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The Clery Act

On Nov. 8, 1990, President Bush signed the "Student Right to Know and Campus Security Act of 1990." It applies to every institution of higher education that receives federal financial aid. Title II of the Act was called the "Campus Crime Awareness and Campus Security Act of 1990." It requires institutions of higher education to distribute to all current students and employees and applicants for enrollment or employment two types of information: (1) descriptions of policies related to campus security and (2) statistics concerning specific types of crimes. Amendments enacted in 1998 renamed Title II, which is now known as the "Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act."

The Clery Act was named after Jeanne Clery, who was raped and murdered in her Lehigh University residence hall in 1986, and it was discovered the campus community wasn't notified of multiple violent crimes that occurred before the tragic incident. The amendments require the disclosure of crimes that are reported to police and campus officials other than police along with a breakdown of police

University of Arkansas – Fort Smith History

UAFS was established in 1928 as an extension of the public school system in Fort Smith, Arkansas, and has gone through distinct phases to become a regional university.

Fort Smith Junior College was first housed at what is now Darby Junior High, followed by a move to the new high school, now Northside High School. The college operated within the Fort Smith Public School System until 1950 when it was incorporated as a private, non-profit institution with its governing board. In September 1952 the campus moved to 15 acres on Grand Avenue, a portion of its current site. Two brick buildings and one wooden structure that previously housed the county hospital for the indigent and the local “poor farm” were converted to classrooms and offices. The fall semester began with 108 students and 10 instructors.

During the 1950s and 1960s, the college forged ahead in its role as a comprehensive community college - a new concept in Arkansas and across the nation. In the fall of 1965, the Sebastian County electorate approved the creation of the Sebastian County Community Junior College District, the governor appointed a Board of Trustees, and the school again became a public institution.

Fort Smith Junior College became Westark Junior College in 1966, indicating the larger area to be served, followed by Westark Community College in 1972. Throughout the 1980s and early 1990s, the college developed and grew. The year 1989 brought another significant development: the establishment of a University Center on the Westark campus, allowing four-year institutions to offer junior-, senior-, and graduate-level courses at Westark.

In 1997 the state legislature passed an act praising Westark and its ability to manage change, officially designating Westark as a “Unique Community College,” and granted it authority to offer in its own right up to nine applied bachelor’s degrees developed in response to identified needs in the area and industries served.

The name of the college was changed yet again in February 1998 to Westark College. The next major step came

University of Arkansas – Fort Smith Police Department

Mutual Relations with Other Law Enforcement Agencies

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

Written Memorandum of Understanding

UAFS has a memorandum of understanding (MOU) between UPD and FSPD that outlines which law enforcement agency will have jurisdiction over certain areas and the procedure of response to calls in assistance with each department. UPD frequently meets with leaders from other departments in a formal or informal setting and often attends events together in support of our surrounding community. Personnel and resources are provided by these law enforcement agencies whenever an incident occurs that exceeds the capabilities of UPD or if an incident requires an outside agency to investigate, such as vehicle accidents involving UPD or in case of UPD use of deadly force. This practice is common among law enforcement agencies to protect the integrity of the investigation.

University Police Personnel Training

The chief of police and their designee are primarily responsible for conducting intensive and continuing training for UPD officers. Training topics may include criminal law, civil law, federal law, the Clery Act and campus security authority, procedural justice and community caretaking, Title IX, sexual assault and gender violence response and investigation, trauma-informed investigation, public relations, race relations and implicit bias, interpersonal communications, crisis intervention and de-escalation, critical incident response and incident command system, emergency operations, emergency medical training, and all facets of protection of persons and property. Training includes annual in-service sessions with departmental personnel. Training is provided to all personnel and is a requirement of the Arkansas State Police. Training is provided to all personnel and is a requirement of the Arkansas State Police. Training is provided to all personnel and is a requirement of the Arkansas State Police.

Office by phone at 479-788 7310 or the on campus extension 7310 or in person at the Office of Title IX located in the Smith-Pendergra Campus Center 201.

- contacting the Office of Human Resources (HR) by phone at 479-788 7082 or the on campus extension 7082 or in person at the HR office located on the second floor of the Fullerton Administration Building
- contacting the Dean of Students Office by phone at 479-788 7696 or the on campus extension 7696 or in person at the Smith-Pendergra Campus Center 201-B.
- utilizing emergency phones located throughout campus to contact UPD to report a crime or emergency. These “blue light phones” are located at the east side of the Old Gym; the middle of Lot E (parking area south of the Recreation and Wellness Center); the middle of Lot F (parking area south of Windgate Art and Design); Lot A behind the Advancement Center; and north of the Vines Building near the pedestrian tunnel. Elevators in campus buildings contain emergency phones as well, which provide a direct connection to the UPD.
- emailing UPD at UPD@uafs.edu

Response to Reports

UPD officers are available 24 hours a day to answer campus community calls by dialing 479-788-7140 or on campus extension 7140. In response to a call, dispatchers will take the required action by either dispatching an officer or asking the reporting party to go to the UPD office to file an incident report in person. All reported crimes will be investigated by UPD and may become a matter of public record. Crime victims are given on- and off-campus resource information as necessary and appropriate. UPD procedures require an immediate response to emergency calls. UPD works closely with a full range of Fort Smith and Sebastian County agencies to assure complete and timely response to all emergency calls.

Priority response is given to crimes against persons and personal injuries. UPD responds to and investigates all reports of crimes and/or emergencies that occur within the university's Clery geography. UPD personnel also can notify FSPD dispatchers of emergencies occurring on campus via portable radio, mobile, and direct call. This system allows UPD to summon assistance from emergency responders if deemed necessary and appropriate. Incidents occurring within the university's Clery geography are documented and processed for further investigation and review by the dean of students and/or local law enforcement, depending upon the nature of the crime or emergency and the involvement of the local police agency. Additional information obtained via any investigation will also be forwarded to the dean of students. Residential directors, professionals, and student staff may also complete reports of potential criminal incidents that are forwarded to the dean of students for review and processing.

To obtain information or request any UPD or safety escort services, community members should call UPD. Located throughout campus are well marked interior phones. These phones access the campus phone system and can be used like any campus extension, for example, to obtain emergency assistance, contact community members, or obtain general information.

When placing an emergency call, remember to stay on the line and wait for the dispatcher/officer to end the call. These interior phones should be used when seeking information and/or reporting activities, including criminal incidents. If a member of the community finds any of these phones inoperative or vandalized, they should call UPD so the phone can be repaired or replaced as quickly as possible. If assistance is required from FSPD or Fort Smith Fire Department, UPD will contact the appropriate agency.

If a sexual assault or rape should occur on campus, staff on the scene, including UPD, will offer the victim a written notice of rights and options. This publication contains information about on- and off-campus resources and services and is made available to the UAFS community. This information regarding resources is not provided to infer that those resources are crime reporting entities for UAFS.

As mentioned, crimes should be reported to UPD to ensure inclusion in the annual crime statistics and to aid in providing timely warning campus safety alert (Lions Alert) notices to the community, when appropriate. For example, a crime that was reported only to the UAFS counseling center would not be known to UPD, a campus security authority (CSA), or another university official.

University police officers in vehicles, on foot, or on bicycles are eager to be of assistance and may be contacted directly. University police officers are in radio contact with the Fort Smith Police Department. For emergencies involving the need for immediate ambulance, fire department, or armed law enforcement response, dial 911 immediately and then notify UPD as described above. UPD will respond as quickly as possible to any request for assistance. Response time is based on current activity and the severity of the call.

It cannot be stated enough how important it is to report crime promptly and accurately, no matter where it occurs. If a crime is not promptly reported, evidence can be lost and/or cause a delay in the investigation such as missed leads. If a crime or emergency is witnessed, it must be promptly reported to UPD and questions should be answered as accurately as possible. The investigation can only be as good as the information received. If one sees or receives knowledge of criminal activity or other emergencies, or if one is the victim of such, they are encouraged to contact UPD or the preferred sources for CSA's as mentioned earlier in the "Reporting Crime and Other Emergencies on Campus" section.

Responsibilities of the UAFS Community for Their Own Personal Safety and Security and the Safety and Security of Others

Members of the UAFS community must assume responsibility for their safety and the security of their personal property and are encouraged to assist others. The following precautions provide guidance that could assist in increasing your own personal safety:

- Report all suspicious activity to UPD immediately.
- Never take personal safety for granted.
- Try to avoid walking alone at night. Use the UPD escort service.
- Limit your alcohol consumption, and leave social functions that get too loud, too crowded, or have too many people drinking excessively. Remember to call UPD or FSPD for help at the first sign of trouble.
- Carry only small amounts of cash.
- Never leave valuables (wallets, purses, books, phones, etc.) unattended or in plain view.
- Always carry your keys, and do not lend them to anyone.
- Lock up bicycles and motorcycles. Lock car doors and close windows when leaving your car.
- Always lock the door to your residence hall room, whether you are there or not. Be certain that your door is locked when you go to sleep, and keep windows closed and locked when you are not at home. **DO NOT PROP OPEN INTERIOR OR EXTERIOR DOORS.**
- Do not leave valuables in your car, especially if they can be easily noticed.
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Confidential Reporting

Students may make confidential reports to professional counselors. Professional counselors, when acting in their capacity and function as UAFS counselors, do not make identifiable reports of incidents to UPD unless

Daily Crime Log

UPD combines its Daily Crime Log and Fire Log into one public document. UPD makes the Daily Crime and Fire Logs for the most recent 60-day period open to public inspection during normal business hours, typically 8 a.m. to 4 p.m. Monday-Friday except for holidays or days when the university is closed. UAFS Daily Crime and Fire Logs can be inspected at UPD headquarters, located at 425 N 51st St. (51st Annex). The Daily Crime and Fire Log will include all law violations reported to UPD and consist of the type of crime, general location, date/time occurred, disposition of crime or case, date of incident, nature of case, and report number. The Clery Act requires the Daily Crime Log and Fire Log to be updated within two business days to accurately reflect the activity reported to UPD at UAFS.

Campus Safety Alerts (Timely Warning Notices)

To provide timely notice to the UAFS community in the event of a criminal situation that, in the judgement of the chief of police or their designee, may pose a serious or continuing threat to members of the campus community, a campus safety alert (timely warning notice, Lions Alert) will be issued.

Campus safety alerts will be distributed in a timely manner as soon as pertinent information is available, withholding the names of victims as confidential and with the goal of aiding in the prevention of similar crimes or occurrences. UAFS safety alerts will typically include the nature of the crime, the date/time of occurrence, and suggestions to assist with prevention and personal safety.

Evacuation Scope

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

How You Will Know to Shelter in Place?

A shelter in place notification may come from several sources, including UPD, residential assistants/directors, other university employees, local law enforcement or outside emergency services, or other authorities utilizing the university's emergency communications tools.

How to Shelter in Place

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

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

For off-campus emergencies, UPD officials often receive emergency information from the FSPD 911 Center regarding incidents in Fort Smith that could imminently impact the safety of the UAFS community. When appropriate, UPD notifies the campus community of off-campus threats that could also represent a threat to the health or safety of students or employees.

Campus Community Emergency Notification

It is UAFS policy to issue emergency notification alerts about immediate emergencies on and around the campus. When a report of a potential emergency or dangerous situation occurs, appropriate university personnel will respond to assess the situation. If it is determined that an emergency or other dangerous situation involving an immediate threat to the health or safety of students or others on campus exists, immediate notification of the event will be made to the campus community.

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

Notification can also be accomplished using a variety of other messaging methods that include text, telephone, email, computer pop-up windows on campus, and other methods.

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UAFS recognizes its responsibility to provide a healthy environment in which students may learn and prepare themselves to be fully functioning and productive individuals. Alcohol and other substance abuse is a university concern. Abuse of alcohol and other drugs affects academic performance, health, personal relationships, and safety. Abusive levels of alcohol use and other drugs often result in problems such as vehicle accidents, physical altercations, property damage, serious illness, and sometimes death. Students need to know their responsibilities as members of the university community and understand the university's expectations and regulations. The abuse of alcohol and other drugs is considered detrimental to the attainment of the educational mission of this institution.

University of Arkansas – Fort Smith Alcohol Policy

Students are expected to use alcohol in a safe responsible manner consistent with federal and state law. Possession, manufacturing, and/or use of alcohol in university facilities, including residential housing, and at official university functions held on campus is generally prohibited. Alcohol is allowed per housing policy for

The following information is being supplied to address questions from employees and students about the use and possession of medical marijuana within the University of Arkansas System. Any questions that are not addressed here may be referred to Human Resources.

The university is subject to and will continue to follow the Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act Amendments of 1989 as well as applicable state laws and regulations.

Medical marijuana in any form shall not be possessed or used on any university campus or owned/leased property, including campus housing, or any university-sponsored event or activity.

Enforcement of Federal and State Alcohol and Drug Laws

UPD works with the Fort Smith Police Department to enforce all state and local liquor laws, including those for underage drinkers, as well as all state and local laws regarding prescription drugs and controlled substances. UPD will work with federal agencies when needed to enforce any applicable federal laws.

University of Arkansas – Fort Smith Disciplinary Policy

Any student who fails to comply with university policies or local, state, or federal laws may be subject to discipline under the University Code of Student Conduct. Sanctions can include, but are not limited to, a reprimand, disciplinary probation, withdrawal of privileges, suspension, and/or expulsion. When a student's presence on campus is considered a threat to order, health, or safety, the provost or their designee may impose a mandatory leave of absence or conditions on the student's attendance.

Generally, prospective students are asked about certain felony convictions. Employees are also required to disclose all convictions for a felony, crime of violence, dishonesty, or crime against property or involving the threat of violence. A criminal record, if relevant to the position in question, is a factor considered in the employment process.

Prevention and Education Programs Available Through the UAFS Police Department and the

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Programs are available to members of the university community on the topics of crime prevention and drug and alcohol abuse. Programs can be arranged through the director/chief of the UPD, the Student Affairs Office, and the Office of Housing and Residential Life.

Information on drug and alcohol abuse education may also be obtained through the National Clearinghouse for Alcohol and Drug Information at 800-729-6686.

Programs and Activities Available on Campus to Raise Awareness of Safety and Risk Reduction

Crime prevention programs available through UPD include:

Campus Lighting Tour - A walking tour of campus grounds is conducted annually to inspect lighting and identify needs for improvement. Representatives from several departments, administration, student groups,

- CRUNK at the Den
- Club 129
- Fire Safety Goodie Bag

A primary goal of UPD is the prevention of crime before it occurs. The department regularly presents programs covering crime prevention topics such as:

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

Apartment Safety - review of tips on apartment safety

The Federal definition (from VAWA) of stalking is engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

-

Procedures and Sanctions for Violence, Assault, and Stalking

UAFS procedures will be employed once an incident of domestic violence, dating violence, sexual assault, and stalking has been reported.

If a student is found responsible for violating the Student Code of Conduct by committing sexual harassment, domestic violence, sexual assault, dating violence, or stalking, sanctions may range from warnings and educational requirements to suspension or expulsion from the university. For employees, sanctions may range from warnings and educational requirements up to termination.

Protective measures that may be employed range from no-contact orders to a ban from campus property. In addition, changes in academic arrangements, on-campus living arrangements, work arrangements, or schedules for access to various facilities may all be addressed to minimize the impact of a sexual offense, stalking, domestic violence, or dating violence.

How to be an Active Bystander

Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene.

Bystanders play a critical role in the prevention of sexual and relationship violence. They are individuals who are in an area where they observe or witness possible criminal activity or the potential thereof. 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 are some ways to be an active bystander. If you or someone else is in immediate danger, call UPD at 478-788-7140 or the local police by dialing 911. This could be when a person is yelling at or being physically abusive towards another and it is not safe for you to interrupt.

Watch out for your friends and fellow students/employees. If you see someone who looks like they could be in trouble or need help:

- ask if they are OK.
- be direct, delegate responsibility, or cause a distraction when you see a person secluded, hit on, tries to make out with, or has sex with people who are incapacitated.
- intervene when someone discusses plans to take sexual advantage of another person.
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Complaints can be reported to:

- UAFS Coordinator for Title IX - Dr. Lee Krehbiel, Vice Chancellor for Student Affairs, 479-788-7310
- Deputy Coordinator for Students - Kathryn Janz, 479-788-7413
- Deputy Coordinator for Employees and Guests - Brittany Slamons, 479-788-7084
- Deputy Coordinator for Athletics - Katie Beineke, 479-788-7687

Reports can also be made to UPD, Residential Life, the Office of the Vice Chancellor for Student Affairs, or any

All persons reporting offenses covered by this section will receive a packet of written information covering on- and off-campus support services, such as counseling, student health services, and victim advocacy; options for confidential reporting and legal assistance; options for assistance in changing living, transportation, working, and academic situations, assuming the accommodations are requested and reasonably available. This remains true regardless of the person's decision concerning formal reporting of the alleged crime to campus or community law enforcement.

UAFS Sexual Misconduct Policy and Procedures

The attached Title IX policy outlines the university's process, your rights, and where you can turn to for additional assistance. This includes where and how to report a sexual discrimination claim, what Title IX is, what process the university will follow, and various related regulations covering topics like retaliation, confidentiality, and confidential listeners, legal and on-campus options, on and off-campus counseling options, interim measures to allow persons to continue functioning in their work and study while an investigation and/or hearing is ongoing, and estimated timetables.

If you ever have any questions, please contact the Title IX coordinator for UAFS, Dr. Lee Krehbiel, at 479-788-7310. Even if you prefer to speak with someone else (e.g., a female Title IX officer or police officer), Dr. Krehbiel can help arrange that.

UAFS Title IX Policy for Complaints of Sexual Assault and Other Forms of Sexual Harassment

Notice of Nondiscrimination Under Title IX

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

Jurisdiction and Scope

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

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

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

Reporting

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

Lee Krehbiel, Ph.D.
UAFS Title IX Coordinator
Smith-Pendergra Campus Center 201-A
479-788-7310
Lee.Krehbiel@uafs.edu

Kathryn Janz
Deputy Title IX Coordinator for Students
Smith-Pendergra Campus Center 230
479-788-7413
Kathryn.Janz@uafs.edu

appropriate. Individuals may file a report directly with local law enforcement agencies by dialing 911. Individuals may also contact any of the following for assistance in filing a report with local law enforcement.

UAFS Police Department
51st St. Annex 100
Fort Smith, AR 72903
479-788-7140

Fort Smith Police Department
100 S. 10th St.
Ft. Smith, AR 72901
479-709-5000

Preserving Evidence

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

Education and Awareness Programs

or other meetings, with sufficient time for the party to prepare to participate.

- The university shall maintain an administrative file that includes without limitation all documents and evidence in the institution's possession or control that is relevant to an alleged violation and the university's investigation. The parties shall have reasonable continuing access to the administrative file and may ask the Title IX coordinator to schedule a reasonable time to inspect it. The administrative file shall not include privileged documents, internal communications, or communications from non-parties that the institution does not intend to introduce as evidence at a disciplinary proceeding. The administrative file shall include, without limitation:

- o exculpatory evidence;
- o statements by an accuser or an accused student or a student organization;
- o third-party witness statements;
- o written communications;
- o social media posts;
- o demonstrative evidence;
- o documents submitted by any participant involved in disciplinary procedures; and
- o the university's choice of a video recording, audio recording, or a transcript of any disciplinary ultimately held on the matter.

Initial Report/Intake Process

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

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

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

Formal Complaint Process

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

Filing by Title IX Coordinator - The Title IX coordinator may initiate the grievance process, even where the complainant declines to file a formal complaint, if the coordinator determines that the particular circumstances

- Mutual restrictions on contact between the parties
- Changes in working or housing locations
- Leaves of absence
- Increased security and monitoring of certain areas of the campus

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

Informal Resolution -At any time after a formal written complaint is filed but prior to reaching a determination regarding responsibility, the University may facilitate a resolution without a full investigation and adjudication. The complainant and respondent must give their voluntary, written consent to the informal resolution process. The informal resolution process will not be utilized to resolve allegations that an employee sexually harassed a student. Prior to commencing the informal resolution process, the Title IX Coordinator or designee must provide the parties a written notice that includes the following information:

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

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

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

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

- 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
- 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).
- names of all known witnesses to the alleged incident(s).
- dates that the complainant, respondent, and other witnesses were interviewed, along with summaries of the interviews.
- descriptions or summaries of any physical or documentary evidence that was obtained (e.g., text messages, emails, surveillance video footage, photographs).
- any written statements of the complainant, respondent, or other witnesses.
- response of university personnel and, if applicable, university-level officials, including any supportive measures taken with respect to the complainant and respondent.

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

Determination Hearing

Following the conclusion and distribution of the investigative report, a hearing will be conducted to determine the outcome and resolution of the complaint. The parties and their advisors, if any, will be notified by the hearing

or their designee will select one member of the hearing panel to act as the chair. e Title IX coordinator will

or hearing panel's decision. e Title IX coordinator will forward the appeal to the chancellor. e appeal will be

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

Retaliation Prohibited

No person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, 34 C.F.R. Part 106, or this policy, or because an

an informal resolution process. These materials will be made publicly available on the university's website.

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

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

Definitions

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

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

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

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

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

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

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

Under Arkansas law, the age of consent varies with the degrees of assault, the age of the actor, and the relationship of the actor to the other party. For specific information, please refer to Arkansas statutes (e.g.,

their youth or because his/her temporary or permanent or physical incapacity.

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

Sexual Harassment Conduct on the basis of sex constituting one of the following:

- an employee of the university conditioning the provision of an aid, benefit, or service of the institution on an individual's participation in unwelcome sexual conduct;
- 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 educational programs or activities

OR

- "sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v) and this policy
- "dating violence" as defined in 34 U.S.C. 12291(a)(10) and this policy
- "domestic violence" as defined in 34 U.S.C. 12291(a)(8) and this policy
- "stalking" as defined in 34 U.S.C. 12291(a)(30) and this policy

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

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

Campus Disciplinary Procedure

If the victim of sexual harassment or sexual assault so desires and all parties involved are members of the university community, the incident can be referred to the university administration to be adjudicated. The victim must request a university administrative judicial hearing. These proceedings are totally separate from any criminal action that may be taken. The victim has the right to change academic and living arrangements, if requested and it is reasonably available.

Both the victim and the accused have the option of having others present during administrative judicial hearings. These individuals are for a support capacity only and may not represent the victim or accused. Both the victim and the accused will be notified of the outcome of any administrative hearing. In some instances, it may be appropriate for university faculty and staff members to use the university's formal grievance procedure to address grievances related to allegations of sexual harassment or sexual assault. The faculty and staff grievance procedure are described in the university's Employee Handbook.

Upon request the institution will disclose the results of any disciplinary proceeding conducted by the institution against a student who is the alleged perpetrator of any crime of violence or non-forcible sex offense to the alleged victim, or next of kin if the victim is deceased.

Campus Disciplinary Sanctions

Sanctions imposed through the University Administrative Judicial System can range from no action up to expulsion from school. Possible sanctions for violation of VAWA offenses:

- Withholding a promotion or pay increase (for regular or student employees)
- Reassigning employment (for regular or student-employees)
- Terminating employment (for regular or student-employees)
- Temporary employment suspension without pay (for regular or student-employees)

- Compensation adjustments (for regular or student-employees)
- No contact order of a specified duration
- Expulsion or permanent separation from the university (for students)
- Suspension from the university for a period of one semester to 10 semesters (fall and spring semesters with summers normally included as part of the spring semester). Re-admission may be made contingent upon completion of a course of action such as completion of a course related to the offense.
- Suspension for a specified period that allows the party offended against to have reasonable time to finish a course of studies. If the offended party graduates early or leaves the university without plans to return, the suspension may be re-visited. Re-admission may be made contingent upon completion of a course of action such as completion of a learning module related to the offense.
- Conduct probation for up to four semesters
- Disciplinary probation for up to eight (8) semesters (for students; this is one step below suspension)
- Expulsion from campus housing (resident employee or student)
- Mandated counseling
- Educational sanctions as deemed appropriate (i.e. research papers, interviews, reflections on assigned readings, audio material, or events with presentations, or required courses of learning)
- Ban of specified duration from the entire campus or a specified portion of campus

Sex Offender Registry and Access to Related Information

The Federal Campus Sex Crimes Prevention Act, (section 1601 of Public Law 106-386) enacted on Oct. 28, 2002, went into effect Oct. 28, 2002. It is a law that provides for the tracking of convicted, registered sex offenders enrolled as students at institutions of higher education or those working or volunteering on campus. This law requires institutions of higher education to issue a statement advising the campus community where law enforcement agency information provided by a state concerning registered sex offenders may be obtained. It also requires sex offenders already registered in a state to provide notice to the appropriate state agency, as outlined in

Missing Student Policy

A missing student is defined as any currently registered student at the University Arkansas – Fort Smith who has not been seen by friends, family members, or associates for a reasonable length of time and whose whereabouts

No appointment necessary. Clinic hours are subject to change. The last patients will be seen at 11:30 a.m. and 4:30 p.m., respectively.

Counseling Center

as any person who has the authority and the duty to take action or respond to particular issues on behalf of the institution.

All statistics are gathered, compiled, and reported to the UAFS community via this report, entitled the "Annual Security and Fire Safety Report," which is published by UAFS no later than Oct. 1 of each year.

Clery Crime Definitions

The following definitions are to be used for reporting the crime listed in the Clery Act in accordance with the FBI's Uniform Crime Reporting (UCR) Program.

Criminal Homicide

- Murder and Non-Negligent Manslaughter - the willful (non-negligent) killing of one human being by another
- Negligent Manslaughter - the killing of another person through gross negligence

Sex Offenses

- Forcible Rape - the carnal knowledge of a person, forcibly and/or against that person's will, including instances in which the victim is incapable of giving consent because of their temporary or permanent mental or physical incapacity or because of their youth
- Fondling - the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or temporary or permanent mental capacity
- Incest: non-forcible sexual intercourse between persons who are related to each other within the degree wherein marriage is prohibited by law
- Statutory Rape - non-forcible sexual intercourse with a person who is under the statutory age of consent

Robbery

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

Aggravated Assault

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 a 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 that could and probably would result in serious personal injury if the crime were successfully completed.)

Burglary

The unlawful entry of a structure to commit a felony or a theft. For reporting purposes, this definition includes

Intimidation

To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack

Destruction/Damage/Vandalism of Property

To destroy willfully or maliciously, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it

Larceny – e (Except Motor Vehicle e)

e unlawfully and intentionally takes or exercises control over the personal property of another person without the consent of the owner or the person in lawful possession of the property

Domestic Violence

A felony or misdemeanor crime of violence committed by:

- a current or former spouse or intimate partner of the victim; By a person with whom the victim shares a child in common;
- a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;
- 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
- 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.

Stalking

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

For this definition:

- Course of Conduct - 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 - significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
- Reasonable Person - a person under similar circumstances and with a similar identity to the victim.

UAFS Three-Year Crime Statistics

Crime	On Campus			On-Campus Housing			Non-Campus			Public Property		
	2021	2022	2023	2021	2022	2023	2021	2022	2023	2021	2022	2023
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0	0	0	0
Rape	2	4	2	2	3	1	0	0	0	0	0	0
Fondling	0	3	3	0	2	2	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	1	1	0	0	0	0	0	0	0	0	0	0
Burglary	0	9	5	0	1	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle e	0	0	1	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0
Arrest - Liquor Law Violation	0	0	3	0	0	0	0	0	0	0	0	3
Arrest - Drug Abuse Violation	0	0	4	0	0	0	0	0	0	1	0	2
Arrest - Weapon Violation	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Referral - Liquor Law Violation	37	29	22	37	28	22	0	0	0	0	0	0
Disciplinary Referral - Drug Abuse Violation	0	0	0	0	0	0	0	0	0	0	37	29
Violation												22

Annual Fire Safety Report

Fire Safety Overview

The Higher Education Opportunity Act of 2008 (HEOA) requires all academic institutions with on-campus student residential facilities to develop and publish an annual fire safety report. The following report includes the information required by the HEOA as it relates to UPD.

UPD publishes this Fire Safety Report as part of its annual Clery Act Compliance document via this annual report, which contains information with respect to the fire safety practices and standards for UAFS. The compliance document is available for review upon request at UPD during normal operating business hours. UAFS combines our Fire Log with our Daily Crime Log as it relates to the Clery Act.

Definition of Terms

Fire - any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner.

Cause of Fire - the factor or factors that give rise to a fire. The causal factor may be, but is not limited to, the result of an intentional or unintentional action, mechanical failure, or act of nature.

Fire Drill - a supervised practice of a mandatory evacuation of a building for a fire.

Fire-Related Injury - any instance in which a person is injured because of a fire, including an injury sustained from a natural or accidental cause while involved in fire control, attempting rescue, or escaping from the dangers of the fire. The term person may include students, faculty, staff, visitors, firefighters, or any other individuals.

Fire-Related Death - any instance in which a person is killed because of a fire, including death resulting from a natural or accidental cause while involved in fire control, attempting rescue, or escaping from the dangers of a fire, or dies within one year of injuries sustained as a result of the fire.

Fire Safety System - any mechanism or system related to the detection of a fire, the warning resulting from a fire, or the control of a fire. This system includes sprinkler systems or other fire extinguishing systems, fire detection devices, stand-alone smoke alarms, devices that alert one to the presence of fire such as alarms, bells, or strobe lights, smoke control and reduction mechanisms, and fire doors and walls that reduce the spread of a fire.

Value of Property Damage - the estimated value of the loss of the structure and contents in terms of the cost of replacement in like kind and quantity. This estimate should include contents damaged by fire and related damage caused by smoke, water, and overhaul. However, it does not include indirect loss such as business interruption.

Communicating a False Alarm

Communicating a false alarm is a violation of state law Criminal Code 5-71-210. A person commits the offense of communicating a false alarm if they purposely initiate or circulate a report of a present, past, or impending bombing, fire, offense, catastrophe, or other emergency while knowing that the report is false or baseless and knowing that it is likely to:

- cause action of any sort by an official or volunteer agency organized to deal with emergencies;
- place any person in fear of physical injury to himself or herself or another person or of damage to their property or that of another person; OR
- cause total or partial evacuation of any occupiable structure, vehicle, or vital public facility.

It is also a violation of university policy to deliberately sound a false alarm and/or to tamper with fire safety equipment. Violators may face prosecution in the local criminal court system and the university judicial system. Such behavior will not be taken lightly. In the most severe cases, it does endanger lives, and at a minimum, it disrupts the educational process.

Flammable Materials, Explosives, Fireworks, and Open Flames

Dangerous items such as flammable materials, explosives, and fireworks are not permitted on the university campus. Violators may face prosecution in the local criminal court system and the university judicial system. Such behavior will not be taken lightly. In the most severe cases, it does endanger lives, and at a minimum, it disrupts the educational process.

UAFS 2023 Fire Log

On-Campus Student Housing Facilities	Fires	Date/Time	Cause	Deaths	Injuries	Value of

Important Contacts and Resources

To report an emergency or a crime in progress anywhere, dial 911 and 479-788-7140.

For other UPD assistance on campus, dial 479-788-7140.

For other police assistance on campus, dial the Fort Smith Police Department: 479-709-5000.

Office of the Vice Chancellor for Student Affairs	479-788-7310
University Housing Office	479-788-7340
Campus Recreation and Wellness	479-788-7596
Office of Non-Traditional Student Support	479-788-7319
Student Counseling Center	479-788-7398
Powell Student Health Clinic.....	479-788-7444
Office of Human Resources	479-788-7080
Plant Operations.....	479-788-7170
National Clearinghouse for Alcohol and Drug Information	800-729-6686
Rape, Abuse, and Incest National Network (RAINN)	800-656-4673
National Domestic Violence Hotline	800-799-7233
Child Abuse Hotline	800-482-5964
Commission on Child Abuse, Rape, and Domestic Violence.....	501-661-7975
Arkansas Poison Control and Information Center	800-376-4766
Alcoholics Anonymous, Fort Smith Area Intergroup, Central Office	479-783-0123
Al-Anon Information	479-441-9705

Since Oct. 4, 2023, the University Police Department has been located in temporary offices at 1114 N. 52nd St., Fort Smith, AR 72904.

Chancellor
Provost and Senior Vice Chancellor
Associate Vice Chancellor for Academic Affairs
Associate Vice Chancellor – Campus and Community Events
Vice Chancellor for University Relations
Vice Chancellor for Enrollment Management
Vice Chancellor for Finance and Administration
Vice Chancellor for Student Affairs
Vice Chancellor for University Advancement
Chief/Director – University Police Department
Director – Athletics
Dean – College of Arts and Sciences
Dean – College of Business and Industry
Dean – College of Health, Education, and Human Sciences
Assistant Vice Chancellor – Marketing
Director of Donor Relations
Director of Alumni Affairs
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