

2025

Clery Annual Security & Fire Safety Report For the Academic Year 2024-2025

September 2025



UNIVERSITY OF
CENTRAL
ARKANSAS™

Welcome from the UCA Chief of Police

On behalf of the members of the University of Central Arkansas Police Department, I would like to extend to you our greetings. The safety and well-being of our students, staff, faculty, and visitors are our top priority. Each year, we publish this guide to provide you with essential information regarding the University's police and public safety services, programs, and policies as well as statistics about the occurrence of crime on and around our campus.

Along with the support of other departments, the men and women of the UCA Police Department are dedicated to maintaining a safe and pleasant environment to live, work, and learn. A truly safe campus, however, can only be achieved through the cooperation of all students, faculty, and staff. This police-citizen partnership is vital to our overall community policing philosophy.



This publication is but a small part of our effort to keep our campus community informed. We encourage you to review it carefully and, in particular, the crime prevention tips that we have included. Personal safety is a responsibility of each and every one of us and we very much need your assistance to help keep our campus a safe environment.

The UCA Police Department is committed to providing the highest level of professional law enforcement and public safety services possible to our community. Your feedback will assist us in ensuring that this level of service is consistently attained. Your comments and suggestions are always welcome. Please contact me or any member of my senior staff, listed below, if we can be of service to you. You may contact us at (501) 450-3111 or through our website at www.ucapd.org.

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Chief of Police

jmerguie@uca.edu

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Deputy Chief of Police

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Emergency Management Coordinator

cwalton2@uca.edu

Captain Jamie Boothe

Operations Commander

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Lieutenant Michael Shaw

Criminal Investigations Commander

mshaw@uca.edu

Important Phone Numbers

On Campus Numbers

UCA Police Department	501-450-3111
Switchboard Operator	501-450-5000
President's Office	501-450-3116
Dean of Students	501-450-3416
Counseling Center	501-450-3138
Housing & Residence Life	501-450-3132
Human Resources	501-450-3181
University Provost	501-450-3126
Student Health Services	501-450-3136
Student Wellness and Development	501-450-3133
UCA Title IX Coordinator	501-450-3247

Off Campus Numbers

Conway Police Department	501-450-6120
Faulkner County Sheriff's Office	501-450-4914
Arkansas State Police	501-618-8100
Conway Fire Department	501-450-6167
Pafford Ambulance	870-359-5466
Faulkner County Victim/Witness Assistance Program	501-450-3051
Counseling Associates	501-336-8300
Sexual Assault Crisis Response	501-358-6217
National Sexual Assault Hotline	800-656-4673
National Domestic Violence Hotline	800-799-7233

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The Clery Act and Preparation of the Annual Security and Fire Safety Report

The Jeanne Clery Campus Safety Act, more commonly known as the Clery Act, requires institutions of higher education to distribute to all current and prospective students and employees two types of information: (1) Descriptions of policies related to campus security, and (2) Statistics concerning specific types of crimes.

The UCA Police Department publishes this report to inform the University of Central Arkansas community about campus security policies, initiatives to prevent and respond to crime and emergencies, and the occurrence of crime on campus. This report complies with the Jeanne Clery Campus Safety Act and uses information maintained by the University Police, as well as information provided by other University offices such as Student Affairs, Residence Life, Office of Student Conduct, and information provided by Campus Security Authorities, and local law enforcement agencies. Each of these entities provides updated policy information and/or crime data.

This report provides statistics for the previous three years concerning reported crimes that occurred on campus, in certain off-campus buildings and property owned, leased or controlled by UCA. This report also includes institutional policies concerning campus security, such as policies regarding sexual assault, alcohol, and other drugs. The University distributes a notice of the availability of this Annual Security and Fire Safety Report by October 1 of each year to every member of the University community. Anyone, including prospective students and employees, may obtain a paper copy of this report by contacting the UCAPD Deputy Chief of Police at (501) 450-3111. A digital version is available online on the UCAPD website (<https://uca.edu/police/safeuca/clery-annual-security-and-fire-safety-report/>). UCAPD publishes a daily crime log and daily fire log which can be accessed on the UCAPD Web site at www.ucapd.org or in the lobby of the police department.

Campus Safety

UCA Police Department

The University of Central Arkansas Police Department is an effective, skilled, and progressive organization made up of men and women who are dedicated to their profession and to the mission and values of the University. UCAPD is accredited with the Arkansas Law Enforcement Accreditation Program (ALEAP) by demonstrating a high level of excellence and professionalism in the field of law enforcement by meeting standards set forth by the program. UCAPD personnel are dedicated and committed to constantly improving the quality of life through a spirit of service and the highest standards of personal and professional integrity.

Reporting to the UCA Chief of Staff, the UCA Police Department, comprised of 23 full-time sworn police officers who have full investigative and arrest authority, 10 full-time support staff, and several part time staff, provides around-the-clock law enforcement, public safety, emergency management, and 9-1-1 response services to the UCA community. Through a strong philosophy of community-oriented policing and solid relationships throughout the campus, UCAPD focuses on protection of persons and property, preservation of the peace, enforcement of state and local laws and university regulations, prevention and repression of criminal activity, emergency preparedness planning, and management and control of parking and traffic on the campus.

The UCA Police Department is located on campus between State Hall and Hughes Hall. The lobby and emergency communications center are staffed 24 hours a day. Persons needing EMERGENCY assistance at any time should call 9-1-1. General assistance can be obtained by calling (501) 450-3111. Additionally, assistance may be summoned via Safe@UCA safety app or from emergency phones inside elevators.

Law Enforcement Authority and Jurisdiction

UCA Police officers are vested with full police and investigative authority pursuant to Arkansas Code Annotated §25-17-301 thru 25-17-307 and are certified by the Arkansas Commission on Law Enforcement Standards and Training. UCAPD officers undergo extensive specialized training to better understand the safety and security needs of students, staff, faculty, and visitors within a richly diverse academic community. The department's primary operating jurisdiction includes all UCA owned, leased, or controlled properties and adjoining streets and highways. In addition, under Arkansas state law, UCA police officers have full law enforcement authority anywhere in the State of Arkansas while conducting official business.

UCAPD maintains close working relationships with other local law enforcement agencies including the Conway Police Department,

Faulkner County Sheriff's Office, and the Arkansas State Police. UCAPD participates in a mutual aid agreement with law enforcement agencies throughout Faulkner County including the local police departments in the cities of Conway, Vilonia, Greenbrier, Mayflower, Quitman, and Guy, the Faulkner County Sheriff's Office, and the Twentieth (20th) Judicial District Prosecutor's Office.

The UCA Police Department maintains a memorandum of understanding (M.O.U.) with the Conway Police Department regarding operational responsibility for on-campus law enforcement. The M.O.U. includes provisions for responsibilities and coordination of effort pertaining to numerous operations including, but not limited to: geographical boundaries, investigation of alleged criminal offenses, Title IX investigations and obligations, Clery timely warning and emergency notification requirements, and missing student investigations.

Accurate and Timely Reporting of Criminal Offenses

Prompt and accurate reporting of criminal offenses aids in providing a timely response and timely warning notices to the community when appropriate, and assists in compiling accurate crime statistics. Community members, students, faculty, staff, and visitors are encouraged to report all crimes and public safety related incidents in an accurate and timely manner to the University of Central Arkansas Police Department, Conway Police Department or your local law enforcement agency when the victim of crime elects to or is unable to make such a report.

Reporting Crime and Other Emergencies on Campus

The UCAPD is located on campus at the intersection of Marian Ross Avenue and W. J. Sowder Street, between State and Hughes Hall. Persons needing EMERGENCY assistance at any time should call the UCA Police CommCenter by dialing 911 from campus office telephones, residence hall telephones, telephones at campus-owned houses, or greek houses, or on cell phones. General assistance can be obtained by calling (501) 450-3111. Assistance can also be summoned by pushing the call button on any elevator emergency telephone located throughout the campus. The telecommunications specialist instantly knows the location of the caller and will ask what type of assistance is needed.

The UCA Police Department's lobby is open 24-hours a day. The on-duty telecommunications specialist is available to assist at the lobby window. The web address for the UCAPD is www.uca.edu/police. Contact information for each member of the UCAPD is located on the website.

UCAPD will respond as quickly as possible to any request for assistance, whether it is an emergency or not. Response time is based on current activity and the severity of the call. Crimes in progress, traffic accidents, and medical assistance have a higher priority than other types of calls.

It cannot be stated enough how important it is to promptly and accurately report a crime, no matter where it occurs. If a crime is not promptly reported, evidence can be lost and/or a suspect could elude arrest. If a crime is not accurately reported, leads could be missed and an investigation could head in the wrong direction. If you see a crime or emergency, promptly report it to UCAPD and answer questions as accurately as you can. The investigation can only be as good as the information received. If you see or receive knowledge of criminal activity or other emergencies, or if you are the victim of such, please contact UCAPD or any campus official.

Limited Voluntary Confidential Reporting

The UCA Police Department encourages anyone who is the victim or witness to any crime to promptly report the incident to the police. Because police reports are public records under state law, UCAPD cannot hold reports of crime in confidence once an investigation is closed. Anonymous reports may be filed by Campus Security Authorities for statistical reporting purposes. A student's privacy concerns are weighed against the needs of UCA to respond to certain incidents and crimes. To the greatest extent possible, all reports will remain private. In compelling situations, UCA reserves the right to take reasonable action in response to any crime report, and information may be shared with appropriate university departments or other law enforcement agencies under a need-to-know basis when it pertains to investigative needs and safety concerns of the campus community. All reports submitted on a confidential or anonymous basis are evaluated for purposes of issuing a campus-wide "timely warning" as well as inclusion in the annual crime statistics.

Facilitated Anonymous Reporting through the Counseling Center / Pastoral Counselors

Professional Counselors assigned to the UCA Counseling Center are confidential resources and do not report incidents. This can be done in person or via telephone. Pastoral Counselors and Certified Counselors in their capacity and function do not make identifiable reports of incidents to the Official On-Campus Resources unless the student specifically requests them to do so; however, UCA encourages these counsellors, if and when they deem it appropriate, to inform students they can report incidents of crime to UCAPD, which can be done directly or anonymously through the facilitated anonymous reporting process as outlined below.

Alternatives to Immediately Filing a Police Report

- Report the crime at a later date.
- Make a complaint to the Dean of Students office. Such a complaint may be used for actions which include, but are not limited to, on-campus disciplinary proceedings.
- Make an anonymous report to the police. The Safe@UCA mobile application has the capability to report crimes anonymously.
- Facilitated Anonymous Reporting: Students may request a Pastoral Counselor or a Certified Counselor in the Counseling Center to facilitate anonymous reporting using the online form designed to capture general details about the incident for inclusion in the college's Annual Security and Fire Safety report.
- Contact other campus officials for assistance (see reference list below). Residents may wish to contact a Housing & Residence Life staff member.
- Make a complaint to the Title IX coordinator in the Office of General Counsel. Such a complaint may be used for actions which include, but are not limited to, on-campus disciplinary proceedings.

It is imperative that UCA community members who become aware of a crime or other safety hazard immediately report such to the UCA Police Department for the purpose of a timely warning notice being made if necessary and for inclusion in annual crime statistics disclosures.

Members of the UCA community who wish to anonymously report a crime may do so by calling and leaving a message on the UCA Anonymous Hotline at (855) 440-0002. Crime tips may also be submitted via the Safe@UCA safety app or by email to crimetips@uca.edu. To report a crime in progress or an emergency please call the UCAPD immediately by dialing 9-1-1 or (501) 450-3111.

Reporting Offenses to Other Campus Officials

Victims of crime are encouraged to report the incident immediately to the UCA Police Department. Other campus offices/administrators to which offenses may be reported include:

Dean of Students

Ms. Kelly Owens, (501) 450-3146

Director of Counseling Services

Dr. Susan Sobel, (501) 450-3138

Associate Vice President Student Affairs

Dr. Stephanie McBrayer, (501) 450-5932

Associate Dean of Students

Dr. Veneta Fricks, (501)450-3133

Director of Athletics

Mr. Matt Whiting, (501) 450-3150

Title IX Coordinator

Ms. Jennifer Craun, (501) 450-3247

General Counsel

Mr. Warren Readnour, (501) 450-5007

Associate VP for Human Resources

Ms. Bridget Fortenberry, (501)450-5051

Executive Vice President & Provost

Dr. Michael Hargis, (501) 450-3126

Director of Student Health Services

Ms. Sandy Childress, (501) 450-3136

Assistant Director of Student Wellness

Ms. Vergie Jackson, (501) 470-7587

Preparation and Disclosure of Crime Statistics

The University of Central Arkansas Police Department is the department responsible for preparing and distributing the university's annual security and fire safety report. This document is intended to serve as the annual security and fire safety report, as required by the Jeanne Clery Campus Safety Act. The purpose of the report is to provide information about security on campus, to include: campus and community crime statistics, fire statistics and safety information, policy information, safety tips, resource phone numbers and a brief overview of the many services and programs provided by UCA. A map of the campus can be found at: <https://uca.edu/physicalplant/files/2023/05/campus-map-color.pdf>.

Statistics for this report are compiled from the following sources: UCA Police Department (UCAPD), Conway Police Department, Faulkner County Sheriff's Office, Arkansas State Police, non-police campus officials who are designated as Campus Security Authorities, and the UCA Office of the Dean of Students.

A written request for statistical information is made on an annual basis to the Conway Police Department, the Faulkner County Sheriff's Office, the Arkansas State Police and all Campus Security Authorities (as defined by Federal law) which includes, but is not limited to, UCA Police Department personnel, Housing & Residence Life staff, athletics coaches, and registered student organization advisors.

The UCA Police Department **does not** actively monitor or record criminal activity by students at non-campus locations of officially recognized student organizations. UCAPD relies on its close working relationships with local law enforcement agencies to receive information about incidents involving UCA-recognized student organizations off campus. In coordination with local law enforcement agencies, the University Police will actively investigate certain crimes occurring on or near campus. External law enforcement agencies, including Conway PD and the Faulkner County SO may formally notify the UCA Police Department or the UCA Dean of Students of criminal activity involving recognized student organizations. The University requires all recognized student organizations to abide by federal, state, local laws, and University regulations. The University may become involved in the off-campus conduct of recognized student organizations when such conduct is determined to affect a substantial University interest.

The crime statistics information presented in this report (see chart on page 13) provides context for the crime statistics reported as part of compliance with the Clery Act.

UCAPD sends an email to every enrolled student and current employee on an annual basis which includes a brief summary of the contents of this report. The email also includes the address for the UCAPD Web site where the report can be found online (<http://uca.edu/police/safeuca/clery-annual-security-and-fire-safety-report/>). A physical copy may be obtained in the UCA Police Department lobby or by contacting the UCA Police Department Deputy Chief of Police at (501) 450-3111.

Access to and Security of Campus Facilities

The University of Central Arkansas is a public institution and, apart from restricted and high-security areas, is accessible to the public during normal business hours (time, place, and manner restrictions apply). Except for essential personnel and services, and others as designated, buildings are locked and access is permitted only with proper authorization and identification after normal building hours. Members of the UCA Police Department regularly patrol the interiors and exteriors of all campus facilities.

Buildings have individual hours which may vary at different times of the year. In these cases, the buildings will be secured according to schedules developed by the department or administrator responsible for the building.

In order to protect the safety and welfare of students and employees of the University and to protect the property of the University, all persons on property under the jurisdiction of the University behaving in a suspicious manner will be asked to identify themselves. A person identifies themselves by giving their name, complete address, and stating truthfully their relationship to the University. A person may be asked to provide proof of identification which is subject to verification. If any person refuses or fails upon request to present evidence of their identification and proof of authorization to be in the building or on the campus, or if it is determined that the individual has no legitimate reason to be in the building or on campus, the person will be asked to leave and may be removed from the building or campus. Persons who behave in a suspicious manner or are involved in suspicious activities should be reported immediately to the UCA Police Department.

Maintenance and Security Considerations

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

Police officers complete campus lighting checks regularly. Physical Plant personnel are notified when there are burned out or damaged street and building lights. Additionally, each fall semester the UCA Police and Physical Plant Departments work in conjunction with the Student Government Association and the university administration in conducting “Operation SafeWalk.” Groups of students, staff, and faculty explore the entire campus, after dark, to identify safety and security issues.

Residence Halls Access

Access to residence halls is restricted to residents, their approved guests, and other approved members of the university community. The exterior doors of all residence halls are locked at all times. Residents may gain access to their residence hall by using their UCA BearCard physical or mobile ID with the card access readers. For residents in university apartments, access is gained to their apartment with a physical key assigned to them by the Housing Department. Students should not attempt to compromise residence hall security at any time. Residents are cautioned against permitting strangers to enter the buildings and are urged to require individuals seeking entry to use their access cards. UCAPD officers patrol the residence halls on a regular basis. Any student or guest found compromising the residence hall security will be documented and may be subject to sanctions.

Housing & Residence Life staff, including residence life coordinators, residence coordinators, and residence assistants, also enforce security measures in the halls and work with residents to achieve a community respectful of individual and group rights and responsibilities. Housing staff and UCAPD staff also conduct periodic educational sessions on prevention of various crimes, including sexual assault and acquaintance rape.

Resident Safety Policies

A number of policies have been implemented to promote safety and security on campus and in the residence halls:

- Non-residents are not permitted in the residence halls unless they are a guest of a resident, or have other legitimate purpose for visiting a hall.
- Alcohol and drugs are banned from campus. Students are not permitted to possess or consume alcohol or non-prescription drugs in the residence halls or other parts of the university campus.
- Weapons, firearms, and explosive devices are not allowed on campus or in the residence halls unless otherwise authorized by Arkansas state law (see UCA Firearms Policy for additional information).
- UCA enforces a 10:00 p.m., quiet hour policy outside the residence halls.
- Residence hall exterior doors are locked and residents must swipe their access card to enter their building.
- Academic classroom buildings are normally locked after the last class or scheduled event.
- Non-students who come onto campus and violate University policies may be subject to a disciplinary hearing which could result in a ban from campus.

Reporting of and Notification Regarding Missing Students

If a member of the University community has reason to believe that a student who resides in on-campus housing is missing, he or she should **immediately** notify UCAPD at (501) 450-3111. UCAPD will generate a missing person report and initiate an investigation. In addition, members of the University community may choose to report information about missing students to other campus security officials as listed on page 6 under “Reporting Offenses to Other Campus Officials.” It is required that any report of a missing student be immediately reported to the UCAPD for investigation.

After investigating the missing person report, should UCAPD determine that the student is missing and has been missing for more than 24 hours, UCA will notify surrounding law enforcement agencies and the student’s missing student contact no later than 24 hours after the student is determined to be missing. If the missing student is under the age of 18 and is not an emancipated individual, UCA will

notify the student's parent or legal guardian within 24 hours after UCAPD has determined that the student is missing.

In addition to registering an emergency contact, students residing in on-campus housing have the option to identify, confidentially, an individual to be contacted by UCA in the event the student is determined to be missing for more than 24 hours. Students may register this confidential contact information by visiting the Housing & Residence Life Office. This contact information is kept confidential and will only be used by authorized campus officials in a missing student investigation. For a person under the age of 18 (who is not emancipated), and for purposes of missing student notification, the person(s) to be contacted must be a custodial parent or guardian.

The UCA Police Department will investigate any report of a missing student utilizing established police investigative procedures and appropriate UCA resources as necessary. UCAPD will notify other local law enforcement agencies, including those agencies local to where the student may be, as appropriate within 24 hours of the determination that a student is missing.

Emergency Response and Evacuation

The University of Central Arkansas Emergency Operations Plan (EOP) describes the responsibilities and duties of campus personnel, departments, agencies, and nongovernmental organizations in the event of an emergency or dangerous situation involving an immediate threat. The EOP is designed to assist UCA employees to respond appropriately when emergency conditions exist.

The University will test emergency response and evacuation procedures annually through evacuation/shelter drills, tabletop exercises, functional exercises, and/or full scale simulations. These tests are designed to assess and evaluate the emergency plans and capabilities of the institution. The emergency response and evacuation procedures will be publicized with the annual test along with documentation including a description of the exercise, the date, time and if the test was announced or unannounced. Each building on UCA campus has an organized group of staff and faculty who serve on a Building Emergency Team (BET) for each campus building. The designated Building Administrator develops and updates a Building Emergency Plan (BEP) that is specifically tailored to the unique needs of each campus facility.

In the event of an emergency or dangerous situation, the UCA Police Department may direct students, faculty, staff, and visitors to evacuate a building, several buildings, a portion of the campus, or the entire campus. The campus community will be asked to follow building emergency plan guidelines and protocols for evacuation. Certain events, such as a hazardous materials release, may require the UCA community and the general public to shelter-in-place to prevent exposure to harmful elements.

If appropriate, the UCA Police Department will use the UCAAlert system to provide the community with evacuation instructions or other necessary information via electronic/cellular communication.

Notification to the UCA Community about an Immediate Threat

In the event, that an emergency or dangerous situation on campus has been confirmed by UCAPD staff, and it is determined that the situation poses an immediate threat to the health or safety of students or employees. The Chief of Police or designee will, without undue delay and taking into account the safety of the community, evaluate the situation to determine the content of the notification and the segment or segments of the campus community to receive the notification, unless issuing a notification will, in the professional judgment of responsible authorities, compromises efforts to assist a victim or to contain, respond to, or otherwise mitigate an emergency. In this circumstance, some or all of the following systems will be used to communicate information about the threat. UCAPD staff assigned to the UCAPD Communications Center will activate the appropriate systems as directed. The content of emergency information messages to be delivered to the campus community is determined by the Chief of Police or designee.

UCA community members are encouraged to notify UCAPD of any situation or incident on campus that involves a significant emergency or dangerous situation that may pose an immediate or ongoing threat to the health and safety of students and/or employees on campus. UCAPD has the responsibility of responding to, and summoning the necessary resources, to mitigate, investigate, and document any situation that may cause a significant emergency or dangerous situation. In addition, UCAPD has a responsibility to respond to such incidents to determine if the situation does in fact, pose a threat to the community. If so, Federal Law requires that the institution notify the campus community or the appropriate segments of the community that may be affected by the situation.

For the purposes of this section, to “confirm” is to support the report of the situation with evidence, with due consideration of the quality of the evidence including an analysis of the following questions:

- Did the evidence come from a witness or witnesses who had the opportunity to personally observe the situation (i.e. individuals on the scene when the incident occurred or first responders) or reputable sources of information (i.e. National Weather Service);
- Whether the details in the evidence gathered corresponds or conflicts with details of the report; and
- Is there corroboration of any portion of the reported information from multiple first-hand witnesses or reputable sources of information?

UCAAlert System - The UCAAlert System is an emergency mass notification system for sending text messages to the campus community in the event of a significant incident which necessitates the urgent dissemination of emergency information. Students, faculty, and staff are encouraged to submit their phone numbers for the UCAAlert System by following the instructions on the UCAPD website <http://uca.edu/police/safeuca/ucaalert/>. Alert messages sent via the UCAAlert system may also be posted automatically to official UCA social media and/or websites, to include but not limited, the Safe@UCA Mobile App, the UCA website, the UCA Police Department website, Facebook, and Twitter. A full test of the UCAAlert system is conducted each fall and spring semester. The test typically is unannounced before it is conducted and is followed up via email with information on how to subscribe to receive alert messages.

Outdoor Warning Siren/Voice Announcement System - A system of outdoor warning sirens with voice announcement capability is used to alert the campus community to take shelter in the event of an emergency. The system is tested on the first Wednesday of each month, weather permitting. Remember, when you hear the sirens: “Shelter-in-place, stay alert.”

Activation of UCAAlert and/or Outdoor Warning Sirens – UCA Police officers will respond to any known emergency occurring on the UCA campus. If it is confirmed, in the judgment of the highest-ranking UCA Police Department member, that an emergency poses an immediate threat to the health or safety of students or employees, he or she will direct personnel assigned to the UCAPD CommCenter to initiate the emergency notification systems necessary to immediately notify the campus community. A number of pre-drafted notification statements are available for immediate use for an initial alert during anticipated emergencies. The UCA Chief of Police or designee will compose additional notification messages to provide further details or instructions as necessary or appropriate. Emergency notification messages typically are sent to all students, staff, faculty, and any other persons registered in the UCAAlert System. If appropriate, the UCA Chief of Police or designee may direct notification messages be sent to certain segments of the campus community, such as to resident students only.

Notification for Members of the Larger Community – Alert messages sent by the UCAAlert system may also post to the Safe@UCA Mobile App, UCA websites and social media outlets including Facebook and Twitter. Members of the larger community surrounding UCA are encouraged to install the mobile app on their device giving them the ability to receive emergency notifications. Community

members can also monitor social media and news media outlets in the event of an emergency on campus. Additionally, the outdoor warning sirens and voice announcement system can be heard in the areas immediately surrounding the campus.

Shelter-in-Place Procedures – What it means to “Shelter-in-Place”

“Shelter-in-Place” is a precaution aimed at safety of a building’s occupants while they remain indoors. (This is not the same thing as going to a shelter in case of a storm.) Shelter-in-place means selecting a small, interior room, with no or few windows, and taking refuge there. It does not mean sealing off the building.

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.

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

A shelter-in-place notification may be communicated to the UCA community via the UCAAlert system or the outdoor warning siren and voice annunciation system. Remember, if you hear the sirens, “shelter in place and stay alert.”

How to “Shelter-in-Place”

“Shelter-in-Place” orders may be issued for any situation where it is best for people to stay inside. The reason for the shelter-in-place order may not be immediately communicated to everyone, but if a shelter-in-place order is issued, occupants should be alert for instructions and updates as they become available from the emergency personnel and university administrators through the UCAAlert System or other means of communications.

When an alert or other notification is received to shelter-in-place the following steps should be taken immediately:

- ◆ Stop classes or work; cease all business operations.
- ◆ Stay in your classroom/work area with all doors locked.
- ◆ Continue sheltering in place until advised otherwise by the UCA Police Department, Campus Administrators, or members of the UCA Emergency Response Team.
- ◆ Once police arrive, obey all commands.
- ◆ Leave the campus ONLY if it is safe to do so.
- ◆ After the shelter-in-place order has been lifted, crisis coordinators, faculty, or staff may be used to restore normalcy, comfort, and assist all occupants, determine occupants’ needs, and report these needs to university officials.
- ◆ For more detailed information on sheltering in place during a confronting immediate danger situation, see the Confronting Immediate Danger section below.

Off-Campus Emergencies

UCAPD officials may receive emergency information from the Faulkner County Sheriffs Department or Conway Police Department Communications Centers regarding incidents in Faulkner County that could imminently impact the safety of the UCA community. When appropriate, UCAPD notifies the campus community of off-campus threats that could also represent a threat to the health or safety of students or employees.

Communication About Crime on Campus

Timely Warning Notices

Timely Warning Notices may be provided to the university community in the event of a reported Clery crime, within the UCA Clery Geography, that, in the judgment of the Chief of the UCA Police Department or a designee, constitutes a serious or ongoing threat to the health or safety of members of the university community. The Clery-reportable crimes for which Timely Warning Notices may be issued may include, but are not limited to, murder, non-negligent manslaughter, manslaughter by negligence, rape, fondling, incest, statutory rape, robbery, aggravated assault, burglary, motor vehicle theft, and arson. Typically, alerts are not issued for any incidents reported that are ten (10) days or older from the date of occurrence, as such a delay in reporting has not afforded the university an opportunity to react or respond in a timely manner.

The Timely Warning Notices will be issued on a case-by-case basis in a timely manner as soon as pertinent information is available. These are generally written by the Chief of Police or a designee, will not include the names of victims, and are typically distributed to the community via email from the UCA Police Department to official UCA student, staff, and faculty email accounts. There are several UCA Police Department personnel who are authorized to initiate campus-wide emails. The Timely Warning Notices may also be posted on the UCA Police Department website. When necessary, updates to the UCA community about any particular case resulting in a Timely Warning Notice will usually be distributed via email. Timely Warning Notices may also be distributed via social media outlets.

Daily Crime Log

A public log, as required by the Clery Act, is available at a kiosk in the UCAPD lobby that summarizes reported crimes that have occurred on campus or within the patrol jurisdiction of the UCA Police Department over the past 60 days. The log includes the nature of the crime, the date reported, the date and time of occurrence, the general location of the crime, and the disposition of the complaint if known. This information is posted to the UCA Police Department Website at www.uca.edu/police on normal business days.

Be the first to know.

UCAAlert

Stay up-to-date during an emergency. Log in to myUCA and sign up!



Crime Statistics

Offenses	On-Campus*			Residence Hall*			Public Property			Non-Campus		
	2022	2023	2024	2022	2023	2024	2022	2023	2024	2022	2023	2024
Murder / Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0	0	0	0
Rape	2	4	2	2	4	2	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0	0	1	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0
Domestic Violence	2	3	4	1	2	3	0	0	0	0	0	0
Dating Violence	3	10	7	1	6	4	0	0	0	0	0	0
Stalking	14	8	16	4	2	11	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	4	2	0	2	0	0	0	0	0	2	2
Burglary	8	3	3	7	0	3	0	0	0	0	0	0
Motor Vehicle Theft	2	1	3	0	0	0	0	0	0	0	0	0
Arson	1	0	0	1	0	0	0	0	0	0	0	0
Arrests	On-Campus			Residence Hall			Public Property			Non-Campus		
	2022	2023	2024	2022	2023	2024	2022	2023	2024	2022	2023	2024
Weapons	5	5	2	0	1	0	0	0	0	0	0	0
Drug Law Violations	36	10	9	4	1	2	6	12	6	0	0	0
Liquor Law Violations	15	8	6	2	0	1	5	2	6	0	0	1
Referrals	On-Campus			Residence Hall			Public Property			Non-Campus		
	2022	2023	2024	2022	2023	2024	2022	2023	2024	2022	2023	2024
Weapons	3	0	1	3	0	1	0	0	0	0	0	0
Drug Law Violations	38	33	27	21	23	9	1	0	0	0	0	0
Liquor Law Violations	51	24	26	37	23	19	0	0	0	0	0	0
Unfounded Crimes				*The On-Campus category includes totals from the Residence Hall category. More detailed descriptions of the categories are included in the definitions that follow.								
Year	Total											
2022	2											
2023	1											
2024	2											

*The On-Campus category includes totals from the Residence Hall category. More detailed descriptions of the categories are included in the definitions that follow.

Hate Crimes

No hate crimes were reported during 2024, 2023, or 2022.

Definitions of Geography

On-Campus: (1) 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; and (2) property within the same reasonably contiguous geographic area of the institution that is owned by the institution but controlled by another person, is used by students, and supports institutional purposes (includes parking lots, sidewalks, common areas, and all academic and administrative buildings on the main campus).

Non-campus: (1) any building or property owned or controlled by a student organization recognized by the institution; and (2) any building or property (other than a branch campus) owned or controlled by an institution of higher education that is used in direct support of, or in relation to, the institution's educational purposes, is used by students, and is not within the same reasonably contiguous geographic area of the institution (includes religious student centers, farm, and all buildings not on the main campus).

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 by the institution in direct support of, or in a manner related to the institution's educational purposes (includes streets running through or next to campus, contact UCAPD for an exact description of all areas – sidewalks and parking facilities are on campus).

Residence Hall: on campus residence halls and university owned or controlled apartments. This number represents a subtotal of the total on campus incidents listed in this report.

Definitions of Criminal Offenses

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

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

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

Dating violence is violence by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. Whether there was such relationship will be gauged by its length, type, and frequency of interaction.

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

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

Hate crimes are committed against a person or property which is motivated, in whole or in part, by the offender's bias. Bias is a preformed negative opinion or attitude toward a group of persons based on their race, gender, gender identity, religion, disability, sexual orientation, ethnicity, national origin, or disability. Under the *Clery Act*, Hate Crimes include any of the following offenses motivated by bias: Murder and Non-negligent Manslaughter, Sexual Assault, Robbery, Aggravated Assault, Burglary, Motor Vehicle Theft, Arson, Larceny-Theft, Simple Assault, Intimidation, Destruction/Damage/Vandalism of Property. Larceny-Theft, Simple Assault, Intimidation, and Destruction/Damage/Vandalism of Property are included in your *Clery Act* statistics only if they are Hate Crimes

Liquor law violations are defined as the violation of laws or ordinance prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; all attempts to commit any of the aforementioned. (Drunkenness and driving under the influence are not included in this definition.)

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

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

Manslaughter by Negligence is the killing of another person through gross negligence.

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

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

- **Rape** is the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This definition includes any gender of victim or perpetrator.

- **Fondling** is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- **Incest** is non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory rape** is non-forcible 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 the person's safety or the safety of others or suffer substantial emotional distress.

Hate violence as defined in the statute means "any act of physical intimidation or physical harassment, physical force or physical violence, or the threat of physical force or physical violence, that is directed against any person or group of persons because of the ethnicity, race, national origin, religion, sex, sexual orientation, disability, or political/religious beliefs of that person or group". Incidents of hate violence should be reported to the UCAPD or any of the campus officials with significant responsibility for student and campus activities as defined within this publication. The university does not condone hate violence and is charged with ensuring that the rights guaranteed by state law and the U.S. Constitution are protected for all people regardless of their ethnicity, race, national origin, religion, sex, sexual orientation, disability, or political/religious beliefs.

Security Awareness and Crime Prevention Programs

- **Operation ID** – Operation ID is a nationwide program designed to discourage burglary and theft of valuables. It also provides a way for you to easily identify stolen property and increases law enforcement's chances of recovery and conviction. Engravers are available through UCA Police which allows students to engrave belongings with personal identification numbers, making it easier to retrieve stolen property.
- UCA Police officers patrol residence halls both day and night to provide a highly visible deterrent to crime and to enhance communication with students.
- Residence halls frequently offer programs on sexual assault prevention, alcohol and other drugs, theft prevention, sexually transmitted diseases and other workshops to educate students about personal safety and health related issues.
- The UCA Police sponsors self-defense classes periodically or on an as needed basis for groups to provide a means of learning effective and simple ways for students to defend themselves against an attack.
- The UCA Police provides crime prevention and awareness programs for campus community groups, faculty and staff, student, and other organizations, and campus residents.
- The UCA Police Department provides escort of cash transfers and of persons who desire the security of a police officer when traversing the campus or returning to their vehicle at night.
- The UCA Police Department provides active aggressor educational and personal safety information through the CRASE training system. This training is intended to provide those attending with a "survival mindset" in order to survive in the event of an active shooter on campus.
- **Brake for Bears** – Each fall semester the UCA Police Department and SGA sponsor a pedestrian safety event entitled Brake for Bears. Volunteers are assigned to crosswalks and hand out t-shirts and flyers with pedestrian safety information.
- On-site examinations of a physical facility and its surrounding property are conducted by UCA Police officers for the purpose of determining security status, identifying deficiencies, and defining and recommending the protection needed. These are done at the request of the building administrator.
- Student Health Services Clinic is available to treat minor injuries and illnesses.
- The UCA Police Department operates a network of security cameras in order to enhance security and safety on campus. Indoor and outdoor cameras are located in strategic locations throughout the campus.
- **Operation SafeWalk** – The UCA Police Department, UCA Physical Plant, and the Student Government Association partner annually to work with constituencies across campus to conduct Operation SafeWalk. During Operation SafeWalk, groups of students, staff, and faculty assemble into teams and are assigned a region of the campus to survey closely for any safety or security hazards. At the conclusion of the operation a list of items requiring attention is compiled and forwarded to UCA administrators for prioritization and action.

Crime Prevention Tips For Your Personal Safety

- After dark, avoid unlighted, vacant or deserted areas. If you are being followed or see suspicious activity, move to a lighted building or area and attract the attention of other people. Dial 911 or use an elevator emergency phone to contact the UCA Police Department.
- Avoid walking alone after dark. Call the UCA Police Department to request an escort on the campus or adjacent areas. Walk with a friend or in a group.
- Avoid jogging alone – day or night.
- Never hitch a ride from a stranger.
- Be aware of your surroundings and other people who may be around you.
- Consider carrying a noise-making device (such as a whistle) with you.
- Consider waiting for the next elevator rather than entering an elevator alone with a stranger. Stand away from the elevator door to avoid being pushed inside. If you are assaulted while inside an elevator, hit the ALARM BUTTON and not the emergency stop button.
- Always have your keys in your hand and ready for use when you approach a locked door or vehicle.
- Look around your vehicle and in the back seat before getting in.
- Drive on well-traveled streets; keep your doors locked. Make it a habit to lock your doors as soon as you get into your vehicle.
- If your vehicle breaks down, stay inside and open your window only slightly. If someone stops to help, stay inside and speak to them through the window – ask them to call for help.
- Where possible, engrave your driver's license or identification number on valuable items. An engraving tool is available for your use at the UCA Police Department.

Obscene and Annoying Telephone Calls

- Hang up as soon as you realize the nature of the call.
- Use caller ID, your answering machine or voice mail to screen calls. Also, use an answering machine or voice mail to record an obscene or annoying caller for possible evidence.
- If you receive repeated calls, keep a log of the time and contents of the call(s). Listen for background noise that might help identify the location from which the call was initiated.
- Call the UCA Police Department for more assistance.

What To Do In the Event You Are Assaulted

- Although your personal safety is maximized when you take precautions, you may still someday be the victim of a crime. Your reaction can affect whether or not you are physically harmed. You should think NOW about how you might react under a variety of circumstances. Are you prepared to scream and yell? Are you prepared to use physical force to resist?
- If you are faced with an armed criminal, cooperating with his or her demands may minimize the risk of injury. Avoid sudden movements and do what he or she demands.
- If you believe your life is in danger, use any defense you can think of (screaming, kicking, biting, running). Your objective should be to get away.

If you have been the victim of a sexual assault or rape, CALL THE UCA POLICE IMMEDIATELY! Dial 911 and talk with a communications specialist.

Disclosures to Victims of Alleged Crimes

UCA adheres to disciplinary procedures outlined within the Title IX or Dean of Students Office when students are involved in any violent crime or sex offense.

Pursuant to the Family Educational Rights and Privacy Act (FERPA) a school is permitted to disclose to the harassed student, information about the sanction imposed upon a student who was found to have engaged in harassment when the sanction directly relates to the harassed student.

Further, when conduct involves a crime of violence or a non-forcible sex offense, the university will, upon written request, disclose to the alleged victim 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, regardless of whether the institution concludes a violation was committed. Additionally, the institution may, upon written request, disclose to anyone — not just the complainant — the final results of a disciplinary proceeding if it determines that the student is an alleged perpetrator of a crime of violence or sex offense, and, with respect to the allegation made, the student has committed a violation of the institution's rules or policies. The final results are limited to the name of the alleged perpetrator, any violation found to have been committed, and any sanction imposed against the perpetrator by UCA.

UCA may not prevent a complainant from disclosing this information to others.

If the complainant is deceased as a result of the crime or offense, UCA will provide the results of the disciplinary hearing to the victim's next of kin, if so requested. The records of deceased students may also be released or disclosed at the request of a parent, personal representative, or other qualified representative of the student's estate, or pursuant to a court order or subpoena.



OPERATION ID

**Register your
valuables now.**



**If your property
is easily identifiable...**

**...the chances of it being
recovered are higher
in the event it is stolen.**

Alcohol and Drugs

University Statement on Alcohol and Drugs

The University is committed to the maintenance of a drug and alcohol-free workplace and the encouragement of a standard of conduct for employees and students that discourages the unlawful possession, use, or distribution of controlled substances and alcohol on its property or as a part of any of its activities. Therefore, the unauthorized or unlawful possession, use, manufacture, or distribution of controlled substances or alcohol on University property or as a part of any of the university's activities is expressly prohibited, unless designated otherwise by the President. Off campus activities sponsored by recognized student organizations must abide by all local and state laws. The UCA Police Department enforces all state underage drinking laws and all federal and state drug laws.

UCA Drug Free Schools and Communities Policy

This policy is mandated by and complies with the provisions of the Drug Free Schools and Communities Act Amendments of 1989 (Public Law 101-226).

The Vice President for Student Services or designee will be responsible for providing a copy of the "Drug Free Schools and Communities Policy" to all students on an annual basis. The Associate Vice President and Director of Human Resources or designee will provide a copy of this policy to all faculty and staff. The complete policy can be found in the student handbook under Drug-Free Schools and Communities Policy available at <https://uca.edu/student/uca-student-handbook/>.

Drug-Free Workplace

The University of Central Arkansas Board of Trustees condemns the unlawful sale, manufacture, distribution, possession, transfer, or use of a controlled substance by any employee of the university. It is the policy of the University of Central Arkansas to abide by the Drug-Free Workplace Act of 1988 and the Governor's Executive Order 89-2 of March 30, 1989. Therefore, the unlawful sale, manufacture, distribution, possession, transfer, or use of a controlled substance in the university's workplace is prohibited. The full text of UCA's Drug-Free workplace policy is available online at www.uca.edu/board/500series.

Medical Marijuana

Medical marijuana, in any form, shall not be possessed or used on any University campus or owned or leased space, including campus housing, or at any university-sponsored events or activities.

Description of Health Risks Associated with Use of Illicit Drugs and the Abuse of Alcohol

Alcohol - Alcohol consumption causes a number of changes in behavior and physiology. Even low doses significantly impair judgment, coordination, and abstract mental functioning. Statistics show that alcohol use is involved in a majority of violent behaviors on college campuses, including acquaintance rape, vandalism, fights, and incidents of drinking and driving. Continued abuse may lead to dependency, which often causes permanent damage to vital organs and deterioration of a healthy lifestyle. Extremely heavy consumption of alcohol, in a short period of time, may result in alcohol poisoning and death.

Cannabis - The use of marijuana may impair or reduce short-term memory and comprehension, alter sense of time, and reduce coordination and energy level. Users can have a lowered immune system and an increased risk of lung cancer. The active ingredient in marijuana, THC, is stored in the fatty tissues of the brain and reproductive system for a minimum of 28 to 30 days. Types of drugs include: Hashish and Marijuana

Stimulants - These drugs speed up the body's nervous system and create a feeling of energy. When the effects of a stimulant wear off the user is typically left with feelings of sickness and a loss of energy. Users may also experience feelings of paranoia and illusions or hallucinations. These substances increase the risk of heart failure, malnutrition and a weakness of the body's immune system. Types of drugs include: Cocaine, Crack, Methamphetamines (meth/crank), Amphetamines, Ritalin, and Dexedrine.

Depressants - Depressants slow the bodily functions, causing sleepiness or grogginess, impaired motor skills, poor memory, and faulty judgment. Larger doses may cause unconsciousness or death. Taken over a period of time, these substances result in a physical and psychological dependency. Abruptly stopping the drug can cause delirium and convulsions. Types of drugs include: Barbiturates (Nembutal) , Benzodiazepines (Valium, Xanax, Prozac, and Thorazine) , Antidepressants (Zoloft and Paxil), Rohypnol , GHB, and Alcohol.

Designer Drugs - Bath salts and spice cause cocaine- or marijuana-like effects and have been associated with heart problems, paranoia, hallucinations, panic attacks, and death. Types of drugs include: Synthetic cathinones and cannabinoids.

Opioids and Morphine Derivatives - Opioids and morphine derivatives can cause drowsiness, confusion, nausea, feelings of euphoria, and respiratory complications and death. Long-term use often leads to physical dependence and addiction. Types of drugs include: Codeine, Heroin, Morphine, Opium, Oxycontin (oxycodone), Vicodin (hydrocodone), and Demerol (meperidine).

Hallucinogens - The user may experience panic, confusion, suspicion, anxiety, and loss of control. Other negative side effects include heart failure, increased heart rate, higher blood pressure and changes in the body's hormones. Types of drugs include: LSD (Lysergic acid), Mescaline, and Psilocybin .

Anabolic Steroids - Steroids are taken to improve physical performance as well as to enlarge muscles and increase strength. Negative effects of steroids include baldness, cysts, oily hair and skin, acne, heart attack, stroke and change in voice. Types of drugs include: Anadrol, Oxandrin, and Durabolin.

Inhalants - Inhalants are sniffed or huffed and give the user immediate results. These immediate results can also result in sudden mental damage. When inhalants are taken, the body becomes deprived of oxygen causing a rapid heartbeat. Other effects include liver, lung, and kidney problems, walking difficulty and confusion. Types of drugs include: Glues, Paint and paint thinner, Gasoline, Aerosol sprays, and Plastic cement.

Prescription Drugs - Prescription drugs can be very helpful when used properly and when under the guidance of a qualified physician. Misuse and abuse of prescription drugs can be very dangerous. Most commonly abused: Opioids - Morphine , Codeine , Oxycontin , Vicodin , and Demerol; Depressants - Nembutal, Valium, and Xanax; and Stimulants - Adderall, Ritalin, and Dexedrine.

Statement of Disciplinary Action

Students violating the university policy on alcohol or drugs are subject to sanctions up to and including expulsion from the university and referral for prosecution. Students who use or possess hard drugs or large quantities of marijuana are typically suspended from the University. Any student allowed to remain in the University will, at a minimum, be required to successfully complete a university sponsored alcohol and drug education program. Employees violating any criminal drug statute while in the workplace will be subject to discipline up to and including termination.

Drug and Alcohol Programs

The University provides a number of prevention programs annually to reduce harm and negative effects associated with overuse of alcohol, tobacco, and other drugs. Drug and alcohol programming include, but is not limited to: Alcohol and drug education classes, Speakers, Media campaigns, Presentations, Residence hall programs, Alcohol-free social events, and Education and awareness activities. There are a number of groups, offices, agencies, and hospitals in Central Arkansas that offer drug treatment and rehabilitation services/programs. Options can be located at Yellopages.com under the headings "Alcoholism Treatment Centers" and "Drug Rehab." Alcohol, drug and tobacco prevention initiatives are provided annually by the Office of the Dean of Students in collaboration with departments and organizations on campus.

Local Treatment Facilities

Conway Behavioral Health, (844) 296-7032

Oasis Renewal Center, (501) 376-2747

The BridgeWay Hospital, (800) 245-0011

The UCA Counseling Center (Student Health Center – 3rd floor, 450-3138) can provide referrals to drug rehabilitation and treatment facilities.

Natural State Recovery Centers, (501) 319-7074

Recovery Centers of Arkansas, (501) 372-0590

Other Policies Regarding Alcohol, Tobacco, and Other Drugs at UCA

For information regarding other alcohol or drug policies, consult other sections of the UCA Student Handbook & Daily Planner. Other policies include: Off Campus Social Events Policy, Alcoholic Beverages and Party Planning, and UCA Housing Policy with regard to Offenses Subject to Disciplinary Action.

Biennial Review of Program

The Dean of Students Office uses the results of an annual alcohol and drug survey to conduct a biennial review of educational and programming efforts. The survey provides a quantitative assessment of students' attitudes, behaviors, perceptions, and patterns of use concerning drugs and alcohol.

Applicable Legal Sanctions for Alcohol and Drugs

Manufacture or delivery of controlled substance - It is unlawful for any person to manufacture, deliver, or possess with intent to manufacture or deliver, a controlled substance. Penalties for the manufacture or delivery of a controlled substance can range from one (1) year to life in prison, and fines up to \$250,000, depending on the quality and type of drug. In addition, real and personal property used in the manufacture, delivery, or importing of controlled substances may be forfeited to the government.

Manufacture or delivery of a counterfeit substance - It is unlawful for any person to create, deliver, or possess with intent to deliver, a counterfeit substance purported to be a controlled substance. Penalties for the creating and/or delivery of a counterfeit substance can range from one (1) to ten (10) years in prison, and fines up to \$10,000 depending on the type of drug being counterfeited.

Possession of a controlled or counterfeit substance - It is unlawful for any person to possess a controlled substance or counterfeit substance. Penalties for possession of a controlled or counterfeit substance can have a sentence up to thirty (30) years in prison, and fines up to \$15,000 depending on the type of drug (or counterfeit) possessed.

Minor in possession of alcohol (mandatory suspension of driving privilege) – Under Arkansas law, any person under twenty-one (21) years of age who has purchased or is in possession of intoxicating liquor, wine, or beer, in violation of the "Minor in possession of alcohol" statute, will be subject to a mandatory driver's license suspension for 60 days by the Office of Driver Control, whether or not the person was in or about a vehicle at the time of arrest.

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

Driving while intoxicated - A person who drives a motorized vehicle while influenced or affected by the ingestion of alcohol, a controlled substance, or any intoxicant, commits the offense of driving while intoxicated. Penalties for such offense may include: (1) suspension of license for 180 days for the first offense (and additional days for subsequent offenses); (2) imprisonment for no less than 24 hours and no more than one year for the first offense (with additional imprisonment for subsequent offenses); (3) fines of no less than \$150 and no more than \$1,000 for the first offense (with stiffer fines for subsequent offenses); (4) payment of an additional \$250 in court costs, or as an alternative to payment, public service work as deemed appropriate by the courts; and (5) a requirement to complete an alcohol education program as prescribed and approved by the Arkansas Highway Safety Program, or an alcoholism treatment program as approved by the Office on Alcohol and Drug Abuse Prevention. A blood alcohol level of .04 may be considered with other competent evidence in determining guilt or innocence. A blood alcohol level of .08 or more shall give rise to a presumption of intoxication.

Public intoxication - A person commits the offense of "Public Intoxication" if (1) he/she appears in a public place manifestly under the influence of alcohol or a controlled substance to the degree that he/she is likely to endanger himself/herself, other persons or property, or that he/she unreasonably annoys persons in his vicinity; or (2) the person consumes an alcoholic beverage in a public place. Public intoxication is a Class C misdemeanor, and can result in (1) a fine of up to \$500, and/or (2) imprisonment in the county jail (or other authorized institution) for up to 30 days.

Contributing to delinquency of a juvenile - A person commits the offense of "contributing to the delinquency of a juvenile" if the person willfully causes, aids, or encourages any minor to do or perform any act which, if done or performed, would make the minor a delinquent juvenile or juvenile in need of supervision within the meaning of this section and the Arkansas Juvenile Code of 1989, § 9-27-301 et seq. Such an offense is a Class A misdemeanor, and can result in (1) a fine of up to \$1,000 and/or (2) imprisonment in the county jail (or other authorized institution) for up to one full year.

Federal penalties and sanctions for illegal possession of a controlled substance - 21 U.S.C. 844© - First conviction: up to one (1) year imprisonment and fined at least \$1,000 but not more than \$100,000, or both. After first prior drug convictions: at least 15 days in prison, not to exceed two (2) years and fined at least \$2,500 but not more than \$250,000, or both. After two or more prior drug convictions: at least 90 days in prison, not to exceed three (3) years and fined at least \$5,000 but not more than \$250,000, or both. Special sentencing provisions for possession of crack cocaine: mandatory at least five (5) years in prison, not to exceed 20 years and fined up to \$250,000, or both if: (a) first conviction and the amount of crack possessed exceeds 5 grams, (b) second crack conviction and the amount of crack possessed exceeds 3 grams, (c) third or subsequent crack conviction and the amount of crack possessed exceeds 1 gram. 21 U.S.C. 953(a) (2) and 881 (a)(7) - Forfeiture of personal and real property used to possess or to facilitate possession of a controlled substance if that offense is punishable by more than one (1) year imprisonment (See special sentencing provisions re: crack.) 21 U.S.C. 881(a)(4) Forfeiture of vehicles, boats, aircraft or any other conveyance used to transport or conceal a controlled substance. 21 U.S.C. 844(a) - Civil fine of up to \$10,000. 21 U.S.C. 853(a) - Denial of Federal benefits, such as student loans, grants, contracts, and professional and commercial licenses, up to one year for first offense, up to five years for second or subsequent offenses. 19 U.S.C. 922(g) - Ineligible to receive or purchase a firearm. Misc. - Revocation of certain Federal licenses and benefits, (e.g., pilot license, public housing, etc.) are vested within the authorities of individual Federal agencies.

Discipline Procedures

Anyone wishing to report an alleged incident of behavioral misconduct may make a report to university housing staff, university police, or the office of the Dean of Students located in the Student Health Center, room 308. There are four committees and several hearing officers who hear violations of university policy.

1. **Greek Judicial Board** – Hears offenses involving Greek organizations and Greek housing violations. The board is comprised of members representing the four (4) Greek governing bodies. A hearing panel must consist of at least five Greek Judicial Board members to meet quorum. A chairperson is selected by the Greek board members, in conjunction with the board advisor, to coordinate board activities. An advisor from one of the four (4) Greek governing bodies serves as a non-voting advisor to the board.
2. **Housing Hearing Officers** – Residence (Life) Coordinators or other housing staff who hear student housing offenses.
3. **Administrative Hearing Officers** – Dean of Students or designee who hears offenses of university policy.
4. **University Administrative Panel** – Administrative panel appointed by the Dean of Students who may hear individual or group disciplinary cases.

ASSIGNMENT OF ALLEGED VIOLATIONS

Violations that occur outside of university housing units, second violations are serious violations (i.e., suspendable) are generally assigned to an administrative hearing officer or university administrative panel for adjudication.

Violations involving student groups are generally assigned to the Greek judicial board, university judicial panel, or other appropriate council. The Dean of Students, in conjunction with the Director of Student Life, will assign group violations to one of the aforementioned options based on the severity and circumstances of the violation.

Lower Level (non-suspendable) violations that occur within university residence halls or apartment complexes and are non-suspendable in nature are generally assigned to an appropriate hearing officer or body within the residence life structure. A process has been established to handle housing offenses and may be available to residential students as determined by the Dean of Students or designee (please see UCA Student Housing section of this handbook for more specific information).

HEARING PROCEDURES

All non-academic discipline hearings shall be informal and strict rules of evidence shall not apply. The student(s) shall be notified, in writing, of the charge and of the date, time, and place of the hearing. Lower level offenses are those that will not result in suspension or expulsion. Serious violations are those of a nonacademic nature that could result in a sanction of suspension or expulsion.

Notice of hearing and all relevant documents will be sent by email (or hand delivered in extenuating circumstances) to the student's UCA email account at least 72 hours prior to the hearing for lower level violations or at least seven (7) business days prior to the hearing for cases involving serious violations.

Students may waive their right to attend the disciplinary hearing. In the event that the accused student neglects, refuses, or fails to attend the meeting, a determination of responsibility will be made based on the information available at the time. Failure to attend this meeting will not presume responsibility or non-responsibility. Students who waive their right to attend the hearing forfeit their right to appeal the outcome.

The accused student has the right to:

1. Fully Participate in proceedings. The opportunity to be present and advised by an attorney or non-attorney advocate. This does not require an institution to use formal rules of evidence in a disciplinary proceeding. If the student fails to appear at the hearing after being properly notified, the hearing may be held in their absence and a decision rendered accordingly based on the information presented. UCA shall make good faith efforts to include information that is relevant and probative.
2. Introduce information using in person witness(s) or by submitting written witness statement if a witness is unable to attend the hearing. It is the responsibility of the student and University to notify their witnesses of the date, time, and place of the hearing or to present any written statements at the time of the hearing. If witnesses fail to appear, the hearing may be held in their absence.
3. Bring an advisor to the hearing. In instances of lower level violations, the advisor, who can be anyone the accused student chooses, may not participate in the examination of witnesses or presentation of materials or information to the hearing officer or board. The advisor's role is limited to providing advice and consultation to the student. In instances of serious violations, ones where suspension or expulsion may result, the student may be represented by an attorney or non-attorney advocate who may fully participate in disciplinary proceedings. Students choosing to be represented by an attorney will make arrangements and do so at their own expense. Students wishing to waive their right to attorney or non-attorney advocate representation may do so by signing a waiver at the beginning of the disciplinary hearing.
4. Students who are registered with the Office of Accessibility Resources and Services (OARS) may request that an additional person be present at the hearing for the administration of approved accommodations. Arrangements for this accommodation may be made through OARS or by notifying the hearing officer at least 48 hours prior to the hearing.
5. Students may request the assistance of an English language interpreter for the disciplinary proceedings. Interpreters are provided by the office of the Dean of Students. Requests for interpreter services must be made no later than 48 hours prior to the date of the hearing.
6. Challenge the ability of a board member or hearing officer to serve in this role due to knowledge or bias in the case. The decision of whether the board member or officer shall serve rests with the judicial board as a whole or with the office of the Dean of Students.
7. Question witnesses who are present through the board chair or hearing officer.
8. Be informed of the disciplinary outcome.

Disciplinary hearings are closed to the public. As stated above, students involved in any conduct procedures are able to be accompanied by an attorney or non-attorney advocate.

APPEALS FOR LOWER LEVEL VIOLATIONS

The Dean of Students is the reviewing or appellate body for student conduct decisions that result in sanctions lesser than removal from class, suspension or expulsion.

In the event that the Dean of Students is the hearing body for a case that results in sanctions lesser than removal from class, suspension or expulsion, appeals will be made directly to the Vice President for Student Affairs.

A student wishing to appeal a finding in a case involving a lower level violation may file an appeal within three (3) business days after a disciplinary decision is rendered. A link to the appeal form will be included in the outcome notification letter to students. Students will be notified of the appeal decision within five (5) business days of receipt of the appeal. Official state holidays and inclement weather may impact response time.

APPEALS FOR SERIOUS VIOLATIONS

A student wishing to appeal a finding in a case involving a serious violation may file an appeal within seven (7) days after a disciplinary decision is rendered. A link to the appeal form will be included in the outcome notification letter to students. Students will be notified of the appeal decision within ten (10) business days of receipt of the appeal. Official state holidays and inclement weather may impact response time.

This Academic Integrity and Disciplinary Committee is the reviewing or appellate body for student conduct decisions that result in removal from class, suspension or expulsion. The committee consists of four (4) tenured faculty members appointed by the Faculty Senate for rotating four-year terms; the sophomore, junior, and senior class presidents as elected by the student body; the Student Government Association's primary graduate senator; and four university staff appointed by the Staff Senate for rotating four-year terms. The chair is the faculty member with the longest service on the committee. A quorum of fifty percent (50%) plus one is required for a decision to be rendered.

Please Note: There are different timelines and procedures for addressing academic misconduct appeals. Please refer to the Academic Integrity Policy located in the Academic Policies section of this handbook.

APPEAL

The appeal process is not a rehearing of the original conduct case, but is an opportunity for the appealing party to request a review based on one or more of the following bases of appeal:

1. Denial of due process where an argument may be made that the hearing was not conducted fairly in light of the charges and information presented, and in conformity with prescribed procedures giving the accused student a reasonable opportunity to prepare and to present a response to those allegations. Deviations from published procedures will not be a basis for sustaining an appeal unless significant prejudice results to an extent in which the outcome is affected.
2. There was inadequate information to support the decision, where facts in the case, if viewed by a reasonable person, were insufficient to establish that a violation of the student code occurred.
3. The sanctions given do not equal the gravity of wrongdoing (i.e., too harsh) and are inappropriate for the policy the student was found responsible for violating.
4. To consider new information, sufficient to alter a decision that was not known to the person appealing at the time of the original conduct hearing. New information, in this instance, does not include witness statements that could have been presented during the initial hearing.

Upon receipt of the appeal, the appellate body may:

1. Affirm the original decision and sanction;
2. Affirm the original decision, but lessen the sanction;
3. Reverse the original decision;
4. Return the case to the appropriate board or administrative hearing officer for a new hearing.
5. In the event the committee needs clarification of the basis of the appeal or of the hearing body's recommendation, the committee may hear from the student and/or a hearing body representative for this limited purpose.

A disciplinary sanction does not go into effect until the appeal is completed, unless stipulated otherwise by the Vice President for Student Affairs. All disciplinary actions taken by appellate bodies are recommendations to the Vice President for Student Affairs. The Vice President will make the final decision regarding all university discipline concerns.

Please visit the Dean of Students website for more information about the Arkansas Student Due Process and Protection Act.

OFFENSES SUBJECT TO DISCIPLINARY ACTION

The university's primary function is to provide students with access to educational programs and activities. Actions that interfere with this primary function or limit any person's access to the university's primary function are prohibited and considered disorderly and disruptive conduct. Any student, non-student or student group found to have committed any of the following is subject to disciplinary action:

1. Forgery, alteration, unauthorized possession, or misuse of university documents, records, or instruments of identification. This includes the misuse or misrepresentation of any information or document used in the attempt to gain entry to the University or for financial gain of any kind such as scholarships or financial aid.
2. Misrepresenting information or furnishing false information to the university, including filing a false police report and/or submitting fraudulent documentation for any university process or purpose, providing a false name or untrue information to university police or other university official, submitting falsified documents to gain admission to the university or access to university and federal resources, and failure to provide truthful answers on university documents and forms.
3. Fiscal violations include knowingly presenting an insufficient check or forging a document in payment to the university or to a member of the university community acting in an official capacity, or failure to make satisfactory arrangements for the settling of accounts with the university.
4. Misrepresenting information with regards to student program registration. Any student or recognized student organization that fails to provide complete information or that leaves out event details when registering an event or program.

5. Threatening, attempting, or committing physical harm to any person, including one's self. **Students who make threats of serious physical violence - including but not limited to threats to kill other individuals - and/or who attempt to or commit serious acts of physical harm are subject to suspension from the university.**
6. Vandalism such as destruction, damage, attempted damage, or tampering with personal or university property, including, but not limited to, acts of arson and vandalism.
7. Theft, attempted theft, or possession of stolen personal or university property, including, but not limited to, acts of larceny, burglary, breaking and entering, or robbery.
8. Drug Violations- Possession, use, or distribution of narcotics, hallucinogens, barbiturates, or amphetamines, and other controlled substances defined by Arkansas law, except as expressly permitted by law. **Students violating university policy by using or possessing hard drugs or large quantities of marijuana are subject to suspension from the university. Students found guilty of using or possessing a small quantity of marijuana will be required to complete a drug education program and are subject to other disciplinary action.**
9. Possession of instruments of crime associated with the use of a controlled substance.
10. Alcohol Violations-Possession, consumption, sale, manufacture, or furnishing of alcoholic beverages on university property, in university owned or leased vehicles, or at university-sponsored events. Appearing on University property or at University-sponsored events having consumed alcohol or under the influence of alcohol is prohibited. Any violations, such as DWI, involving the use of a motor vehicle. **Students violating university policy by using or possessing alcohol will be required to complete an alcohol education program and are subject to other disciplinary action.**
11. The use of any tobacco products anywhere on campus and in any vehicle owned or leased by the university. The use of tobacco, vaping products, and e-cigarettes is prohibited on state property including state supported institutions of higher education. Arkansas Law prohibits the use of such products in or on the grounds of any school.
12. Unauthorized possession, storage, and/or use of a weapon. This includes, but is not limited to, fireworks or other explosive devices, swords, long-bladed knives, BB or pellet guns, or firearms **(see firearms policy for additional information).**
13. Gambling on university controlled property.
14. Participation in hazing. Hazing is defined as any intentional, knowing, or reckless act committed by a person (whether individually or in concert with other persons) against another person or persons regardless of the willingness of such other person or persons to participate, that (1) is committed in the course of an initiation into, an affiliation with, or the maintenance of membership in, a student organization (e.g., a club, athletic team, fraternity, or sorority); and (2) causes or creates a risk, above the reasonable risk encountered in the course of participation in the **IHE** or the organization, of physical or psychological injury. Such activities shall include, but are not be limited to, paddling, beating, scavenger hunts, road trips, any activity resulting in fatigue, physical or psychological shock, wearing apparel that is uncomfortable to the individual or which is conspicuous and not normally in good taste, engaging in public stunts or buffoonery, morally degrading or humiliating games or activities, giving of food or drink that is distasteful or designed to provoke nausea, any form of verbal harassment, any action created subjugating an individual to a condition in which the person might tend to lose self-respect, suffer injury to personal dignity, or is required to compromise personal values, any activity which interferes with scholastic duties, threatening in any manner or form for the purpose of cajoling individuals into 121 secrecy in regard to breaches (planned, threatened, attempted, or perpetuated) of any organization of the institution in which two or members are enrolled, whether or not the organization is established or recognized by the institution.
15. Disorderly conduct including, but not limited to, violent, noisy, or drunken behavior, public intoxication, and/or any behavior that incites or leads to violence on university controlled property or while representing the university, or attending a university function.
16. Any interference with functions or activities of the university and the educational programs, including interferences as follows:
 - a. Unauthorized occupancy of university facilities and blocking access to or from such facilities; and/or
 - b. Infringements on the rights of students, faculty, staff, or other authorized personnel to gain access to any university facility for the purpose of attending class, participating in an interview, university conferences, or other university activities.
17. Disrupting the peace and good order of the university including, but not limited to, fighting, quarreling, inciting to riot, or other disruptive behaviors.
18. Any violation of university rules regarding the operation and/or parking of motor vehicles.
19. Violation of visitation or closing hour regulations.
20. Lewd and lascivious behavior, indecent exposure, illicit sexual relations or perversions.
21. Malfeasance or misuse of elective or appointive office in a student organization that is injurious to the organization, its members and/or the welfare of the university community.
22. Violation of state, federal, local laws or ordinances, or of any university rules, regulations, or policies as approved by the officers of the university.
23. Non-compliance- Failure to comply with requests and directions of university officials acting in the performance of their duties, including staff and faculty attempting to enforce compliance with University policies and federal, state, and local laws and regulations.
24. Failure to respond to requests from university officials for conferences on matters pertaining to the student's status in the university including, but not limited to, failure to respond to mail, telephone messages, and email messages.
25. Knowingly violating the terms of any disciplinary sanction imposed in accordance with this policy.
26. Unauthorized presence on or use of university premises, facilities or property.

27. Harassment, intimidation or making an offensive, uncivil utterance, gesture or display when such action has no redeeming academic or societal value; addressing abusive language to any person that has the effect of limiting access to or disrupting any academic program or activity; following a person in or about a public place or places with the purpose of harassing, intimidating, or annoying another person; making threatening, obscene, or harassing remarks directed at another individual in person or on social media; or engaging in a course of conduct or repeatedly committing acts that alarm another person.
28. Bullying or cyberbullying defined as written, verbal, physical or electronic acts with the intent of causing physical or emotional harm, embarrassment or substantial emotional distress that rises to the level of being pervasive and/or persistent and adversely affects the ability of another person to participate in or benefit from the university's activities and educational programs. Bullying is often repeated or persistent, but may occur as a single, severe event. Bullying does not include constitutionally protected activity or conduct that reasonably serves a legitimate educational purpose.
29. Intentionally engaging in sexual conduct with another person without the consent of the person, soliciting sex with a minor, or viewing photo or video images of a minor. (See Board Policy No. 426, Title IX Sexual Harassment).
30. Engaging in sexual harassment. (See Board Policy No. 426, Title IX Sexual Harassment).
31. False reporting of an emergency including, but not limited to, false fire alarms and bomb threats. **Students found guilty of false reporting of an emergency are subject to a minimum two-semester suspension from the university.**
32. Showing disrespect to university officials in a manner that disrupts the function of the university. Disrespect may involve acts of violence or threatening violence including, but not limited to, physically striking or making verbal or written threats; inciting others to violence; interfering with official duties; failure to follow directives; and/or intimidation or harassing behavior including, but not limited to, invading personal space, yelling, screaming, yelling obscenities or making obscene gestures toward or comments about university officials.
33. Violation of the computer use policy. **(See Computer Use Policy in the handbook for further details.)**
34. Acting disorderly or disrupting the classroom.
35. Unauthorized recording by filming or videotaping individuals engaged in sex, nudity, or similar behaviors without their knowledge or permission.
36. Process tampering carried out by threatening, intimidating, or harassing individuals involved in the disciplinary process, including complainant, witnesses, accused, hearing officer, or board members.
37. Students or student organizations conducting functions that unreasonably endanger the health or well-being of any person.
38. Student or student groups who retaliate, seek revenge, or participate in any vigilante type activity, including, but not limited to, committing behavior for the purpose or effect of threatening or intimidating any person or group.
39. Aiding or assisting in any of the conduct described above.

DISCIPLINARY ACTION

The Vice President for Student Affairs reserves the right to review all cases. All preliminary decisions of hearings serve as recommendations to the Vice President for Student Affairs. The following disciplinary actions may be imposed by the university:

1. **Warning** - Notice, oral or written, that a specific behavior or a series of actions is unacceptable to the point that repetition would most likely result in more serious disciplinary action, such as probation or suspension. The student is officially warned that further unacceptable behavior will result in more serious action.
2. **Probation** - The student's participation in university life is placed on a provisional basis for a specified period of time. The violation of the terms of disciplinary probation or further violation of university regulations may lead to more serious disciplinary action, such as suspension or expulsion. Restrictions on privileges may also be conditions of probation.
3. **Housing Probation** - The student's participation as a resident in the university's housing system is placed on a provisional basis.
4. **Relocation to Another Housing Unit** - The student is relocated from his/her residence hall or apartment to another location.
5. **Removal from Housing** - The student's participation as a resident in the university's housing system is denied.
6. **Removal from Academic Class** - The student is removed from an academic class for behavioral reasons.
7. **Counseling** - Any student who is judged to be a threat to themselves or other individuals, or who violates other university policies, may be required to attend counseling.
8. **Suspension** - When a student's behavior is unacceptable to the extent that it reflects unfavorably upon character, judgment, and maturity and/or is harmful to the well-being of the student body and the university, the student may be suspended from the university.
 - a. **Active Suspension** - the student is separated from the university and must leave the campus for a specified period of time after which the student is eligible to petition for readmission. The Dean of Students is to be notified by the suspended student when readmission is requested.
 - b. **Immediate Suspension** - a student is subject to immediate suspension from student housing or the university pending an official disciplinary hearing when conduct jeopardizes the safety of the student, other members of the university community, and/or institutional property. A hearing will be scheduled as soon as possible, but no later than five (5) calendar days after the immediate suspension.
9. **Expulsion** - The student shall be separated from the university on a permanent basis.

10. **Additional Sanctions** - In addition to the previously stated actions, any of the following may be included as a part of any action taken:
 - a. Reimbursement or restitution for damages;
 - b. Loss of privileges;
 - c. Restricted intervisitation;
 - d. Denial of participation in social or extracurricular activities;
 - e. Removal from elective or appointive office;
 - f. Ineligibility for pledging, initiation or representation of the university;
 - g. Periodic interviews with a Student Affairs staff member for the purpose of counseling;
 - h. Work, self-improvement, community service, or educational projects.
11. **Loss of Access** - Any student who has been separated from the university by suspension or expulsion as a result of disciplinary action shall be denied the privileges of the university and of university organizations during the period of such expulsion or suspension. Such students shall not be permitted to participate in any university recognized function or stay in any residence hall or other university owned/controlled housing.
12. **Ban from Campus or Facilities** - A non-student may be banned from campus for an indefinite or specified period of time, and is subject to arrest for criminal trespass if the ban is violated. A student may be banned from specified campus facilities, including housing units, and is subject to arrest and/or further disciplinary action if the ban is violated.
13. **Parent Notification** - The university will notify a parent or legal guardian of a student who is under the age of twenty-one (21) if they violate any rule or policy of the university governing the use or possession of alcohol or controlled substances.
14. **Flag of University Records** - Students who fail to complete a disciplinary sanction may have their university records flagged which prohibits a student from registering for university classes, and may result in a hold on the student's academic transcript.

GROUP OFFENSES

1. Student societies, clubs, living groups, and other registered student organizations are responsible for conducting their affairs in a manner that reflects favorably upon themselves and the university. Such responsibilities include:
 - a. Complying with all university regulations;
 - b. Taking reasonable steps, as a group, to prevent violations of law or university regulations by members of a group; and,
 - c. Being willing to deal individually with those members of the group whose behavior reflects unfavorably upon the group or upon the university.
2. Failure to accept and follow the responsibilities of group membership may subject an organization to disciplinary action (see HEARING PROCEDURES above). In addition to any student disciplinary action outlined above, levels of organization-wide discipline can include:
 - a. Warning - Notice, oral or written, that a behavior or a series of actions is unacceptable to the point that repetition would most likely result in more serious disciplinary action. The organization is officially warned that further unacceptable behavior will result in more serious action.
 - b. Probation - The organization's participation in university life is placed on a provisional basis for a specified period of time. The violation of the terms of probation or further violation of university regulations while on probation may lead to more serious disciplinary action.
 - c. Social Suspension - The organization's participation in *social* events and activities is revoked for a specified period of time. Examples of social activities might include: parties, mixers, intramural sports, socials, trips, formals, and dances. During this period, organizations may hold non-social events that meet the business, administrative, or education needs of members. All organization events must be registered and approved to ensure they do not meet the definition of a social event.
 - d. Suspension - The organization's participation in *all* events and activities is revoked for a specified period of time. During this period, organizations may not host or participate in activities of any nature. Depending on the nature of the violation, the suspension may include a withdrawal of university recognition.
 - a. Retain Recognition – Organizations will continue to be listed on the CubConnect organization directory, allowed to maintain student members, and recruit new members.
 - b. Withdrawal of Recognition – Organizations are fully removed from the university and lose all rights and privileges of recognition. The organization may not have any members or recruit new members.
 - e. Expulsion - The organization shall be separated from the university on a permanent basis.

MEDIATION OPTION

In some behavioral situations, it may be more appropriate to mediate behaviors than to take formal disciplinary action. Types of behaviors eligible for mediation include conflicts between two or more individuals, such as verbal harassment, abusive language, non-serious threats, and non-severe physical confrontations.

More severe behaviors will go through the normal disciplinary process. In order for mediation to work, it must be voluntary. All parties involved in a conflict must agree to go through mediation and abide by agreements reached by the parties. If one or both parties do not agree to mediation, then formal disciplinary action may be taken.

Conflicts will be mediated by the Dean of Students or designee. The role of the mediator is to clarify the conflict, determine why it exists and help all parties reach an agreement on resolving the conflict to prevent future occurrences.

Written records of the conflict and agreements reached by all parties will be kept on file in the office of the Dean of Students and may be used in future disciplinary actions.

Institutional Response

All members of the campus community may report individuals in violation of UCA's alcohol and drug policy and applicable laws to the Office of the Dean of Students, an appropriate administrator, manager, supervisor, or other campus official and/or the UCA Police Department.

UCA Care Team

While interacting with students across the university, community members may be confronted with situations in which a student is in need of assistance or intervention or students who are disruptive or display behaviors that may be intimidating or threatening to others. Faculty, staff, students, or others who are concerned about a student's situation or behavior are encouraged to report using the Student of Concern Report. Additionally, anonymous reports may be submitted by texting 313-TALKUCA (313-825-5822). These reports are received by the Office of the Dean of Students who will assess each report and make a response plan with members of the CARE Team.

The CARE Team (Campus Assessment, Response, and Evaluation Team) seeks to formalize the university's process for greater communication, collaboration, and coordination of concerns regarding students. The Office of the Dean of Students wants all UCA faculty, staff and students to have a resource for helping students who may be facing challenges in their academic or personal lives.

A student of concern is any student who displays behaviors that may interfere with their ability to be successful and or function well in the living, learning or work environment. Some examples of concerns to report may include but are not limited to:

- Poor academic performance, uncharacteristic lack of class participation and or excessive absence.
- Significant illness (such as coronavirus or influenza), injury, or hospitalization
- Homesickness, loneliness, difficulty adjusting to university life
- Disruptive behaviors in the classroom
- Observed self-injury such as extreme thinness, burns or cuts
- Uncharacteristic or extreme aggression toward others
- Substance abuse or being under the influence of illicit drugs
- Major life events including loss of a relationship, change in financial status, and or death of a loved one
- Projects or papers that convey possible intentions to harm self or others
- Suicidality, including threats, gestures, ideation and known attempts of suicide
- Infatuation with fire, firearms, bombs, ammunition or weaponry

Substance Abuse Education Programs

Alcohol, drug, and tobacco prevention initiatives are provided annually by the Dean of Students Office (Student Health Center suite 308, (501) 450-3133) in collaboration with departments and organizations on campus.

- University administrators assign online courses to students throughout the year. Courses include Alcohol Awareness for Students, Alcohol and Other Drugs, Alcohol and Other Drugs Sanctions, Prescription Addiction, and Drug Awareness and Abuse. First-time students are required to complete an online alcohol awareness educational course prior to attendance.
- Collegiate Naloxbox Bystander Rescue Program - UCA will be the first college in the state of Arkansas to participate in this new program which provides bystanders with the means to help save someone's life that might be experiencing an opioid overdose.
- Greek Village Safe Start Program - Alcohol and Drug Education materials are distributed to Greek organizations in Greek Village to encourage smart and safe decisions. This program is offered annually with an intended audience of students in Greek organizations.

- Safe Spring Break - A safety week which includes programs to educate and build skills related to alcohol risks and intervention strategies. Provided annually with an intended audience of UCA students
- Alcohol Education Media Campaign - Social norms and media campaigns are implemented annually and contain messages to correct misconceptions about alcohol and drugs. This program is offered annually during welcome week with an intended audience of Freshman students.
- Save AR Students awareness programs are held 2-4 times per year, UCA representatives attend the statewide Save AR Students Kickoff event each semester, and participate in the Arkansas Collegiate Network (ACN) coalition.
- Alcohol Responsibility Program Kits - Student leaders and Residence Hall staff can pick up kits to host alcohol education programs for student groups. Kits come with presentation slides, instructions, activities, giveaways, and evaluations with an intended audience of Residents and student groups.
- Alcohol free campus events - Alcohol free events including concerts, comedians, lectures, and many other events are offered free to students. This program is offered year-round with an intended audience of All UCA students
- Greek Life 101 Training - Staff train new members on the risks associated with alcohol and greek policies related to alcohol. This program is offered annually in Spring with an intended audience of Greek students
- Intervention and Support Services - The University Counseling Center provides counseling to students or employees who may be using alcohol or drugs as a coping mechanism for stress. They also provide referrals to alcohol and drug rehabilitation and treatment facilities

Preventing and Responding to Domestic Violence, Dating Violence, Sexual Assault, Sexual Harassment and Stalking

Sex Offender Registration

In accordance to the section 121 of the Adam Walsh Child Protection and Safety Act of 2006, which amends the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, the Jeanne Clery Act and the Family Educational Rights and Privacy Act of 1974, the University is providing a link to the Arkansas State Sex Offender Registry. All sex offenders are required to register in the state of Arkansas and to provide notice of each institution of higher education in Arkansas at which the person is employed, carries a vocation or is a student. <https://www.ark.org/offender-search/index.php>

In addition to the above notice to the State of Arkansas, all sex offenders are required to deliver written notice of their status as a sex offender to the University of Central Arkansas Police Department prior to their enrollment in, employment with, volunteering at or residence in the University. Such notification may be disseminated by the University to, and for the safety and well-being of, the University community, and may be considered by the University for enrollment and discipline purposes.

Sexual Assault and Harassment

University of Central Arkansas's ("UCA") Board Policy prohibits sexually violent acts, termed, "Sexual Misconduct" by the University, which can be crimes, as well. Sexual misconduct includes non-consensual sexual intercourse, non-consensual sexual contact, interpersonal relationship violence, sex/gender-based stalking, and sexual harassment. While UCA utilizes different standards and definitions than the Arkansas State Code, sexual misconduct often overlaps with crimes of rape, sexual assault, stalking, dating violence, and domestic violence.

In an effort to reduce the risk of sexual misconduct as well as the crimes of rape, sexual assault, sexual harassment, stalking, dating violence and domestic violence occurring among its students, the UCA utilizes a range of campaigns, strategies and initiatives to provide awareness, educational, risk reduction and prevention programming.

It is the policy of UCA to offer programming to prevent domestic violence, dating violence, sexual assault (including stranger and known offender assaults) sexual harassment and stalking, each year. These programs address the institution's prohibition of the crime of dating violence, domestic violence, sexual assault, sexual harassment and stalking. Educational programs are offered to raise awareness for all incoming students and employees and are conducted during new student and new faculty/staff orientation. These programs and others offered throughout the year include strong message regarding not just awareness, but also primary prevention (including normative messaging, environmental management and bystander intervention) and discuss institutional policies on sexual misconduct as well as discuss the Arkansas statutory definitions of domestic violence, dating violence, sexual assault, stalking, and consent in reference to sexual activity. Bystander engagement is encouraged through safe and positive intervention techniques and by

empowering third-party intervention and prevention such as calling for help, using intervention-based apps, identifying allies and/or creating distractions.

Programs also offer information on risk reduction, how to recognize warning signals and how to avoid potential attacks, and do so without applying victim-blaming approaches. Throughout the year, ongoing awareness and prevention campaigns are directed to faculty, staff, and students, often taking the form of training, presentations, performances, fliers, educational carnivals and programming. Such events include Sexual Assault Awareness Week, which includes a self-deference component; Take Back the Night, a program that raises awareness regarding sexual violence and provides support for survivors; Sexual Assault Awareness Video Showing sponsored by our Counseling Center which addresses acquaintance rape and provides safety tips; and Walk a Mile in Her Shoes march where men wore women's shoes to show their support of preventing sexual assault and gender violence.

In the event that sexual misconduct, gender-based violence or the crimes of sexual assault, stalking, dating violence or domestic violence does occur, UCA takes the matter very seriously. The University may employ interim protection measures such as interim suspension and/or no contact orders in any case where a student's behavior represents a risk of violence, threat, pattern or predation. If a student is accused of sexual misconduct, other gender-based violence or the crimes of rape, sexual assault, sexual harassment, stalking, dating violence or domestic violence, s/he is subject to action in accordance with the Title IX Grievance Procedures. A student wishing to officially report such an incident may do so by contacting Adam Rose, Associate General Counsel/Compliance Officer, who has been designated as UCA's Title IX Coordinator. All UCA faculty and professional staff have been identified as responsible employees and are required to report an incident of sexual misconduct to the Title IX Office. Anyone with knowledge about sexual misconduct or the crimes of rape, sexual assault, sexual harassment, stalking, dating violence or domestic violence is encouraged to report it immediately.

Definitions for Sexual Misconduct, Dating Violence, Domestic Violence, and Stalking.

Federal Clery Act Definitions of Domestic Violence, Dating Violence, Sexual Assault, and Stalking

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

Domestic Violence:

A felony or misdemeanor crime of violence committed

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

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.

- The existence of such a relationship shall be based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
- 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.

Sexual Assault:

An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting (UCR) program. Per the National Incident-Based Reporting System User Manual from the FBI UCR Program, a sex offense is "any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent."

- 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.
- Fondling: The touching of the private 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:

- 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.

Rape is generally defined as forced sexual intercourse. It may also include situations where the victim is incapable of giving consent due to a disability or intoxication. Many rapes are committed by someone the victim knows, such as a friend or acquaintance.

Arkansas Code Annotated § 5-14-103 (2014) is the law that defines rape in Arkansas law. A person commits rape if:

- (a) He or she engages in sexual intercourse or deviate sexual activity with another person:
 - (1) By forcible compulsion;
 - (2) Who is incapable of consent because he or she is:
 - (A) Physically helpless;
 - (B) Mentally defective; or
 - (C) Mentally incapacitated;

Rape can manifest under a variety of circumstances, including:

- Where the victim is prevented from resisting due to alcohol or drugs.
- Where the assailant uses physical force or the threat of force to overpower and control the victim.
- Where the victim fears that she or he or another will be injured if the victim does not submit.
- Where the victim is at the time unconscious of the nature of the act, and this is known to the assailant.
- Where the victim is incapable of giving legal consent due to a mental disorder or developmental or physical disability, and this is known or reasonably should be known to the assailant.

Other Sexual Assaults

Besides rape, other sexual assault crimes include the following:

- Sodomy (forced anal intercourse);
- Oral copulation (forced oral-genital contact);
- Rape by a foreign object (forced penetration by a foreign object, including a finger); or
- Sexual battery (the unwanted touching of an intimate part of another person for the purpose of sexual arousal)

In Arkansas, consent in reference to sexual activity is defined as: a freely given agreement to the conduct at issue by a competent person. An expression of lack of consent through words or conduct means there is no consent. Lack of verbal or physical resistance or submission resulting from the use of force, threat of force, or placing another person in fear does not constitute consent. A current or previous dating or social or sexual relationship by itself or the manner of dress of the person involved with the accused in the conduct at issue shall not constitute consent. A sleeping, unconscious, or incompetent person cannot consent. A person cannot consent to force causing or likely to cause death or grievous bodily harm or to being rendered unconscious. A person cannot consent while under threat or in fear. Lack of consent may be inferred based on the circumstances of the offense. All the surrounding circumstances are to be considered in determining whether a person gave consent, or whether a person did not resist or ceased to resist only because of another person's actions.

Below are the Arkansas statutory definitions of domestic violence, dating violence and stalking.

It is important to note there is a difference between the "domestic" and "dating." A.C.A. §5-26-302 notes, [A] "dating relationship" means a romantic or intimate social relationship between two (2) individuals that is determined by examining the following factors: (i)

The length of the relationship; (ii) The type of the relationship; and (iii) The frequency of interaction between the two (2) individuals involved in the relationship. “Dating relationship” does not include a causal relationship or ordinary fraternization between two (2) individuals in a business or social context;

Domestic Violence/Abuse: Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury, or assault between family or household members; or any sexual conduct between family or household members, whether minors or adults, that constitutes a crime under the laws of this state.

The complete definition for domestic violence/abuse, as defined by Arkansas law, may be found at: A.C.A. §9-15-103.

Dating Violence: Dating violence is defined as physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury, or assault between two individuals who are in a romantic or intimate social relationship. A romantic or intimate social relationship between two individuals is determined by examining the following factors: (i) the length of the relationship; (ii) the type of the relationship; and (iii) the frequency of interaction between the two individuals involved in the relationship. “Dating” does not include a causal relationship or ordinary fraternization between two individuals in a business or social context.

Stalking: Stalking is defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person’s safety or the safety of others or suffer substantial emotional distress.

A “course of conduct” is two or more acts, including, but not limited to: acts in which the “stalker” directly, indirectly, or through third parties by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person’s property.

“Substantial emotional distress” is significant mental suffering or anguish that may, but does not necessarily require, medical or other professional treatment or counseling. A “reasonable person” is one under similar circumstances and with similar identities to the victim. The complete definition for stalking, as defined by Arkansas law, may be found at: A.C.A. §5-71-229.

Assistance for Victims – Rights and 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. This includes the option for a protective measures, working situations, relocation /change of housing, transportation, or academic course assignment. This also includes access to counseling services, legal services and law enforcement notification. Protective measures and accommodations are available if the victim requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement.

If you are the victim of sexual misconduct or the crimes of rape, acquaintance rape, sexual assault, sexual harassment, stalking, dating violence or domestic violence, some or all of these safety suggestions may guide you after an incident has occurred and may assist in proving that the alleged criminal offense occurred or that may be helpful in obtaining a protection order:

1. Go to a safe place and speak with someone you trust. Tell this person what happened. If there is any immediate danger, call 911.
2. Consider securing immediate professional support to assist you in the crisis.
3. If you are on campus, go to the Counseling Center located in the Student Health Center, Suite 327; (501) 450-3138.
4. For your safety and well-being, immediate medical attention is encouraged. Further, being examined as soon as possible, ideally within 72 hours, is important in the case of sexual assault. The hospital will arrange for a specific medical examination at no charge. To preserve evidence, it is recommended that you do not bathe, shower, douche, eat, drink, smoke, brush your teeth, urinate, defecate or change clothes before that exam. Even if you have already taken any of these actions, you are still encouraged to have prompt medical care and evidence may still be recoverable. Typically, if police are involved or will be involved, they will obtain evidence from the scene, and it is best to leave things undisturbed until their arrival. They will gather bedding, linens or unlaundered clothing and any other pertinent articles that may be used for evidence. It is best to allow police to secure items in evidence containers, but if you are involved in transmission of items of evidence, such as to the hospital, secure them in a clean **paper** bag or clean sheet, to avoid contamination. If you have physical injuries, photograph or have them photographed, with a date stamp on the photo. Record the names of any witnesses, and their contact information. This information may be helpful to the proof of a crime, to obtain an

order of protection or to offer proof of a campus policy violation. Try to memorize details (physical description, names, license plate number, car description, etc.), or even better, write notes to remind you of details, if you have time and the ability to do so. If you obtain external orders of protection (e.g. restraining orders, injunctions, protection from abuse), please notify the UCA Police Department (501) 450-3111 or the campus Title IX Coordinator (501) 450-3247 so that those orders can be observed on campus.

5. Even after the immediate crisis has passed consider seeking support from the Counseling Center or Counseling Associates, Inc. located at 350 Salem Road, Conway, (501) 336-8300, or the Sexual Assault Crisis Response at 866-358-2265.
6. Contact the Title IX Coordinator (501) 450-3247 if you need assistance with University-related concerns, such as no-contact orders or other protective measures. The UCA Police Department (501) 450-3111 will also assist in any needed advocacy for students who wish to obtain protective or restraining orders with local authorities. The University is able to offer reasonable academic accommodations, changes to living arrangements, transportation accommodations, escorts, no contact orders, counseling services access and other supports and resources as needed by a victim.

Title IX Sexual Harassment – UCA Board Policy No. 426

Date Adopted: 07/20

POLICY STATEMENT

Sexual harassment, including, but not limited to, sexual assault, dating violence, domestic violence, stalking, unauthorized distribution of sexual images or recordings, or any crime that is based upon sexual acts defined at the adoption of this policy or later enacted by the State of Arkansas, by any faculty member, staff member, student, or a third party who is a participant in a university-sponsored program, event, or activity under substantial control of the University is a violation of University policy and will not be tolerated at the University of Central Arkansas. Further, the University of Central Arkansas is committed to providing ongoing sexual harassment primary prevention, awareness, and risk reduction programs and training for the entire UCA community. Sexual harassment of employees is prohibited under Section 703 of Title VII of the Civil Rights Act of 1964 and sexual harassment of students may constitute discrimination under Title IX of the Education Amendments of 1972. This policy seeks to comply with requirements mandated by the Violence Against Women Reauthorization Act of 2013. The university considers sexual harassment a very serious issue and shall subject the offender to dismissal and/or other sanctions following the university's investigation and substantiation of the complaint and compliance with due process requirements.

TITLE IX COORDINATOR

The university has designated a Title IX coordinator who will be responsible for ensuring the university has required policies and procedures in place; ensuring prompt and effective processing of complaints; administering a centralized complaint filing system; conducting evaluations of school compliance; for analyzing trends revealed by complaints; coordinating investigations and enforcement activities; assist in arranging for training for staff and students; making an initial determination of whether the issues raised in complaints meet the definition of Title IX Sexual Harassment; and for monitoring on behalf of the institution overall compliance with this policy and related federal and state legislation and regulation.

The university may designate one or more deputy coordinators to assist the Title IX coordinator. Such deputies will be authorized to receive complaints and perform the administrative duties of the Title IX Coordinator in the event of a conflict of interest or when the Title IX Coordinator is unavailable. Deputy Title IX Coordinators will only be precluded from filling other administrative duties related to the Title IX Grievance Procedures when they have also served in the Title IX Coordinator role for the same complaint or when a conflict of interest is determined to exist. Whenever the phrase "Title IX coordinator" appears in this policy and other policies in connection with administering an individual complaint, it will be understood to include both the coordinator and any deputy coordinators who may have been assigned responsibilities to administer the matter.

TITLE IX SEXUAL HARASSMENT

Sexual harassment, as defined by Title IX (Part 106 of Title 34 of the Code of Federal Regulations, § 106.30) is conduct on the basis of sex that satisfies one or more of the following:

- (1) An employee of the University conditioning the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct;
- (2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's education program or activity; or
- (3) "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).

DEFINITION OF DATING VIOLENCE

Dating violence is defined as physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury, or assault between two individuals who are in a romantic or intimate social relationship. A romantic or intimate social relationship between two individuals is determined by examining the following factors: (i) the length of the relationship; (ii) the type of the relationship; and (iii) the frequency of interaction between the two individuals involved in the relationship. "Dating" does not include a casual relationship or ordinary fraternization between two individuals in a business or social context.

DEFINITION OF DOMESTIC VIOLENCE

Domestic violence is a felony or misdemeanor crime of violence committed by any of the following individuals:

- (i) a current or former spouse or intimate partner of the victim; or
- (ii) a person with whom the victim shares a child in common; or
- (iii) a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner; or
- (iv) a person similarly situated to a spouse of the victim under the domestic or family laws of the jurisdiction in which the crime of the violence occurred; or
- (v) any other person against an adult or youth who is protected under the domestic or family violence laws of the jurisdiction in which the crime of violence has occurred.

DEFINITION OF SEXUAL ASSAULT: NON-CONSENSUAL SEXUAL CONTACT

Non-consensual sexual contact is defined as any sexual touching, with any object, by a man or a woman upon another person without consent or making any person touch another person in a sexual manner.

DEFINITION OF SEXUAL ASSAULT: NON-CONSENSUAL SEXUAL INTERCOURSE

Non-consensual sexual intercourse is defined as any sexual intercourse (anal, oral or vaginal), with any object, by a man or woman upon another person without consent.

DEFINITION OF SEXUAL HARASSMENT

Sexual harassment includes unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature when:

- (i) submission to such conduct is either explicitly or implicitly made a condition of an individual's employment with the University or a factor in the educational program of a student. or submission to or rejection of such conduct by an individual is used as the basis for an employment or academic decision affecting such individual. Conduct of this nature, commonly referred to as quid pro quo sexual harassment, does not require the further analysis of whether the conduct is severe, pervasive, and objectively offensive and is a per se violation of this policy; or
- (ii) such conduct is 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 education program or activity or to work in an environment free of intimidation, hostility or threats stemming from acts or language of a sexual nature

EXAMPLES OF SEXUAL HARASSMENT

Sexual harassment may create a hostile, abusive, demeaning, offensive or intimidating environment. Unwelcome conduct of this nature that is 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 education program or activity is a violation of this policy and Federal Law. The reasonable person standard considers the perspective reasonable person in the position of the Complainant. Unwelcome sexual conduct may be manifested by verbal and/or physical actions, including gestures and other symbolic conduct. Sexual harassment is not always obvious and overt; it can also be subtle and covert. A person who consents to sexual advances may nevertheless be a victim of sexual harassment if those sexual advances were unwelcome. Previously welcomed advances may become unwelcome. Examples of sexual harassment may include, but are not limited to, the following:

- non-sexual slurs about one's gender;
- contrived work or study assignments and assigning more onerous or unpleasant tasks predominately to employees or students of one gender;
- repeated unwanted touching, patting or pinching;
- repeated inappropriate social invitations or requests for sexual favors; repeated unwanted discussions of sexual matters;
- use of sexual jokes, stories, analogies or images which are not related to the subject of the class or work situation;
- touching, fondling or deliberate brushing against another person;
- ogling, leering or prolonged stares at another's body;
- display or use of sexual graffiti or sexually-explicit pictures or objects; and sexually-suggestive jokes, comments, e-mails, or other written or oral communications.

Although sexual harassment most frequently occurs when there is an authority differential between the persons involved (e.g. faculty member and student, supervisor and staff member), it may also occur between persons of the same status (e.g. faculty and faculty, student and student, staff and staff). Both men and women may be victims of sexual harassment and sexual harassment may occur between individuals of the same gender.

NOTE: Other forms of harassment based upon race, religion, national origin, sex or age may have the same impact as sexual harassment. However, pursuant to the Department of Education Regulations for Title IX, these forms of harassment are not investigated or adjudicated using the Title IX Grievance Procedures. If a complaint of harassment is received by the Title IX Coordinator which is determined not to meet the Title IX sexual harassment definition, but alleges other forms of harassment, the complaint will be forwarded as follows: in the event the respondent is a faculty member, the complaint will be forwarded to the Provost; in the event the respondent is a student, the complaint will be forwarded to the Dean of Students; in the event the respondent is staff member, the complaint will be forwarded to the Associate Vice President of Human Resources/Risk Management.

DEFINITION OF STALKING

Stalking is defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others or suffer substantial emotional distress.

A "course of conduct" is two or more acts, including, but not limited to: acts in which the "stalker" directly, indirectly, or through third parties by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property.

"Substantial emotional distress" is significant mental suffering or anguish that may, but does not necessarily require, medical or other professional treatment or counseling. A "reasonable person" is one under similar circumstances and with similar identities to the victim.

DEFINITION OF UNAUTHORIZED DISTRIBUTION OF SEXUAL IMAGES OR RECORDINGS

Unauthorized distribution of sexual images or recordings, commonly referred to as "revenge pornography" or "cyber sexual exploitation," is defined as distributing sexual images or recordings of a person being eighteen (18) years of age or older with the purpose to harass, frighten, intimidate, threaten, or abuse another person.

The unauthorized distribution of images or recordings means the unauthorized sharing of images, pictures, videos, or voice or audio recording of another person to a third person by any means if the image, picture, video, or voice or audio recording:

- (1) Is of a sexual nature or depicts the other person in a state of nudity; and
- (2) The other person is a family or household member of the actor or another person with whom the actor is in a current or former dating relationship; or
- (3) The images or recordings are made without the knowledge or consent of the person depicted.

The fact that an image, picture, video, or voice or audio recording was created with the knowledge or consent of the other person or that the image, picture, video, or voice or audio recording is the property of a person not the person depicted is not a defense for this type of sexual harassment. Even if the other person originally consented to the creation of the image, picture, or voice or audio recording, or if the other person provided the same to the actor, further distribution or sharing by the actor of any kind is deemed to be in violation of this policy.

The location of any digital file, upload, server, or other digital platform is immaterial for the purposes of this definition and policy. The policy applies to any person who is a faculty member, staff member, student, or a third party who is a participant in a University-sponsored program, event, or activity, under substantial control of the University. The location in which the image, picture, video, or voice or audio recording was created is not relevant to the determination of whether the sharing of the same was a violation of this policy. The sharing of the image, picture, video, or voice or audio recording in violation of the policy is the act which subjects the actor to enforcement actions through the Title IX Grievance Procedures`.

DEFINITION OF CONSENT

Consent is a clear, knowing and ongoing communication of a voluntary mutual agreement to engage in sexual activity. Consent requires communication and this policy requires that each member of the campus community respect the body autonomy of others. A few characteristics of consent are: (1) Consent is active, not passive. It is mutual, not individual; (2) Consent can be withdrawn at any time, as long as the withdrawal is clearly communicated; (3) Consent to any one form of sexual activity does not automatically imply consent to all other forms of sexual activity. Consent to any past sexual activity, does not automatically imply consent for any future sexual contact; (4) Consent can be given by words and actions, as long as those words or actions consist of affirmative, unambiguous, conscious decisions by each participant to engage in mutually agreed-upon sexual activity

Consent cannot be given when a person is incapacitated, such as when a person is physically or mentally unable to make informed, rational judgments, or lacks the ability to understand the "who, what, when, where and how" related to the sexual activity, or when a person is under age (pursuant to Arkansas law). States of incapacitation include, but are not limited to, unconsciousness and sleep. When considering alcohol or other drug induced intoxication and/or impairment, incapacitation is determined by how the alcohol or other drugs have impacted a person's decision-making capacity, awareness of consequences, and/or ability to make fully informed judgments. When the factual circumstances clearly indicate to a reasonable person that another person is incapacitated, then the other person is incapable of consenting to sexual activity.

CONSENSUAL RELATIONSHIPS

Because of the unique situations that exist among students, faculty, supervisors, and staff, relationships in the workplace and on campus should at all times remain professional. In particular, due to the professional power differential between faculty and students, faculty members are encouraged to remain professional in all relationships with students. Refer to Board Policy No. 515 for further information on consensual relationships.

EMPLOYEE REPORTING UNDER TITLE IX

All employees, both faculty and professional staff, are encouraged to report any violations of this policy that they are made aware of by any person. When an employee becomes aware of an alleged act of Title IX Sexual Harassment, the employee should promptly contact the Title IX coordinator, a deputy Title IX coordinator, general counsel or assistant vice president for human resources. The Title IX coordinator and any deputy Title IX coordinator are available to provide guidance on how to handle a situation to faculty and professional staff at any time. Only the Title IX Coordinator or a Complainant (person individually harmed by violation of this policy) may file a formal complaint.

All employees are required to receive training related to Title IX, and should understand how to provide information related to accessing basic University resources when the employee is notified of a potential instance of Title IX Sexual Harassment.

ACTUAL KNOWLEDGE

In accordance with Federal regulation, the University is deemed to have actual knowledge of an allegation of Title IX Sexual Harassment when the Title IX Coordinator or an Employee with the authority to institute corrective measures on behalf of the University is made aware of the allegation. For the purposes of this policy, the following individuals are considered to have authority to institute corrective measures on behalf of the University: President, Provost, College Deans, Vice President of Student Services and Institutional Diversity, Vice President of Finance and Administration, Vice President of Advancement, Director of Athletics, Chief Information Office, Chief of Staff, and Title IX Coordinator.

CONFIDENTIALITY

In the course of a complaint investigation, the University will make reasonable efforts to maintain confidentiality of the complaints. In the event of an emergency or ongoing threat to the health, safety, or security of any individual or the campus community, the University may release information to the extent necessary to appropriately address the situation presented. All parties to the complaint will be asked to assist in treating the complaint confidentially. However, there can be no guarantee of confidentiality and anonymity based upon the course and scope of the complaint investigation and the institution may share information where necessary to provide accommodations or protective measures. If the complaint raises issues required by law to be disclosed, the University will release information to the extent required by law.

SUPPORTIVE MEASURES

There are a range of supportive measures the University may offer following an allegation of sexual harassment including, but not limited to:

- issuing mutual “no contact” orders;
- summarily suspending the respondent from campus housing on an interim basis in the case of a formal complaint that meets the definition of Title IX sexual harassment and presents a reasonable ongoing safety concern for any person;
- restricting the respondent’s movement on campus;
- re-assigning or placing the respondent on administrative leave when the respondent is an employee;
- providing reasonable temporary alternative housing options for on-campus residents; and/or
- adjusting academic calendars and course attendance to support students participating in the grievance process when appropriate.

ACADEMIC ACCOMMODATION AS A SUPPORTIVE MEASURE

Student requests for academic accommodation as a supportive measure under this policy will be made on behalf of students by the Title IX Coordinator. The approval authority for academic accommodation will be, collectively, the individual faculty member concerned and the respective academic department chair.

FILING OF FALSE REPORTS

A grievant whose complaint is found to be both false and to have been made with malicious intent will be subject to disciplinary action which may include, but is not limited to, demotion, transfer, suspension, expulsion or termination of employment.

DUTY TO COOPERATE

All students and employees whose assistance is needed in the investigation of a complaint or in the course of disciplinary action will be required to cooperate with the Title IX coordinator, any designated deputy Title IX coordinator, and other parties who are duly authorized to investigate or to discipline. Persons who are accused of having engaged in sexual misconduct will be entitled to such cooperation when necessary to obtain witnesses in any formal disciplinary proceedings that may be initiated. Where necessary, adjustments will be made to work schedules, classroom schedules, and other academic or employment obligations.

PROHIBITION ON RETALIATION

Retaliation against any person in the UCA community for filing, supporting, providing information, or for cooperating in a sexual misconduct investigation in good faith, in connection with a complaint of sexual misconduct is strictly prohibited. Examples of retaliation may include, but are not limited to, adverse employment actions such as termination, refusal to hire, and denial of promotion. Additionally, retaliation in the form of harassment, intimidation, threats, or coercion, or in the form of any materially adverse harm that would dissuade a reasonable student or employee from filing a harassment complaint or participating in a harassment investigation is strictly prohibited. Any person who feels he/she has been subjected to retaliation should make a report to the Title IX coordinator.

GRIEVANCE PROCEDURES FOR TITLE IX SEXUAL HARASSMENT CLAIMS

Employees or students of the university who believe they have been subjected to sexual harassment are encouraged to report instances of sexual harassment to the Title IX Coordinator.

Formal Complaints will be resolved using the UCA Title IX Sexual Harassment Grievance Procedures, which may be found on the university's website.

The university will make every effort to adhere to the prescribed time frames of the formal resolution processes. However, in the event that individuals involved are unavailable or of other unanticipated occurrences, the Title IX Coordinator, with the concurrence of the President, may adjust the time frames. Any changes will be immediately communicated to the complainant and respondent by the Title IX Coordinator, and where possible, their needs will be accommodated. Time frames may also be extended upon the mutual agreement of the parties. Time frames will be extended if necessary to accommodate holidays and vacation periods that form part of the academic calendar or days on which an institution is closed for weather or other emergency purposes. Working days are those on which the offices of the university are open for business. Extensions will not exceed the bounds allowed by applicable law and regulations.

FORMAL INVESTIGATION AND RESOLUTION

Formal Complaints must be provided to the Title IX Coordinator, and the Title IX Coordinator must sign and date the complaint before it will be considered received by the University. The Title IX coordinator will utilize the University Title IX Sexual Harassment Grievance Procedures in coordinating the formal investigation and hearing process, which may be routinely modified to remain in compliance with the current status of the law. Hearings will be conducted by officials who receive training on various aspects of Title IX Sexual Harassment including, but not limited to, sexual harassment, sexual assault, dating violence, domestic violence, stalking, and unauthorized distribution of sexual images or recordings.

STANDARD OF EVIDENCE

The University will use the Preponderance of the Evidence standard for all hearings related to this policy.

INFORMAL RESOLUTION

Informal resolution of a formal complaint may be used as a final resolution only when:

- (1) Both parties agree to be bound by the outcome of an informal process;
- (2) The complaint does not involve a University employee as a party;
- (3) The University, through the Title IX Coordinator, agrees to an informal resolution.

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

The [University of Central Arkansas Title IX Sexual Harassment Grievance Procedures](#) can be found here or in Appendix 1 at the end of this document.

Suggested Actions for Victims of Sexual Assault

Ensure Your Physical Safety

You may seek help from local law enforcement agencies or by contacting the UCA Police Department. The UCA Police Department can assist you with contacting local law enforcement and can help you obtain transportation to the local law enforcement office. Campus police are on duty at the University Police Department 24 hours a day, seven days a week.

Seek Medical Assistance and Treatment

Local options for medical care include the UCA Student Health Center and Conway Regional Medical Center. For your safety and well-being, immediate medical attention is encouraged. If you choose to have an evidence collection kit completed, it is important to be examined as soon as possible, ideally within 72 hours. The hospital will arrange for a specific medical examination at no charge. To best preserve evidence, it is recommended that you do not bathe, shower, douche, eat, drink, smoke, brush your teeth, urinate, defecate, or change clothes before that exam. Even if you have already taken any of these actions, you are still encouraged to have prompt medical care and evidence may still be recoverable.

Obtain Emotional Support

The Counseling Center can help victims sort through their feelings and begin the recovery process. The professionals at the Counseling Center are trained to provide crisis intervention on short-term and emergency issues. Counseling is free of charge to all students, faculty, and staff. In some instances, the law may require disclosing information shared with counselors. However, absent a legal mandate to the contrary, counseling services are strictly confidential, are not part of a student's University records, and will not be reported to other University personnel.

Obtain Information/Report Misconduct

If you obtain external orders of protection (e.g. restraining orders, injunctions, protection from abuse), please notify the UCA Police Department or the campus Title IX Coordinator so that those orders can be observed on campus.

Counseling and Other Services

There are a number of services available at UCA and in the local area to assist victims of sex offenses.

- **UCA Title IX Coordinator** is Jennifer Craun, who is located in Wingo Hall, Suite 206. He may be contacted from 8:00 a.m. to 4:30 p.m. Monday through Friday by phone at (501) 450-3247 or by email at jcraun@uca.edu.
- **UCA Counseling Center** Student Health Center suite 327 - (501) 450-3138 - provides short term counseling and on campus advocacy for a variety of personal problems. Service is free to students, faculty and staff at the university.
- **Counseling Associates, Inc.** 350 Salem Road Suite 1 - (501) 336-8300 or (501) 327-7706 - for emergencies call (800) 844-2066 - Provides short and long term counseling for a variety of personal problems. A fee is charged on a sliding scale, dependent upon income.
- **Sexual Assault Crisis Response of Central Arkansas** Located in Conway - (501) 358-6217 - Provides individual, advocacy and victim/survivor group services. Service is free to rape and sexual assault victims.
- **National Sexual Assault Hotline** (800) 656-4673 or online at www.rainn.org/get-help/national-sexual-assault-hotline
- **National Domestic Violence Hotline** (800) 799-7233 or online at www.thehotline.org
- **Lucie's Place** (855) 582-4377 or online at www.luciesplace.org
- **Conway Regional Medical Center** 2301 College Ave - (501) 329-3831 - Provides medical exam for rape victims. Exam is free if offense is reported to law enforcement officials within 24 hours.
- **Faulkner County Victim Witness Assistance Program** Faulkner County Courthouse located at the corner of Robinson and Locust - (501) 450-3051 - Provides advice and assistance to Faulkner County victims who file reports with law enforcement officials. Victims need not prosecute to receive assistance. Service is free to victims.
- **UCA Police** Corner of W. J. Sowder Street and Marian Ross Avenue- (501) 450-3111 - for emergencies, dial 911 Investigates and assists in the prosecution of sexual assault crimes that occur on the UCA campus.
- **UCA Police Victim Assistance Services:** Provides advice and assistance to victims of crime. Victims need not prosecute to receive assistance.
- **City of Conway Police Department** 1105 Prairie Street - (501) 450-6120 - for emergencies dial 911 Provides assistance in investigating and prosecuting sexual assault crimes in the Conway area.
- **Faulkner County Sheriff's Department** Faulkner County Courthouse located at the corner of Robinson and Locust - (501) 450-4914 - for emergencies dial 911 Provides assistance in investigating and prosecuting sexual assault crimes in Faulkner County area (outside the Conway city limits).
- **Student Health Center** is located between the HPER and Baridon Hall and is available by phone at (501) 450-3136. The office is staffed from 8:00 a.m. to 11:30 a.m. & 1:00 p.m. to 4:30 p.m. Monday through Friday during the academic year and 8:00 a.m. to 11:30 a.m. & 1:00 p.m. to 4:15 p.m. Monday through Friday during summer session.

Many churches also provide personal counseling services. Please check with your minister or pastor for available services.

Primary Prevention and Awareness Programs

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:

- 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
- Consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community and societal levels.

All first-time UCA students are required to complete online prevention and awareness training entitled "Sexual Violence Prevention" This training is hosted through Safe Colleges online training and is part of UCA's comprehensive sexual misconduct prevention and awareness programming for students. Safe Colleges Training is interactive and contains many challenging and interesting real-life scenarios. Following the program students have the opportunity to complete optional courses: Every Choice (Bystander Intervention), Dating Violence, Making Campus Safe for LGBTQ+ Students, Hazing Awareness, Clarifying Consent, Consent and Bystander Intervention, Rethinking Relationships, Sexual Harassment and Stalking, along with additional online courses

Ongoing prevention and awareness campaigns include self-defense and situational awareness programming; domestic violence month events and activities; sexual assault and awareness month, which includes presentations and an annual "Take Back the Night" event;

bystander intervention programming; programming specific to developing healthy relationships; Women's Center and LGBTQA Advocacy programming; and regular student conversations related to sexual assault and relationship violence.

The following are some specific examples of annual programs currently offered by the institution. This list is not all inclusive:

Title: Stand Up and Speak Out Carnival

Description: Educational carnival games designed to provide education and awareness about Title IX issues including sexual assault, consent, healthy relationships, dating violence, and stalking. Students are required to participate in 5 activities before they receive a free T-shirts with the theme "Do Something." Sponsors: Housing and Residence Life, Counseling Center, Student Wellness, Gender Studies Feminist Union

Title: One Billion Rising

Description: There will be 6 stations, plus a video station. The 6 stations will include the bystander intervention training, an informational table on local resources for domestic and sexual violence, a table showing other One Billion Rising events, a table asking students to contribute to a "Revolution" scrapbook, a body positivity activity table, and a table offering information on intersectionality and domestic and sexual violence. Sponsor: Gender Studies

Title: Clothesline Project

Description: For women who have been affected by violence, it is a means of expressing their emotions by decorating a t-shirt. After the shirts have been decorated, they are hung on a clothesline display. The intention of the display is to honor survivors and act as a memorial for victims. Sponsors: Counseling Center and Office of Diversity and Community

Title: Walk a Mile in her Shoes

Description: Campus walk to stop rape, sexual assault, and gender violence. Men wear women's shoes to show their support. An opportunity for men to raise awareness in their community about the serious causes, effects and remediation to men's sexualized violence against women. Sponsors: IFC, UCAPD, SA Crisis Response of Central Arkansas, Haven

Title: Violence Prevention Program

Description: Students pledged to T.H.I.N.K. by signing a banner. We explained that the acronym was to be used to help prevent violence by taking a moment before you say or do anything and think about whether or not it is: true, helpful, inspiring, necessary, or kind. Sponsor: Student Wellness and Development

Title: UCA Counseling Center Boot Camps

Description: 1 hour training sessions on Sexual Assault, Dating Violence, and Domestic Violence in regards to consent, awareness, prevention, and relationships. Throughout the fall semester for students.

Title: Safe Spring Break Fair

Description: Sexual Assault Crisis Response of Arkansas attended the fair and had an activity that educated students about sexual assault. Sexual Assault Crisis Response of Arkansas participated in our outdoor program to educate students about sexual assault. Sponsors: Student Wellness and Development, UCA Police, Sexual Assault Crisis Response of Arkansas

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):

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

How to Be an Active Bystander

UCA expects members of our community to work together to prevent incidence of sexual and relationship violence. **Bystander intervention** refers to **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**.

Bystanders play a critical role in the prevention of sexual and relationship violence. They are "individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up, or do something about it." We want to promote a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. We may not always know what to do even if we want to help. Below is a list of some ways to be an active bystander. 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, 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.

Preventing and Responding to Incidents of Hazing

UCA Policy on Hazing

Hazing is defined as any intentional action taken or situation created, whether on or off university property, to produce mental or physical discomfort, embarrassment, harassment, or ridicule. Such activities shall include, but not be limited to, paddling, beating, scavenger hunts, road trips, any activity resulting in fatigue, physical or psychological shock, wearing apparel that is uncomfortable to the individual or which is conspicuous and not normally in good taste, engaging in public stunts or buffoonery, morally degrading or humiliating games or activities, giving of food or drink that is distasteful or designed to provoke nausea, any form of verbal harassment, any action created subjugating an individual to a condition in which the person might tend to lose self-respect, suffer injury to personal dignity, or is required to compromise personal values, any activity which interferes with scholastic duties, threatening in any manner or form for the purpose of cajoling individuals into secrecy in regard to breaches (planned, threatened, attempted, or perpetuated) of the IFC, IGC, NPHC or Panhellenic Hazing Code and/or Constitution.

Federal Clery Act Definitions of Hazing and Student Organizations

Hazing - Any intentional, knowing, or reckless act committed against another person(s) regardless of their willingness to participate that:

1. Is committed in the course of initiation, affiliation, or maintenance of membership in a student organization;
2. Creates a risk of physical or psychological injury, such as whipping, beating, striking, sleep deprivation, exposure to the elements, consumption of food, alcohol, drugs, sexual acts, activities that put someone in reasonable fear of bodily harm, or engagement in criminal violations of local, state, tribal, or federal law.

Student Organization – An organization at an institution of higher education (such as a club, society, association, athletic team, club sports team, fraternity, sorority, band, or student government) where two or more members of the organization are students enrolled at the university, whether the organization is established or recognized by the institution.

Arkansas Law on Hazing

6-5-201. Definition.

(A) As used in this subchapter, “hazing” means:

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

(B) The term “hazing” as defined in this section does not include customary athletic events or similar contests or competitions and is limited to those actions taken and situations created in connection with initiation into or affiliation with any organization.

History. Acts 1983, No. 75, § 2; A.S.A. 1947, § 80-5502.

6-5-202. Prohibitions.

(A) No student of any school, college, university, or other educational institution in Arkansas shall engage in what is commonly known and recognized as hazing or encourage, aid, or assist any other student in the commission of this offense.

- (1) No person shall knowingly permit, encourage, aid, or assist any person in committing the offense of hazing, or

willfully acquiesce in the commission of such offense, or fail to report promptly his or her knowledge or any reasonable information within his or her knowledge of the presence and practice of hazing in this state to an appropriate administrative official of the school, college, university, or other educational institution in Arkansas.

(2) Any act of omission or commission shall be deemed hazing under the provisions of this subsection.

History. Acts 1983, No. 75, §§ 1,3; A.S.A. 1947, §§ 80-5501, 80-5503; Acts 2009, No. 376, § 1.

6-5-203. Penalties.

(A) The offense of hazing is a Class B misdemeanor.

(B) Upon conviction of any student of the offense of hazing, he or she shall, in addition to any punishment imposed by the court, be expelled from the school, college, university, or other educational institution he or she is attending.

History. Acts 1983, No. 75, §§ 4,5; A.S.A. 1947, §§ 80-5504, 80-5505.

How to Report Hazing

If you have witnessed or know about inappropriate activities taking place in your organization, it is important that you notify the following persons or offices:

- International headquarters
- Chapter/Regional advisor to the organization
- UCA Dean of Students
- UCA Office of Student Life
- UCAPD
- 313TALKUCA - 313-825-5822

To deal effectively with hazing in your organization, you should make efforts to increase:

Awareness Among Your Members

Use case studies, surveys, news stories, international policy statements, or special national publications that discuss hazing practices to help inform members of the dangers and negative ramifications of hazing.

Education of Your Members

Employ on-campus resources, such as leadership conferences, resource libraries, videos, manuals, or UCA professional staff to help educate members of your organization on ways to address and correct hazing problems.

Detection of Violations by Your Members

The organization can be held responsible for the hazing actions of individual members, even if the organization as a whole is not involved. It is important to look for activities and comments that may suggest a member or group of members is hazing other members.

Corrective Action

Do not overlook any hazing problems you find in your organization. It is crucial that those members who are found in violation of hazing policies be disciplined for their actions. Corrective action should be tailored to the incident, taking the severity and nature of the problem, alumni/ae involvement, environment and any other pertinent factors into consideration. Your willingness to address these problems will help if you are found responsible for hazing by your International organization or the University.

Process used to Investigate

UCA uses the same process to investigate hazing incidents as it does to investigate other allegations of misconduct. This process can be found in the Alcohol and Drug segment of this Annual Security and Fire Safety Report.

The [UCA Campus Hazing Transparency Report](#) can be found on the UCA Dean of Students website located at [this link](#).

Hazing Prevention Programs

As part of our commitment to an educational environment free from hazing, the University coordinates campus-wide awareness and prevention programming throughout each academic year designed to reach students, faculty, and staff. Collaborative efforts in the Division of Student Affairs enable the University to offer training intended to stop hazing before it occurs, including bystander

intervention, information about ethical leadership, and promotion of strategies for building group cohesion without hazing.

Examples of educational outreach and training programs related to hazing awareness and prevention include:

- Hazing prevention training during New Student Orientation and New Employee Orientation.
- Registered Student Organizations complete mandatory annual online hazing prevention training, a course designed to increase awareness of hazing, bystander intervention skills, and help students know where to go for help.
- National Hazing Prevention Week – This program provides an opportunity to raise awareness about hazing through various activities and events.
- Bear Civility Leadership Seminar for students, faculty, and staff.
- Hazing Prevention – Online education module available to all students, faculty, and staff through the online vector training portal.

Annual Fire Safety Report

If a fire occurs in a UCA building, community members should immediately notify UCAPD at (501) 450-3111 or 9-1-1. UCAPD will respond and will dispatch the Conway Fire Department. If a UCA student or employee finds evidence of a fire that has been extinguished, and the person is not sure whether UCAPD has already responded, the community member should immediately notify UCAPD to investigate and document the incident and so that the fire incident can be properly reported in annual fire safety statistics.

The fire alarms alert community members of potential hazards and community members are required to heed their warning and evacuate buildings immediately upon hearing a fire alarm in a facility. Use the nearest stairwell and/or exit to leave the building immediately. Community members should familiarize themselves with the exits in each building. The Fire Marshall can levy fines and penalties to individuals who fail to evacuate a building promptly – but a more important reason for evacuating is your own safety!

When a fire alarm is activated, the elevators in most buildings will stop automatically. Occupants should use the stairs to evacuate the building. If you are caught in the elevator, push the emergency phone button. The emergency phones in elevators on campus ring to the UCAPD dispatcher.

UCAPD publishes this fire safety report as part of the annual Clery Act compliance document, via this document, which contains information with respect to the fire safety practices and standards for UCA. This report includes statistics concerning the number of fires, the cause of each fire, the number of injuries and deaths related to a fire, and the value of the property damage caused by a fire. The compliance document is available for review 24 hours a day on the [UCAPD Web site](#).

Daily Fire Log

A public log, as required by the Clery Act, is available at a kiosk in the UCAPD lobby that summarizes reported fires that have occurred in UCA residential facilities. The log includes the nature of the fire, the date and time the fire occurred, and the general location of the fire. This information is posted to the [UCA Police Department Website](#) on normal business days.

Fire Protection Equipment/Systems

A majority of University buildings are equipped with automatic fire detection and alarm systems that are constantly monitored by staff at UCAPD. Residence halls are equipped with smoke detectors in each room, hallway, and common area. These detectors are networked with a central fire alarm system for the facility. Residence Halls are also equipped with portable fire extinguishers and sprinkler/fire suppression systems that are activated by heat sensors. University apartment complexes are equipped with firestop cans, smoke detectors, and portable fire extinguishers. Refer to page 57 to review the Fire Safety Amenities in the UCA Residential Facilities Chart for information about fire detection, notification, and suppression systems in each residential facility.

Fire Safety for Campus Residents

In the event of a fire alarm activation or fire – Each building is equipped with fire alarms. The alarms are in place for your protection and should not be tampered with. Everyone must leave the building whenever an alarm is sounded; this includes any RSOs or other groups within the building.

Each campus residence hall has a published Building Emergency Plan (BEP). Housing & Residence Life staff are trained on the information contained within the BEP, including specific steps to take in the case of a fire and the building emergency assembly area. Staff are also trained on the proper use of a fire extinguisher utilizing the PASS (Pull, Aim, Squeeze, Sweep) approach.

Information is posted throughout each residence hall on campus and informs students in the case of a fire to:

- Activate the nearest fire alarm pull station and call 911 or the Conway Fire Department
- Evacuate the building and report to the emergency assembly area (specified in each BEP).
 - Put on a coat and put on shoes quickly.
 - Close and lock your door.

- Walk quickly, but in an orderly manner, through the exit for your area and continue to the designated emergency assembly area.
- Report to residence hall staff when outside so they know your whereabouts.
- Do not return to the building until UCAPD has authorized re-entry.

Students are also given this information during the first hall meeting and first floor meetings on move-in day. Finally, at least one evacuation drill is conducted per year in each on campus residence hall. These residence halls do not include homes or apartment complexes.

Electrical Appliances, Smoking, and Open Flames

SMOKING is prohibited by law in or on any building or grounds owned or controlled by the University. Open flames or lit candles are not allowed in university housing facilities. Anyone found in violation of this policy may be subject to the same sanctions as tampering with fire equipment.

Electrical Appliances in Residence Halls – The capacity of residence hall electrical systems is limited. Students may use only UL approved surge protectors (no more than two are allowed per room). UL approved surge protectors contain their own fuse and reset switch to prevent overloads. At no time should outlet extenders or extension cords be used in any residential community. These items have no way of preventing overloads and pose a serious fire risk. Vanity light receptacles should only be used for “cosmetic” appliances (curling iron, blow dryer, electric razor, etc.). These items should never be left plugged in unattended.

The following are examples of *permitted* appliances: computers, radios/stereos, televisions, desk lamps (NO halogen bulbs permitted), coffee makers (drip style without a hot plate), small refrigerators (must not exceed 3.8 cubic feet or 1.5 amps).

Plugged in and unattended curling irons, hair straighteners, clothing irons, electric grills (George Foreman type), and coffee makers are considered a fire hazard and are NOT permitted. Other appliances that are NOT permitted include: open element appliances such as toasters, hot plates, broilers, space heaters, kerosene heaters, toaster ovens, electric fry pans/skillets, microwave ovens (except in Farris Hall), sun lamps, wireless routers, air conditioners (personally owned units), outside antennae/satellite dishes, potpourri pots (candles and electric), and halogen lamps (including desk lamps).

Electrical Appliances in University Apartments – Due to differences in electrical systems capacity and design, electrical appliances allowed in UCA owned or leased apartments are somewhat different than those allowed in the residence halls. Students may use only UL approved surge protectors (no more than two surge protectors are permitted per room) that contain their own fuse to increase their number of outlets.

The following are examples of *permitted* appliances: computers, radios/stereos, televisions, desk lamps, coffee makers, microwave ovens, small electric grills (George Foreman type).

Plugged in and unattended curling irons, hair straighteners, clothing irons, electric grills, and coffee makers are considered a fire hazard and are NOT permitted. Other appliances that are NOT permitted include: air conditioners (personally owned units), halogen lamps, sun lamps, outside antennae/satellite dishes, potpourri pots (candles and electric), outdoor grills or fire pits of any type, space heaters or other heaters.

Health and Safety Inspections

Housing and Residence Life staff perform residence hall health and safety inspections each month. Inspections will be announced only during the first round of the fall semester. All other inspections are unannounced. The health and safety inspections are primarily designed to find and eliminate safety violations. Students are required to read and comply with the Residential Community Conduct Guidelines (RCCGs), which include the health and safety inspections and all other rules and regulations for residential buildings. The inspections include, but are not limited to, a visual examination of electrical cords, sprinkler heads, smoke detectors, fire extinguishers, and other life safety systems.

In addition, each room will be examined for the presence of prohibited items (e.g., sources of open flames, such as candles; non-surge

protected extension cords; halogen lamps; portable cooking appliances in non-kitchen areas; etc.) or prohibited activity (e.g., smoking in the room; tampering with life safety equipment; possession of pets; etc.). This inspection will also include a general assessment of food and waste storage and the cleanliness of the room. Prohibited items will be immediately disabled with a locking device or confiscated and donated/discarded if found, without reimbursement.

Plans for Future Improvements in Fire Safety

We strive to constantly improve and expand on our in-service training sessions for all Residential Life student staff, UCAPD staff, and other housing staff. This training includes basic fire safety topics and hands-on fire extinguisher training courses.

The university continues to assess and upgrade fire safety equipment as an ongoing process, to ensure that all equipment meets National Fire Safety standards. Future improvements will be made as needed as part of the ongoing assessment, budget, and strategic planning process.

Fire Safety Amenities in Current Residence Facilities FY2026

Residential Facilities	Fire Alarm Monitoring Done on Site	Partial Sprinkler System	Full Sprinkler System	Smoke Detection	Fire Extinguisher Devices	Evacuation Plans or Placards	Number of planned evacuation (fire) drills each calendar year
121-139 Baridon	NO	NO	NO	YES	YES	NO	0
2329 College	NO	NO	NO	YES	YES	NO	0
360 Farris Ave.	NO	NO	NO	YES	YES	NO	0
425 Augusta	NO	NO	NO	YES	YES	NO	0
Alpha Sigma Alpha 440 Augusta Ave	YES	NO	YES	YES	YES	YES	1
Alpha Sigma Tau 405 Donaghey Ave	YES	NO	YES	YES	YES	YES	1
Arkansas Hall 6 Marion Ross Ave	YES	NO	YES	YES	YES	YES	1
Baridon Hall 22 Student Ln	YES	NO	YES	YES	YES	YES	1
Bear Hall 5 Emma Rasor Dr	YES	NO	YES	YES	YES	YES	1
Bear Village 2201 Moix Blvd	NO	NO	NO	YES	YES	YES	0
Bernard Hall 12 LA Niven Dr	YES	NO	YES	YES	YES	YES	1
Carmichael Hall 20 Student Ln	YES	NO	YES	YES	YES	YES	1
Conway Hall 5 Marion Ross Ave	YES	NO	YES	YES	YES	YES	1
Delta Zeta 430 Augusta Ave	YES	NO	YES	YES	YES	YES	1
Donaghey Hall 250 Donaghey Ave	YES	NO	YES	YES	YES	YES	1
Erbach St. Apts. 1950 Erbach St	NO	NO	NO	YES	YES	YES	0
Farris Hall 1 Student Ln	YES	NO	YES	YES	YES	YES	1
Hughes Hall 5 WJ Sowder	YES	NO	YES	YES	YES	YES	1
New Hall 270 Farris Rd	YES	NO	YES	YES	YES	YES	1
Oak Tree Apts. 2025 Torreyson St	NO	NO	NO	YES	YES	YES	0
Pi Kappa Alpha 430 Donaghey Ave	YES	NO	YES	YES	YES	YES	1
Sigma Kappa 415 Donaghey Ave	YES	NO	YES	YES	YES	YES	1
Sigma Nu 350 Donaghey Ave	YES	NO	YES	YES	YES	YES	1
425 Donaghey	YES	NO	YES	YES	YES	YES	1
Sigma Tau Gamma 410 Donaghey Ave	YES	NO	YES	YES	YES	YES	1
Stadium Park Apts. 2400 Bruce St	NO	NO	NO	YES	YES	YES	0
State Hall 15 Emma Rasor Dr	YES	NO	YES	YES	YES	YES	1
Torreyson Apts. 1965 Torreyson St	NO	NO	NO	YES	YES	YES	0
Edge Apartments– 503 S. Donaghey - Partial	NO	NO	NO	YES	YES	NO	0
Farris Road 306, 308, 310, 312	NO	NO	NO	YES	YES	NO	0
2626 Bruce St Apt A&B	NO	NO	NO	YES	YES	NO	0
West Martin St. Apartments 2614 Martin	NO	NO	NO	YES	YES	NO	0
2760 Floyd Dr Apt B	NO	NO	NO	YES	YES	NO	0
Landis Hollow Apt 6, 9, 16 356 Farris Rd	NO	NO	NO	YES	YES	NO	0
Orso 375 Denison Apt C7	NO	NO	NO	YES	YES	NO	0
Quad 2619 W Martin Apt 2, 14, 19, 20	NO	NO	NO	YES	YES	NO	0
Salem Apts 308 Salem Apt 1, 2	NO	NO	NO	YES	YES	NO	0

CY2024 Fire Statistics in UCA Residential Facilities

Residential Facilities	Number of evacuation (fire) drills	Total Fires in Each Building	Fire #	Date	Time	Cause of Fire	Number of Injuries that Required Treatment at a Medical Facility	Number of Deaths Related to a Fire	Value of Property Damage Caused by Fire
121-139 Baridon	0	0	0	0	0	0	0	0	0
2329 College	0	0	0	0	0	0	0	0	0
360 Farris Ave.	0	0	0	0	0	0	0	0	0
425 Augusta	0	0	0	0	0	0	0	0	0
Alpha Sigma Alpha 440 Augusta Ave	1	0	0	0	0	0	0	0	0
Alpha Sigma Tau 405 Donaghey Ave	1	0	0	0	0	0	0	0	0
Arkansas Hall 6 Marion Ross Ave	1	0	0	0	0	0	0	0	0
Baridon Hall 22 Student Ln	1	0	0	0	0	0	0	0	0
Bear Hall 5 Emma Rasor Dr	1	0	0	0	0	0	0	0	0
Bear Village 2201 Moix Blvd	0	2	1	2/13/24	2:07 PM	Electrical	0	0	\$100-\$999
			2	4/24/24	6:30 PM	Unintentional – Cooking	0	0	\$100-\$999
Bernard Hall 12 LA Niven Dr	1	0	0	0	0	0	0	0	0
Carmichael Hall 20 Student Ln	1	0	0	0	0	0	0	0	0
Conway Hall 5 Marion Ross Ave	1	0	0	0	0	0	0	0	0
Delta Zeta 430 Augusta Ave	1	0	0	0	0	0	0	0	0
Donaghey Hall 250 Donaghey Ave	1	0	0	0	0	0	0	0	0
Edge Apartments – 503 S. Donaghey Ave	0	0	0	0	0	0	0	0	0
Erbach St. Apts. 1950 Erbach St	0	0	0	0	0	0	0	0	0
Farris Hall 1 Student Ln	1	0	0	0	0	0	0	0	0
Hughes Hall 5 WJ Sowder	1	0	0	0	0	0	0	0	0
New Hall 270 Farris Rd	1	0	0	0	0	0	0	0	0
Oak Tree Apts. 2025 Torreyson St	0	0	0	0	0	0	0	0	0
Pi Kappa Alpha 430 Donaghey Ave	1	0	0	0	0	0	0	0	0
Sigma Kappa 415 Donaghey Ave	1	0	0	0	0	0	0	0	0
Sigma Nu 350 Donaghey Ave	1	0	0	0	0	0	0	0	0
425 Donaghey	1	0	0	0	0	0	0	0	0
Sigma Tau Gamma 410 Donaghey Ave	1	0	0	0	0	0	0	0	0
Stadium Park Apts. 2400 Bruce St	0	1	1	01/24/24	9:52 PM	Electrical	0	0	\$250,000 - \$499,000
State Hall 15 Emma Rasor Dr	1	0	0	0	0	0	0	0	0
Torreyson Apts. 1965 Torreyson St	0	0	0	0	0	0	0	0	0

*-Damage estimates only are reported for these fire incidents. Safety equipment intended to prevent fires functioned normally and only minimal damage was sustained. Repairs to the involved equipment were covered by routine maintenance.

CY2023 Fire Statistics in UCA Residential Facilities

Residential Facilities	Number of evacuation (fire) drills	Total Fires in Each Building	Fire #	Date	Time	Cause of Fire	Number of Injuries that Required Treatment at a Medical Facility	Number of Deaths Related to a Fire	Value of Property Damage Caused by Fire
121-139 Baridon	0	0	0	0	0	0	0	0	0
2329 College	0	0	0	0	0	0	0	0	0
360 Farris Ave.	0	0	0	0	0	0	0	0	0
425 Augusta	0	0	0	0	0	0	0	0	0
Alpha Sigma Alpha 440 Augusta Ave	1	0	0	0	0	0	0	0	0
Alpha Sigma Tau 405 Donaghey Ave	1	0	0	0	0	0	0	0	0
Arkansas Hall 6 Marion Ross Ave	1	0	0	0	0	0	0	0	0
Baridon Hall 22 Student Ln	1	0	0	0	0	0	0	0	0
Bear Hall 5 Emma Rasor Dr	1	1	1	11/13/23	7:00 PM	Unintentional – Cooking	0	0	\$0-\$99
Bear Village 2201 Moix Blvd	0	0	0	0	0	0	0	0	0
Bernard Hall 12 LA Niven Dr	1	0	0	0	0	0	0	0	0
Carmichael Hall 20 Student Ln	1	0	0	0	0	0	0	0	0
Conway Hall 5 Marion Ross Ave	1	0	0	0	0	0	0	0	0
Delta Zeta 430 Augusta Ave	1	0	0	0	0	0	0	0	0
Donaghey Hall 250 Donaghey Ave	1	0	0	0	0	0	0	0	0
Erbach St. Apts. 1950 Erbach St	0	0	0	0	0	0	0	0	0
Farris Hall 1 Student Ln	1	0	0	0	0	0	0	0	0
Hughes Hall 5 WJ Sowder	1	0	0	0	0	0	0	0	0
New Hall 270 Farris Rd	1	0	0	0	0	0	0	0	0
Oak Tree Apts. 2025 Torreyson St	0	0	0	0	0	0	0	0	0
Pi Kappa Alpha 430 Donaghey Ave	1	0	0	0	0	0	0	0	0
Short/Denney Hall 3 Marion Ross Ave	1	0	0	0	0	0	0	0	0
Sigma Kappa 415 Donaghey Ave	1	0	0	0	0	0	0	0	0
Sigma Nu 350 Donaghey Ave	1	0	0	0	0	0	0	0	0
Sigma Sigma Sigma 425 Donaghey	1	0	0	0	0	0	0	0	0
Sigma Tau Gamma 410 Donaghey Ave	1	0	0	0	0	0	0	0	0
Stadium Park Apts. 2400 Bruce St	0	0	0	0	0	0	0	0	0
State Hall 15 Emma Rasor Dr	1	0	0	0	0	0	0	0	0
Torreyson Apts. 1965 Torreyson St	0	0	0	0	0	0	0	0	0

*-Damage estimates only are reported for these fire incidents. Safety equipment intended to prevent fires functioned normally and only minimal damage was sustained. Repairs to the involved equipment were covered by routine maintenance.

CY2022 Fire Statistics in UCA Residential Facilities

Residential Facilities	Number of evacuation (fire) drills	Total Fires in Each Building	Fire #	Date	Time	Cause of Fire	Number of Injuries that Required Treatment at a Medical Facility	Number of Deaths Related to a Fire	Value of Property Damage Caused by Fire
121-139 Baridon	0	0	0	0	0	0	0	0	0
2329 College	0	0	0	0	0	0	0	0	0
360 Farris Ave.	0	0	0	0	0	0	0	0	0
425 Augusta	0	0	0	0	0	0	0	0	0
Alpha Sigma Alpha 440 Augusta Ave	1	0	0	0	0	0	0	0	0
Alpha Sigma Tau 405 Donaghey Ave	1	0	0	0	0	0	0	0	0
Arkansas Hall 6 Marion Ross Ave	1	0	0	0	0	0	0	0	0
Baridon Hall 22 Student Ln	1	0	0	0	0	0	0	0	0
Bear Hall 5 Emma Rasor Dr	1	0	0	0	0	0	0	0	0
Bear Village 2201 Moix Blvd	0	1	1	09/19/22	6:26PM	Unintentional – Cooking	0	0	\$0-\$99
Bernard Hall 12 LA Niven Dr	1	0	0	0	0	0	0	0	0
Carmichael Hall 20 Student Ln	1	0	0	0	0	0	0	0	0
Conway Hall 5 Marion Ross Ave	1	0	0	0	0	0	0	0	0
Delta Zeta 430 Augusta Ave	1	0	0	0	0	0	0	0	0
Donaghey Hall 250 Donaghey Ave	1	0	0	0	0	0	0	0	0
Erbach St. Apts. 1950 Erbach St	0	0	0	0	0	0	0	0	0
Farris Hall 1 Student Ln	1	0	0	0	0	0	0	0	0
Hughes Hall 5 WJ Sowder	1	0	0	0	0	0	0	0	0
New Hall 270 Farris Rd	1	0	0	0	0	0	0	0	0
Oak Tree Apts. 2025 Torreyson St	0	0	0	0	0	0	0	0	0
Pi Kappa Alpha 430 Donaghey Ave	1	1	1	10/09/22	3:21AM	Intentional – Arson	0	0	\$1,000-9,999
Short/Denney Hall 3 Marion Ross Ave	1	0	0	0	0	0	0	0	0
Sigma Kappa 415 Donaghey Ave	1	0	0	0	0	0	0	0	0
Sigma Nu 350 Donaghey Ave	1	0	0	0	0	0	0	0	0
Sigma Sigma Sigma 425 Donaghey	1	0	0	0	0	0	0	0	0
Sigma Tau Gamma 410 Donaghey Ave	1	0	0	0	0	0	0	0	0
Stadium Park Apts. 2400 Bruce St	0	0	0	0	0	0	0	0	0
State Hall 15 Emma Rasor Dr	1	0	0	0	0	0	0	0	0
Torreyson Apts. 1965 Torreyson St	0	1	1	08/16/22	12:10AM	Unintentional – Cooking	0	0	\$1,000-9,999
Western Heights Apts. 321 Western Ave	0	0	0	0	0	0	0	0	0

*-Damage estimates only are reported for these fire incidents. Safety equipment intended to prevent fires functioned normally and only minimal damage was sustained. Repairs to the involved equipment were covered by routine maintenance.

Appendix 1 – UCA Title IX Sexual Harassment Grievance Procedures

UNIVERSITY OF CENTRAL ARKANSAS
INTERIM TITLE IX SEXUAL HARASSMENT
GRIEVANCE PROCEDURES
Updated: 01/29/25

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ARTICLE I: INTRODUCTION

(a) Title IX Notice of Nondiscrimination

The University does not discriminate on the basis of sex in the education programs or activities that the University operates, supports, or exercises substantial control over. 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 prohibits discrimination on the basis of sex in educational institutions. 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.

(b) Jurisdiction and Scope of Procedures

These Grievance Procedures are established in compliance with United States Department of Education, Nondiscrimination on the Basis of Sex in Education Rules (Part 106 of Title 34 of the Code of Federal Regulations, § 106.8(c)). If any part or section of these Grievance Procedures are later found to be not in compliance with the Rules or any individual rule is revoked or amended, either through agency rulemaking or court ruling, the remaining Grievance Procedures will remain in effect until amended by the University. Title IX Sexual Harassment, as defined in Board Policy No. 426 (Appendix A) is a form of prohibited sex discrimination. Title IX requires the University to promptly and reasonably respond to Title IX Sexual Harassment. When a student, faculty, staff member, or other participant in the University of Central Arkansas' educational programs and activities feels they have been subjected to Title IX Sexual Harassment, that individual may use these Title IX grievance procedures to bring concerns to the attention of UCA's Title IX Coordinator for the purpose of obtaining a prompt and equitable resolution. Additionally, employees are encouraged to promptly report any instances of Title IX Sexual Harassment that they observe or learn about.

These procedures apply to any formal complaint of Title IX Sexual Harassment made by or against a student or an employee of the University or a third party, regardless of where the alleged sexual misconduct occurred, if the conduct giving rise to the complaint is related to the University's academic, educational, athletic, or extracurricular programs or activities and the University exercised substantial control over the respondent and the context in which the incident occurred. Additionally, at the time a formal complaint alleging Title IX Sexual Harassment is filed, the complainant must be participating in (or attempting to participate in) an educational program or activity of the University. Further, the University is obligated to apply these procedures in instances where the allegations occur within property owned or controlled by a recognized student organization (RSO), regardless of whether the building or property is on or off campus, and regardless of whether the University exercised substantial control over the respondent and the context of the harassment.

These procedures apply only to allegations that arise in the United States, and are therefore not applicable to study abroad programs or any educational program or activity that takes place

outside the United States. For allegations that pertain to an educational or program or activity outside the United States, in which the University would otherwise have an obligation to apply these procedures, the allegations shall be referred to the appropriate student conduct determination process.

These procedures are administrative in nature. All complaints that allege conduct which violates the Title IX Sexual Harassment Policy, regardless of when the alleged conduct occurred, will be adjudicated pursuant to these procedures. These procedures supersede all previous procedural rules used to determine Title IX Sexual Harassment complaints filed with the University.

(c) Other Forms of Discrimination or Misconduct

These procedures apply ONLY to allegations and complaints of Title IX 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.

Complaints or reports provided to the Title IX Coordinator alleging inappropriate or unprofessional conduct that does not give rise to a violation of the Title IX Sexual Harassment Policy will be referred to the appropriate University official for determination and will follow the appropriate procedures established for the specific misconduct alleged. If the Respondent is a faculty member, the Title IX Coordinator will consult with the Provost. If the Respondent is a staff member, the Title IX Coordinator will consult with the Associate Vice President for Human Resources/Risk Management. If the Respondent is a student, the Title IX Coordinator will consult with the Dean of Students.

(d) Period of Limitations

While no statutory period of limitations will be applied, complaints of Title IX Sexual Harassment should be filed as soon as practical. Delays in filing a complaint may compromise the subsequent investigation, particularly if neither the Complainant nor the Respondent is employed by the University or enrolled as a student at that time. Further complications may arise that negatively impact any subsequent investigation due to a delay in reporting, including, but not limited to: evidence preservation, witness memory, witness availability, and statutes of limitation for criminal conduct.

ARTICLE II: STATEMENTS OF POLICY

(a) Prohibition of Title IX Sexual Harassment

Sexual harassment, including, but not limited to, sexual assault, dating violence, domestic violence, stalking, unauthorized distribution of sexual images or recordings, or any crime that is based upon sexual acts defined at the adoption of this policy or later enacted by the State of Arkansas, by any faculty member, staff member, student, or a third party who is a participant in a university-sponsored program, event, or activity under substantial control of the University is a violation of University policy and will not be tolerated at the University of Central Arkansas. Further, the University of Central Arkansas is committed to providing ongoing sexual

harassment primary prevention, awareness, and risk reduction programs and training for the entire UCA community. Sexual harassment of employees is prohibited under Section 703 of Title VII of the Civil Rights Act of 1964 and sexual harassment of students may constitute discrimination under Title IX of the Education Amendments of 1972. This policy seeks to comply with requirements mandated by the Violence Against Women Reauthorization Act of 2013. The university considers sexual harassment a very serious issue and shall subject the offender to dismissal and/or other sanctions following the university's investigation and substantiation of the complaint and compliance with due process requirements.

(b) Prohibition of Retaliation

Retaliation against any person in the UCA community for filing, supporting, providing information, or for cooperating in a sexual misconduct investigation in good faith, in connection with a complaint of sexual misconduct is strictly prohibited. Examples of retaliation may include, but are not limited to, adverse employment actions such as termination, refusal to hire, and denial of promotion. Additionally, retaliation in the form of harassment, intimidation, threats, or coercion, or in the form of any materially adverse harm that would dissuade a reasonable student or employee from filing a harassment complaint or participating in a harassment investigation is strictly prohibited. Any person who feels he/she has been subjected to retaliation should make a report to the Title IX coordinator.

(c) Prohibition on Providing False Information

Any individual who knowingly files a false complaint, who knowingly provides false information to University officials or who intentionally misleads the University officials who are involved in the investigation or resolution of a complaint may be subject to disciplinary action.

(d) Confidentiality

In the course of a complaint investigation, the University will make reasonable efforts to maintain confidentiality of the complaints. In the event of an emergency or ongoing threat to the health, safety, or security of any individual or the campus community, the University may release information to the extent necessary to appropriately address the situation presented. In all other circumstances, 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. If a report is made by a third-party, that third-party will not be notified or informed of any outcome, investigation, or formal process conducted by the University. 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. As these Grievance Procedures are administrative in nature, any

finding of responsibility or sanctions will not be released or documented on any transcript or releasable employment document of the responsible party.

(e) Amnesty

The University encourages reporting of incidents of Title IX Sexual Harassment and seeks to remove barriers to reporting when possible. The University will not take punitive action against individuals in the case of illegal alcohol use by victims, witnesses, and/or those reporting incidents and/or assisting the victims of sexual misconduct, provided they are acting in good faith in such capacity. The use of alcohol, drugs, and/or legally prescribed medication does not justify or excuse behavior that constitutes prohibited conduct under this policy.

(f) Individuals with Disabilities

The University will ensure that individuals with disabilities are provided appropriate accommodations, to the extent necessary and available, to participate in the steps and procedures outlined here within. Requests for accommodations must be made to the Director of the Disability Resource Center (located in the Student Health Center, Suite 212 and available by phone at (501) 450-3613).

(g) 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.

(h) Retention of Records

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

- 1). Each sexual harassment investigation, including any determination regarding responsibility, any recordings or transcripts, disciplinary sanctions, and remedies provided to the complainant
- 2). Any appeal and the result therefrom
- 3). Any informational resolution and the result therefrom
- 4). 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.
- 5). 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.

(i) Presumption of Not Responsible

Under these Grievance Procedures, the Respondent is presumed to not be responsible for the alleged violation until a determination of responsibility is made at the conclusion of the grievance process.

ARTICLE III: TITLE IX COORDINATOR ROLES AND RESPONSIBILITIES

(a) Title IX Coordinator

The university has designated a Title IX coordinator who will be responsible for ensuring the university has required policies and procedures in place; ensuring prompt and effective processing of complaints; administering a centralized complaint filing system; conducting evaluations of school compliance; for analyzing trends revealed by complaints; coordinating investigations and enforcement activities; assist in arranging for training for staff and students; making an initial determination of whether the issues raised in complaints meet the definition of Title IX Sexual Harassment; and for monitoring on behalf of the institution overall compliance with this policy and related federal and state legislation and regulation.

(b) Deputy Title IX Coordinators

The university may designate one or more deputy coordinators to assist the Title IX coordinator. Such deputies will be authorized to receive complaints and preform the administrative duties of the Title IX Coordinator in the event of a conflict of interest or when the Title IX Coordinator is unavailable. Deputy Title IX Coordinators will only be precluded from filling other administrative duties related to the Title IX Grievance Procedures when they have also served in the Title IX Coordinator role for the same complaint or when a conflict of interest is determined to exist. Whenever the phrase “Title IX coordinator” appears in this policy and other policies in connection with administering an individual complaint, it will be understood to include both the coordinator and any deputy coordinators who may have been assigned responsibilities to administer the matter. Deputy Title IX Coordinators will be trained and assigned roles in the hearing process as either investigators or hearing officers based upon the needs of the University and the availability of individual Deputy Title IX Coordinators.

ARTICLE IV: FILING A FORMAL COMPLAINT

(a) Reporting

Because Title IX Sexual Harassment may, in some instances, constitute both a violation of University policy and criminal statutes, and because the University grievance process is not a substitute for law enforcement investigations or criminal prosecution, the University encourages individuals to report alleged sexual crimes promptly to campus officials and the University of Central Arkansas Police Department.

Individuals may, however, choose not to report alleged Title IX Sexual Harassment to such University officials and/or the University of Central Arkansas Police Department. Nevertheless, the University may notify appropriate law enforcement authorities if required or warranted by

the nature of the allegations and in consideration of the safety of any individual or the entire campus community.

Individuals are strongly encouraged to submit reports promptly in order to preserve evidence for a potential legal or disciplinary proceeding. All complaints or reports of Title IX Sexual Harassment should be submitted to the Title IX Coordinator:

Jennifer Craun
Associate General Counsel and Title IX Coordinator
Wingo Hall, Suite 207
201 Donaghy Avenue
Conway, Arkansas 72035
501-450-3247
Email: jcraun@uca.edu

Reports may also be submitted online at uca.edu/titleix or via email directly to the Title IX Coordinator. While certain information may be required to initiate a formal complaint inquiry, reports may be submitted in any form, including verbally. The Title IX Coordinator will attempt to contact the Complainant directly to gather additional required information, and offer the Complainant the opportunity to file a Formal Complaint (as described in paragraph C of this section).

(b) Actual Knowledge and Employees with Authority to Institute Corrective Measures

In addition to the Title IX Coordinator, the following individuals have been designated by the University as employees with the authority to institute corrective measures on behalf of the University, and may receive reports, in any form:

President
Provost
College Deans
Vice President of Student Affairs
Vice President of Finance and Administration
Vice President of Advancement
Director of Athletics
Chief Information Officer
Chief of Staff

Once one of the employees with the authority to institute corrective measures receives a report or notice in any form of an alleged violation of the Title IX Sexual Harassment policy, that employee shall immediately forward the information to the Title IX Coordinator for review. Reports made to the individuals listed above constitutes actual knowledge on behalf of the University of an allegation of a violation of the Title IX Sexual Harassment Policy.

(c) Initial Report and Intake Process

Promptly upon receiving a report of conduct that could potentially be a violation of the Title IX Sexual Harassment Policy, the Title IX Coordinator will contact the Complainant to schedule an initial meeting to, as applicable:

- i. provide a copy of this policy
- ii. explain the process for filing a formal complaint and provide a copy of the Sexual Harassment Complaint Form (a copy of which is attached as Appendix B) 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
- iii. explain avenues for resolution, including informal and formal
- iv. explain the steps involved in an investigation and hearing under this policy
- v. discuss confidentiality standards and concerns
- vi. refer the Complainant to law enforcement, counseling, medical, academic or other resources, as appropriate
- vii. 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 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 alleged violation. In the event the Complainant requests that no further action be taken, the Title IX Coordinator will evaluate whether to file a Formal Complaint under the criteria set forth below without the approval of the Complainant.

(d) Form and Filing of Formal Complaint

Formal Complaints: Alleged violations of the Title IX Sexual Harassment Policy may be submitted in any form by any person, including third-party witnesses or individuals with knowledge of an alleged violation of the Title IX Sexual Harassment. However, a FORMAL COMPLAINT is only considered to be "filed" when:

- 1) The complaint is submitted, in writing, by a Complainant (individual harmed by a violation of the Title IX Sexual Harassment Policy) and signed as received by the Title IX Coordinator; or
- 2). The Title IX Coordinator may file a Formal Complaint without the approval of a Complainant in the following circumstances:
 - i. There is an ongoing safety concern for the individual concerned; or
 - ii. There is an ongoing safety concern for any individual; or
 - iii. There is an ongoing safety concern for the campus community; or
 - iv. The filing of a Formal Complaint is in the best interest of the University.

In the event the Title IX Coordinator files a Formal Complaint for one of the above listed reasons, the Title IX Coordinator will notify the harmed individual of that decision and

document the nature of the safety concern or the interests of the University on the written Formal Complaint form.

Filing: The filing of a formal, written complaint initiates the formal complaint process and is available to any person who is participating in (or attempting to participate in) a University educational program or activity. After a Formal Complaint is filed, an investigator designated by the Title IX Coordinator will investigate the allegations. Formal Complaints can be filed in several ways. The Complainant may utilize the form provided online at uca.edu/titleix 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, or by email. The formal complaint should set forth the allegations and request that the Title IX Office investigate the matter.

Consolidation of 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.

Supplemental Information or Correction of Form: The process of filing a Formal Complaint is not intended to prevent or delay any person participating or attempting to participate in an educational program or activity of the University from making a complaint of a violation of the Title IX Sexual Harassment Policy. In the event the complaint is missing required information or does not meet the procedural requirements, the Title IX Coordinator will notify the Complainant of the deficiency and provide the opportunity to supplement or correct the written complaint. The complaint must contain sufficient information to provide notice to a Respondent of an alleged violation.

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 Title IX Sexual Harassment, as defined in Board Policy No. 426, 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 University; 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 the Title IX Sexual Harassment Grievance Procedures does not preclude a Complainant from pursuing a grievance through other appropriate campus procedures.

ARTICLE V: FORMAL COMPLAINT PROCESS

(a) 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 must provide notice of the additional allegations to the parties whose identities are known. The initial notice will contain the following:

- i. The allegations of the complaint that potentially constitute Title 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 Title IX Sexual Harassment under this policy, and the date and location of the alleged incident, if known),
- ii. A copy of the Title IX Sexual Harassment Grievance Procedures,
- iii. 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
- iv. 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. If any party does not choose an advisor, the University will provide an advisor, free of charge.
- v. A statement that the parties have the right to inspect and review all evidence collected during the complaint process
- vi. A statement that any party who knowingly makes false statements or submits false information during the grievance process will be subject to disciplinary procedures

(b) 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:

- i. provide a copy of this policy (if not previously provided)
- ii. explain avenues for resolution, including informal and formal
- iii. explain the steps involved in an investigation and hearing under this policy
- iv. discuss confidentiality standards and concerns
- v. discuss non-retaliation requirements

- vi. inform of any supportive measures already determined and being provided to the complainant that would directly affect the respondent
- vii. refer to law enforcement, counseling, medical, academic or other resources, as appropriate
- viii. discuss, as appropriate, possible supportive measures that can be provided to the respondent

(c) Right to Advisor

Both parties will be advised that they may be accompanied by one advisor to assist them throughout the Title IX process, which may 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 shall make an advisor available to the parties during the determination hearing upon request, at no charge to the party. Advisors provided by the University will typically be an employee of the University, but no employee of the University will be compelled or required to serve as an advisor. Requests for the University to provide an advisor for the determination hearing should be made at least 10 days prior to the hearing. The advisor's role at the hearing is further explained below

(d) Emergency Removal/Administrative Leave

Emergency Removal: If the University, through recommendation of the Title IX Coordinator, 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 Title IX 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 days of receiving the notice, the respondent may challenge the decision by requesting a meeting with the Vice President for Student Services and Institutional Diversity.

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.

(e) Supportive Measures

Supportive measures 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.

ARTICLE VI: INVESTIGATION OF FORMAL COMPLAINT

(a) Investigation Process

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.

(b) Designation of Investigator

The Title IX Coordinator will designate an investigator to conduct the investigation, and the Title IX Coordinator will share the investigator's name and contact information with the Complainant and the Respondent and will forward the complaint to the investigator.

(c) Conflicts of Interest

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 exists.

(d) Overview of Investigation

Upon receipt of the formal complaint and initial determination of jurisdiction and applicability of these procedures by the Title IX Coordinator, the Investigator will promptly begin the investigation, which shall include but is not limited to the following:

- i. conducting interviews with the complainant, the respondent, and any witnesses (including expert witnesses, where applicable) and summarizing such interviews in written form
- ii. visiting, inspecting, and taking photographs at relevant sites
- iii. where applicable, collecting and preserving relevant evidence (in cases of corresponding criminal reports, this step may be coordinated with law enforcement agencies)
- iv. 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

(e) 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 45 days of 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 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 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. The release of evidence does not create any new exception to any recognized legal privilege, and confidential communications made by the parties to attorneys, psychotherapists, and clergy will not be collected by the Investigator or released to either party even if inadvertently provided to the investigator by a party who is not the privilege holder. Determinations on whether or not a particular communication is privileged will be determined by the University General Counsel or designee. The names and personally identifying information of any student who is not either a Complainant or Respondent to the Formal Complaint will be redacted from the report and any information provided to the parties.

(f) Investigative Report

The investigative report is intended to aid the University and the parties in determining the issues, witness testimony, and evidence that may be presented at the Determination Hearing. The investigator will make no disposition recommendation or provide an opinion of the totality of the evidence or credibility of witnesses in the investigative report. The investigative report itself is not evidence to be considered independently at the Determination Hearing, but shall fairly summarize the relevant evidence and must include the following items and information that is relevant to the allegations in the formal complaint:

- i. 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
- ii. 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)
- iii. the names of all known witnesses to the alleged incident(s) (The names and personally identifying information of any student who is not either a Complainant or Respondent to the Formal Complaint will be redacted from the report and any

information provided to the parties, in compliance with Family and Educational Rights and Privacy Act, 34 CFR Part 99).

- iv. the dates that the complainant, respondent, and other witnesses were interviewed, along with summaries of the interviews
- v. descriptions or summaries of any physical or documentary evidence that was obtained (e.g., text messages, emails, surveillance video footage, photographs)
- vi. any written statements pertaining to the allegations made by the complainant, respondent, or other witnesses
- vii. the response of University personnel and, if applicable, University-level officials, including any supportive measures taken with respect to the complainant and respondent (excluding any privileged communications to attorneys, psychotherapists, clergy, or any other relevant privileged communication)

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.

ARTICLE VII: DETERMINATION HEARING FOR FORMAL COMPLAINTS

Section I. Preliminary Process

(a) Determination Hearing

Following the conclusion and distribution of the investigative report, an in-person hearing with live testimony 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 Officer, Hearing Panel chairperson, or Title IX Coordinator of the date, time and location of the hearing, as describe in the notice provisions below.

(b) Composition of Determination Hearing- Hearing Officer or Hearing Panel

Within 3 days of the release of the investigative report to the parties, the University President or his/her designee will appoint (1) a single Hearing Officer; or (2) a three-member Hearing Panel, which shall be composed of at least 2 faculty and/or staff members. No individual who participated in the intake, investigation, or any other preliminary matter related to a specific formal complaint shall serve as Hearing Officer or Panel Member for the determination hearing arising from the same formal complaint. If a Hearing Panel will be used, the University President 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 the Hearing Officer or each member of the Hearing Panel. The investigative report and attendant documents will not

be considered evidence for a finding of "responsible" or "not responsible" for violation of the Title IX Sexual Harassment Policy, but will be used to provide an overview of the matter and context for the Hearing Officer/Hearing Panel. Only live, in-person testimony and documentary or physical evidence received during such testimony will be considered for determination of "responsible" or "not responsible," and all findings must be based upon that testimony.

(c) Notice to Parties of Hearing Officer/Hearing Panel Composition

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

(d) Submission of Witness Lists

Within 5 days of receipt of the notice of the Hearing Officer or Hearing Panel Composition, both parties may provide to the Hearing Officer or Chair of the Hearing Panel a list of witnesses, if any, that they propose be called to testify and a brief description of each proposed witness's connection to and/or knowledge of the issues in dispute. A party generally cannot include a witness on the pre-hearing witness list unless the witness was identified during the investigation. Additionally, the Hearing Officer/Hearing Panel may request witnesses provide testimony, even if not included in the parties' witness lists, if the witness is relevant and necessary to determining the outcome and otherwise identified in the investigation report. The parties may provide an expert witness or witnesses, at their own expense, if the Hearing Officer/Panel determines that expert witness will provide testimony relevant to any factual question presented. Expert witnesses must be included in the witness list in order to be considered by the Hearing Officer/Panel.

(e) Notice of the Determination Hearing

After delivery of the notice of the Hearing Officer's identity or initial composition of the Hearing Panel and prior to the hearing, the Title IX Coordinator, the Hearing Officer or Chair of the Hearing Panel will provide a separate notice to the Complainant, Respondent, and any other witnesses whose testimony the Hearing Officer or Hearing Panel deems relevant, requesting such individuals to appear at the hearing to determine responsibility. The notice should set forth the date, time, and location for the individual's requested presence. While witness who are not employed by the University will not be compelled to appear at the determination hearing, employees of the University have a duty to cooperate and shall appear if requested by the

Hearing Officer or Panel. The duty to cooperate does not apply to formal complaints where the Complainant or Respondent is an employee.

(f) Failure to Appear

If any party fails to appear at the hearing after receiving notice of the hearing as set forth above, then absent extenuating circumstances, the Hearing Officer or Hearing Panel will proceed to determine the resolution of the complaint. If a party fails to appear, the Hearing Officer or Hearing Panel **will not** consider the non-appearing party's version of events based on another source, such as the formal complaint or a prior statement.

Section II. The Determination Hearing

(a) Option for Virtual/Live Video 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 Officer or 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 the witness answering questions. Instructions will be provided for accessibility prior to the hearing date.

(b) 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 parties' request. No transcription will be provided by the University.

(c) Advisors

Both the Complainant and Respondent may be accompanied by an advisor during the hearing. The advisor's role at the hearing shall be limited to:

- (1) providing private advice to the party he/she is supporting, and
- (2) questioning the opposing party and other witnesses.

Except for witness examinations, the advisor may not take active part in the hearing. The advisor may not, for example, make arguments to the Hearing Officer or Hearing Panel, make objections or statements, or otherwise participate in the hearing beyond privately communicating with the party that he/she is supporting. Neither the Complainant nor Respondent may directly ask questions of the other party during the hearing.

The advisor may be any person a party chooses, 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 for the party, without fee or charge, upon request by a party. In either scenario, the advisor may only participate in the hearing to the extent

allowed under this policy. When the University provides an advisor, the University will select an employee of the University.

(d) Examination of Witnesses

Each party's advisor is permitted to question the opposing party and the other witnesses, so long as the questions are relevant and not duplicative of the questions posed by the Hearing Officer or Hearing Panel. The questions may include challenges to credibility. No other questioning or speaking participation by an advisor will be allowed. A party may not examine the opposing party directly; rather, a party must utilize the services of an advisor for the purpose of posing questions to another party. A party not represented by an advisor may, however, submit a list of proposed questions to the Hearing Officer or Chair of the Hearing Panel and ask that the questions be posed to the opposing party. A party may ask questions of non-party witnesses directly, without the use of an advisor or written questions.

The Hearing Officer or 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 Officer or Panel Chair will provide an explanation of why the question was deemed irrelevant and excluded.

The Hearing Officer or Panel Chair must be notified in advance of the hearing if a party will be accompanied by an advisor. The Hearing Officer or Panel Chair may disallow the attendance of any advisor if, in the discretion of the Hearing Officer or Panel Chair, such person's presence becomes disruptive or obstructive to the hearing or otherwise warrants removal. Advisors 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.

(e) Evidentiary Matters and Procedures

At the determination hearing, the parties 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, as the hearing is administrative in nature. The Hearing Officer or Hearing Panel will conduct the initial questioning of witnesses prior to the questioning by an advisor. The Hearing Officer or Chair of the Hearing Panel (acting alone or in consultation with other panelists) will make all determinations regarding the order of witnesses, relevancy of questions, and the evidence to be considered or excluded during the hearing and decision-making process. The Hearing Officer or Hearing Panel may choose to call the Investigator for the purpose of providing an overview of the investigation and evidence collected. The Investigator will be subject to cross-examination by the party's advisor in such instances. All witnesses who appear in person will be subject to cross-examination. If a party or witness does not attend the hearing,

the Hearing Officer or Hearing Panel may rely on any relevant statement of that Party or witness in reaching a determination regarding responsibility.¹

(f) 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. Previous sexual relationships, alone, are not evidence of consent in a subsequent sexual encounter between the same participants. Previous sexual relationship evidence is only permitted to show a mistake of fact as to consent on behalf of a Respondent or that the specific type of sexual activity at issue was previously engaged in, consensually, to establish a mutual agreement related to the specific sexual act.

(g) Refusal to Submit to Cross Examination

If a party or witness refuses to submit to cross-examination at the live hearing, the decision-maker(s) may nevertheless 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. Further, a Respondent may choose not to testify at the hearing, and a Respondent may provide a written statement in lieu of testimony if the Respondent desires. If a party or witness whose credibility is challenged by either party refuses to submit to cross-examination, then the Hearing Officer or Hearing Panel shall weigh the credibility of any statement provided by the refusing party or witness against other testimony provided to reach a determination regarding responsibility.²

(h) Confidentiality and Disclosure

To comply with FERPA and Title IX and to provide an orderly process for conducting the grievance process, the determination hearing and any investigation or process conducted under these procedures 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.

¹ This provision is effective as to any Determination Regarding Responsibility rendered by Decision Makers on or after August 24, 2021. It replaces a provision in prior versions of these procedures that prohibited reliance on such statements. That provision was based on a regulatory requirement of the U.S. Department of Education that has since been vacated by a federal court and that is no longer enforced by the Office for Civil Rights. See Suzanne B. Goldberg, Acting Assistant Secretary for Civil Rights, U.S. Department of Education, "Letter to Students, Educators, and other Stakeholders re Victim Rights Law Center et al. v. Cardona," p.1 (August 24, 2021).

² Ibid.

(i) Decision of Hearing Officer or Panel and Standard of Evidence

Following the conclusion of the hearing, the Hearing Officer or 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 Officer or Hearing Panel will objectively and thoroughly evaluate all relevant evidence, both inculpatory and exculpatory, and reach an independent decision, without deference to the investigative report or consideration of any statements or evidence not presented at the hearing. If a Hearing Panel is utilized, the determination of responsibility shall be made by majority vote.

(j) Determination of Hearing Officer or Panel

As soon as practicable following the hearing (and ordinarily within 10 days thereafter), the Hearing Officer or Panel Chair shall complete a report of the findings. The Hearing Officer or Panel Chair will send simultaneous notification of the decision to both parties and their advisors, where applicable, with the following information:

- i. Identification of the allegations potentially constituting a violation of the Title IX Sexual Harassment Policy
- ii. Findings of fact that support the determination
- iii. A statement and rationale for the result as to each allegation, including a determination as to responsibility using the preponderance of the evidence standard
- iv. Any disciplinary sanctions imposed on respondent
- v. 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)
- vi. Procedures and permissible bases for the parties to appeal

(k) Sanctions

If the Hearing Officer or Hearing Panel determines that more likely than not the Respondent committed a violation of the Title IX Sexual Harassment Policy, then the Hearing Officer or 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 violation, 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 safety and/or welfare of the Complainant or the University community, the Hearing Officer or 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.

(l) Remedies

Where a determination is made that the respondent was responsible for violating the Title IX Sexual Harassment Policy, the Hearing Officer or Hearing Panel will determine any final remedies to be provided to the Complainant, if any, and the Title IX Coordinator will communicate such decision to the Complainant and the Respondent (to the extent that it affects him/her). Remedies must be provided in all instances in which a determination of responsibility for violating the Title IX Sexual Harassment Policy 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.

ARTICLE VIII: APPEALS

(a) Grounds for Appeal

An appeal from the decision of the Hearing Officer or Hearing Panel must be for one of the following reasons:

- (1) a procedural irregularity that affected the outcome of the decision;
- (2) 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 is presented; or
- (3) the Title IX Coordinator, Investigator(s), Hearing Officer, or Panel Member(s) had a conflict of interest or bias for or against complainants or respondents in general or against an individual complainant or respondent that affected the outcome.

An appeal from the decision by the Title IX Coordinator to dismiss a formal complaint can be made by the Complainant for any reason.

(b) Procedure for Appeals

Both the Complainant and the Respondent may appeal from (1) the Title IX Coordinator's dismissal of a formal complaint or any allegations contained therein, or (2) the Hearing Officer or Hearing Panel's determination regarding responsibility and sanctions. The appeal should be submitted in writing to the Title IX Coordinator within 5 days of receipt of the Hearing Officer or Hearing Panel's decision, or, in the case of an appeal to dismiss the formal complaint, 5 days of receipt of the written determination by the Title IX Coordinator. The Title IX Coordinator will forward the appeal to the President. The appeal will be decided based on the written record and without deference to the decision of the Hearing Officer or Hearing Panel in the case of an appeal from a determination hearing. The President may confer with the University General Counsel in the case of an appeal of a decision to dismiss a formal complaint. Either party may consult with an advisor of their choosing, including an attorney, at their own expense. The University will provide an advisor upon request to any party, at no expense to the party.

If the respondent is an employee, then the President will designate a University official to decide the appeal. If the respondent is a student, then the President at his/her discretion will designate an Appeal Panel comprised of at least two faculty and staff members. The President shall designate one of the panelists as the Chair of the Appeal Panel. The President's designee (in cases where the respondent is an employee) or the Chair of the Appeal Panel shall make any decisions concerning appellate jurisdiction under the permissible grounds for appeal.

The party appealing may submit any written and signed document outlining their basis for appeal. Acceptable means of notification include email, facsimile, hand-delivered notification, or postal delivery. The Title IX Coordinator will promptly inform the other party of the appeal.

(c) Responses

Within 5 days of receipt of the appeal, the other party may submit a written response to the appeal 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.

(d) Decision on Appeal

As soon as practicable after receiving the parties' submissions (and ordinarily within approximately 10 days), the President's designee or Appeal Panel will issue a written decision describing the result of the appeal and the rationale for the result. The decision on appeal may uphold the decision, modify it, or remand for further factual development. The decision on appeal may not impose a more severe sanction than the Hearing Officer or Panel imposed in appeals of findings of responsibility for Respondents. The President's designee or Appeal Panel will concurrently notify the Complainant and the Respondent of the decision, with a written copy provided to the Title IX Coordinator.

ARTICLE IX: 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 that avoids a full investigation and adjudication. Both the Complainant and Respondent, through the Title IX Coordinator, must give their voluntary, written consent to the informal resolution process. Additionally, the Title IX Coordinator, acting on behalf of the University, will make an independent determination of whether or not informal resolution is in the interest of the University prior to approval. The informal resolution process will not be utilized to resolve allegations which name an employee as a Respondent when a student is the Complainant.

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:

- i. Notice of the allegations contained in the formal complaint, including dates, location(s), and identities of the parties,

- ii. 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,
- iii. 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,
- iv. Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared, and
- v. An acknowledgement that any agreed disposition made during an informal resolution process is binding on the parties and may not be appealed.

DEFINITIONS

Actual Knowledge: In accordance with Federal regulation, the University is deemed to have actual knowledge of an allegation of Title IX Sexual Harassment when the Title IX Coordinator or and Employee with the authority to institute corrective measures on behalf of the University is made aware of the allegation. For the purposes of this policy, the following individuals are considered to have authority to institute corrective measures on behalf of the University: President, Provost, College Deans, Vice President of Student Services and Institutional Diversity, Vice President of Finance and Administration, Vice President of Advancement, Director of Athletics, Chief Information Office, Chief of Staff, and Title IX Coordinator.

Clery Act: The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the “Clery Act”) is a federal statute codified at 20 U.S.C. § 1092 (f), with implementing regulations in the U.S. Code of Federal Regulations at 34 C.F.R. 668.46. The Clery Act requires all colleges and universities that participate in federal financial aid programs to keep and disclose information about crime on and near their respective campuses.

Complainant: Any individual harmed by conduct defined as Title IX Sexual Harassment and makes a formal complaint alleging such conduct. Under this process and the governing law, a complainant must have been participating or attempting to participate in an educational program or activity of the University at the time the conduct giving rise to the complaint occurred. Any person may report violations of University policy, however the term “complainant” will only apply to the person alleged to suffer harm from a violation of the Title IX Sexual Harassment Policy, BP No. 426.

Consent: Consent is a clear, knowing and ongoing communication of a voluntary mutual agreement to engage in sexual activity. Consent requires communication and this policy requires that each member of the campus community respect the body autonomy of others. Consent is voluntary-it is given without coercion, force, threats, or intimidation. Consent cannot be assumed based on silence or the absence of a verbal “no” or “stop.” Consent can be given by words or actions, as long as those words or actions consist of an affirmative,

unambiguous, conscious decision by each participant to engage in mutually agreed-upon sexual activity.

Past actions do not grant future permission. The existence of a prior or current relationship, or prior sexual activity with any person, is not consent for a future act. Each sexual encounter must have a mutual and voluntary agreement between each participant.

Even if consent is given, that consent can be withdrawn at any time, as long as that withdrawal of consent is clearly communicated to the other participant.

Consent can be limited in scope-agreement to one form of sexual activity does not automatically grant consent for others types of sexual activity.

Consent cannot be given when a person is incapacitated, such as when a person is physically or mentally unable to make informed, rational judgments, or lacks the ability to understand the “who, what, when, where and how” related to the sexual activity, or when a person is under age (pursuant to Arkansas law). States of incapacitation include, but are not limited to, unconsciousness and sleep. When considering alcohol or other drug induced intoxication and/or impairment, incapacitation is determined by how the alcohol or other drugs have impacted a person’s decision-making capacity, awareness of consequences, and/or ability to make fully informed judgments. When the factual circumstances clearly indicate to a reasonable person that another person is incapacitated, then the other person is incapable of consenting to sexual activity.

Some signs that a person may be incapacitated and unable to consent include, but are not limited to:

The person is struggling to maintain their balance, stumbling, and/or falling down;

The person’s speech is slurred or they are not making sense when they communicate;

The person is confused about what is going on around them;

The person has urinated, defecated, or vomited on themselves or in an inappropriate place;

The person is sleeping or unconscious.

Intoxication is not a defense to an allegation violating this policy. Drunk or intoxicated members of the campus community are responsible for how they treat others when they initiate a sexual act.

Dating violence: Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury, or assault between two individuals who are in a romantic or intimate social relationship. A romantic or intimate social relationship between two individuals that is determined by examining the following factors: (i) The length of the relationship; (ii) The type of the relationship; and (iii) The frequency of interaction between the two individuals involved in the relationship. “Dating” does not include a causal relationship or ordinary fraternization between two (2) individuals in a business or social context.

Day: A “day” is considered a normal business day, and does not include holidays, weekends, or any day that the University is closed for business.

Deputy Title IX Coordinator: The University Deputy Title IX Coordinators work under the oversight of the Title IX Coordinator to assist with the handling of Title IX complaints. The

Title IX Coordinator, at his or her discretion, assigns a Deputy Title IX Coordinator in connection with a given complaint. In the event a Deputy Title IX Coordinator is assigned the role of Title IX Coordinator, that Deputy will no longer be permitted to participate as the investigator or determination hearing officer in the same matter.

Domestic Violence: is a felony or misdemeanor crime of violence committed by any of the following individuals:

- a. A current or former spouse or intimate partner of the victim; or
- b. A person with whom the victim shares a child in common; or
- c. A person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner; or
- d. A person similarly situated to a spouse of the victim under the domestic or family laws of the jurisdiction in which the crime of the violence occurred; or
- e. Any other person against an adult or youth who is protected under the domestic or family violence laws of the jurisdiction in which the crime of violence has occurred.

Educational Program or Activity: Includes locations, events, or circumstances in 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. This does not extend applicability to any program or activity taking place outside the United States.

Exculpatory Evidence: Information, facts, or evidence that tends to show that a person is not responsible for the allegations contained in a formal complaint.

Formal Complaint: A document filed and signed by a Complainant and signed by the Title IX Coordinator (or filed by the Title IX Coordinator without approval of the Complainant in the event that an ongoing safety concern exists) alleging Title IX Sexual Harassment against a respondent and requesting that the recipient investigate the allegation of Title IX 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. Only a Complaint or the Title IX Coordinator, when it is in the best interest of the campus community, may file a formal complaint.

FERPA: The Family and Educational Rights and Privacy Act (“FERPA”) is a federal statute codified at 20 U.S.C. § 1232g, with implementing regulations at 34 CFR Part 99. FERPA protects the student education records. FERPA grants to parents or eligible students the right to access, inspect, and review educational records, the right to challenge the content of education records, and the right to consent to the disclosure of education records.

Incapacitation: the physical and/or mental inability to make informed, rational judgments. States of incapacitation include, without limitation, sleep, blackouts, and flashbacks. Where an intoxicant is involved, incapacitation is a state of intoxication where the intoxicant consumed impairs a person's decision-making capacity; awareness of consequences, and ability to make fully informed judgments.

Inculpatory Evidence: Information, facts, or evidence that tends to show that person is responsible for the allegations contained in a formal complaint.

Party: The Complainant or Respondent in a given formal complaint, hearing, or other process.

Preponderance of the Evidence: A standard of proof where the conclusion is based on facts that are more likely true than not; or whichever finding of fact carries the greater the weight of the evidence.

Report: Any notice of an alleged violation of the Title IX Sexual Harassment Policy made by any person, in any form, to the Title IX Coordinator or an employee of the University with the authority to institute corrective measures on behalf of the University.

Respondent: An individual who has been reported or alleged to be the perpetrator of conduct that could constitute Title IX 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 deemed appropriate by the Hearing Panel. Sanctions against employees and other non-students may include, without limitation, a written reprimand, disciplinary probation, suspension, termination, demotion, reassignment, reduction in job duties, reduction in pay, exclusion from campus or particular campus activities, and/or educational sanctions deemed appropriate by the Hearing Panel.

Sexual Assault-Non-Consensual Sexual Contact: Any sexual touching, with any object, by a man or a woman upon another person without consent or making any person touch another person in a sexual manner.

Sexual Assault-Non-Consensual Sexual Intercourse: Any sexual intercourse (anal, oral or vaginal), with any object, by a man or woman upon another person without consent.

Sexual Harassment: Sexual harassment includes unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature when:

(i) submission to such conduct is either explicitly or implicitly made a condition of an individual's employment with the University or a factor in the educational program of a student. or submission to or rejection of such conduct by an individual is used as the basis for an employment or academic decision affecting such individual. Conduct of this nature, commonly referred to as quid pro quo sexual harassment, does not require the further analysis of whether the conduct is severe, pervasive, and objectively offensive and is a per se violation of this policy; or

(ii) such conduct is 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 education program or activity or to work in an environment free of intimidation, hostility or threats stemming from acts or language of a sexual nature.

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

A "course of conduct" is two or more acts, including, but not limited to: acts in which the "stalker" directly, indirectly, or through third parties by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property.

"Substantial emotional distress" is significant mental suffering or anguish that may, but does not necessarily require, medical or other professional treatment or counseling. A "reasonable person" is one under similar circumstances and with similar identities to the victim.

Supportive Measures: Actions taken by the University in support of individuals who are either Complainants or Respondents to a complaint or allegation of Title IX Sexual Harassment. These measures are 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 University'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. Support measures include, but are not limited to the following:

issuing mutual "no contact" orders;

summarily suspending the respondent from campus housing on an interim basis in the case of a formal complaint that meets the definition of Title IX sexual harassment and presents a reasonable ongoing safety concern for any person;

restricting the respondent's movement on campus;

re-assigning or placing the respondent on administrative leave when the respondent is an employee;

providing reasonable temporary alternative housing options for on-campus residents; and/or

adjusting academic calendars and course attendance to support students participating in the grievance process when appropriate.

Title IX Sexual Harassment: Sexual harassment, as defined by Title IX (Part 106 of Title 34 of the Code of Federal Regulations, § 106.30) is conduct on the basis of sex that satisfies one or more of the following:

(1) An employee of the University conditioning the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct;

(2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's education program or activity; or

(3) "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).

Unauthorized Distribution of Sexual Images or Recordings: The distribution of sexual images or recordings of a person being eighteen (18) years of age or older with the purpose to harass, frighten, intimidate, threaten, or abuse another person. This type of Title IX Sexual Harassment is commonly referred to as "revenge pornography" or "cyber sexual exploitation."

The unauthorized distribution of images or recordings means the unauthorized sharing of images, pictures, videos, or voice or audio recording of another person to a third person by any means if the image, picture, video, or voice or audio recording:

- (1) Is of a sexual nature or depicts the other person in a state of nudity; and
- (2) The other person is a family or household member of the actor or another person with whom the actor is in a current or former dating relationship; or
- (3) The images or recordings are made without the knowledge or consent of the person depicted.

The fact that an image, picture, video, or voice or audio recording was created with the knowledge or consent of the other person or that the image, picture, video, or voice or audio recording is the property of a person not the person depicted is not a defense for this type of sexual harassment. Even if the other person originally consented to the creation of the image,

picture, or voice or audio recording, or if the other person provided the same to the actor, further distribution or sharing by the actor of any kind is deemed to be in violation of this policy.

The location of any digital file, upload, server, or other digital platform is immaterial for the purposes of this definition and policy. The policy applies to any person who is a faculty member, staff member, student, or a third party who is a participant in a University-sponsored program, event, or activity, under substantial control of the University. The location in which the image, picture, video, or voice or audio recording was created is not relevant to the determination of whether the sharing of the same was a violation of this policy. The sharing of the image, picture, video, or voice or audio recording in violation of the policy is the act which subjects the actor to enforcement actions through the Title IX Grievance Procedures.

The Violence Against Women Reauthorization Act of 2013: Section 304 or the “Campus Save Act”, is a federal statute codified at codified as amended at 42 U.S.C. § 3796gg-3 with implementing regulations currently pending. VAWA amends the Clery Act and requires schools and universities to specifically report the number of incidents of domestic violence, dating violence and stalking as part of their annual security reports (and include their respective definitions within the ASR; amends the definition of "sexual assault," and amends the definition of hate crime to include crimes where victims are targeted because of their national origin or gender identity.

APPENDIX A: BOARD POLICY NO. 426, TITLE IX SEXUAL HARASSMENT

UNIVERSITY OF CENTRAL ARKANSAS BOARD POLICY

Policy Number: 426

Subject: Title IX Sexual Harassment

Date Adopted: 07/20 Revised: _____

POLICY STATEMENT

Sexual harassment, including, but not limited to, sexual assault, dating violence, domestic violence, stalking, unauthorized distribution of sexual images or recordings, or any crime that is based upon sexual acts defined at the adoption of this policy or later enacted by the State of Arkansas, by any faculty member, staff member, student, or a third party who is *a participant in a university-sponsored program, event, or activity under substantial control of the University* is a violation of University policy and will not be tolerated at the University of Central Arkansas. Further, the University of Central Arkansas is committed to providing ongoing sexual harassment primary prevention, awareness, and risk reduction programs and training for the entire UCA community. Sexual harassment of employees is prohibited under Section 703 of Title VII of the Civil Rights Act of 1964 and sexual harassment of students may constitute discrimination under Title IX of the Education Amendments of 1972. This policy seeks to comply with requirements mandated by the Violence Against Women Reauthorization Act of 2013. The university considers sexual harassment a very serious issue and shall subject the offender to dismissal and/or other sanctions following the university's investigation and substantiation of the complaint and compliance with due process requirements.

TITLE IX COORDINATOR

The university has designated a Title IX coordinator who will be responsible for ensuring the university has required policies and procedures in place; ensuring prompt and effective processing of complaints; administering a centralized complaint filing system; conducting evaluations of school compliance; for analyzing trends revealed by complaints; coordinating investigations and enforcement activities; assist in arranging for training for staff and students; making an initial determination of whether the issues raised in complaints meet the definition of Title IX Sexual Harassment; and for monitoring on behalf of the institution overall compliance with this policy and related federal and state legislation and regulation.

The university may designate one or more deputy coordinators to assist the Title IX coordinator. Such deputies will be authorized to receive complaints and perform the administrative duties of the Title IX Coordinator in the event of a conflict of interest or when the Title IX Coordinator is unavailable. Deputy Title IX Coordinators will only be precluded from fulfilling other administrative duties related to the Title IX Grievance Procedures when they have also served in the Title IX Coordinator role for the same complaint or when a conflict of interest is determined

to exist. Whenever the phrase “Title IX coordinator” appears in this policy and other policies in connection with administering an individual complaint, it will be understood to include both the coordinator and any deputy coordinators who may have been assigned responsibilities to administer the matter.

TITLE IX SEXUAL HARASSMENT

Sexual harassment, as defined by Title IX (Part 106 of Title 34 of the Code of Federal Regulations, § 106.30) is conduct on the basis of sex that satisfies one or more of the following:

(1) An employee of the University conditioning the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct;

(2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's education program or activity; or

(3) “Sexual assault” as defined in 20 U.S.C. 1092(f)(6)(A)(v), “dating violence” as defined in 34 U.S.C. 12291(a)(10), “domestic violence” as defined in 34 U.S.C. 12291(a)(8), or “stalking” as defined in 34 U.S.C. 12291(a)(30).

DEFINITION OF DATING VIOLENCE

Dating violence is defined as physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury, or assault between two individuals who are in a romantic or intimate social relationship. A romantic or intimate social relationship between two individuals is determined by examining the following factors: (i) the length of the relationship; (ii) the type of the relationship; and (iii) the frequency of interaction between the two individuals involved in the relationship. “Dating” does not include a casual relationship or ordinary fraternization between two individuals in a business or social context.

DEFINITION OF DOMESTIC VIOLENCE

Domestic violence is a felony or misdemeanor crime of violence committed by any of the following individuals:

(i) a current or former spouse or intimate partner of the victim; *or*

(ii) a person with whom the victim shares a child in common; *or*

(iii) a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner; *or*

(iv) a person similarly situated to a spouse of the victim under the domestic or family laws of the jurisdiction in which the crime of the violence occurred; *or*

(v) any other person against an adult or youth who is protected under the domestic or family violence laws of the jurisdiction in which the crime of violence has occurred.

DEFINITION OF SEXUAL ASSAULT: NON-CONSENSUAL SEXUAL CONTACT

Non-consensual sexual contact is defined as any sexual touching, with any object, by a man or a woman upon another person without consent or making any person touch another person in a sexual manner.

DEFINITION OF SEXUAL ASSAULT: NON-CONSENSUAL SEXUAL INTERCOURSE

Non-consensual sexual intercourse is defined as any sexual intercourse (anal, oral or vaginal), with any object, by a man or woman upon another person without consent.

DEFINITION OF SEXUAL HARASSMENT

Sexual harassment includes unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature when:

- (i) submission to such conduct is either explicitly or implicitly made a condition of an individual's employment with the University or a factor in the educational program of a student. or submission to or rejection of such conduct by an individual is used as the basis for an employment or academic decision affecting such individual. Conduct of this nature, commonly referred to as quid pro quo sexual harassment, does not require the further analysis of whether the conduct is severe, pervasive, and objectively offensive and is a per se violation of this policy; or
- (ii) such conduct is 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 education program or activity or to work in an environment free of intimidation, hostility or threats stemming from acts or language of a sexual nature

EXAMPLES OF SEXUAL HARASSMENT

Sexual harassment may create a hostile, abusive, demeaning, offensive or intimidating environment. Unwelcome conduct of this nature that is 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 education program or activity is a violation of this policy and Federal Law. The reasonable person standard considers the perspective reasonable person in the position of the Complainant. Unwelcome sexual conduct may be manifested by verbal and/or physical actions, including gestures and other symbolic conduct. Sexual harassment is not always obvious and overt; it can also be subtle and covert. A person who consents to sexual advances may nevertheless be a victim of sexual harassment if those sexual advances were unwelcome. Previously welcomed advances may become unwelcome. Examples of sexual harassment may include, but are not limited to, the following:

- non-sexual slurs about one's gender;

- contrived work or study assignments and assigning more onerous or unpleasant tasks predominately to employees or students of one gender;

- repeated unwanted touching, patting or pinching;

repeated inappropriate social invitations or requests for sexual favors;

repeated unwanted discussions of sexual matters;

use of sexual jokes, stories, analogies or images which are not related to the subject of the class or work situation;

touching, fondling or deliberate brushing against another person;

ogling, leering or prolonged stares at another's body;

display or use of sexual graffiti or sexually-explicit pictures or objects; and

sexually-suggestive jokes, comments, e-mails, or other written or oral communications.

Although sexual harassment most frequently occurs when there is an authority differential between the persons involved (e.g. faculty member and student, supervisor and staff member), it may also occur between persons of the same status (e.g. faculty and faculty, student and student, staff and staff). Both men and women may be victims of sexual harassment and sexual harassment may occur between individuals of the same gender.

NOTE: Other forms of harassment based upon race, religion, national origin, sex or age may have the same impact as sexual harassment. However, pursuant to the Department of Education Regulations for Title IX, these forms of harassment are not investigated or adjudicated using the Title IX Grievance Procedures. If a complaint of harassment is received by the Title IX Coordinator which is determined not to meet the Title IX sexual harassment definition, but alleges other forms of harassment, the complaint will be forwarded as follows: in the event the respondent is a faculty member, the complaint will be forwarded to the Provost; in the event the respondent is a student, the complaint will be forwarded to the Dean of Students; in the event the respondent is staff member, the complaint will be forwarded to the Associate Vice President of Human Resources/Risk Management.

DEFINITION OF STALKING

Stalking is defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others or suffer substantial emotional distress.

A "course of conduct" is two or more acts, including, but not limited to: acts in which the "stalker" directly, indirectly, or through third parties by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property.

"Substantial emotional distress" is significant mental suffering or anguish that may, but does not necessarily require, medical or other professional treatment or counseling. A "reasonable person" is one under similar circumstances and with similar identities to the victim.

DEFINITION OF UNAUTHORIZED DISTRIBUTION OF SEXUAL IMAGES OR RECORDINGS

Unauthorized distribution of sexual images or recordings, commonly referred to as "revenge pornography" or "cyber sexual exploitation," is defined as distributing sexual images or recordings of a person being eighteen (18) years of age or older with the purpose to harass, frighten, intimidate, threaten, or abuse another person.

The unauthorized distribution of images or recordings means the unauthorized sharing of images, pictures, videos, or voice or audio recording of another person to a third person by any means if the image, picture, video, or voice or audio recording:

- (1) Is of a sexual nature or depicts the other person in a state of nudity; and
- (2) The other person is a family or household member of the actor or another person with whom the actor is in a current or former dating relationship; or
- (3) The images or recordings are made without the knowledge or consent of the person depicted.

The fact that an image, picture, video, or voice or audio recording was created with the knowledge or consent of the other person or that the image, picture, video, or voice or audio recording is the property of a person not the person depicted is not a defense for this type of sexual harassment. Even if the other person originally consented to the creation of the image, picture, or voice or audio recording, or if the other person provided the same to the actor, further distribution or sharing by the actor of any kind is deemed to be in violation of this policy.

The location of any digital file, upload, server, or other digital platform is immaterial for the purposes of this definition and policy. The policy applies to any person who is a faculty member, staff member, student, or a third party who is *a participant in a University-sponsored program, event, or activity, under substantial control of the University*. The location in which the image, picture, video, or voice or audio recording was created is not relevant to the determination of whether the sharing of the same was a violation of this policy. The sharing of the image, picture, video, or voice or audio recording in violation of the policy is the act which subjects the actor to enforcement actions through the Title IX Grievance Procedures`.

DEFINITION OF CONSENT

Consent is a clear, knowing and ongoing communication of a voluntary mutual agreement to engage in sexual activity. Consent requires communication and this policy requires that each member of the campus community respect the body autonomy of others. A few characteristics of consent are: (1) Consent is active, not passive. It is mutual, not individual; (2) Consent can be withdrawn at any time, as long as the withdrawal is clearly communicated; (3) Consent to any one form of sexual activity does not automatically imply consent to all other forms of sexual activity. Consent to any past sexual activity, does not automatically imply consent for any future sexual contact; (4) Consent can be given by words and actions, as long as those words or actions consist of affirmative, unambiguous, conscious decisions by each participant to engage in mutually agreed-upon sexual activity

Consent cannot be given when a person is incapacitated, such as when a person is physically or mentally unable to make informed, rational judgments, or lacks the ability to understand the “who, what, when, where and how” related to the sexual activity, or when a person is under age (pursuant to Arkansas law). States of incapacitation include, but are not limited to, unconsciousness and sleep. When considering alcohol or other drug induced intoxication and/or impairment, incapacitation is determined by how the alcohol or other drugs have impacted a person’s decision-making capacity, awareness of consequences, and/or ability to make fully informed judgments. When the factual circumstances clearly indicate to a reasonable person that another person is incapacitated, then the other person is incapable of consenting to sexual activity.

CONSENSUAL RELATIONSHIPS

Because of the unique situations that exist among students, faculty, supervisors, and staff, relationships in the workplace and on campus should at all times remain professional. In particular, due to the professional power differential between faculty and students, faculty members are encouraged to remain professional in all relationships with students. Refer to Board Policy No. 515 for further information on consensual relationships.

EMPLOYEE REPORTING UNDER TITLE IX

All employees, both faculty and professional staff, are encouraged to report any violations of this policy that they are made aware of by any person. When an employee becomes aware of an alleged act of Title IX Sexual Harassment, the employee should promptly contact the Title IX coordinator, a deputy Title IX coordinator, general counsel or assistant vice president for human resources. The Title IX coordinator and any deputy Title IX coordinator are available to provide guidance on how to handle a situation to faculty and professional staff at any time. Only the Title IX Coordinator or a Complainant (person individually harmed by violation of this policy) may file a formal complaint.

All employees are required to receive training related to Title IX, and should understand how to provide information related to accessing basic University resources when the employee is notified of a potential instance of Title IX Sexual Harassment.

ACTUAL KNOWLEDGE

In accordance with Federal regulation, the University is deemed to have actual knowledge of an allegation of Title IX Sexual Harassment when the Title IX Coordinator or an Employee with the authority to institute corrective measures on behalf of the University is made aware of the allegation. For the purposes of this policy, the following individuals are considered to have authority to institute corrective measures on behalf of the University: President, Provost, College Deans, Vice President of Student Services and Institutional Diversity, Vice President of Finance and Administration, Vice President of Advancement, Director of Athletics, Chief Information Office, Chief of Staff, and Title IX Coordinator.

CONFIDENTIALITY

In the course of a complaint investigation, the University will make reasonable efforts to maintain confidentiality of the complaints. In the event of an emergency or ongoing threat to the

health, safety, or security of any individual or the campus community, the University may release information to the extent necessary to appropriately address the situation presented. All parties to the complaint will be asked to assist in treating the complaint confidentially. However, there can be no guarantee of confidentiality and anonymity based upon the course and scope of the complaint investigation and the institution may share information where necessary to provide accommodations or protective measures. If the complaint raises issues required by law to be disclosed, the University will release information to the extent required by law.

SUPPORTIVE MEASURES

There are a range of supportive measures the University may offer following an allegation of sexual harassment including, but not limited to:

- issuing mutual “no contact” orders;

- summarily suspending the respondent from campus housing on an interim basis in the case of a formal complaint that meets the definition of Title IX sexual harassment and presents a reasonable ongoing safety concern for any person;

- restricting the respondent’s movement on campus;

- re-assigning or placing the respondent on administrative leave when the respondent is an employee;

- providing reasonable temporary alternative housing options for on-campus residents; and/or

- adjusting academic calendars and course attendance to support students participating in the grievance process when appropriate.

ACADEMIC ACCOMMODATION AS A SUPPORTIVE MEASURE

Student requests for academic accommodation as a supportive measure under this policy will be made on behalf of students by the Title IX Coordinator. The approval authority for academic accommodation will be, collectively, the individual faculty member concerned and the respective academic department chair.

FILING OF FALSE REPORTS

A grievant whose complaint is found to be both false and to have been made with malicious intent will be subject to disciplinary action which may include, but is not limited to, demotion, transfer, suspension, expulsion or termination of employment.

DUTY TO COOPERATE

All students and employees whose assistance is needed in the investigation of a complaint or in the course of disciplinary action will be required to cooperate with the Title IX coordinator, any designated deputy Title IX coordinator, and other parties who are duly authorized to investigate or to discipline. Persons who are accused of having engaged in sexual misconduct will be entitled to such cooperation when necessary to obtain witnesses in any formal disciplinary proceedings that may be initiated. Where necessary, adjustments will be made to work schedules, classroom schedules, and other academic or employment obligations.

PROHIBITION ON RETALIATION

Retaliation against any person in the UCA community for filing, supporting, providing information, or for cooperating in a sexual misconduct investigation in good faith, in connection with a complaint of sexual misconduct is strictly prohibited. Examples of retaliation may include, but are not limited to, adverse employment actions such as termination, refusal to hire, and denial of promotion. Additionally, retaliation in the form of harassment, intimidation, threats, or coercion, or in the form of any materially adverse harm that would dissuade a reasonable student or employee from filing a harassment complaint or participating in a harassment investigation is strictly prohibited. Any person who feels he/she has been subjected to retaliation should make a report to the Title IX coordinator.

GRIEVANCE PROCEDURES FOR TITLE IX SEXUAL HARASSMENT CLAIMS

Employees or students of the university who believe they have been subjected to sexual harassment are encouraged to report instances of sexual harassment to the Title IX Coordinator.

Formal Complaints will be resolved using the UCA Title IX Sexual Harassment Grievance Procedures, which may be found on the university's website.

The university will make every effort to adhere to the prescribed time frames of the formal resolution processes. However, in the event that individuals involved are unavailable or of other unanticipated occurrences, the Title IX Coordinator, with the concurrence of the President, may adjust the time frames. Any changes will be immediately communicated to the complainant and respondent by the Title IX Coordinator, and where possible, their needs will be accommodated. Time frames may also be extended upon the mutual agreement of the parties. Time frames will be extended if necessary to accommodate holidays and vacation periods that form part of the academic calendar or days on which an institution is closed for weather or other emergency purposes. Working days are those on which the offices of the university are open for business. Extensions will not exceed the bounds allowed by applicable law and regulations.

FORMAL INVESTIGATION AND RESOLUTION

Formal Complaints must be provided to the Title IX Coordinator, and the Title IX Coordinator must sign and date the complaint before it will be considered received by the University. The Title IX coordinator will utilize the University Title IX Sexual Harassment Grievance Procedures in coordinating the formal investigation and hearing process, which may be routinely modified to remain in compliance with the current status of the law. Hearings will be conducted by officials who receive training on various aspects of Title IX Sexual Harassment including, but not limited to, sexual harassment, sexual assault, dating violence, domestic violence, stalking, and unauthorized distribution of sexual images or recordings.

STANDARD OF EVIDENCE

The University will use the Preponderance of the Evidence standard for all hearings related to this policy.

INFORMAL RESOLUTION

Informal resolution of a formal complaint may be used as a final resolution only when:

- (1) Both parties agree to be bound by the outcome of an informal process;
- (2) The complaint does not involve a University employee as a party;
- (3) The University, through the Title IX Coordinator, agrees to informal resolution.

APPENDIX B: FORMAL COMPLAINT FORM

UNIVERSITY OF CENTRAL ARKANSAS TITLE IX SEXUAL HARASSMENT FORMAL COMPLAINT FORM

Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681) is a federal law that prohibits discrimination based on the gender of students and employees of educational institutions which receive federal financial assistance. UCA Board Policy No. 426, Title IX Sexual Harassment, prohibits sexual discrimination in the form of sexual harassment, sexual assault, stalking, domestic violence, dating violence, and unauthorized distribution of sexual images or recordings. This form complies with US Department of Education requirements, but it is not the only way in which an individual may submit a formal complaint. The formal complaint must be in writing, and signed by the Complainant, but can be in any form. If there is a procedural deficiency with any formal complaint form, the Title IX Coordinator will notify the Complainant of the deficiency and allow the correction of the formal complaint prior to filing.

When this form has been completed and signed by you, and then signed by the Title IX Coordinator, your complaint has been properly received and noted by the University. The Title IX Coordinator will provide you with a copy of this form as well as complete information about the Title IX complaint process.

My current status at the University of Central Arkansas is:
(check appropriate box)

☐ Student ☐ Faculty Member ☐ Staff ☐ Other

Name

Work Phone

Personal Phone

Current Mailing Address (preferably local UCA mailing address if student)

Email address

Type of Title IX Sexual Harassment Experienced:

☐ Sexual Harassment ☐ Sexual Assault ☐ Dating Violence ☐ Domestic Violence
☐ Stalking ☐ Unauthorized Distribution of Sexual Images or Recordings ☐ Unknown

Complaint:

Please describe your experience below, to include the date of the incident and the location of the incident. You may attach additional pages if necessary.

Name of the person or persons you allege violated the Title IX Sexual Harassment Policy and how you have contact with that person (for example- co-worker, faculty member, classmate, mutual friend, dating relationship).

Please provide the name and telephone number or other contact information for any witnesses you believe may be able to provide information about your complaint.

Name

Relationship to Complainant (if any)

Contact Information

1. _____

2. _____

3. _____

Additional witnesses may be provided on an additional page, if necessary.

I certify that the foregoing is true and correct to the best of my knowledge and belief

Signature

Date

Printed Name

For Title IX Coordinator/Designee
Formal complaint received by:

Signature

Printed Name

Date/Time

Safety is the primary responsibility of each community member. In order to promote a safe environment, it is important that students and staff lock their room doors, not prop open doors, walk at night in well-lighted areas and with friends, and report suspicious behaviors to appropriate university staff. We can work together to promote a safe environment, and make your stay an enjoyable one.



University of Central Arkansas

Police Department

W.J. Sowder & Marian Ross Ave.
UCA PO Box 4994
Conway, AR 72035

Emergency 9-1-1

CommCenter (501) 450-31111 (24 hrs)
Chief of Police (501) 450-5727
Fax (501) 450-3641

