. 8th 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 Street Pershing Boulevard  
North Little Rock, AR 72114  
(501) 758-1234 or dial 911

- Pulaski County Sheriff's Office  
2900 South Woodrow  
Little Rock, AR 72204  
(501) 340-6963 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  
200 West Pershing Boulevard  
North Little Rock, AR 72114  
(501) 758-1234
- Pulaski County Sheriff's Office  
2900 South Woodrow Street  
Little Rock, AR 72204  
(501) 340-6963

#### Violations of University regulations –

- Student Judicial System  
1200 North University Drive, Mail Slot 4932  
Pine Bluff, AR 71601  
(501) 575-8361
- University Police and 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 UAPB



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.

### **Reporting to Meet Disclosure Requirements**

Crimes should be reported to University Police & Public Safety (870) 575-8102, 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.

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

**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

**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.

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

**Dating Violence** is defined as violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors: 1) the length of the relationship; 2) the type of relationship; and, 3) the frequency of interaction between the persons involved in the relationship. For the purposes of this definition-

- Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- Dating violence does not include acts covered under the definition of domestic violence.

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.

### **Domestic Violence:**

A Felony or misdemeanor crime of violence committed-



- By a current or former spouse or intimate partner of the victim;
- By a person with whom the victim shares a child in common;
- By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
- By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
- By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

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

**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).

**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.

**Larceny-Theft** is The unlawful taking, carrying, leading or riding away of property from the possession or constructive possession of another. (Larceny and theft mean the same thing in the UCR.) Constructive possession, for the purposes of the Larceny definition, is the condition in which a person does not have physical custody or possession, but is in a position to exercise dominion or control over a thing.

**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.

**Motor Vehicle Theft** is The theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned—including joyriding.)

**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.

**Weapons Violations** 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.

## **Sexual Assault (Sex Offenses)**

### **Rape**

The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes the rape of both males and females.

### **Fondling**

The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

### **Incest**

Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

### **Statutory Rape**

Sexual intercourse with a person who is under the statutory age of consent.

**Stalking** is defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others; or suffer substantial emotional distress. For the purposes of this definition-

*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.

*Reasonable person* means a reasonable person under similar circumstances and with similar identities to the victim.

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

### **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.

### **Daily Crime Log Policy**

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 UAPBPD.**

➤ [Daily Crime Report](#)

## **Timely Warnings**

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 (Safety Officials). 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
- A string of Burglaries or Motor Vehicle Thefts that occur in reasonably close proximity to one another;
- 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, and stalking
- Other Clery crimes as determined necessary by the Chief of Police, or his or her designee in his or her absence.

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 Warnings 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]

### **Alert UAPB (Rave Emergency Notification System and Procedures)**

The UAPB has partnered with Rave Mobile Safety to provide the Alert UAPB 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 his or her 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. The Chancellor or his or her designee, Vice Chancellor for Student Affairs, Dean of Students, site coordinator for UAPB- DARS (NLR), or Chief of University Police will collaborate to determine the content of the message and will use some or all of the systems described below to communicate the threat to the UAPB Community. 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>Rave Mobile Safety</b>	<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>	Safety Official	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 UAPB homepage and/or social media.

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.



Economic Research Development Center (ERDC)

## 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.





2023 Lion Fever Day

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."



Jefferson County Courthouse- Pine Bluff, Arkansas

### **Counselor Confidential Reporting**

Mental health counselors working in the official capacity at the Student Counseling Center are not considered to be a CSA and are 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. Professional counselors help clients identify goals and potential solutions to problems which cause emotional turmoil; seek to improve communication and coping skills; strengthen self-esteem; and promote behavior change and optimal mental health. Counselors work with clients on strategies to overcome obstacles and personal challenges that they are facing. Pastoral counseling is a unique form of psychotherapy which uses spiritual resources as well as psychological understanding for healing and growth. It is provided by certified pastoral counselors, who are not only mental health professionals but who have also had in-depth religious and/or theological training. UAPB does not have pastoral counselors or provide counseling of a religious nature.



## 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 UAPBPD, 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.



UAPB International Travel Abroad Site: Guatemala, Trinidad and Tobago, Ghana, and Costa Rica.

## Building Evacuation

If a building is to be evacuated, everyone should move at least 500 feet from the building. 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. Exit your building should a fire alarm sound and/or upon notification by the University Police (Rave Alert Notification).
2. All exits are marked in your area and building. Become familiar with the exit routes in your work area.
3. If an emergency occurs or you are directed to do so by your building manager or University Police, activate the building fire alarm. If the **fire alarm in your Building stops ringing, 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 UAPBPD should be notified immediately.
10. Do not return to an evacuated building until told to do so by the UAPBPD.

## **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 UAPBPD (870-575-8102) 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:

➤ [Crisis Management Handbook](#)

*Individuals may report emergencies and non-emergencies occurring at the UAPB by calling 911 or 870- 575-8102 from your cell phone or landline.*



## Crisis Emergency Calling Procedures

**FACULTY, STAFF AND STUDENTS MAY REPORT EMERGENCIES BY DIALING (870) 575-8102 or 911. WHEN CALLING 911, TELL THE OPERATOR YOU ARE ON THE UAPB CAMPUS AND ASK THEM TO CALL THE UNIVERSITY POLICE. THE UNIVERSITY WILL NOTIFY ALL OTHER EMERGENCY AND/OR RESOURCE UNITS.**

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, Chief of Staff, Provost and Vice Chancellor for Academic Affairs, Vice Chancellor for Finance and Administration, Vice Chancellor for Enrollment Management, Vice Chancellor for Student Affairs, –Vice Chancellor for Institutional Advancement, , 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 Facilities Management).

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



### **Eye Witness (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**

Public Safety uses video surveillance to enhance safety for students, faculty, and staff while on our campus. The Avigilon system is set up in limited 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 thoroughways, building egresses, parking lots, and facilities. Cameras are only installed where an individual's expectation of privacy is generally limited.

### **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. 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 and to address security related matters.

All residence halls are secured 24 hours a day with traditional or swipe key access. Every effort is made to ensure that all residence halls are free from uninvited guests. UAPBPD personnel uses camera and video surveillance on the Delta, Harrold, and Johnny B. Johnson Housing Complex dorm parking lots to identify parties responsible for damages, vandalism, and any other violations of the Student Code of Conduct. In addition, Public Safety officers



consistently patrol all parking lots on the UAPB campus. Visitation hours for all residence halls, including the Johnny B. Johnson Housing Complex have limited visitation hours from Sunday through Thursday; 3:00 p.m. until 12:00 a.m., Friday and Saturday; 3:00 p.m. until 1:00 a.m. All freshmen living in residence halls have curfew hours, Sunday thru Thursday 12:00 a.m. and Friday and Saturday, 2:00 a.m. For added security, a resident assistant is on duty in each of the residence halls during visitation hours. All residents must meet their guests at the reception desk, both the resident and the guest must sign the guest registry. The guest must leave a valid photo-bearing identification, and it will be returned to them when they are escorted back to the reception desk by the resident to check out and exit the building. Quiet hours begin at 8:00 p.m. and continue until 8:00 a.m. Excessive noise is disturbing and is not permitted.



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. 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 (870) 575-8831.

## **Protection of Minors on Campus**

The UAPB 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 and 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 (870) 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 the 2022-2023 academic year, 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 2021-2023:

- 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 UAPB 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 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 your convenience, select the above link for form access.

**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 & TITLE IX OF THE EDUCATION AMENDMENTS OF 1972**

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.



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

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

## **JURISDICTION AND SCOPE**

Sexual harassment as defined in this policy (including sexual assault) is a form of sex discrimination and is prohibited. Title IX requires the University to promptly and reasonably respond to sexual harassment in the University's education programs and activities, provided that the harassment was perpetrated against a person in the United States. At the time that a formal complaint is filed, the complainant must be participating in (or attempting to participate in) an education program or activity of the University. An education program or activity includes locations, events, or circumstances over which the University exercised substantial control over both the respondent and the context in which the sexual harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by a postsecondary institution.

This policy applies to allegations and complaints of sexual harassment, as defined herein. All other complaints of discrimination or misconduct that do not fall within the jurisdiction of Title IX may be made through other campus procedures. This policy shall not be construed or applied to restrict academic freedom at the University.

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

## **REPORTING**

If you have been the victim of domestic violence, dating violence, sexual assault, or stalking, you should report the incident promptly to the Title IX Deputy Coordinator:

**All complaints or concerns about conduct that may violate this policy should be submitted to:**

### **Tonisha Davis**

Title IX Director of Affirmative Action  
Delta Annex, Room 112  
P: 870-575-8052 or F: 870-575-4753  
Email: [titleix@uapb.edu](mailto:titleix@uapb.edu)

### **Monica R. Smith**

Title IX Deputy Coordinator Delta Annex, Room 112  
870-575-8555 or F: 870-575-4753  
Email: [samuelssmithm@uapb.edu](mailto:samuelssmithm@uapb.edu)

Reports of all domestic violence, dating violence, sexual assault and stalking made to Campus Public Safety will automatically be referred to the Title IX Coordinator for investigation regardless of if the complainant chooses to pursue criminal charges.

**If you have a Title IX complaint or would like to report a Title IX incident, students are encouraged to visit the below link to fill out the complaint form.**

[Title IX Complaint Form](#)

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

Any person may report sex discrimination, including sexual harassment (whether or not the person is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed above, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address, listed for the Title IX Coordinator.

## **AMNESTY**

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

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

### **FILING REPORT WITH LOCAL LAW ENFORCEMENT AND CAMPUS AUTHORITIES**

Although the university strongly encourages all members of its community to report violations of this policy to law enforcement (including on campus law enforcement and/or local police), it is the victim's choice whether or not to make such a report. Furthermore, victims have the right to decline to notify law enforcement. In some instances, sexual harassment may constitute both a violation of this 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:

Pine Bluff Police Department may also be reached directly by calling 870-541-5300, in person at (208 E. 8<sup>th</sup> Ave., Pine Bluff, AR 71601.) Additional information about the Pine Bluff Police department may be found online at: ([PBPD](#).)

Jefferson County Sheriff's Office may also be reached directly by calling 870-541-5351, in person at (410 East 2<sup>nd</sup> Avenue, Pine Bluff, AR 71601.) Additional information about the Jefferson County Sheriff's Office may be found online at: ([JCSO](#).)

Arkansas State Police Department may also be reached directly by calling 870-247-1483, in person at (6816 Princeton Pike, Pine Bluff, AR 71602.) Additional information about the Arkansas State Police Department may be found online at: ([AR State Police](#).)

North Little Rock Police Department may also be reached directly by calling 501-758-1234, in person at (200 West Pershing Boulevard, North Little Rock, AR 72114.) Additional information about the North Little Rock Police Department may be found online at: ([NLRPD](#).)

Pulaski County Sheriff's Office may also be reached directly by calling 501-340-6963, in person at (2900 South Woodrow Street, Little Rock, AR 72204.) Additional information about the (Pulaski County Sheriff's Office) may be found online at: ([PCSO](#).)

### **PRESERVING EVIDENCE**

It is important that evidence of sexual assault, domestic violence, dating violence and/or stalking be preserved, because it may be needed for prosecuting a criminal case. Victims and others should not alter the scene of an attack. The victim should not change clothes, bathe or shower, drink or eat anything, or brush his or her teeth before reporting the assault. Any items worn by the victim during the assault, but are not currently being worn, and any materials encountered during the assault (*i.e.*, bed sheets, blankets, etc.) should be placed in a paper bag and brought along with the victim to a local hospital emergency department that has kits to collect and preserve evidence of sexual assault. As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, or obtaining protection from abuse orders related to the incident more difficult. If a victim chooses not to make a complaint regarding an incident, he or she nevertheless should consider speaking with Campus Public Safety or other law enforcement to preserve evidence in the event that the victim decides to report the incident to law enforcement or the University at a



later date to assist in proving that the alleged criminal offense occurred or that may be helpful in obtaining a protection order.

**EMPLOYEES’ DUTY TO REPORT TO TITLE IX COORDINATOR**

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

**OFF-CAMPUS CONDUCT**

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

UNIVERSITY POLICE  
1900 REEKER STREET  
PINE BLUFF, AR 71601  
(870) 575-8102

DEPT. PINE BLUFF POLICE  
200 EAST 8TH AVENUE  
PINE BLUFF, AR 71601  
(870) 543-5100

DEPT. JEFFERSON COUNTY  
SHERIF 101 EAST BARRAQUE  
STREET PINE BLUFF, AR 7161  
(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

**CONFIDENTIALITY**

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

Victims may contact the Registrar’s Office to request that directory information on file with the University be withheld. Regardless of whether a victim has opted-out of allowing the University to share “directory information,” personally identifiable information about the victim and other necessary parties will be treated as confidential and only shared with persons who have a specific need-to-know, i.e., those who are investigating/adjudicating the report or those involved in providing support services to the victim, including accommodations and protective measures. By only sharing personally identifiable information with individuals on a need-to-know basis, the institution will maintain as confidential, any accommodations or protective measures provided to the victim to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

*“The University does not publish the name of crime victims or other identifiable information regarding victims in the Daily Crime Log or in the annual crime statistics that are disclosed in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. Furthermore, if a Timely Warning Notice is issued on the basis of a report of domestic violence, dating violence, sexual assault or stalking, the name of the victim and other personally identifiable information about the victim will be withheld.”*



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

Counseling and other mental health services for victims of sexual assault are available on campus and in the community. Students and employees may use the Health Services Center or Student Counseling Center. Employees of the University may seek help through the Employee Assistance Program.

Community mental health agencies, such as the Southeast Arkansas Behavioral Healthcare Mental Health Facility and counselors and psychotherapists in private practice in the area, can provide individual and group therapy. Additionally, counselors and psychotherapists in private practice in the area can provide individual and group therapy. 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 that may be of additional help and serve as a victim advocate upon request.

### **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:

<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 Center	Caldwell 106 (870) 575-8969
Health	Medical	Health Services	Browne Infirmary (870) 575-7107
Mental Health	<ul style="list-style-type: none"> <li>• Providing effective counseling</li> <li>• Psycho-social support</li> </ul>	Student Counseling 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
<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</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

Counseling (Cont.)	<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</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</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,</li> </ul>	Salvation Army	501 E 12th Ave, Pine Bluff, AR 71601 (870) 534-0504
Legal Assistance	Domestic Assistance	Center for Arkansas Legal Services	1400 W. 5th Street Pine Bluff, AR71601 870-536-9006 arlegalservices.org
Legal Assistance	Sexual Assault	Center for Arkansas Legal Services	1400 W. 5th Street Pine Bluff, AR71601 870-536-9006 arlegalservices.org
Visa and Immigration Assistance	NA	NA	Office of International Affairs

**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.nvc.org](http://www.nvc.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 Coordinator is responsible for planning and coordinating campus education and awareness programs about all forms of sexual harassment. Programs are presented regularly throughout the academic year 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.

## **GRIEVANCE PROCEDURE**

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



## **BASIC REQUIREMENTS**

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

- All relevant evidence—including both inculpatory and exculpatory evidence—will be evaluated.
- Credibility determinations may not be based on a person's status as a complainant, respondent, or witness.
- The Title IX Coordinator, investigator, hearing panel members, decision-makers on appeal, persons involved with the informal resolution, and any other persons that play a significant role in the Title IX grievance process shall not have a conflict of interest or bias for or against complainants or respondents generally or for or against an individual complainant or respondent.
- The respondent is presumed to not be responsible for the alleged conduct until a determination of responsibility is made at the conclusion of the grievance process.
- The time frames for concluding the grievance process shall be reasonably prompt, as set forth in more detail in the procedures below.
- The grievance process may be temporarily delayed, and limited extensions of time frames may be granted, for good cause. In such instances, written notice to the complainant and the respondent of the delay or extension and the reasons for the action will be provided. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurring law enforcement activity; or the need for language assistance or accommodations of disabilities.
- Questions or evidence that constitute or seek disclosure of information protected under a legally recognized privilege will not be required, allowed, relied upon, or otherwise used. The University shall not consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity or assisting in the capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the University obtains that person's voluntary, written consent to do so for a grievance under this section.
- No party shall be restricted from discussing the allegations under investigation or to gather and present relevant evidence.

A party whose participation in a hearing, investigative interview, or other meeting shall be provided with a written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.

## **INITIAL REPORT/INTAKE PROCESS**

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

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

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

### **FORMAL COMPLAINT PROCESS**

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

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

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

***Dismissal of Complaint Prior to Resolution:*** A formal complaint must be dismissed by the Title IX Coordinator if the alleged conduct (1) does not constitute sexual harassment, as defined in this policy, even if proved; (2) did not occur in the University's education program or activity; or (3) did not occur against a person in the United States.

In addition, a complaint may be dismissed if, at any time during the investigation or hearing, a complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein; the respondent is no longer enrolled or employed by the recipient, or specific circumstances prevent the gathering of evidence sufficient to reach a determination as to the formal complaint or any allegations therein.

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

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

The initial notice will contain the following:

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

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

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

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

**Emergency Removal:** If, after the Behavioral Intervention Team undertakes a safety and risk analysis, the University determines that the respondent poses an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment, it may remove the respondent from the University's

programs or activities. In such instances, the respondent will be provided with a written notice of the reasons for the removal. Within 5 of receiving the notice, the respondent may challenge the decision by requesting a meeting with the Vice Chancellor for Student Affairs.

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

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

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

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

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

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

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

## **COMPREHENSIVE INVESTIGATION**

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

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

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

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

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

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

After the gathering of evidence has been completed but prior to completion of the investigative report, the Investigator will provide to each party and party's advisor, if any, any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint, including the evidence upon

which the University does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence (whether obtained from a party or other source), so that each party can meaningfully respond to the evidence prior to the conclusion of the investigation. The evidence will be provided in an electronic format or a hard copy. The parties will have 10 calendar days to submit a written response to the evidence, which will be considered by the Investigator prior to completion of the investigative report. The evidence will be made available for the parties to use at the hearing to determine responsibility.

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

- The dates of the Title IX Coordinator's initial receipt of a report of alleged sexual harassment against the complainant, intake meeting, and the filing of the formal complaint
- A statement of the allegation(s), a description of the incident(s), the date(s) and time(s) (if known), and location of the alleged incident(s)  
The names of all known witnesses to the alleged incident(s)  
The dates that the complainant, respondent, and other witnesses were interviewed, along with  
Summaries of the interviews
- Descriptions or summaries of any physical or documentary evidence that was



- obtained (e.g., text messages, emails, surveillance video footage, photographs)
- Any written statements of the complainant, respondent, or other witnesses
  - The response of University personnel and, if applicable, University-level officials, including any supportive measures taken with respect to the complainant and respondent

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

### **DETERMINATION HEARING**

Following the conclusion and distribution of the investigative report, a hearing will be conducted to determine the outcome and resolution of the complaint. The parties and their advisors, if any, will be notified by the Hearing Panel chairperson, or Title IX Coordinator of the date, time, and location of the hearing, as set forth in the notice provisions below.

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

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

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

***Notice of the Hearing:*** Not less than 5 days but not more than 10 days after delivery of the notice of the initial composition of the Hearing Panel, the Chair of the Hearing Panel will provide a separate notice to the complainant, respondent, and any other witnesses whose testimony the Hearing Panel deems relevant,

requesting such individuals to appear at the hearing to determine responsibility. The notice should set forth the date, time, and location for the individual's requested presence. The Hearing Panel shall provide, in its notice to the parties, the names of the witnesses that the Hearing Panel plans to call. The hearing shall be conducted promptly but no sooner than 10 calendar days after release of the investigative report.

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

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

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

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

***Evidentiary Matters and Procedure:*** The parties, through their advisors, shall have an equal opportunity to question the opposing party and other witnesses, including fact and expert witnesses, and present other inculpatory or exculpatory evidence. Formal rules of evidence will not be observed during the hearing. The Hearing Panel will conduct the initial questioning of witnesses prior to the questioning by an advisor. The Chair of the Hearing Panel (acting alone or in consultation with other panelists) will make all determinations regarding the order of witnesses, relevancy of questions, and the evidence to be considered or excluded during the hearing and decision-making process. The Hearing Panel may, in its discretion, choose to call the Investigator for the purpose of providing an overview of the investigation and findings.

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

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

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

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

***Refusal to submit to cross examination:*** If a party or witness does not submit to cross-examination at the live hearing, the decision-maker(s) must not rely on any statement of that party or witness in reaching a determination regarding responsibility; provided, however, that the decision-maker(s) cannot draw an inference about the determination of responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.

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

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

***Written Determination of Responsibility:*** As soon as practicable following the hearing, the Hearing Panel Chair shall complete a report of the decision-maker's findings. The Hearing Panel Chair will send simultaneous notification of the decision to both parties and their advisors, where applicable, with the following information:

- Identification of the allegations potentially constituting sexual harassment under the policy
- A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence and the hearing held
- Findings of fact that support the determination
- Conclusions regarding the application of the University's conduct standards to the facts
- A statement and rationale for the result as to each allegation, including a determination as to responsibility using the preponderance of the evidence standard
- Any disciplinary sanctions imposed on respondent

- Whether any remedies designed to restore or preserve equal access to the University’s education program or activity will be provided to the complainant (description of remedies is not included)
- Procedures and permissible bases for the parties to appeal

**Sanctions:** If the Hearing Panel determines that more likely than not the respondent committed a violation of this policy, then the Hearing Panel will determine sanctions and give consideration to whether a given sanction will (a) bring an end to the violation in question, (b) reasonably prevent a recurrence of a similar violation, and (c) remedy the effects of the violation. Sanctions for a finding of responsibility will depend upon the nature and gravity of the misconduct, any record of prior discipline for a violation of this policy, or both. The range of potential sanctions is set forth in the definitions section of this policy.

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

**Possible Sanctions for faculty, staff and student:**

Prohibited Behavior/Conduct	Range of Sanctions
<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



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

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

### **APPEALS**

**Procedure for Appeals:** Both the complainant and the respondent may appeal from the Hearing Panel's determination. The appeal should be submitted in writing to the Title IX Coordinator within 5 days of receipt of the Hearing Panel's decision. The Title IX Coordinator will forward the appeal to the Chancellor. The appeal will be decided based on the written record and without deference to the decision of the Hearing Panel.

The Chancellor will designate an Appeal Panel comprised of at least two faculty and/or staff members. One of the members of the Appeal Panel can be an outside person who is not an employee. The Chancellor shall designate one of the panelists as the Chair of the Appeal Panel. The Chair of the Appeal Panel shall make any decisions concerning appellate jurisdiction under the permissible grounds for appeal described below. The party appealing may use the Appeal Form, or the party may submit his/her own written and signed document. Acceptable means of notification include email, facsimile, hand-delivered notification, or postal delivery. The Title IX Coordinator will promptly inform the other party of the appeal.

**Grounds for Appeal:** The appeal from the decision of the Hearing Panel must be for one of the following reasons:

(1) a procedural irregularity that affected the outcome of the decision; (2) there is new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, and that could affect the outcome of the matter; (3) the Panel Member(s) had a conflict of interest or bias for or against complainants or respondents in general or against an individual complainant or respondent that affected the outcome.

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

**Decision on Appeal:** As soon as practicable after receiving the parties' written submissions, the Appeal Panel will issue a written decision describing the result of the appeal and the rationale for the result. The decision on appeal may uphold the decision, modify it, or remand for further factual development. The decision-maker on appeal will concurrently notify the complainant and the respondent of the decision, with a written copy provided to the Title IX Coordinator.

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

## **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.

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

The Title IX Deputy Coordinator may also modify timelines in cases where information is not clear, judged to be incomplete, relevant parties are not available for interview, absence of an advisor, concurrent law

enforcement activity, the need for language assistance or disability accommodation and/or other circumstances that may arise.



## **RETALIATION PROHIBITED**

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

## **FALSE REPORTS**

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

## **EXTERNAL REPORTING AGENCIES**

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

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

U.S. Department of Education  
1999 Bryan St., Suite 1620

Dallas, TX 75201-6810  
Toll Free: 1-800-421-3481  
Telephone: 214-661-9600  
Fax: 214-661-9587  
Email: [OCR.Dallas@ed.gov](mailto:OCR.Dallas@ed.gov)

### **NSF Grantees Only**

National Science Foundation  
Office of Diversity and  
Inclusion 2415 Eisenhower  
Ave.

Alexandria, VA 22314  
Telephone: 703-292-8020  
Fax: 703-292-9072  
Email: [programcomplaints@nsf.gov](mailto:programcomplaints@nsf.gov)



Quonset Huts come from the early days of World War II and around the start of Lawrence A. Davis, Sr. leadership as President of Arkansas AM&N College.

### **EFFECTIVE DATE**

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

### **RETENTION OF RECORDS**

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

- Each sexual harassment investigation, including any determination regarding responsibility, any recordings or transcripts, disciplinary sanctions, and remedies provided to the complainant
- Any appeal and the result therefrom
- Any informal resolution and the result therefrom
- All materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process. These materials will be made publicly available on the University's website.
- Records of any actions, including supportive measures, taken in response to a report or formal complaint of sexual harassment, along with documentation of the University's bases for its conclusion that its response was not deliberately indifferent.

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

### **DEFINITIONS**

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

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

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

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

There is also no consent when there is force, expressed or implied, or use of duress or deception upon the victim. Whether an individual has taken advantage of a position of influence over an alleged victim may be a factor in determining consent.

Force is the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes overt threats, implied threats, intimidation, and coercion that overcome resistance or produce consent.

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

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

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

“Consent” is defined as cooperation in act or attitude pursuant to an exercise of free will and with knowledge of the nature of the act. A current or previous relationship shall not be sufficient to constitute consent. Nothing in the definition shall be construed to affect the admissibility of evidence or the burden of proof in regard to the issue of consent.

**Consent:** Means **affirmative consent**, which is unambiguous and voluntary agreement to engage in a specific sexual activity. *Consent* is clear, knowing, and voluntary words or actions that create mutually understandable clear permission of willingness to engage in, and the conditions of, sexual activity. *Consent* must be active; silence by itself cannot be interpreted as *consent*. *Consent* is not effectively given if it results from the use of force, including threats or intimidation, or if it is from someone who is incapacitated:

- **Force** is the use of physical violence or imposing on someone physically to gain sexual access.
- **Threats** exist where a reasonable person would have been compelled by the words or actions of another to give permission to sexual contact they would not otherwise have given. For example, threats to kill or harm someone, kill or harm themselves, or kill or harm someone for whom a person cares constitute threats.
- **Intimidation** occurs when someone uses physical presence to menace another, although no physical contact occurs, or where knowledge of prior violent behavior by an assailant, coupled with menacing behavior, places someone in fear as an implied threat.

*Consent* will be determined using both objective and subjective standards. The objective standard is met when a reasonable person would consider the words or actions of the parties to have manifested an agreement between them to do the same thing, in the same way, at the same time, with one another. The subjective standard is met when a party believes in good faith that the words or actions of the parties manifested an agreement between them to do the same thing, in the same way, at the same time, with one another. The following standards also apply to *consent*:

- A person who does not want to *consent* to sex is not required to resist.
- *Consent* to some forms of sexual activity does not automatically imply *consent* to other forms of sexual activity.
- Silence, previous sexual relationships, or the existence of a current relationship do not imply *consent*.
- *Consent* cannot be implied by attire or inferred from the giving or acceptance of gifts, money, or other items.
- *Consent* to sexual activity may be withdrawn at any time, as long as the withdrawal is communicated clearly.
- Withdrawal of *consent* can be manifested through conduct and need not be a verbal withdrawal of *consent*.
- In order to give effective *consent*, the person giving *consent* must be of legal age under Colorado law for the purposes of determining whether there was a *sexual assault*.
- A *respondent's* intoxication resulting from intentional use of alcohol or drugs will not function as a defense to engaging in sexual activity without an individual's *consent*.

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

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

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



resided or cohabitated together, persons who have or have had a child in common, and persons who are presently or in the past have been in a dating relationship together.

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

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

**Party:** The complainant or respondent.

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

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

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

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

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

or against that person's will in instances where the victim is incapable of giving consent because of his/her youth or because his/her temporary or permanent or physical incapacity.

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

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

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

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

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

### **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 choose 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 Adheres to 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 Adheres to</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 UAPB 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). 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.

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	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.



University of Arkansas Pine Bluff- "Hazzard Gym"

## CHART DEMONSTRATING TYPES OF ORDERS AVAILABLE IN JURISDICTION

Type of Order:	Who Can File For One:	Court:	Based On:
<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.	County Courthouse - 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.	County Courthouse – 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

### ***Accommodations and Protective Measures Available 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 accommodations available to them, including academic, living, transportation, protective orders and working situations. The written notification will include information regarding the accommodation options, available assistance in requesting accommodations, and how to request accommodations and protective measures (i.e., the notification will include the name and contact information for the individual or office that should be contacted to request the accommodations).

At the victim’s request, and to the extent of the victim’s cooperation and consent, university offices will work cooperatively to assist the victim in obtaining accommodations. If reasonably available, a victim may be offered changes to academic, living, working, protective measures or transportation situations regardless of whether the victim chooses to report the crime to campus police or local law enforcement. Examples of

options for a potential change to the academic situation may be to transfer to a different section of a class, withdraw and take a class at another time if there is no option for moving to a different section, etc. Potential changes to living situations may include moving to a different room or residence hall. Possible changes to work situations may include changing working hours. Possible changes in transportation may include having the student or employee park in a different location, assisting the student or employee with a safety escort, etc.

To request changes to academic, living, transportation and/or working situations or protective measures, a victim should contact the following offices for assistance:

**Academic Services**

Office of Academic Affairs  
Administration Building, Room 109  
Monday-Thursday, 8:00 am- 5:00 pm

**Living Services**

Office of Residential Life  
Delta Housing Annex 870-  
575-7256

**Transportation Services and Protective Measures**

Police and Public Safety Traffic  
Division  
870-575-8104



**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 intervention 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**, charged and that you have funds for an Uber or Lyft service.
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.

<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 feels 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.

Throughout the year, UAPB staff and students provide professional training and educational programming to faculty, staff and students on a variety of issues related.





## Programs to Prevent Domestic Violence, Dating Violence, Sexual Assault and Stalking

All students and employees within our campus community deserve to feel safe and supported. The UAPB 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, the UAPB provides primary prevention and awareness campaigns for incoming students and new employees as well as ongoing prevention and awareness campaigns for all Students and employees.

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.

Educational programming consists of primary prevention and awareness programs for all incoming students and new employees and ongoing awareness and prevention campaigns for students and that:

- A. Identifies sexual assault, domestic violence, dating violence, and stalking as prohibited conduct by UAPB policies and state criminal law;
- B. Defines what behavior constitutes sexual assault, domestic violence, dating violence, and stalking pursuant to UAPB policies and state criminal law;
- C. Defines what behavior and actions constitute consent to sexual activity pursuant to UAPB policies and state criminal law;
- D. Provides safe and positive options for bystander intervention. Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene;
- E. Provides information on risk reduction. Risk reduction means options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.
- F. Information regarding:
  - a. procedures victims should follow if a crime of domestic violence, dating violence, sexual assault and stalking occurs (as described in “Procedures Victims Should Follow if a Crime of Domestic Violence, Dating Violence, Sexual Assault and Stalking Occurs” elsewhere in this document)

- b. how the institution will protect the confidentiality of victims and other necessary parties (as described in “Assistance for Victims: Rights and Options” elsewhere in this document);
- c. existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both within the institution and in the community (as described in “Assistance for Victims: Rights and Options” elsewhere in this document); and
- d. options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures (as described in “Assistance for Victims: Rights and Options” elsewhere in this document);
- e. procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking (as described in “Adjudication of Violations” elsewhere in this document).

**The primary prevention and awareness program at the UAPB for all incoming students and employees is Vector Solutions.**



**In 2021-2022 the UAPB primary prevention and awareness program for all incoming students was Safecolleges Training.**



### **Additional Ongoing Education and Awareness Programs**

- Throughout the year, the UAPB 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 Director of Affirmative Action and Title IX Deputy 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.



## 2023-2024 Primary and On-Going Prevention and Awareness Programs and Campaigns

The University has developed an annual educational campaign consisting of presentations that include distribution of educational materials, orientation, seminar, ongoing awareness and prevention programs, and annual required online training for students, faculty, and staff.

- **Faculty/Staff Seminar**
- **Title IX**
- **Vector Solutions**



Specifically, the University offered the following **primary prevention and awareness programs** for all **incoming students** in YEAR: 2023

<b>Name of Program</b>	<b>Date Held</b>	<b>Location Held</b>	<b>Which Prohibited Behavior*Covered?</b>
Alcohol and Drug Seminar	January 17, 24, 31, 2023	Online	The Dangers of Alcohol and Drugs DoV, DaV, SA, S
Alcohol and Drug Seminar	February 7, 14, 21, 2023	Online	The Dangers of Alcohol and Drugs DoV, DaV, SA, S

Name of Program	Date Held	Location Held	Which Prohibited Behavior* Covered?
Mental Health & Wellness Seminar	February 15, 2023	Hunt Hall	Access to Mental Health and Resources DoV, DaV, SA, S
Mental Health Awareness	February 22, 2023	Johnnie B. Johnson Residence Hall	Access to Mental Health and Resources DoV, DaV, SA, S
Sexual Assault and Domestic Violence	March 8, 2023	Johnnie B. Johnson Residence Hall	DoV, DaV, SA, S
Alcohol and Drug Seminar	April 11, 18, 25, 2023	Online	The Dangers of Alcohol and Drugs DoV, DaV, SA, S
Customer Service Overview	October 30, 2023	Online	
Child Abuse: Mandatory Reporting	November 6, 2023	Online	
Americans with Disabilities Act Overview	November 6, 2023	Online	
Active Shooter: Run-Hide-Fight	November 6, 2023	Online	

\*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: 2023

Name of Program	Date Held	Location Held	Which Prohibited Behavior* Covered?
Black/Gold Fit & Bold Wellness Seminar	January 23, 2023	Online	
Fall Faculty and Staff Seminar	August 16-17, 2023	H.O. Clemmons Arena	
Customer Service Overview	October 30, 2023	Online	
Child Abuse: Mandatory Reporting	November 6, 2023	Online	
Americans with Disability Act Overview	November 6, 2023	Online	
Active Shooter: Run-Hide-Fight	November 6, 2023	Online	

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

## 2022 Primary and On-Going Prevention and Awareness Programs and Campaigns

The University has developed an annual educational campaign consisting of presentations that include distribution of educational materials, orientation, seminar, primary prevention and awareness programs, ongoing awareness and prevention programs, and annual required online training for students, faculty, and staff.

- **Safe College**
- **Title IX**

Specifically, the University offered the following **primary prevention and awareness programs** for all **incoming students** in YEAR: 2022

Name of Program	Date Held	Location Held	Which Prohibited Behavior* Covered?
Safe College	February 1, 2022	Online	DoV, DaV, SA, S
Title IX	March 08, 2022	Harrold Complex Freshman Residence Hall	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 **employees** in YEAR: 2022

Name of Program	Date Held	Location Held	Which Prohibited Behavior* Covered?
Safe College	September 15, 2022	Online	DoV, DaV, SA, S
Title IX	October 1, 2022	Online	DoV, DaV, SA, S

\*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:

- **Substance Abuse Awareness**
- **Sexual Assault**
- **Safe College**
- **Dating 101**
- **Red Ribbon Week**



- **Abusive Relationships**
- **Human Trafficking**
- **Faculty and Staff Seminar**
- **Campus Safety**

The University offered the following **ongoing awareness and prevention programs** for **students** in YEAR: 2022

<b>Name of Program</b>	<b>Date Held</b>	<b>Location Held</b>	<b>Which Prohibited Behavior* Covered?</b>
Substance Abuse	February 8, 2022	Johnnie B. Johnson Residence Hall	Violating Student Code of Conduct, Alcohol and Drugs
Campus Safety	January 12, 2022	Douglas Hall	Conduct, Alcohol and Drugs
Safe College	July 01, 2022	Online	DoV, DaV, SA, S, A&D
Dating 101	September 6, 2022	Delta Housing	DoV, DaV, SA, S
Campus Safety	September 27, 2022	Hunt Hall	DoV, DaV
Red Ribbon Week Drug Free Initiative	October 27, 2022	Student Union	Alcohol and Drugs
Human Trafficking	November 29, 2022	Johnnie B. Johnson Residence Hall	DoV, DaV

\*DoV means Domestic Violence, DaV means Dating Violence, SA means Sexual Assault and S means Stalking, A&D means Alcohol and Drug

The University offered the following **ongoing awareness and prevention programs** for **employees** in YEAR: 2022

<b>Name of Program</b>	<b>Date Held</b>	<b>Location Held</b>	<b>Which Prohibited Behavior* Covered?</b>
Faculty and Staff Seminar	August 16, 2022	Virtual Session	DoV, DaV, SA, S
Active Shooter Training	August 17, 2022	STEM Conference Center	

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

## **2021 Primary and On-Going Prevention and Awareness Programs and Campaigns**

The University has developed an annual educational campaign consisting of presentations that include distribution of educational materials, orientation, seminar, primary prevention and awareness programs, ongoing awareness and prevention programs, and annual required online training for students, faculty, and staff.

- **Safe College**
- **Campus Safety**

- **Title IX**
- **Wellness Fair**

Specifically, the University offered the following **primary prevention and awareness programs** for all **incoming students** in YEAR: 2021

<b>Name of Program</b>	<b>Date Held</b>	<b>Location Held</b>	<b>Which Prohibited Behavior* Covered?</b>
Safe College	July 06, 2021	Online	DoV, DaV, SA, S, AD
Campus Safety	August 12, 2021	Adair Auditorium	Safety Awareness
Title IX	August 13, 2021	Adair Auditorium	DoV, DaV, SA, S

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

The University offered the following **primary prevention and awareness programs** for **employees** in YEAR: 2021

<b>Name of Program</b>	<b>Date Held</b>	<b>Location Held</b>	<b>Which Prohibited Behavior* Covered?</b>
Safe College	July 10, 2021	Online	DoV, DaV, SA, S, AD
Wellness Fair	November 13, 2021	Virtual	DoV, DaV

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

### **Ongoing Prevention and Awareness Campaigns**

The University has developed an annual educational campaign consisting of:

- **Title IX**
- **Red Ribbon Week**
- **Faculty and Staff Seminar**
- **Safe College**

The University offered the following **ongoing awareness and prevention programs** for students in YEAR: 2021

<b>Name of Program</b>	<b>Date Held</b>	<b>Location Held</b>	<b>Which Prohibited Behavior* Covered?</b>
Title IX	October 11, 2021	Harrold Complex Freshman Residence Hall	DoV, DaV, SA, S
Red Ribbon Week Code Red Forum	October 13, 2021	Business Building Auditorium	Alcohol and Drugs

<b>Name of Program</b>	<b>Date Held</b>	<b>Location Held</b>	<b>Which Prohibited Behavior* Covered?</b>
Red Ribbon Week Code Red (HOW HIGH) Session	October 15, 2021	Hunt Hall, Harrold Complex, Delta Housing, JBJ	Alcohol and Drugs

\*DoV means Domestic Violence, DaV means Dating Violence, SA means Sexual Assault and S means Stalking, A&D means Alcohol and Drugs

The University offered the following **ongoing awareness and prevention programs** for employees in YEAR: 2021

<b>Name of Program</b>	<b>Date Held</b>	<b>Location Held</b>	<b>Which Prohibited Behavior* Covered?</b>
Faculty and Staff Seminar	August 16&17, 2021	Fine Arts Auditorium Pine Bluff Convention Center	DoV, DaV, SA, S
Safe College	October 25, 2021	Online	DoV, DaV, SA, S, A&D

\*DoV means Domestic Violence, DaV means Dating Violence, SA means Sexual Assault and S means Stalking, A&D means Alcohol and Drugs

The university’s disciplinary process includes a prompt, fair, and impartial investigation and resolution process. Usually, the resolution of domestic violence, dating violence, sexual assault and stalking complaints are completed within the timeframe specified in each policy the institution maintains. However, each procedure allows for extensions of timeframes for good cause with written notice to the accuser and the accused of the delay and the reason for the delay. 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 (Federal Title IX Regulations governing how complaints are handled by educational institutions. This includes training on how to serve impartially and eliminate conflicts of interest) 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;
1. 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; 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. 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. However, the role of the advisor is limited. The advisor is not allowed to speak or otherwise actively participate during the pre-hearing interviews or meetings. It is the party's responsibility to obtain the services of an advisor, except that the University will make an advisor available to the parties during the hearing to determine responsibility upon request. A party who wants the University to provide an advisor for the determination hearing should make a request within 15 days after the party's filing or receipt of the formal complaint. The advisor's role at the hearing is further explained below.
3. The accuser and the accused will be notified simultaneously, in writing, of the any initial, interim and final decision of any disciplinary proceeding; and
4. 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.

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

#### **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.

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
  - ii. Frequency of interaction between the persons involved in the relationship.
  - iii. 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.
  - iv. 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** is 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 is 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**

### **Arkansas Code Title 18-Property-Subtitle 2- Real Property-Chapter 16-Landlord and Tenant-Subchapter 1 General Provision-**

#### **18-2-1- § 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.
- (3) 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.**

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- (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.**

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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;
  - (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) **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) **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.**

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

(B) 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.

(C) 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) "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.

**Dating Violence:** The state of Arkansas defines dating violence as violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined 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.

- Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- Dating violence does not include acts covered under the definition of domestic violence.

## **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: Registry [ACIC Sex Offender Registry Search](#). 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 [Missing Person](#) 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 to report the 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:



UAPB "Old Union Upstairs"

**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. Students are advised that 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. Students are advised that if the student is under the age of 18 and is not an emancipated individual, UAPBPD will notify the student's parent or 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 annually 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.

When students are informed of their option to provide a confidential contact, they are advised that their 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**

In accordance with section 485(j) of the Higher Education Act, 20 U.S.C. § 1092(j), any institution participating in a Title IV federal student financial aid program that maintains on campus housing facilities must establish a missing student notification policy and related procedures for those students who live in on campus housing and who have been missing for 24 hours.

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](#) website.

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:

[Annual Notice for Drugs](#)

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

1. A description of applicable legal sanctions under local, state, or federal law for the



- unlawful possession or distribution of illicit drugs and alcohol;
2. A description of health risks associated with the use of illicit drugs and the abuse of alcohol;
  3. A description of available drug or alcohol counseling, treatment, or rehabilitation or re-entry programs;
  4. 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 while on the job 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 and Drug Abuse Policy**

Possession and use of alcoholic beverages in public areas of University facilities (including organized houses) at official University student functions held on campus must follow state and federal laws and university policies at all times. Irresponsible behavior while under the influence of alcoholic beverages is not condoned and may be subject to review and/or action by the appropriate judicial body. (University of Arkansas Board of Trustees Policy 705.2—Use of Alcoholic Beverages on University Facilities).

Moreover, it is the policy of the University of Arkansas at Pine Bluff that the unlawful manufacture, distribution, possession or use of drugs, or any controlled substance while performing work for, or matriculating at, or on the properties of the University of Arkansas at Pine Bluff is prohibited. Any student, employee (including administrators, faculty, and staff) or campus visitors, determined to have violated this policy, will be subject to appropriate disciplinary action up to and including expulsion, termination, and/or referral for criminal prosecution. The use of alcohol while on the properties of the University of Arkansas at Pine Bluff is prohibited unless authorized by applicable policies of the University. (*The Roar*, § 1.5)

### **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:

<https://www.justice.gov/>.

## 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 and Public Safety
- Pine Bluff Police Department
- Jefferson County Sheriff's Office
- 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 (ASFSR), 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:

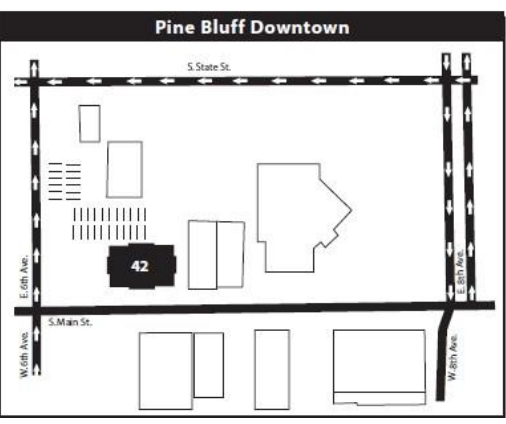
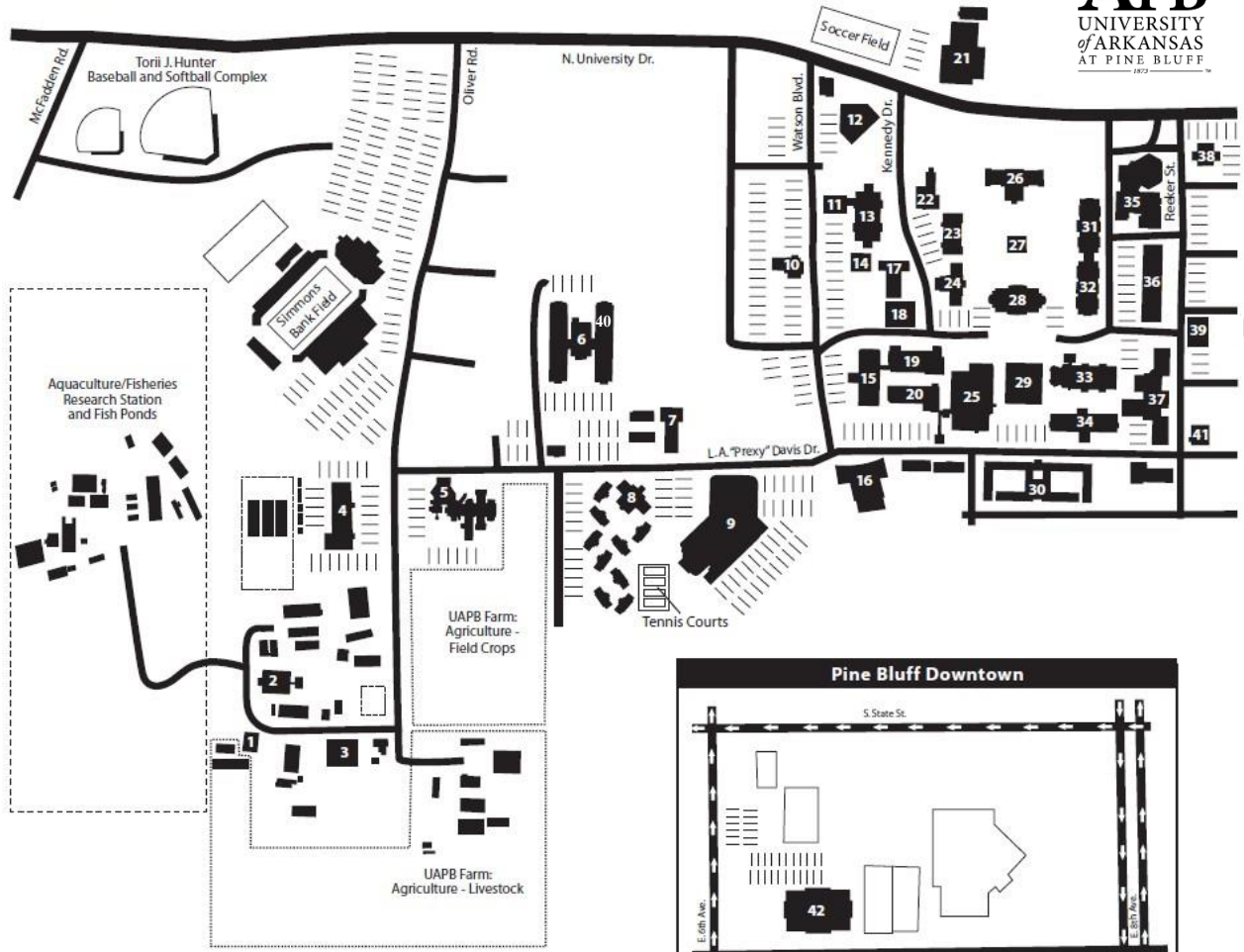
<http://ope.ed.gov/security/>. NOTE: Currently, there are no off-campus locations of student organizations officially recognized by the institution, including student organizations with off-campus housing facilities.



### [Campus Map](#)

A map of the UAPB campus is located at:

# University of Arkansas at Pine Bluff Campus Map



1. Motor Pool
2. Value Added Products Building
3. Agricultural Technology and Training Center
4. S. J. Parker Agriculture Research Building
5. S. J. Parker 1890 Extension Complex
6. Delta Housing Complex
7. Facilities Management
8. Johnny B. Johnson Housing Complex
9. Health, Physical Education and Recreation (HPER) Building
10. Alumni House
11. Child Development Center
12. Administration Building
13. Human Sciences Building
14. Fitness Center
15. Woodard Hall
16. STEM Building
17. Infirmary Building
18. Walker Research Center
19. Holiday Hall
20. Larrison Hall
21. Hazzard Building/Military Science
22. Childress Hall
23. Douglas Hall
24. Lewis Hall
25. L.A. Davis, Sr. Student Union
26. Caldwell Hall
27. W.E. O'Bryant Bell Tower
28. Henderson-Young Hall
29. John B. Watson Library
30. Harrold Complex
31. Dawson-Hicks Hall
32. Caine-Gilleland Hall
33. Kountz-Kyle Hall
34. Hunt Hall
35. Hathaway-Howard Fine Arts Center
36. Corbin Hall
37. Rust Technology Building
38. Welcome/Information Center
39. University Police
40. Residential Life
41. UAPB/AM&N Credit Union
42. UAPB - Business Support Incubator and Office Complex

## 2023-2021 Crime Statistics

University of Arkansas Pine Bluff	Year	All On Campus Property	Non Campus Property	Public Property	Total	On Campus Residential	Unfounded
<b>CRIMINAL</b>							
Murder/Non Negligent Manslaughter	2023	0	0	0	0	0	0
	2022	1	0	0	1	0	0
	2021	0	0	0	0	0	0
Manslaughter by Negligence	2023	0	0	0	0	0	0
	2022	0	0	0	0	0	0
	2021	0	0	0	0	0	0
<b>Sexual Assault, Including:</b>							
Rape	2023	0	0	0	0	0	0
	2022	2	0	0	2	1	0
	2021	1	0	0	1	1	0
Fondling	2023	0	0	0	0	0	0
	2022	3	0	0	3	2	0
	2021	0	0	0	0	0	0
Incest	2023	0	0	0	0	0	0
	2022	0	0	0	0	0	0
	2021	0	0	0	0	0	0
Statutory Rape	2023	0	0	0	0	0	0
	2022	0	0	0	0	0	0
	2021	0	0	0	0	0	0
Robbery	2023	0	0	0	0	0	0
	2022	0	0	0	0	0	0
	2021	1	0	0	1	1	0
Aggravated Assault	2023	1	0	1	2	1	0
	2022	1	0	0	1	0	0
	2021	3	0	0	3	0	0
Burglary	2023	1	0	0	1	0	0
	2022	2	0	0	2	0	0
	2021	0	2	0	2	0	0
Motor Vehicle Theft	2023	0	0	0	0	0	0
	2022	3	0	0	3	3	0
	2021	1	2	0	3	1	0
Arson	2023	0	0	0	0	0	0
	2022	0	0	0	0	0	0
	2021	1	1	0	2	0	0
<b>Liquor, Drug &amp; Weapon Violations:</b>							
Liquor Law Arrests	2023	0	0	0	0	0	0
	2022	0	0	0	0	0	0
	2021	0	0	0	0	0	0
Drug Law Arrests	2023	0	0	0	0	0	0
	2022	9	0	0	9	2	0
	2021	1	1	0	2	1	0
Weapons Law Arrests	2023	0	0	0	0	0	0
	2022	1	0	0	1	0	0
	2021	0	0	0	0	0	0
Liquor Law Violations Referred for Disciplinary Action	2023	2	0	0	2	2	0
	2022	0	0	0	0	0	0
	2021	2	0	0	2	2	0
Drug Law Violations Referred for Disciplinary Action	2023	3	0	0	3	3	0
	2022	7	0	0	7	7	0
	2021	7	0	0	7	7	0
Weapons Law Violations Referred for Disciplinary Action	2023	0	0	0	0	0	0
	2022	2	0	0	2	0	0
	2021	0	0	0	0	0	0
<b>VAWA Offenses:</b>							
Domestic Violence	2023	1	0	0	1	1	0
	2022	6	0	0	6	2	0
	2021	1	7	0	8	0	0
Dating Violence	2023	0	0	0	0	0	0
	2022	1	0	0	1	1	0
	2021	0	0	0	0	0	0
Stalking	2023	0	0	0	0	0	0
	2022	0	0	0	0	0	0
	2021	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 crime reported in the above categories for the 2023-2021 calendar years.**

Specifically, 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 2023-2021.

## **University of Arkansas, Pine Bluff Hate Crime Statistics**

	2022 HATE CRIME	
LOCATION	CRIME	CATEGORY OF BIAS
On Campus	Bomb Threat	Race

### **Hate Crimes**

In 2021 and 2023, there were no hate crimes based on race, religion, sexual orientation, gender, gender identity, ethnicity, national origin, or disability.

## **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:

### **GEOGRAPHICAL LOCATIONS**

#### **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.





# Annual Security Report

## *2024*

### *North Little Rock Site*



## **2024 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  
(501) 758-1234
- Metropolitan Emergency Medical Services  
(MEMS)  
(501) 301-1400
- Pulaski County Sheriff’s Office  
(501) 340-6963 or dial 911

#### **Violations of Local, State, and Federal Law:**

- North Little Rock Police  
Department  
(501) 758-1234
- Pulaski County Sheriff’s Office  
(501) 340-6963 or dial 911

*Domestic violence, dating violence, sexual assault, and 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  
(501) 758-1234
- Pulaski County Sheriff's Office  
(501) 340-6963

### **Other Available Resources:**

- UAPB- DARS (NLR) Site Coordinator  
(501) 374-3985
- Baptist Health Medical Center  
(501) 202-3000
- Jefferson Comprehensive Counseling Associates, Inc.  
(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 p.m. On Saturday, half day classes are held from 8:00 a.m. until 2:00 p.m. However, if 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.



## 2023-2021 Crime Statistics

University of Arkansas, Pine Bluff North Little Rock Site	Year	All On Campus Property	Non Campus Property	Public Property	Total	On Campus Residential	Unfounded
<b>CRIMINAL</b>							
Murder/Non Negligent Manslaughter	2023	0	0	0	0	0	0
	2022	0	0	0	0	0	0
	2021	0	0	0	0	0	0
Manslaughter by Negligence	2023	0	0	0	0	0	0
	2022	0	0	0	0	0	0
	2021	0	0	0	0	0	0
<b>Sexual Assault, Including:</b>							
Rape	2023	0	0	0	0	0	0
	2022	0	0	0	0	0	0
	2021	0	0	0	0	0	0
Fondling	2023	0	0	0	0	0	0
	2022	0	0	0	0	0	0
	2021	0	0	0	0	0	0
Incest	2023	0	0	0	0	0	0
	2022	0	0	0	0	0	0
	2021	0	0	0	0	0	0
Statutory Rape	2023	0	0	0	0	0	0
	2022	0	0	0	0	0	0
	2021	0	0	0	0	0	0
Robbery	2023	0	0	0	0	0	0
	2022	0	0	0	0	0	0
	2021	0	0	0	0	0	0
Aggravated Assault	2023	0	0	0	0	0	0
	2022	0	0	0	0	0	0
	2021	0	0	0	0	0	0
Burglary	2023	0	0	0	0	0	0
	2022	0	0	0	0	0	0
	2021	0	0	0	0	0	0
Motor Vehicle Theft	2023	0	0	0	0	0	0
	2022	0	0	0	0	0	0
	2021	0	0	0	0	0	0
Arson	2023	0	0	0	0	0	0
	2022	0	0	0	0	0	0
	2021	0	0	0	0	0	0
<b>Liquor, Drug &amp; Weapon Violations:</b>							
Liquor Law Arrests	2023	0	0	0	0	0	0
	2022	0	0	0	0	0	0
	2021	0	0	0	0	0	0
Drug Law Arrests	2023	0	0	0	0	0	0
	2022	0	0	0	0	0	0
	2021	0	0	0	0	0	0
Weapons Law Arrests	2023	0	0	0	0	0	0
	2022	0	0	0	0	0	0
	2021	0	0	0	0	0	0
Liquor Law Violations Referred for Disciplinary Action	2023	0	0	0	0	0	0
	2022	0	0	0	0	0	0
	2021	0	0	0	0	0	0
Drug Law Violations Referred for Disciplinary Action	2023	0	0	0	0	0	0
	2022	0	0	0	0	0	0
	2021	0	0	0	0	0	0
Weapons Law Violations Referred for Disciplinary Action	2023	0	0	0	0	0	0
	2022	0	0	0	0	0	0
	2021	0	0	0	0	0	0
<b>VAWA Offenses:</b>							
Domestic Violence	2023	0	0	0	0	0	0
	2022	0	0	0	0	0	0
	2021	0	0	0	0	0	0
Dating Violence	2023	0	0	0	0	0	0
	2022	0	0	0	0	0	0
	2021	0	0	0	0	0	0
Stalking	2023	0	0	0	0	0	0
	2022	0	0	0	0	0	0
	2021	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 the 2023-2021 calendar years.**

Specifically, 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 2023, 2022, or 2021

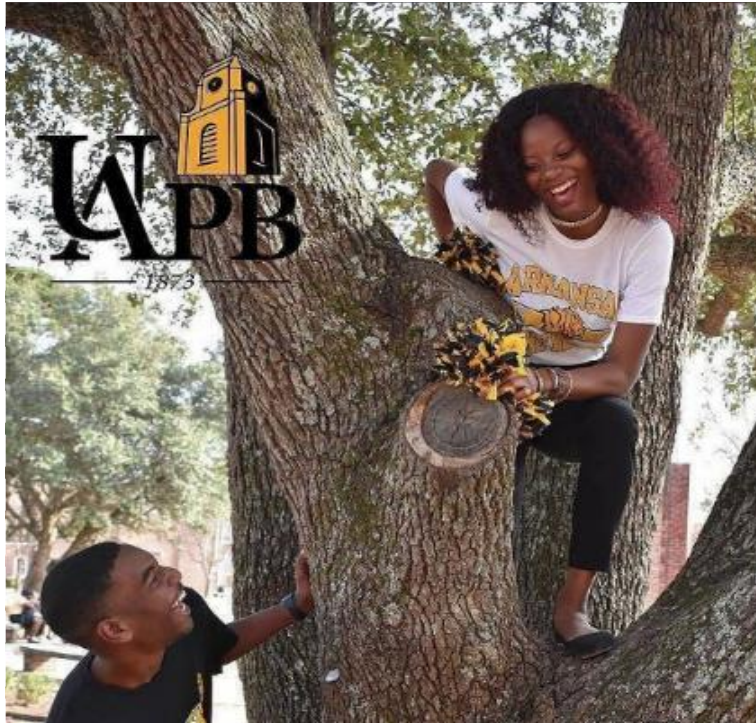
**University of Arkansas, Pine Bluff Hate Crime Statistics  
North Little Rock Site**

	<b>2022 HATE CRIME</b>	
<b>LOCATION</b>	<b>CRIME</b>	<b>CATEGORY OF BIAS</b>
<b>On Campus</b>	<b>Bomb Threat</b>	<b>Race</b>

**Hate Crimes**

In 2021 and 2023, there were no hate crimes based on race, religion, sexual orientation, gender, gender identity, ethnicity, national origin, or disability.

# 2024 Annual Fire Safety Report



## 2024 Annual Fire Safety

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 UAPB dormitories have Siemens Fire Alarm Panel Systems. The fire alarm is automatically engaged in the event of a fire. If the Siemens Alarm System malfunctions, pull stations are located in each hallway and accessible for use. A sprinkler system is installed in Delta Housing Complex 1 and Delta Housing Complex 2.

All fires shall be reported to University Police (870) 575-8102, Facilities Management (870) 575- 8831, and Residence Life (870) 575-7256.

## 2023-2021 Residential Fire Safety Systems and Evacuation Drill

Residential Facility	P.S. Fire Alarm Monitoring	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	X	X		2
JBK Complex 2000 N. L.A. Prexy Davis Dr.	X	X	X	X	X	X		2
Delta Complex/ Annex 1701 N. L.A. Prexy Davis Dr.	X	X	X	X	X	X	X	2
Hunt Hall 2101 N. L.A. Prexy Davis Dr.	X	X	X	X	X	X		2
Lewis Hall 2102 John Kennedy Dr.	X	X	X	X	X	X		2
Douglas Hall 2104 John Kennedy Dr.	X	X	X	X	X	X		2
Piney Woods Apts. 2300 Woodgate Dr.			X	X	X			

## **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 UAPBPD 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 (870) 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 (870) 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:

[Fire Log](#)

## 2023 FIRE STATISTICS

Facility Name	Fires	Date Occurred	Time	Cause of Fire	Number of Injuries Requiring Treatment at a Medical Facility	Number of Fire Related Deaths	Values of Property Damage
Harrold Complex 1204 N. L.A. Prexy Davis Dr.	0	N/A	N/A	0	0	0	0
JBJ Complex 2000 N. L.A. Prexy Davis Dr.	0	N/A	N/A	0	0	0	0
Delta Complex 1701 N. L.A. Prexy Davis Dr.	0	N/A	N/A	0	0	0	0
Delta Annex 1701 N. L.A. Prexy Davis Dr.	0	N/A	N/A	0	0	0	0
Hunt Hall 2101 N. L.A. Prexy Davis Dr.	0	N/A	N/A	0	0	0	0
Lewis Hall 2102 John Kennedy Dr.	0	N/A	N/A	0	0	0	0
Douglas Hall 2104 John Kennedy Dr.	0	N/A	N/A	0	0	0	0
Piney Woods Apartments 2300 Woodgate Dr.	0	0	0	0	0	0	0
Holiday Hall 2006 John Kennedy Dr.	1	10/07/2023	11:53 AM	Unintentional- Electrical Fire	0	0	>\$5,000

## 2022 FIRE STATISTICS

Facility Name	Fires	Date Occurred	Time	Cause of Fire	Number of Injuries Requiring Treatment at a Medical Facility	Number of Fire Related Deaths	Values of Property Damage
Harrold Complex 1204 N. L.A. Prexy Davis Dr.	0	N/A	N/A	0	0	0	0
JBJ Complex 2000 N. L.A. Prexy Davis Dr.	0	N/A	N/A	0	0	0	0
Delta Complex 1701 N. L.A. Prexy Davis Dr.	0	N/A	N/A	0	0	0	0
Delta Annex 1701 N. L.A. Prexy Davis Dr.	0	N/A	N/A	0	0	0	0
Hunt Hall 2101 N. L.A. Prexy Davis Dr.	0	N/A	N/A	0	0	0	0
Lewis Hall 2102 John Kennedy Dr.	0	N/A	N/A	0	0	0	0
Douglas Hall 2104 John Kennedy Dr.	0	N/A	N/A	0	0	0	0
UAPB- NLR 1333 Main Street	0	N/A	N/A	0	0	0	0
Piney Woods Apartments 2300 Woodgate Dr.	0	N/A	N/A	0	0	0	0

## 2021 FIRE STATISTICS

Facility Name	Fires	Date Occurred	Time	Cause of Fire	Number of Injuries Requiring Treatment at a Medical Facility	Number of Fire Related Deaths	Values of Property Damage
Harrold Complex 1204 N. L.A. Prexy Davis Dr.	0	N/A	N/A	0	0	0	0
JBK Complex 2000 N. L.A. Prexy Davis Dr.	0	N/A	N/A	0	0	0	0
Delta Complex 1701 N. L.A. Prexy Davis Dr.	0	N/A	N/A	0	0	0	0
Delta Annex 1701 N. L.A. Prexy Davis Dr.	0	N/A	N/A	0	0	0	0
Hunt Hall 2101 N. L.A. Prexy Davis Dr.	0	N/A	N/A	0	0	0	0
Lewis Hall 2102 John Kennedy Dr.	0	N/A	N/A	0	0	0	0
Douglas Hall 2104 John Kennedy Dr.	0	N/A	N/A	0	0	0	0
Piney Woods Apartments 2300 Woodgate Dr.	0	0	0	0	0	0	0
Hathaway Fine Arts 1200 N. University Dr.	1	11/5/2021	6:30 PM	Intentional- Arson	0	0	>\$1,000,000

## **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 in Fire Safety**

In an effort to promote future fire safety awareness, we will review specific locations on the campus and identify opportunities for improving the safety and security. The university has increased the presence of law enforcement personnel on the UAPB campus, which will promote more North Little Rock Site visits throughout the fall and spring semesters. Doing this will reduce any opportunity for crime on the campus and provide more opportunities to engage with the students and the community. Additionally, we have plans to secure a new camera and a surveillance monitoring system, and ensure adequate parking is available.



