

# ARKANSAS TECH UNIVERSITY

## 2022 ANNUAL SECURITY REPORT

### OZARK CAMPUS



# Arkansas Tech University – Ozark Campus

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### **Introduction**

In 1990, Congress enacted the Crime Awareness and Campus Security Act of 1990 (Title II of Public Law 101-542), which amended the Higher Education Act of 1965 (HEA). This act required all postsecondary institutions participating in HEA's Title IV student financial assistance programs to disclose campus crime statistics and security information. The act was amended in 1992, 1998, 2000, and 2008. The 1998 amendments renamed the law the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. It is generally referred to as the Clery Act and is in section 485(f) of the HEA.

On March 7, 2013, the Violence Against Women Reauthorization Act of 2013 (VAWA) (Public Law 113-14) was signed into law. VAWA includes amendments to the Clery Act. These changes require institutions to disclose statistics, policies, and programs related to dating violence, domestic violence, sexual assault, and stalking, among other changes.

This report is provided in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act, as amended. It provides students and employees of Arkansas Tech University with information on: the University's security arrangements, policies, and procedures; programs that provide education on such topics as drug and alcohol abuse, awareness of various types of sex offenses, and the general prevention of crime; and procedures the University will take to notify the campus community in the event of an emergency. Its purpose is to provide students and employees with information that will help them make informed decisions relating to their own safety and the safety of others.

### **Policy for Preparing the Annual Report**

The 2022 Combined Annual Security Report and Fire Safety Report is prepared by the Department of Public Safety in collaboration with the Title IX Office, Student Conduct, Residence Life, and Office of the Vice President for Student Affairs. The report is compiled by the Clery Compliance Officer and submitted to the Arkansas Tech University Clery Committee for review. The annual disclosure of crime statistics includes statistical data from law enforcement authorities, Campus Security Authorities, and non-police campus officials. For statistical purposes, crimes reported to any of these sources are recorded in the calendar year the crime was reported. Criminal activities, if any, at off-campus student organization's (those officially recognized by the University) events are required to be monitored and reported from information collected from local police agencies. A written request for statistical information is made to all Campus Security Authorities.

This information, along with the complete 2022 Annual Security Report, can be found as a digital version at <https://www.atu.edu/ozark/psafe/> and a printed copy can be requested from

the Department of Public Safety. To request a copy of the report you can contact the Department of Public Safety at (479) 508-3359 or by email at [dspicer1@atu.edu](mailto:dspicer1@atu.edu).

The 2022 Annual Security Report is distributed, via email message, to all enrolled students and employees. Prospective students are also notified of the report's availability. Hard copies of the report may also be obtained at no cost by contacting the Department of Public Safety or going to their office located at 1700 Helberg Lane, Ozark, AR 72949.

## **General Safety and Security Policies**

The University is committed to taking the actions necessary to provide a safe and secure working/learning environment for all students and employees. As a member of the campus community, you can feel safe and comfortable knowing that security procedures are in place that represent best practices in the field, and are routinely tested and re-evaluated for their effectiveness.

### **Campus Public Safety Personnel & Relationship with Local Law Enforcement**

The University Department of Public Safety is responsible for campus safety at the University.

#### **Law Enforcement Authority**

Department of Public Safety officers are law enforcement officers of the State of Arkansas and are professionally trained and certified by the Arkansas Commission on Law Enforcement Standards and Training. The Department of Public Safety law enforcement authority comes from Arkansas State Statute 25-17-304 which confers upon the President of a state institution of higher education the right to create a University agency with the same powers and authority as any municipal, county, or state police agency in Arkansas. Public Safety Officers have complete police authority to apprehend and arrest anyone involved in illegal acts on campus and areas immediately adjacent to the campus. If any minor offenses involving a violation of Arkansas Tech University rules and regulations are committed by a University student, Public Safety officers may also refer the individual to the Department of Student Conduct. Student conduct information for Arkansas Tech University can be found at <http://www.atu.edu/studentconduct/>.

#### **Law Enforcement Jurisdiction**

All service drives, alleyways, parking lots, any real or personal property owned or controlled by Arkansas Tech University and which is physically located within the Ozark city limits or elsewhere, shall fall under the jurisdiction of the Department of Public Safety. Public Safety officers work closely with other federal, state, and local law enforcement agencies including the Arkansas State Police, Fifth Judicial Task Force, Ozark Police Department, and Franklin County Sheriff's Office.

The Department of Public Safety also maintains Mutual Aid Agreements, under the laws of Arkansas, with surrounding agencies. These agreements allows each department to provide assistance when necessary, for the purpose of investigating alleged criminal incidents.

The Ozark Police may notify the Department of Public Safety when a student is involved in criminal activity at a non-campus location, including those of officially recognized student organizations. All members of the campus community are encouraged to cooperate fully with police personnel for their safety and convenience of everyone.

### **Campus Security Authorities**

The University has designated certain officials to serve as Campus Security Authorities. Reports of criminal activity can be made to these officials. They, in turn, will ensure that the crimes are reported for collection as part of the University's annual report of crime statistics. The offices to whom the University would prefer Campus Security Authorities to report crimes to are listed below.

- Department of Public Safety at 479-508-3359
- Title IX Office at 479-968-0407 or 479-508-3307
- Campus Security Authorities can also report crimes online at <https://www.atu.edu/psafe/crime-report-form.php>.

### **Reporting a Crime or Emergency**

The University encourages accurate and prompt reporting of all criminal actions, emergencies, or other incidents occurring on campus, on other property owned by the University, or on nearby public property to the appropriate administrator and appropriate police agencies. Such a report is encouraged even when the victim of a crime elects not to make a report or is unable to do so.

All crimes should be reported to the Department of Public Safety to aid in providing timely warnings or emergency notifications to the community when appropriate and for inclusion in the annual crime statistics disclosure. Call 911 in an emergency if you are the victim of or witness to a crime and need police, fire, or medical assistance. Non-emergency incident reports can be made in person at the Department of Public Safety, located at 1700 Helberg Lane, Ozark, AR 72949 or call (479) 508-3359 to speak with an officer.

Students, staff, and visitors should also report situations to one of the campus security authorities identified above. Once reported, the individual may also be encouraged to report the situation to the appropriate police agency. If requested, a university staff member will assist in making the report to police.

Anonymous reports can also be submitted through by using the online report form located at <https://www.atu.edu/psafe/crime-report-form.php>. Confidential and anonymous reports are counted and disclosed in the annual crime statistic survey for the institution. It is the policy of Arkansas Tech University to encourage the reporting of crimes even if the victim does not wish to file a complaint.

Arkansas Tech University students requiring non-emergency medical care and counseling services may contact the Arkansas Tech University Health and Wellness Center at (479) 968-0329.

### **Confidential Reporting**

The University will protect the confidentiality of victims. Only those with a need to know the identity for purposes of investigating the crime, assisting the victim, or disciplining the perpetrator will know the victim's identity.

Pursuant to the University's Equal Opportunity, Harassment (Sexual Misconduct) and Nondiscrimination Policy and Procedures, when a Responsible Employee becomes aware of alleged misconduct under that policy (including, but not limited to, dating violence, domestic violence, sexual assault, and stalking), the Responsible Employee is responsible for reporting that information, including the status of the parties if known, to the Title IX Coordinator. A victim of other types of crimes (e.g., aggravated assault, burglary, etc.) who does not want to pursue action within the University disciplinary system or the criminal justice system is nevertheless encouraged to make a confidential report to a campus security authority. Upon the victim's request, a report of the details of the incident can be filed with the University without revealing the victim's identity. Such a confidential report complies with the victim's wishes, but still helps the University take appropriate steps to ensure the future safety of the victim and others. With such information, the University can keep an accurate record of the number of incidents involving members of the campus community, determine where a pattern of crime may be developing and alert the community as to any potential danger. These confidential reports are counted and disclosed in the annual crime statistics for the University.

The University encourages its professional counselors, if and when they deem it appropriate, to inform the person they are counseling to report crimes on a voluntary, confidential basis for inclusion in the annual report of crime statistics. The term "professional counselor" is defined as a fully qualified and/or licensed professional whose official responsibilities include providing mental health counseling to members of the University's community and is functioning within the scope of his/her license or certification. This exemption does not relieve counselors of the duty to exercise reasonable care to protect a foreseeable victim from danger posed by the person being counseled. The University does not have pastoral counselors.

### **Security of and Access to Campus Facilities**

The University is made up of a variety of facilities including academic/administrative buildings. Academic/administrative buildings are open during normal business hours (8:00 AM to 5:00 PM) to faculty, staff, students, and University guests. Authorized faculty and staff are issued keys to their workplaces. After-hours access to locked academic and administrative buildings is restricted to authorized persons holding keys or electronic access cards for the facilities. After-hours access is limited to those who have authorization through their status as students, faculty, staff, or visitors in connection with classes, special events, or invitation. This access is granted through the Arkansas Tech University Card Office and/or the Department of Public Safety. All University buildings can be secured by a key and the

majority of buildings have an electronic card reader. Public Safety officers conduct routine patrols of campus buildings to evaluate and monitor security related matters.

**Security Considerations in the Maintenance of Facilities**

The Department of Public Safety works closely with Facilities Management to ensure prompt repair of maintenance issues that pose a safety or security concern to the community. Security and fire safety considerations go into the planning and design of all campus buildings. The Department of Public Safety works closely with Facilities Management, the Office of Information Systems, the University Construction Manager, and hired architecture firms to provide input into the design of new and renovated campus facilities as it relates to physical and electronic security systems. Parking lots, sidewalks, and all major walkways are lit at night. Access to facilities is granted by issuing of keys to University personnel by Facilities Management and electronic access is granted by the Arkansas Tech University Card Office.

**Educational Programs Related to Security Awareness and Prevention of Criminal Activity**

The University seeks to enhance the security of its campus and the members of the campus community by periodically presenting educational programs to inform students and employees about campus security procedures and practices, to encourage students and employees to be responsible for their own security and the security of others, and to inform them about the prevention of crimes.

The safety awareness programs and crime prevention programs are based upon the dual concepts of eliminating or minimizing criminal opportunities whenever possible and encouraging students and employees to be responsible for their own security and the security of others. The Department of Public Safety in cooperation with other University organizations and departments, is responsible for presenting security awareness and crime prevention programs to the campus community annually and more often depending on the program type. Programs offered at the Russellville campus are open to Ozark campus members as well.

The Department of Public Safety conducts the following security awareness programs for students, faculty, and staff, and they were conducted on these dates in 2021:

<b>Program Name</b>	<b>Purpose</b>	<b>Date or Time of Year</b>	<b>Target Audience</b>
CRASE	Active shooter response	November 19	Students, Faculty, and Staff
New Employee Orientation	Emergency preparedness and Clery compliance	March 10, July 28, October 6, December 8	New staff and faculty

The Department of Public Safety, in conjunction with campus partners, conducts the following crime prevention and awareness programs:

Program Name	Purpose	Date or Time of year	Target Audience
Jerry Cares Campaign	Website with resources for hazing, alcohol, drug abuse, sexual misconduct, and dangerous situations	<a href="http://www.atu.edu/jerrycares">www.atu.edu/jerrycares</a> is available year round	Students, faculty, staff, and visitors
QPR Training	Teaches appropriate steps to take when someone is having suicidal ideations	September 17, August 16-18	Students, faculty, and staff
Out of the Darkness	Suicide prevention walk to raise awareness for mental health and suicide	Virtual	Students, faculty, and staff
New Student Orientation	All incoming freshmen, transfer, and graduate students received information on mental health and suicide prevention services in compliance with Arkansas Act 1007	August 21	Students
Walk a Mile in her Shoes	Program designed to raise awareness for sexual assault, rape, dating violence, domestic violence and the prevention of these incidents	March 8	Students

### Personal Safety Tips

The Department of Public Safety's safety and security measures are designed to address every area of campus life, but a safe environment also depends on the awareness and cooperation of individual community members. Here are some common-sense steps you can take for personal safety and loss prevention:

- Remember to call 9-1-1 in case of an emergency.
- Report all crimes and/or suspicious activities to the Department of Public Safety.
- Know the non-emergency phone number for Public Safety: (479) 968-0222. Program it into your cell phone.
- Notify Public Safety or a University employee of any individual who appears not to have legitimate business on campus or whose actions arouse suspicion or concern.
- Remain alert, pay attention to your surroundings, and avoid listening to musical devices such as an iPod that make it more difficult to be taken by surprise.

- When traversing the campus at night, stay within well-lit walkways. Do not take shortcuts through wooded areas.
- Never prop doors open, even for a short time.
- Park in well-lit areas, keep car doors and windows locked, and check the inside of your vehicle and cargo area before entering it.
- Although campus is considered safe, students, and employees are encouraged to walk in pairs or groups after dark. Individuals may request a safety transport by calling Public Safety at (479) 968-0222.
- Avoid using stairs in remote sections of a building.
- Avoid working or studying alone in a building at night.
- Do not leave laptops, mobile phones, backpacks, or other personal items unattended for any length of time.
- Do not leave books, jewelry, purses, wallets, cell phones, textbooks, backpacks or other valuables unattended.
- Keep the doors and windows to your residence locked, even if you will be gone only a short time.
- Keep your bike locked in a rack or storage facility when not using it.
- Carry only the credit cards and cash you need for the day, and do not conduct ATM transactions alone, especially at night.
- Carry a small flashlight and whistle with you.
- Keep your keys in your possession. Never place them under mats or in other obvious hiding places.
- If your purse or wallet is snatched, do not fight back. Give it up rather than risk personal injury, and report the incident to Public Safety immediately.
- Do not put an ID tag with your name, address, or license number on your key chain. If lost, the key chain could lead to theft.
- Do not put personal information on social networking sites.
- Do not accept drinks from strangers or leave drinks unattended.
- Protect personal property such as cell phones, iPads, laptop computers, and other valuable belongings by marking them with an identification number. Record all serial numbers and brand names.

### **Monitoring Off Campus Locations of Recognized Student Organizations**

The University does not have any officially Recognized Student Organizations with physical addresses at off campus locations and therefore does not monitor or record criminal conduct occurring at such locations. If Student Organizations host registered events off campus, those events are monitored and reported from information collected from local police agencies.

### **Disclosure of the Outcome of a Crime of Violence or Non-Forcible Sex Offense**

Upon written request, the University will disclose to the alleged victim of a crime of violence (as that term is defined in section 16 of title 18, United States Code), or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by the University against a

student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.

The previous paragraph does not apply to victims of dating violence, domestic violence, sexual assault, or stalking because under the Violence Against Women Act both the accused and accuser in these cases are given the results without the need to make a written request.

### **Drug and Alcohol Abuse Prevention Program**

The University has a drug and alcohol abuse prevention program and conducts a biennial review of this program to evaluate its effectiveness. For more information, see below.

- Student alcohol/drug policy: <https://www.atu.edu/studenthandbook>
- Employee alcohol/drug policy: [https://www.atu.edu/hr/docs/staffhandbook\\_1.21.16.pdf](https://www.atu.edu/hr/docs/staffhandbook_1.21.16.pdf)
- Alcohol/drug information webpage: <https://www.atu.edu/jerrycares/>
- Annual Notification of Alcohol and Other Drugs: <https://www.atu.edu/jerrycares/docs/Annual%20Notification%20of%20Alcohol%20and%20Other%20Drugs%202020.pdf>
- The University's Biennial Review Report can be located online at <https://www.atu.edu/jerrycares/alcohol-resources.php>.

In accordance with the Drug-Free Schools and Communities Act Amendments of 1989, the institution has developed and implemented a program to prevent the unlawful possession, use, sale, or distribution of illicit drugs and alcohol by students and employees.

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

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

6. The Department of Public Safety has primary responsibility for the enforcement of state underage drinking laws as well as the enforcement of federal and state drug laws.

Arkansas Tech University is committed to the maintenance of a drug and alcohol free work place and to a standard of conduct for employees and students that discourages the unlawful or unauthorized use, possession, storage, manufacture, distribution, or sale of alcoholic beverages and any illicit drugs or drug paraphernalia in University buildings, any public campus area, in University housing units, in University vehicles, or at any University affiliated events held on or off-campus, which are sponsored by students, employees, and their respective campus organizations (including all fraternities and sororities). For Arkansas Tech University employees, compliance with this policy is a term and condition of employment. For Arkansas Tech University students and student organizations, compliance with this policy is a term and condition of continued enrollment/organizational registration.

### **Federal Drug Laws**

**Denial of Federal Benefits (21 U.S.C. § 862)** A federal drug conviction may result in the loss of federal benefits, including school loans, grants, scholarships, contracts, and licenses. Federal drug trafficking convictions may result in denial of federal benefits for up to five years for a first conviction. Federal drug convictions for possession may result in denial of federal benefits for up to one year for a first conviction and up to five years for subsequent convictions, successful completion of a drug treatment program, including periodic testing, and appropriate community service, or any combination of the three.

**Forfeiture of Personal Property and Real Estate (21 U.S.C. § 853)** Any person convicted of a federal drug offense punishable by more than one year in prison shall forfeit to the United States any personal or real property related to the violation. A warrant of seizure may be issued and property seized at the time an individual is arrested on charges that may result in forfeiture.

**Federal Drug Trafficking Penalties (21 U.S.C. § 841)** Penalties for federal drug trafficking convictions vary according to the type and quantity of the controlled substance involved in the transaction. Penalties for subsequent convictions are more severe.

In the case of a controlled substance in schedule I or schedule II, GHB, or flunitrazepam, a person shall be sentenced to a term of imprisonment of not more than 20 years. If death or serious bodily injury results from the use of a controlled substance which has been illegally distributed, the person convicted on federal charges of distributing the substance faces the possibility of a life sentence and fines ranging up to \$10 million.

In the case of a controlled substance in schedule III, a person shall be sentenced to a term of imprisonment of not more than 10 years, and if death or serious bodily injury results, shall be sentenced to a term of imprisonment of not more than 15 years or a fine not to exceed \$500,000, or both, for a first offense.

For less than 50 kilograms of marijuana, the term of imprisonment shall not be more than five years, and the fine shall not be more than \$250,000, or both, for a first offense.

In the case of a schedule IV substance, the term of imprisonment shall not be more than five years, and the fine shall not be more than \$250,000, or both, for a first offense.

Persons convicted on federal charges of drug trafficking within 1,000 feet of an elementary school, secondary school, college, or university (**21 U.S.C. § 860**) face penalties of prison terms and fines which are twice as high as the regular penalties for the offense, with a mandatory prison sentence of at least one year, unless the offense involves five grams or less of marijuana.

**Federal Drug Possession Penalties (21 U.S.C. § 844)** Persons convicted on federal charges of possessing any controlled substance face penalties of up to one year in prison, a mandatory fine of no less than \$1,000, or both. Second convictions are punishable by not less than 15 days but not more than two years in prison and a minimum fine of \$2,500. Subsequent convictions are punishable by not less than 90 days but not more than three years in prison and a minimum fine of \$5,000.

*Drug and Alcohol State Laws*

Category	Summary (Arkansas Statutes)
Possession of Marijuana	Recreational use of marijuana and possession of marijuana is illegal in Arkansas. Ark. Code Ann. §§ 5-64-215(a)(1) (classifying marijuana as a Schedule VI substance; 5-64-419(5) (outlining penalties for possession of a Schedule VI substance). The penalty for these offenses depends on the amount in possession. Possession of less than four ounces is a Class A misdemeanor, carrying a penalty of up to \$2,500 in fines and imprisonment of up to one year. §§ 5-64-419(5)(A); 5-4-401; 5-4-201. However, the penalty for possession of one ounce or more but less than four ounces of marijuana becomes a Class D felony if the possessor has four prior convictions for possession of a controlled substance. § 5-64-419(5)(B). Penalties increase with additional volume of marijuana: (1) Possession of four ounces or more but less than ten pounds is a Class D felony; (2) possession of ten or more pounds but not less than twenty-five pounds is a Class C felony; (3) possession of twenty-five pounds or more but less than one hundred pounds is a Class B felony; and (4) possession of one hundred pounds or more but less than five hundred pounds is a Class A felony. § 5-64-419(5)(C)–(F).
Controlled Substances	"Controlled substance" means a drug, substance, or immediate precursor in Schedules I through VI. § 5-64-101(4). It is illegal to possess a controlled substance. See <i>generally</i> § 5-64-419. Penalties vary widely based on substance, amount, and criminal history. <i>Id.</i> For Schedule I and II controlled substances (such as methamphetamine, heroine, and cocaine), possession of the smallest listed amount (less than two grams) is a Class D felony. § 5-64-419(b)(1)–(2). The penalty for a Class D felony is imprisonment of up to six years and a fine of up to \$10,000. § 5-4-401(a)(5); § 5-4-201(a)(2). A complete list of the schedule classification of controlled substances is

Category	Summary (Arkansas Statutes)
	<p>available at <i>List of Controlled Substances</i>, Ark. Dep't of Health (Apr. 22, 2022).</p> <p>It is illegal to deliver or distribute controlled substances. <i>See generally</i> Ark. Code Ann. §§ 5-64-420–5-64-440. "Distribute" means to deliver other than by administering or dispensing a controlled substance. § 5-64-101(9). Delivery of methamphetamine, heroin, or cocaine (1) in the amount of less than two grams is a Class C felony (punishable by three to ten years imprisonment); (2) in the amount of more than two grams but less than ten grams is a Class B felony (punishable by five to twenty years); and (3) in the amount of ten grams but less than two hundred grams is a Class Y felony (punishable by ten years to life). §§ 5-64-422(b); 5-4-401(a)(1), (3)–(4). Delivery of a Schedule III substance (1) less than twenty-eight grams is a Class C felony; (2) twenty-eight grams or more but less than two hundred is a class B felony; and (3) two hundred grams or more is a Class A felony (punishable by six to thirty years in prison). §§ 5-64-430(b); 5-4-401(a)(2). Delivery to minors entails enhanced penalties. § 5-64-406. Arkansas also has enhanced penalties for certain controlled substance crimes (possession of a controlled substance in violation of § 5-64-419 punishable by a Class C felony or greater, and possession with the purpose to deliver, delivery, manufacture, or trafficking of a controlled substance in violation of §§ 5-64-420–5-64-440) that occur within one thousand feet of the real property of a “public vocational school” or a “private or public college or university.” § 5-64-411(2)(B). Under certain circumstances, courts may order placement in drug treatment programs. § 5-4-313. Possession of drug paraphernalia is also illegal. § 5-64-443.</p>
Alcohol and Minors	<p>It is illegal for any person under the age of 21 to purchase or to have in his/her possession any intoxicating liquor, wine, or beer. § 3-3-203. Violation by a person aged 18 or older results in a fine of \$100–\$500 and possible "writing of themes or essays on intoxicating liquors, wine, or beer" or placement on probation and surrender of driver's license. §§ 3-3-203(d)–(e).</p>
Driving Under the Influence (DUI)	<p>It is illegal to "operate or to be in actual physical control" of a motor vehicle with a blood alcohol concentration of 0.08 or more. § 5-65-103. For a first offense, there is a minimum imprisonment from 24 consecutive hours up to one year with a fine of \$150–\$1,000, as well as a six month license suspension and required alcohol education program, unless the court orders. For a second offense within ten years, there is a minimum imprisonment from 7 days up to one year. For a second offense within five years, there is a fine of \$400–\$3,000, as well as a 24 month license suspension. For a third offense within ten years, there is a minimum imprisonment from 90 days up to one year. For a third offense within five years, there is a fine of \$900–\$5,000, as</p>

Category	Summary (Arkansas Statutes)
	well as a 30 month license suspension. For a fourth offense within ten years, there is a minimum imprisonment of 1 to 6 years. For a fourth offense within five years, there is a fine of \$900–\$5,000, as well as a four-year license revocation. §§ 5-65-104; 5-65-111; 5-65-112; 5-65-115. Penalties increase for fifth, sixth, and subsequent offenses. <i>Id.</i> Under certain circumstances, the court may order public service instead of some or all required imprisonment. § 5-65-111.

**HEALTH RISKS**

**Alcohol** — Can cause short term effects such as loss of concentration and judgment; slowed reflexes; disorientation leading to higher risk of accidents and problem behavior; long term effects include risk of liver and heart damage, malnutrition, cancer, and other illnesses; can be highly addictive to some persons.

**Amphetamines** — Can cause short term effects such as rushed, careless behavior and pushing beyond your physical capacity, leading to exhaustion; tolerance increases rapidly, long term effects include physical and psychological dependence and withdrawal can result in depression and suicide; continued high doses can cause heart problems, infections, malnutrition, and death.

**Cocaine (Crack)** — Can cause short term effects such as impaired judgment; increased breathing, heart rate, heart palpitations; anxiety, restlessness, hostility, paranoia, confusion; long term effects may include damage to respiratory and immune systems; malnutrition, seizures, and loss of brain function; highly addictive.

**Designer Drugs/Synthetic Cannabinoids (bath salts, K2, spice)** — Can cause short term effects such as elevated heart rate, blood pressure, and chest pain; hallucinations, seizures, violent behavior, and paranoia; may lead to lack of appetite, vomiting, and tremor; long-term use may result in kidney/liver failure, increased risk of suicide and death.

**Hallucinogens (PCP, LSD, ecstasy, dextromethorphan)** — Can cause extreme distortions of what’s seen and heard; induces sudden changes in behavior, loss of concentration, and memory, increases risk of birth defects in user’s children; overdose can cause psychosis, convulsions, coma, and death. Frequent and long-term use can cause permanent loss of mental function.

**Inhalants (nitrous oxide, amyl nitrite, butyl nitrite, chlorohydrocarbons, hydrocarbons)** — Can cause short term effects such as nausea, dizziness, fatigue, slurred speech, hallucinations, or delusions; may lead to rapid and irregular heart rhythms, heart failure, and death; long-term use may result in loss of feeling, hearing, and vision; can result in permanent damage to the brain, heart, lungs, liver, and kidneys.

**Marijuana** — Can cause short term effects such as slow reflexes; increase in forgetfulness; alters judgment of space and distance; aggravate pre-existing heart and/or mental health problems; long term health effects include permanent damage to lungs, reproductive organs, and brain function; Can interfere with physical, psychological, and social development of young users.

**Opiates/Narcotics (heroin, morphine, opium, codeine, oxycodone, china white)** — Can cause physical and psychological dependence; overdose can cause coma, convulsions, respiratory arrest, and death;

long term use leads to malnutrition, infection, and hepatitis; sharing needles is a leading cause of the spread of HIV and hepatitis; highly addictive, tolerance increases rapidly.

**Sedatives** — Can cause reduced reaction time and confusion; overdose can cause coma, respiratory arrest, convulsions, and death; withdrawal can be dangerous; in combination with other controlled substances can quickly cause coma and death; long term use can produce physical and psychological dependence; tolerance can increase rapidly.

**Tobacco (cigarettes, cigars, chewing tobacco)** — Can cause diseases of the cardiovascular system, in particular smoking being a major risk factor for a myocardial infarction (heart attack), diseases of the respiratory tract such as Chronic Obstructive Pulmonary Disease (COPD) and emphysema, and cancer, particularly lung cancer and cancers of the larynx and mouth; nicotine is highly addictive.

### **Medical Usage of Marijuana under Arkansas State Law**

This policy prohibits the possession, use, manufacture, sale, or distribution of marijuana on University property or in University activities. Marijuana remains a controlled substance under federal law, and the University remains bound by federal laws prohibiting marijuana on University property or in its activities. This prohibition extends to all forms of marijuana, including state-authorized prescription medical marijuana. Students who wish to request reasonable accommodation for disabilities treated by state-authorized prescription medical marijuana should contact Disability Services and proceed through the University's disability accommodation process for determining any appropriate accommodations. Employees who wish to request reasonable accommodation for disabilities treated by state authorized prescription medical marijuana should contact Human Resources and proceed through the University's disability accommodation process for determining any appropriate accommodations.

### **DRUG AND ALCOHOL PROGRAMS**

Arkansas Tech University utilizes evidenced-based strategic interventions, collaboration, innovation and the incorporation of the wellness dimensions to reduce harmful consequences of alcohol and other drug use. Drug and alcohol programming includes, but is not limited to:

- Providing education and awareness activities.
- Offering substance-free social, extracurricular, and public service options.
- Creating a health-promoting normative environment.
- Restricting the marketing and promotion of alcohol and other drugs.
- Limiting availability of alcohol and other drugs.
- Developing and enforcing campus policies and enforce laws to address high-risk and illegal alcohol and other drug use.
- Providing early intervention and referral for treatment.
- All new undergraduate students are required to complete AlcoholEdu® for College: Primary, an online education program.
- Administering and utilizing results from the Core Survey to determine problematic drinking behaviors specific to our campus to help inform programming and prevention efforts.

### **LOCAL TREATMENT FACILITIES**

Counseling services are provided on campus to students by calling (479) 968-0329 or by visiting the Health and Wellness Center located in the Doc Bryan Student Services Center, Suite 119. These services

are provided by licensed counselors, but do not include drug rehabilitation or detoxification services. Please see a counselor for more referral resources.

<b>Local Treatment Facilities</b>	
Oasis Renewal 14913 Cooper Orbit Rd Little Rock, AR 72223 (501) 376-2747 <a href="http://www.oasisrenewalcenter.com">www.oasisrenewalcenter.com</a>	Restored Life Services of Arkansas 3127 West 2 <sup>nd</sup> Court, Suite A Russellville, AR 72801 (479) 219-4100 <a href="http://www.restoredlifeservices.com">www.restoredlifeservices.com</a>
Recovery Health Systems 700 East Parkway Drive Russellville, AR 72801 (866) 921-0149 <a href="https://www.recoveryhealthsystems.com">https://www.recoveryhealthsystems.com</a>	Turning Point at Saint Mary's 1808 W Main Street Russellville, AR 72801 (479) 967-0701 <a href="http://www.saintmarysregional.com">www.saintmarysregional.com</a>
ARVAC Inc. Freedom House 400 Lake Front Drive Russellville, AR 72801 (479) 968-7086 <a href="http://www.arvacinc.org">http://www.arvacinc.org</a>	Alcoholics Anonymous <a href="http://www.arkansascentraloffice.org/">http://www.arkansascentraloffice.org/</a>
The Hope Center 201 South Rochester Avenue Russellville, AR 72801 (833) 399-4673 <a href="https://projecthoperc.com">https://projecthoperc.com</a>	Narcotics Anonymous <a href="http://www.arscna.org/">http://www.arscna.org/</a>

## **Policies, Procedures, and Programs Related to Dating Violence, Domestic Violence, Sexual Assault, and Stalking**

Consistent with applicable laws, the University prohibits dating violence, domestic violence, sexual assault, and stalking. The University's policy used to address complaints of this nature, as well as the procedures for filing, investigating, and resolving complaints, may be found at:

- Equal Opportunity, Harassment (Sexual Misconduct), and Nondiscrimination Policy and Procedures:  
[https://www.atu.edu/titleix/docs/Equal%20Opportunity\\_Harassment\\_Nondiscrimination%20Policy%20and%20Procedures\\_8.14.20.pdf](https://www.atu.edu/titleix/docs/Equal%20Opportunity_Harassment_Nondiscrimination%20Policy%20and%20Procedures_8.14.20.pdf)

The following sections of this report discuss the University's educational programs to promote the awareness of dating violence, domestic violence, sexual assault, and stalking; provides information concerning procedures students and employees should follow and the services available in the event they do become a victim of one of these offenses; and, advises students

and employees of the disciplinary procedures that will be followed after an allegation that one of these offenses has occurred.

**Primary Prevention and Awareness Program:**

The University conducts a Primary Prevention and Awareness Program (PPAP) for all incoming students and new employees. The PPAP advises campus community members that the University prohibits the offenses of dating violence, domestic violence, sexual assault, and stalking. They are also informed of the topics discussed below, including relevant definitions, risk reduction, and bystander intervention.

**Arkansas Crime Definitions:**

Crime Type (Arkansas Code)	Definitions
Dating Violence	The institution has determined, based on good-faith research, that Arkansas law does not define the term dating violence.
Domestic Violence	<p>The institution has determined, based on good-faith research, that Arkansas law does not define the term domestic violence.</p> <p>However, Arkansas does have various degrees of “domestic battering” that are defined in a manner that could be classified as “dating violence” and “domestic violence.” These domestic battering crimes are found at Ark. Code § 5-26-303 to 305 and generally involve a perpetrator causing some degree of physical injury to a family or household member. In this regard, Ark. Code § 5-26-302 uses the following definitions:</p> <ul style="list-style-type: none"> <li>• "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 casual relationship or ordinary fraternization between two (2) individuals in a business or social context.</li> <li>• "Family or household member" means: (A) A spouse; (B) A former spouse; (C) A parent; (D) A child, including any minor residing in the household; (E) Persons related by blood within the fourth degree of consanguinity....; (F) Persons who presently or in the past have resided or cohabited together; (G) Persons who have or have had a child in common; or (H) Persons who are presently or in the past have been in a dating relationship together.</li> </ul>
Stalking	Under Arkansas law, there are various degrees of stalking found at Ark. Code § 5-71-229. Generally, stalking involves a perpetrator knowingly engaging in a course

Crime Type (Arkansas Code)	Definitions
	<p>of conduct that would place a reasonable person in the victim’s position under emotional distress and in fear for his or her safety or a third person’s safety. As used in this statute, the following definitions apply:</p> <ul style="list-style-type: none"> <li>• "Course of conduct" means a pattern of conduct composed of two (2) or more acts, separated by at least thirty-six (36) hours, but occurring within one (1) year, including without limitation an act in which the actor directly, indirectly, or through a third party by any action, method, device, or means follows, monitors, observes, places under surveillance, threatens, or communicates to or about a person or interferes with a person's property. "Course of conduct" does not include constitutionally protected activity. If the defendant claims that he or she was engaged in a constitutionally protected activity, the court shall determine the validity of that claim as a matter of law and, if found valid, shall exclude that activity from evidence.</li> <li>• "Emotional distress" means significant mental suffering or distress. "Emotional distress" does not require that the victim sought or received medical or other professional treatment or counseling.</li> </ul>
Sexual Assault	<ul style="list-style-type: none"> <li>• Sexual assault in the first degree (Ark. Code § 5-14-124): A person commits sexual assault in the first degree if the person engages in sexual intercourse or deviate sexual activity with a minor who is not the actor’s spouse and the actor is a mandated reporter under Arkansas state law (including officials at institutions of higher education) and is in a position of trust or authority over the victim and uses the position of trust or authority to engage in sexual intercourse or deviate sexual activity.</li> <li>• Sexual assault in the second degree (Ark. Code § 5-14-125): A person commits sexual assault in the second degree if the person: <ul style="list-style-type: none"> <li>▪ Engages in sexual contact with another person by forcible compulsion.</li> <li>▪ Engages in sexual contact with another person who is incapable of consent because he or she is: (A) Physically helpless; (B) Mentally defective; or (C) Mentally incapacitated.</li> <li>▪ Being eighteen (18) years of age or older, engages in sexual contact with another person who is: (A) Less than fourteen (14) years of age; and (B) Not the person's spouse.</li> <li>▪ Engages in sexual contact with a minor and the actor is a mandated reporter under Arkansas state law (including officials at institutions</li> </ul> </li> </ul>

Crime Type (Arkansas Code)	Definitions
	<p>of higher education) and is in a position of trust or authority over the minor.</p> <ul style="list-style-type: none"> <li>• Sexual assault in the third degree (Ark. Code § 5-14-126): A person commits sexual assault in the third degree if the person engages in sexual intercourse or deviate sexual activity with another person who is not the actor’s spouse and the actor is a mandated reporter under Arkansas state law (including officials at institutions of higher education) or a member of the clergy and is in a position of trust or authority over the victim and uses the position of trust or authority to engage in sexual intercourse or deviate sexual activity.</li> <li>• Sexual assault in the fourth degree (Ark. Code § 5-14-127): A person commits sexual assault in the fourth degree if the person, being twenty (20) years of age or older: (A) Engages in sexual intercourse or deviate sexual activity with another person who is: (i) Less than sixteen (16) years of age; and (ii) Not the person's spouse; or (B) Engages in sexual contact with another person who is: (i) Less than sixteen (16) years of age; and (ii) Not the person's spouse.</li> </ul>
Rape, Fondling, Incest, Statutory Rape	<p>For purposes of the Clery Act, the term “sexual assault” includes the offenses of rape, fondling, incest, and statutory rape. These definitions under Arkansas law are as follows:</p> <ul style="list-style-type: none"> <li>• Rape (Ark. Code § 5-14-103): A person commits rape if he or she engages in sexual intercourse or deviate sexual activity with another person: <ul style="list-style-type: none"> <li>▪ By forcible compulsion.</li> <li>▪ Who is incapable of consent because he or she is: (A) Physically helpless; (B) Mentally defective; or (C) Mentally incapacitated.</li> <li>▪ Who is less than fourteen (14) years of age.</li> <li>▪ Who is a minor and the actor is the victim’s: (i) Guardian; (ii) Uncle, aunt, grandparent, step-grandparent, or grandparent by adoption; (iii) Brother or sister of the whole or half blood or by adoption; or (iv) Nephew, niece, or first cousin.</li> </ul> </li> <li>• Fondling: The institution has determined, based on good-faith research, that Arkansas law does not define the term fondling.</li> <li>• Incest (Ark. Code § 5-26-202 ): A person commits incest if the person, being sixteen (16) years of age or older, purports to marry, has sexual intercourse with, or engages in deviate sexual activity with another person sixteen (16)</li> </ul>

Crime Type (Arkansas Code)	Definitions
	<p>years of age or older whom the actor knows to be: (1) An ancestor or a descendant; (2) A stepchild or adopted child; (3) A brother or sister of the whole or half-blood; (4) An uncle, aunt, nephew, or niece; or (5) A step grandchild or adopted grandchild.</p> <ul style="list-style-type: none"> <li>• Statutory Rape: The institution has determined, based on good-faith research, that Arkansas law does not define the term statutory rape.</li> </ul>
Other “sexual assault” crimes	<p>Other crimes under Arkansas law that may be classified as a “sexual assault” include the following:</p> <ul style="list-style-type: none"> <li>• Sexual indecency with a child (Ark. Code § 5-14-110): A person commits sexual indecency with a child if: <ul style="list-style-type: none"> <li>▪ Being eighteen (18) years of age or older, the person solicits another person who is less than fifteen (15) years of age or who is represented to be less than fifteen (15) years of age to engage in: (A) Sexual intercourse; (B) Deviate sexual activity; or (C) Sexual contact.</li> <li>▪ With the purpose to arouse or gratify a sexual desire of himself or herself or a sexual desire of another person, the person purposely exposes his or her sex organs to another person who is less than fifteen (15) years of age.</li> <li>▪ Being eighteen (18) years of age or older, the person causes or coerces another person who is less than fourteen (14) years of age to expose his or her sex organs or the breast of a female with the purpose to arouse or gratify a sexual desire of the actor or another person.</li> </ul> </li> </ul>
Consent (as it relates to sexual activity)	<p>The State of Arkansas defines consent as follows: There is a lack of consent if a person engages in a sexual act with another person by forcible compulsion or with a person who is incapable of consent because he or she is physically helpless, mentally defective or mentally incapacitated, or because of a victim’s age. Arkansas Code §§ 5-14-103; 5-14-125.</p>

### University Definition of Consent

The University uses the following definition of consent in its Equal Opportunity, Harassment (Sexual Misconduct), and Nondiscrimination Policy and Procedures for the purpose of determining whether sexual violence (including sexual assault) has occurred:

The State of Arkansas defines consent as follows: There is a lack of consent if a person engages in a sexual act with another person by forcible compulsion or with a person who is incapable of consent because he or she is physically helpless, mentally defective or mentally incapacitated, or because of a victim's age. Arkansas Code §§ 5-14-103; 5-14-125.

- “Mentally defective” means that a person suffers from a mental disease or defect that renders the person:
  - incapable of understanding the nature and consequences of a sexual act; or
  - unaware a sexual act is occurring.
  - Note: a determination that a person is mentally defective shall not be based solely on the person's IQ. Arkansas Code §§ 5-14-101(4).
- “Mentally incapacitated” means that a person is temporarily incapable of appreciating or controlling the person's conduct as a result of the influence of a controlled or intoxicating substance:
  - administered to the person without the person's consent; or
  - that renders the person unaware a sexual act is occurring. Arkansas Code §§ 5-14-101(5).
- “Physically helpless” means that a person is:
  - unconscious;
  - physically unable to communicate a lack of consent; or
  - rendered unaware that a sexual act is occurring. Arkansas Code §§ 5-14-101(7)
  - A nursing home patient was unable to communicate lack of consent and, thus, was “physically helpless” within meaning of statute for attempted rape purposes; victim was blind, unable to speak, and confined to bed or wheelchair, and victim could only grunt, raise her hand, and shake her head from side to side to communicate. *Dabney v. State*, 1996, 930 S.W.2d 360, 326 Ark. 382.
- Note: When criminality of conduct depends on a victim's being incapable of consent because he or she is mentally defective or mentally incapacitated, it is an affirmative defense that the actor reasonably believed that the victim was capable of consent. Arkansas Code §§ 5-14-102(e)

The existence of forcible compulsion in a rape case does not depend on the quantum of force that is applied but rather on whether the act is consummated against the victim's will. *Hillman v. State*, 569 S.W.3d 372 (Arkansas 2019), which is applicable to criminal prosecutions for sex offenses in Arkansas but may differ from the definition used on campus to address policy violations.

**Force:** Force is the use of physical violence and/or physical imposition to gain sexual access. Force also includes threats, intimidation (implied threats), and coercion that is intended to overcome resistance or produce consent (e.g., “Have sex with me or I'll hit you,” “Okay, don't hit me, I'll do what you want.”).

Sexual activity that is forced is, by definition, non-consensual, but non-consensual sexual activity is not necessarily forced. Silence or the absence of resistance alone is not consent.

Consent is not demonstrated by the absence of resistance. While resistance is not required or necessary, it is a clear demonstration of non-consent.

**Coercion:** Coercion is unreasonable pressure for sexual activity. Coercive conduct differs from seductive conduct based on factors such as the type and/or extent of the pressure used to obtain consent. When someone makes clear that they do not want to engage in certain sexual activity, 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.

**Consent is:**

- knowing, and
- voluntary, and
- clear permission
- by word or action
- to engage in sexual activity.

Individuals may experience the same interaction in different ways. It is the responsibility of each party to determine that the other has consented before engaging in the activity.

If consent is not clearly provided prior to engaging in the activity, consent may be ratified by word or action at some point during the interaction or thereafter, but clear communication from the outset is strongly encouraged.

For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct. Reasonable reciprocation can be implied. For example, if someone kisses you, you can kiss them back (if you want to) without the need to explicitly obtain their consent to being kissed back.

Consent can also be withdrawn once given, as long as the withdrawal is reasonably and clearly communicated. If consent is withdrawn, that sexual activity should cease within a reasonable time.

Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). A current or previous intimate relationship is not sufficient to constitute consent.

The existence of consent is based on the totality of the circumstances evaluated from the perspective of a reasonable person in the same or similar circumstances, including the context in which the alleged incident occurred.

**Incapacitation:** A person cannot consent if they are unable to understand what is happening or is disoriented, helpless, asleep, or unconscious, for any reason, including by alcohol or other drugs. As stated above, a Respondent violates this Policy if they engage in sexual activity with someone who is incapable of giving consent.

It is a defense to a sexual assault policy violation that the Respondent neither knew nor should have known the Complainant to be physically or mentally incapacitated. "Should have known"

is an objective, reasonable person standard that assumes that a reasonable person is both sober and exercising sound judgment.

Incapacitation occurs when someone cannot make rational, reasonable decisions because they lack the capacity to give knowing/informed consent (e.g., to understand the “who, what, when, where, why, or how” of their sexual interaction).

Incapacitation is determined through consideration of all relevant indicators of an individual’s state and is not synonymous with intoxication, impairment, blackout, and/or being drunk.

This Policy also covers a person whose incapacity results from a temporary or permanent physical or mental health condition, involuntary physical restraint, and/or the consumption of incapacitating drugs.

### **Risk Reduction**

We all have a part to play in the fight against sexual and relationship violence. The following are some things to keep in mind as you interact with peers or sexual/romantic partners.

- Always ask first. Listen for your partner’s response, and take both verbal and nonverbal signs of reluctance or refusal seriously. If the response is not clear, ask again. Mixed messages from your partner are a clear indication that you should stop and talk about it. You have a responsibility to respect his or her timeline for sexual activities with which they are comfortable.
- Respect the wishes of the person you are interacting with. Even if the person you are with initially gives permission, consent can be withdrawn at any time.
- Remember that prior sexual activity does not equal future consent. Consent must be obtained during every encounter and for every sexual act.
- Realize that drugs and alcohol are no excuse to have sex. Alcohol and other drugs impair judgment and communication, making it difficult to obtain consent. Additionally, it is against the law to engage in sexual activity with someone who is incapacitated or incapable of saying “no.”
- Trust your instincts. If you are uncomfortable or sense that you are in danger, leave as soon as you are able. In an emergency, you should always call 911.
- Be a role model and engage respectfully with others in the Arkansas Tech University community. Set high standards for your friend group and the larger University community, and model the conduct you expect from others.
- Be a leader. If you see concerning behavior, don’t be afraid to intervene if it is safe to do so, and don’t be afraid to contact Public Safety to assist. Speak out against harmful stereotypes and behaviors in conversations with peers and offer help to community members who may need it.
- Some students have a more difficult time reading social cues than others. If you are one of these people, it might be important that you rely less on non-verbal cues and practice good communication with your peer or sexual/romantic partner. If you think

that you need to improve your communication skills, consider getting connected with Counseling and Disability Services.

### **Love Shouldn't Hurt**

If you or someone you know are experiencing relationship or sexual violence, help is available through campus and community resources listed in this report.

Some red flags of abuse include:

- Controlling behavior
- Excessive or threatening contact through text messages, telephone calls, or other forms of communication
- Obsessive jealousy
- Physical violence such as hitting, slapping, punching, kicking, etc.
- Put downs and name-calling
- Sexual pressure
- Isolating their partner from friends and/or family
- Threatening to leave or take their own life

Some warning signs someone is being abused include:

- Making excuses for a partner's bad behavior
- Making excuses for injuries
- Fear of a dating partner
- Isolation from friends and/or family
- Skipping out on class, work, or social gatherings for no clear reason
- Noticeable changes in eating or sleeping patterns
- Alcohol and/or other drug abuse
- Loss of self-confidence
- Constantly checking in with their partner
- Depression and/or anxiety
- Drastic personality changes

### **Bystander Intervention**

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. Arkansas Tech University promotes a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. You may not always know what to do even if you want to help. Below is a list of some ways to be an active bystander. In addition to reporting incidents to appropriate authorities, below are some ways in which individuals can take safe and positive steps to prevent harm and intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking against another person.

- If you or someone else is in immediate danger, dial 911. This could be when a person is yelling at or being physically abusive towards another and it is not safe for you to interrupt.
- Watch out for your friends and fellow students/employees. If you see someone who looks like they could be in trouble or need help, ask if they are ok.
- Confront people who seclude, hit on, and try to make out with, or have sex with people who are incapacitated.
- Speak up when someone discusses plans to take sexual advantage of another person.
- Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.
- Refer people to on or off campus resources listed in this document for support in health, counseling, or with legal assistance.

Further information regarding bystander intervention may be found at [www.atu.edu/jerrycares/bystander.php](http://www.atu.edu/jerrycares/bystander.php)

### **Other Information Covered by the PPAP**

The PPAP also provides information on possible sanctions and protective measures that may be imposed following a determination that an offense of dating violence, domestic violence, sexual assault, or stalking has occurred, an explanation of the disciplinary procedures that will be followed when one of these offenses is alleged, the rights of the parties in such a proceeding, available resources, and other pertinent information. Much of this information is set forth in the upcoming sections of this report.

### **Ongoing Prevention and Awareness Campaign:**

The University also conducts an Ongoing Prevention and Awareness Campaign (OPAC) aimed at all students and employees. This campaign covers the same material as provided in the PPAP, but is intended to increase the understanding of students and employees on these topics and to improve their skills for addressing the offenses of dating violence, domestic violence, sexual assault, and stalking.

### **PPAP and OPAC Programming Methods:**

#### **Educational Programming and Training for Sexual Misconduct**

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.

Arkansas Tech University requires educational programs to promote the awareness of rape, acquaintance rape, domestic violence, dating violence, sexual assault and stalking. These educational programs include primary prevention and ongoing awareness programs for all incoming students and new employees which shall include:

- The statement that the University prohibits domestic violence, dating violence, sexual assault, and stalking;
- The jurisdictional definitions of domestic violence, dating violence, sexual assault, and stalking as well as the definition of “consent” in reference to sexual activity;
- Safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene in cases of a risk of domestic violence, dating violence, sexual assault, or stalking;
- Information on risk reduction and how to recognize warning signs of abusive behavior and how to avoid potential attacks;
- Ongoing prevention and awareness campaigns for students and faculty on all of the items above; and

Information regarding:

- Procedures victims should follow if a crime of domestic violence, dating violence, sexual assault, or stalking occurs.
- How the University will protect the confidentiality of victims and other necessary parties;
- Existing counseling, health, mental health, victim advocacy, visa and immigration assistance, student financial aid, and other services available for victims, both within the University and in the community; and
- Options for supportive measures, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures;
- Procedures for institutional disciplinary action in cases where there is a finding of dating violence, domestic violence, sexual assault, or stalking.

Educational programming and training is provided to faculty, staff, and students in an effort to create a University community free of sexual harassment, sexual assault (non-consensual sexual contact or intercourse), domestic violence, dating violence, stalking, and sexual exploitation or any other type of sexual misconduct.

The Jerry Cares campaign promotes shared responsibility by all members of the University community in an effort to reduce the risk of sexual violence and to equip members with the tools, training, and resources necessary to take action in stopping sexual misconduct. This includes prevention programs and educational training in risk reduction and bystander intervention, equipping members of the University community to play a role in preventing and interrupting incidents of sexual misconduct. Training on campus resources and step-by-step procedures on how to report incidents of sexual misconduct are also provided. For more detailed information, please visit the Jerry Cares website at <http://www.atu.edu/jerrycares/>.

Training for all personnel conducting investigations and administering student conduct policies is conducted annually.

**2021 PAPP and OPAC Programs:**

<b>Program Name</b>	<b>Purpose</b>	<b>Date or Time of Year</b>	<b>Target Audience</b>
Jerry Cares Campaign	Website with resources for hazing, alcohol, drug abuse, sexual misconduct, and dangerous situations	<a href="http://www.atu.edu/jerrycares">www.atu.edu/jerrycares</a> is available year round	Students, faculty, staff, and visitors
Out of the Darkness Walk	Suicide prevention walk to raise awareness for mental health and suicide	Virtual	Students, faculty, and staff
Self Defense Course	Self Defense course teaching how to defend against sexual assault and other crimes	March 15, August 12, September 14	Students
Walk a Mile in Her Shoes	Program designed to raise awareness for sexual assault, rape, dating violence, domestic violence and the prevention of these incidents	March 8	Students, faculty, and staff
Sexual Assault Prevention Online Course (Everfi)	Online course to raise awareness of sexual misconduct	Offered throughout the year	Students, faculty, and staff

**Specific 2021 presentations on Title IX:**

<b>Program Name</b>	<b>Purpose</b>	<b>Date or Time of Year</b>	<b>Target Audience</b>
Graduate Assistant Training	Training of Graduate Assistants on Title IX	July 15	Graduate Students
Residence Assistant and Resident Director Training	Training of Residence Life	January 6, July 28, August 6, August 11	Resident Assistants and Resident Directors

	Student Employees on Title IX		
New Employee Orientation	Training of New Employees on Title IX	March 31, July 28, October 6, December 8	Employees
New Student Orientation	Presentation to the new student group on Title IX program	January 8, August 16	Students
All-Athlete Student Meeting	Presentation to Student Athletes on Title IX	August 9	Students and Athletic Staff
Department of Public Safety Training	Training of Public Safety Staff on processes for Title IX	December 20-21	Public Safety Officers
Title IX Campus Wide Presentations	Presentations to the entire campus on a Title IX topic to increase awareness	January 20, February 4, March 18, April (presentations weekly), August 19	Students, Faculty, and Staff
Sexual Misconduct Hearing Board Training	Training of hearing board for Sexual Misconduct cases	March 4, August 16-17, November 4	Employees
Active Bystander Training	Presentation on Bystander Intervention	August 24, October 21, 22, & 29	Students, staff, and faculty
Title IX Tabling Event	Informational booth for providing Title IX information and raising awareness	April (weekly tabling), August 16, 18, & 23, November 3 & 11	Students, staff, and faculty

**Procedures to follow if you are a victim of Dating Violence, Domestic Violence, Sexual Assault, or Stalking:**

The University strongly encourages reporting of any form of gender-based discrimination or harassment, including sexual assault, domestic violence, dating violence, and stalking

## **Report Online**

Victims can report online at the following link:

[https://cm.maxient.com/reportingform.php?ArkansasTechUniv&layout\\_id=2](https://cm.maxient.com/reportingform.php?ArkansasTechUniv&layout_id=2).

Anonymous reports are accepted via this reporting mechanism but can give rise to a need to investigate. The University tries to provide supportive measures to all Complainants, which is impossible with an anonymous report. Reporting carries no obligation to initiate a formal response. The University respects Complainant requests to dismiss complaints unless there is a compelling threat to health and/or safety. Anonymous reports may be used for Clery Act data collection purposes.

## **Report to a University Employee**

Written complaints or notice of alleged violations of the Equal Opportunity, Harassment (Sexual Misconduct), and Nondiscrimination Policy and Procedures, may be made to the following employees, which triggers the obligation for the University to respond:

### **Amy N. Pennington**

Associate Vice President/Dean of Students and Title IX Coordinator  
Student Affairs

[Focus – Gender discrimination, including sexual misconduct]

Doc Bryan Student Services Center, Suite 233  
1605 Coliseum Drive  
Russellville, AR 72801  
(479) 968-0407

[apennington@atu.edu](mailto:apennington@atu.edu)

### **Melissa Riffle**

Director of Human Resources, AA/EEO Officer/Deputy Title IX Coordinator  
Human Resources

[Focus – All types of protected class discrimination]

715 North El Paso Avenue  
(479) 968-0396

[mriffle@atu.edu](mailto:mriffle@atu.edu)

### **Mitzi Reano**

Project/Program Specialist and Deputy Title IX Coordinator-Ozark Campus  
Human Resources

[Focus – All types of protected class discrimination]

Technology and Academic Support Building, Room 154  
(479) 667-2117 ext. 6532

[mreano@atu.edu](mailto:mreano@atu.edu)

**Stacy Galbo**

Assistant Dean for Student Conduct / Deputy Title IX Coordinator / Investigator  
Title IX Office

[Focus – Gender discrimination, including sexual misconduct]

Doc Bryan Student Services Center, Suite 233

(479) 964-0583 ext. 4714

[sgalbo2@atu.edu](mailto:sgalbo2@atu.edu)

**Ashlee Leavell**

Assistant Dean for Student Wellness and Deputy Title IX Coordinator  
Disability and Testing Services

[Focus – Discrimination based upon pregnancy]

Doc Bryan Student Services Center, Suite 141

(479) 968-0302

[sleavell8@atu.edu](mailto:sleavell8@atu.edu)

In addition to the Title IX team members listed above, the following Officials with Authority listed below may also accept notice or written complaints on behalf of ATU:

**Kristy Davis**

Associate Dean for Student Wellness and ADA/504 Coordinator  
Health and Wellness Center

[Focus-Discrimination and/or harassment based upon disability]

Doc Bryan Student Services Center, Suite 119

(479) 968-0329

[kdavis51@atu.edu](mailto:kdavis51@atu.edu)

**Will Cooper**

Associate Dean for Student Conduct  
Student Conduct

Doc Bryan Student Services Center, Suite 233

(479) 968-0334

[wcooper@atu.edu](mailto:wcooper@atu.edu)

**William Titsworth**

Assistant Dean for Student Conduct/Lead Investigator  
Student Conduct and Title IX Office

Doc Bryan Student Services Center, Suite 233

(479) 498-6083

[wtitsworth@atu.edu](mailto:wtitsworth@atu.edu)

These employees typically work Monday-Friday from 8:00 am until 5:00 pm. Reports may be made (including leaving messages during non-business hours) by using the telephone number

or email address, or by mail to the office address, listed for the Title IX Coordinator or any other official listed. In case of emergency or for immediate assistance, please dial 911.

### **RESPONSIBLE EMPLOYEES**

The University has also classified many employees as Responsible Employees. These employees are mandated to share any report or knowledge they have that a member of the University community is experiencing harassment, discrimination, and/or retaliation with the Title IX Coordinator. Responsible Employees include the following:

- President
- Chancellor
- Vice Presidents
- Chief Officers
- Associate Vice Presidents
- Assistant Vice Presidents
- Academic Dean
- Academic Department Heads and Program Chairs
- Dean of Students
- Associate Deans
- Assistant Deans
- Area Coordinators
- Athletic Director
- Head Coaches
- Assistant Coaches
- Faculty Advisors for Student Groups
- Employees in the Department of Public Safety

### **Report to Law Enforcement**

#### **Arkansas Tech University Public Safety: Ozark Campus**

1700 Helberg Lane  
Ozark, AR 72949  
911 or (479) 508-3349

#### **Off-Campus**

##### **Ozark Police Department**

2914 West Commercial Street  
Ozark, AR 72949  
911 or (479) 667-2233

To make a police report, a victim should contact the local police agency listed above either by phone or in-person. The victim should provide as much information as possible, including name, address, and when and what occurred, to the best of the victim's ability.

Victims will be notified in writing of the procedures to follow, including:

1. To whom and how the alleged offense should be reported (contact the Title IX Coordinator or refer to the other resources listed in this report).
2. The importance of preserving evidence that may be necessary to prove the offense in a criminal proceeding or disciplinary action or to obtain a protective order.
3. The victim's options regarding notification to law enforcement, which are: (a) the option to notify either on-campus or local police; (b) the option to be assisted by campus security authorities in notifying law enforcement if the victim so chooses (the institution is obligated to comply with such a request if it is made); and (c) the option to decline to notify such authorities.

Where applicable, the rights of victims and the institution's responsibilities regarding orders of protection, no-contact orders, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court.

### **Medical Assistance**

Medical assistance can be obtained by dialing 911 or going directly to the hospital. Emergency Room staff at St. Mary's Regional Medical Center in Russellville and Mercy Hospital in Ozark are equipped with the supplies necessary to collect and preserve forensic evidence (sometimes called a "rape kit"). They are also able to treat any possible injuries, provide preventative treatment for sexually transmitted infections, and offer other health services.

If you have experienced a form of harassment (sexual misconduct) such as sexual assault, please consider your options. Even if you do not believe you have urgent medical needs, it is crucial that you obtain medical attention as soon as possible after experiencing a sexual assault or other forms of harassment (sexual misconduct) to determine the possibilities of physical injury and to prevent or treat sexually transmitted infections. You deserve immediate care, and you have both on- and off-campus resources available to you.

If you have questions about your medical options, you can discuss them with the following resources:

- Title IX staff at Arkansas Tech University
- Counselors or nurses in the Arkansas Tech University Health and Wellness Center: 479-968-0329 (8 a.m.-5 p.m. Monday-Friday)
- Ozark Rape Crisis Center: 800-818-1189 (24-hour hotline)
- Sexual Assault Crisis Response of Central Arkansas: 866-358-2265 (24-hour hotline)

### *On-Campus Medical Care*

The Health and Wellness Center at Arkansas Tech University can help survivors of sexual misconduct sort through their feelings and begin the recovery process. The professionals at Counseling Services are trained to provide crisis intervention on short term and emergency issues. Counseling Services can also provide referral services for outside providers, law enforcement, and Title IX. Staff in the Health and Wellness Center can provide:

- Counseling services (free for all students);
- Sexually transmitted infection testing and treatment; and
- Women's health services.

### **Preservation of Evidence & Forensic Examinations**

Preservation of evidence in incidents of sexual assault is critical to potential criminal prosecution and to obtaining restraining orders, and particularly time sensitive. Complainants should consider preserving evidence by taking the following actions:

1. Seek forensic medical assistance at a local hospital, ideally within 96 hours of the incident (sooner is better), and this exam is paid for by the State of Arkansas.
2. Avoid showering, bathing, washing hands or face, or douching, if possible, but evidence may still be collected even if you do.
3. Try not to urinate.
4. If oral sexual contact took place, refrain from smoking, eating, drinking, or brushing teeth.
5. If clothes are changed, place soiled clothes in a paper bag (plastic destroys evidence).
6. Seeking medical treatment can be essential even if it is not for the purposes of collecting forensic evidence.

**Remember:** You have up to 96 hours after the assault to have potential evidence collected. Just because you have evidence collected does not mean that you are required to pursue criminal charges or a Title IX complaint. Preservation of evidence does, however, keep the option open for you while you make your decision. [Click here for more information about medical assistance.](#)

Victims are also advised to retain evidence in electronic formats (e.g., text messages, emails, photos, social media posts, screenshots, etc.). Such evidence is valuable in all situations, and it may be the only type of evidence available in instances of stalking.

### **Confidential Support**

Whether you decide to report or not, ATU wants to ensure that you are supported. We urge you to speak about what happened with someone you trust who can support you emotionally and help you develop a plan. This person could be a friend, family member, pastor, mentor,

advocate from the Ozark Rape Crisis Center, counselor in the Health and Wellness Center, the Title IX Coordinator, or someone else who will be able to support you during this time.

Confidential counseling services are available through the Arkansas Tech University Health and Wellness Center in the Doc Bryan Student Services Center, Suite 119. To schedule an appointment or for more information, please contact the Health and Wellness Center at (479) 968-0329. The following licensed counselors offer confidential counseling for students at Arkansas Tech:

Kristy Davis, [kdavis51@atu.edu](mailto:kdavis51@atu.edu)

Craig Witcher, [cwitcher@atu.edu](mailto:cwitcher@atu.edu)

Janis Taylor, [jtaylor78@atu.edu](mailto:jtaylor78@atu.edu)

Josh Root, [jroot4@atu.edu](mailto:jroot4@atu.edu)

Leann Watson, [lwatson12@atu.edu](mailto:lwatson12@atu.edu)

### **Information about Legal Protection Orders**

The University complies with Arkansas law in recognizing orders of protection. Any person who obtains an order of protection from Arkansas should provide a copy to the Department of Public Safety and the Title IX Coordinator. A complainant may then meet with the Department of Public Safety and University administrators to develop a safety plan, which is a plan for the victim to reduce risk of harm while on campus or coming and going from campus. This plan may include, but is not limited to: escorts, special parking arrangements, changing classroom location, or allowing a student to complete assignments from home, etc. The University may issue a no contact directive if deemed appropriate or at the request of the victim or accused. If it receives a report that a no contact order has been violated, the University will initiate disciplinary proceedings appropriate to the status of the accused (student, employee, etc.) and will impose sanctions if the accused is found responsible for violating the no contact directive.

The University cannot apply for a legal order of protection, no contact order, or restraining order for a victim from the applicable jurisdiction(s). The victim is required to apply directly for these services in conjunction with an official police report. Protection orders may be available through the Fifth Judicial District Court of Arkansas. The complainant is required to apply directly for these services and/or protection orders at the following locations.

- **Franklin County Prosecuting Attorney:**  
118 South 2<sup>nd</sup> Street, Ozark, AR 72949  
Phone: (479) 667-0544  
Fax: (479) 967-1086  
Services Provided: Victim Assistance, Orders of Protection
- **Ozark City Attorney:**  
111 East Walnut Street, Paris, AR 72853  
Phone: (479) 963-3996  
Fax: (479) 963-2209

Services Provided: Restraining Orders, Warrants

**Available Victim Services:**

Victims will be provided written notification about existing counseling, health, mental health, victim advocacy, visa and immigration assistance, student financial aid, and other services available to them, both within the University and in the surrounding community. Those services include:

*University Resources (On Campus Assistance):*

On Campus	Type of Services Available	Service Provider	Contact Information
Counseling and Mental Health Office Hours: 8 a.m. to 5 p.m.	Counseling services and crisis response	<a href="http://www.atu.edu/studentwellness">www.atu.edu/studentwellness</a>	(479) 968-0329; After hours contact Public Safety at (479) 968-0222
Title IX Office	Investigates allegations and provides information and resources	<a href="https://www.atu.edu/titleix/">https://www.atu.edu/titleix/</a>	(479) 508-3307
Health and Wellness Center Office Hours: 8 a.m. to 5 p.m.	Services including exams, testing, preventative medications	<a href="http://www.atu.edu/studentwellness">www.atu.edu/studentwellness</a>	(479) 968-0329
Associate Dean for Student Conduct	Conduct proceedings	<a href="http://www.atu.edu/studentconduct">www.atu.edu/studentconduct</a>	(479) 508-3310

Academic Advising	Academic needs	<a href="http://www.atu.edu/advising">www.atu.edu/advising</a>	(479) 667-2117
Public Safety	Safety needs or making a police report	<a href="http://www.atu.edu/psafe">www.atu.edu/psafe</a>	(479) 508-3359
Student Accounts	Student financial needs	<a href="http://www.atu.edu/studentaccounts">www.atu.edu/studentaccounts</a>	(479) 667-2117
International and Multicultural Student Services	International student assistance	<a href="http://www.atu.edu/imsso/">www.atu.edu/imsso/</a>	(479) 964-0832

*State/Local Resources (Off-campus assistance):*

Off Campus	Type of Services Available	Service Provider	Contact Information
Counseling Associates	Mental health and counseling services	Counseling Associates	(479) 968-1298
Mercy Hospital	Health services	Mercy Hospital	(479) 667-4138
County Prosecutor	Victim advocacy and legal services	Franklin County Prosecutor's Office	(479) 667-0544
Choices Pregnancy Center	Pregnancy and STD testing	Choices Pregnancy Center	(479) 967-2255

Ozark Rape Crisis Center	Sexual assault resource center	Ozark Rape Crises Center	(479) 754-6869
River Valley Shelter	Women’s shelter	River Valley Shelter	(479) 968-3310
Department of Homeland Security	Visa / Immigration assistance	Federal Government	1-800-375-5283

*National Resources:*

- National Domestic Violence Hotline: 1-800-799-7233
- National Sexual Assault Hotline: 1-800-656-4673
- Rape, Abuse, and Incest National Network (RAINN): <https://www.rainn.org/>
- US Department of Justice Office on Violence Against Women: <https://www.justice.gov/ovw>
- National Coalition Against Domestic Violence: <http://www.ncadv.org/>
- National Sexual Violence Resource Center: <http://www.nsvrc.org/>
- U.S. Citizenship and Immigration Services: <https://www.uscis.gov/>
- Immigration Advocates Network: <https://www.immigrationadvocates.org/>

**Accommodations and Protective Measures:**

The University will offer supportive measures to the parties upon notice of alleged harassment, discrimination, and/or retaliation.

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the parties to attempt to restore or preserve access to Arkansas Tech University’s education program or activity, including measures designed to protect the safety of all parties or Arkansas Tech University’s educational environment as well as deter harassment, discrimination, or retaliation.

The Title IX Coordinator will make supportive measures available to the parties upon receiving notice or a complaint. At the time that supportive measures are offered, Arkansas Tech

University will inform the Complainant, in writing, that they may file a formal complaint with Arkansas Tech University either at that time or in the future, if they have not done so already. The Title IX Coordinator will work with the Complainant to ensure that their wishes are taken into account with respect to the supportive measures that are planned and implemented.

Arkansas Tech University will strive for as minimal an academic/occupational impact on the parties as possible. Arkansas Tech University will implement measures in a way that does not unreasonably burden the other party.

These actions may include, but are not limited to:

- Referral to counseling, medical, and/or other healthcare services
- Referral to community-based service providers
- Visa and immigration assistance
- Student financial aid counseling
- Education to the institutional community or community subgroup(s)
- Altering campus housing assignment(s)
- Altering work arrangements for employees or student-employees
- Safety planning
- Providing campus safety escorts
- Providing transportation accommodations
- Implementing contact limitations (no contact directives) between the parties
- Academic support, extensions of deadlines, or other course/program-related adjustments
- Campus ban letters
- Timely warnings
- Class schedule modifications, withdrawals, or leaves of absence
- Increased security and monitoring of certain areas of the campus
- Any other actions deemed appropriate by the Title IX Coordinator or the AA/EEO Officer

Violations of no contact directives will be referred to appropriate student or employee conduct processes for enforcement.

The complainant will receive written notification of the availability of the supportive measures whether or not the complainant chooses to report the incident to the Department of Public Safety or local law enforcement.

When determining the reasonableness of such a request, the University may consider, among other factors, the following:

- The specific need expressed by the complainant;
- The age of the students involved;
- The severity or pervasiveness of the allegations;
- Any continuing effects on the complainant;
- Whether the complainant and alleged perpetrator share the same class or job location;

- Whether other judicial measures have been taken to protect the complainant (e.g., civil protection orders);

The University will maintain as confidential any supportive or protective measures provided to complainant to the extent that maintaining confidentiality would not impair the University's ability to provide them. However, there may be times when certain information must be disclosed to a third party in order to implement the accommodation or protective measure. Such decisions will be made by the University in light of the surrounding circumstances, and disclosures of this nature will be limited so that only the information necessary to implement the accommodation or protective measure is provided. In the event it is necessary to disclose information about a complainant in order to provide an accommodation or protective order, the University will inform the victim of that necessity prior to the disclosure, including which information will be shared, with whom it will be shared and why.

### **Procedures for Disciplinary Action:**

Title IX Investigators will be responsible for conducting the prompt, fair, and impartial investigation of complaints filed with the University. These procedures apply to all students, faculty, and staff of the University.

#### *Filing a Formal Complaint:*

If you have been the victim of domestic violence, dating violence, sexual assault, or stalking, and do not wish to file a criminal report you should report the incident promptly to the Title IX Coordinator. All reports of domestic violence, dating violence, sexual assault, and stalking made to Public Safety will automatically be referred to the Title IX Coordinator for investigation regardless if the complainant chooses to pursue criminal charges.

Complaints or notice of alleged violations may be made to the following employees, which triggers the obligation for ATU to respond:

File a written complaint with:

#### **Mitzi Reano**

Project/Program Specialist and Deputy Title IX Coordinator/Investigator  
Human Resources  
[Focus-All types of protected class discrimination]  
Technology and Academic Support Building, Room 154  
Ozark, AR 72949 479-667-2117 ext. 6532  
[mreano@atu.edu](mailto:mreano@atu.edu)

#### **Amy Pennington**

AVP/Dean of Students and Title IX Coordinator  
Student Affairs  
[Focus-Gender discrimination, including sexual misconduct]

Doc Bryan Student Service Center, Suite 233  
Russellville, AR 72801  
479-968-0407  
[apennington@atu.edu](mailto:apennington@atu.edu)

You may also contact any of the individuals below:

**Melissa Riffle**

Director of Human Resources and AA/EEO Officer/Deputy Title IX Coordinator  
Human Resources  
[Focus – All types of protected class discrimination]  
Human Resources, 715 North El Paso Avenue  
Russellville, AR 72801  
479-968-0396  
[mriffle@atu.edu](mailto:mriffle@atu.edu)

**Stacy Galbo**

Deputy Title IX Coordinator for Educational Outreach and Training/Investigator  
Title IX Office  
[Focus-Gender discrimination, including sexual misconduct]  
Doc Bryan Student Services Center, Suite 233  
Russellville, AR 72801  
479-964-0583 ext. 4714  
[sgalbo2@atu.edu](mailto:sgalbo2@atu.edu)

**Ashlee Leavell**

Assistant Dean for Student Wellness and Deputy Title IX Coordinator  
[Focus-Discrimination based upon pregnancy]  
Disability and Testing Services  
Doc Bryan Student Services Center, Suite 141  
Russellville, AR 72801  
479-968-0302  
[sleavell8@atu.edu](mailto:sleavell8@atu.edu)

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

In addition to the Title IX Team members listed above, the following Officials with Authority listed below may also accept notice or complaints on behalf of Arkansas Tech University:

**Kristy Davis**

Associate Dean for Student Wellness and ADA/504 Coordinator  
[Focus-Discrimination and/or harassment based upon disability]  
Health and Wellness Center Doc Bryan Student Services Center, Suite 119  
Russellville, AR 72801  
479-968-0329  
[kdavis51@atu.edu](mailto:kdavis51@atu.edu)

**Will Cooper**

Associate Dean for Student Conduct Student Conduct  
Doc Bryan Student Services Center, Suite 233  
Russellville, AR 72801  
479-968-0334  
[wcooper@atu.edu](mailto:wcooper@atu.edu)

**William Titsworth**

Assistant Dean for Student Conduct/Lead Investigator Student Conduct and Title IX Office  
Doc Bryan Student Services Center, Suite 233  
Russellville, AR 72801  
479-498-6083  
[wtitsworth@atu.edu](mailto:wtitsworth@atu.edu)

**Josh McMillian**

Associate Dean for Public Safety/Chief of Public Safety  
716 North El Paso Avenue  
Russellville, AR 72801  
479-968-0222  
[jmcmillian1@atu.edu](mailto:jmcmillian1@atu.edu)

These employees typically work Monday-Friday from 8:00 am until 5:00 pm. Reports may be made (including leaving messages during non-business hours) by using the telephone number or email address, or by mail to the office address, listed for the Title IX Coordinator or any other official listed. In case of emergency or for immediate assistance, please dial 911.

The University has also classified many employees as Responsible Employees. These employees are mandated to share any report or knowledge they have that a member of the ATU community is experiencing harassment, discrimination, and/or retaliation with the Title IX Coordinator.

Report online, using the reporting form posted at

[https://cm.maxient.com/reportingform.php?ArkansasTechUniv&layout\\_id=2](https://cm.maxient.com/reportingform.php?ArkansasTechUniv&layout_id=2).

Anonymous reports are accepted via this reporting mechanism but can give rise to a need to investigate. Arkansas Tech University tries to provide supportive measures to all Complainants, which is impossible with an anonymous report. Reporting carries no obligation to initiate a

formal response. Arkansas Tech University respects Complainant requests to dismiss complaints unless there is a compelling threat to health and/or safety.

A formal complaint means a document submitted or signed by the Complainant or signed by the Title IX Coordinator alleging a policy violation by a Respondent and requesting that Arkansas Tech University investigate the allegation(s). A complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information in the section immediately above, or as described in this section. As used in this paragraph, the phrase “document filed by a Complainant” means a written document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by Arkansas Tech University) that contains the Complainant’s physical or digital signature, or otherwise indicates that the Complainant is the person filing the complaint and requests that Arkansas Tech University investigate the allegations. If notice is submitted in a form that does not meet this standard, the Title IX Coordinator will contact the Complainant to ensure that it is filed correctly.

**Request Not to Pursue a Complaint:**

A Complainant may determine after filing a Complaint that he or she does not wish to pursue resolution of the formal complaint through the University. The University takes such requests seriously. However, such individuals are advised that such requests may limit the University’s ability to take action in response to a complaint.

Arkansas Tech University must dismiss a formal complaint or any allegations therein if, at any time during the investigation or hearing, it is determined that:

1. The conduct alleged in the formal complaint would not constitute sexual harassment as defined, even if proved; and/or
2. The conduct did not occur in an employment or educational program or activity controlled by Arkansas Tech University (including buildings or property controlled by recognized student organizations), and/or Arkansas Tech University does not have control of the Respondent; and/or
3. The conduct did not occur against a person in the United States; and/or
4. At the time of filing a formal complaint, the Complainant is not participating in or attempting to participate in the education program or activity of Arkansas Tech University.

Arkansas Tech University may dismiss a formal complaint or any allegations therein if, at any time during the investigation or hearing:

1. A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the formal complaint or any allegations therein; or
2. The Respondent is no longer enrolled in or employed by Arkansas Tech University; or
3. Specific circumstances prevent Arkansas Tech University from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon any dismissal, Arkansas Tech University will promptly send written notice of the dismissal and the rationale for doing so to the parties on the same day.

Even if dismissed the complaint may also be used as an anonymous report for data collection purposes under the Clery Act.

**Investigation:**

The Title IX Coordinator will provide written notice of the investigation and allegations (the “NOIA”) to the Respondent upon commencement of the Formal Complaint Resolution Process. This facilitates the Respondent’s ability to prepare for the interview and to identify and choose an Advisor to accompany them. The NOIA is also copied to the Complainant, who is to be given advance notice of when the NOIA will be delivered to the Respondent.

The NOIA will include:

- A meaningful summary of all of allegations,
- The identity of the involved parties (if known),
- The precise misconduct being alleged,
- The date and location of the alleged incident(s) (if known),
- The specific policies implicated,
- A description of the applicable procedures,
- A statement of the potential sanctions/responsive actions that could result,
- A statement that ATU presumes the Respondent is not responsible for the reported misconduct unless and until the evidence supports a different determination,
- A statement that determinations of responsibility are made at the conclusion of the process and that the parties will be given an opportunity to inspect and review all directly related and/or relevant evidence obtained during the review and comment period,
- A statement about ATU’s policy on retaliation,
- Information about the privacy of the process,
- Information on the need for each party to have an Advisor of their choosing and suggestions for ways to identify an Advisor,
- A statement informing the parties that ATU’s Policy prohibits knowingly making false statements, including knowingly submitting false information during the resolution process,
- Detail on how the party may request disability accommodations during the interview process,
- A link to ATU’s VAWA brochure (if applicable);
- The name(s) of the Investigator(s), along with a process to identify, in advance of the interview process, to the Title IX Coordinator any conflict of interest that the Investigator(s) may have, and
- An instruction to preserve any evidence that is directly related to the allegations.

Amendments and updates to the NOIA may be made as the investigation progresses and more information becomes available regarding the addition or dismissal of various charges.

Notice will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address(es) of the parties as indicated in official Arkansas Tech University records, or emailed to the parties' Arkansas Tech University issued email or designated accounts. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

A formal investigation will be initiated if the complaint articulates sufficient specific facts which, if determined to be true, would support a finding that this Policy was violated. The Title IX Coordinator will give the Respondent a copy of the complaint. The Respondent is also provided with an opportunity to respond to the Complaint within five (5) days of receipt by the Respondent.

Both the Complainant and the Respondent will be individually interviewed as a part of the investigation as will any witnesses or persons who have information related to the Complaint. Documents relevant to the Complaint will also be examined.

The Investigators typically take the following steps, if not already completed (not necessarily in this order):

- Determine the identity and contact information of the Complainant
- In coordination with campus partners (e.g., the Title IX Coordinator), initiate or assist with any necessary supportive measures
- Identify policies implicated by the alleged misconduct
- Assist the Title IX Coordinator with conducting an initial assessment to determine if there is reasonable cause to believe the Respondent has violated policy
- If there is insufficient evidence to support reasonable cause, the process is closed with no further action
- Commence an investigation by developing a strategic investigation plan, including a witness list, evidence list, intended investigation timeframe, and order of interviews for all parties and witnesses
- Meet with the Complainant to finalize their statement, if necessary
- Prepare the initial Notice of Investigation and Allegation (NOIA) on the basis of the initial assessment. Notice may be one step or multiple steps, depending on how the investigation unfolds, and potential policy violations may be added or dropped as more is learned. Investigators will update the NOIA accordingly and provide it to the parties.
- Notice should inform the parties of their right to have the assistance of an Advisor appointed by Arkansas Tech University or other Advisor of their choosing present for all meetings attended by the advisee

- When formal notice is being given, it should provide the parties with a written description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable procedures, and a statement of the potential sanctions/responsive actions that could result
- Give an instruction to the parties to preserve any evidence that is directly related to the allegations
- Provide the parties and witnesses with an opportunity to review and verify the Investigator's summary notes from interviews and meetings with that specific party or witness
- Make good faith efforts to notify the parties of any meeting or interview involving the other party, in advance when possible
- Interview relevant individuals and conduct follow-up interviews as necessary
- Allow each party the opportunity to suggest questions they wish the Investigator(s) to ask of the other party and witnesses
- Complete the investigation and without unreasonable deviation from the intended timeline
- Provide regular status updates to the parties throughout the investigation
- Prior to the conclusion of the investigation, summarize for the parties the list of witnesses whose information will be used to render a finding
- Write a comprehensive investigation report fully summarizing the investigation and all evidence
- Provide parties with a copy of the draft investigation report when it is completed, including all relevant evidence, analysis, credibility assessments, and recommended finding(s)
- Provide each party with a full and fair opportunity to respond to the report in writing within five (5) business days and incorporate that response into the report
- Investigators may choose to respond in writing in the report to the responses of the parties, and/or to share the responses between the parties for their responses, while also ensuring that they do not create a never-ending feedback loop
- Gather, assess, and synthesize evidence without making a finding, conclusion, determination or recommendation
- Provide the final report to the Title IX Coordinator

In the course of an investigation, Arkansas Tech University will attempt to maintain confidentiality for all parties involved. However, there can be no guarantee of confidentiality and anonymity based upon the course and scope of the complaint investigation.

Investigations are completed expeditiously, normally within thirty (30) business days, though some investigations take weeks or even months, depending on the nature, extent, and complexity of the allegations, availability of witnesses, police involvement, etc.

Arkansas Tech University will make a good faith effort to complete investigations as promptly as circumstances permit and will communicate regularly with the parties to update them on the progress and timing of the investigation.

Arkansas Tech University may undertake a short delay in its investigation (several days to weeks, to allow evidence collection) when criminal charges based on the same behaviors that invoke Arkansas Tech University's resolution process are being investigated by law enforcement. Arkansas Tech University will promptly resume its investigation and resolution process once notified by law enforcement that the initial evidence collection process is complete.

Arkansas Tech University action(s) are not typically altered or precluded on the grounds that civil or criminal charges involving the underlying incident(s) have been filed or that criminal charges have been dismissed or reduced.

Investigations involve interviews with all relevant parties and witnesses, obtaining available, relevant evidence, and identifying sources of expert information, as necessary. Investigators do not meet with character witnesses.

All parties have a full and fair opportunity, through the investigation process, to suggest witnesses and questions, to provide evidence, and to fully review and respond to all evidence, on the record.

### **Informal Resolution**

Informal Resolution can include three different approaches:

- When the Title IX Coordinator can resolve the matter informally by providing supportive measures to remedy the situation.
- When the parties agree to resolve the matter through an alternate resolution mechanism including mediation, restorative practices, etc.
- When the Respondent accepts responsibility for violating policy, and desires to accept a sanction and end the resolution process.

To initiate Informal Resolution, a Complainant needs to submit a formal complaint, as defined above. A Respondent who wishes to initiate Informal Resolution should contact the Title IX Coordinator.

It is not necessary to pursue Informal Resolution first in order to pursue a Formal Grievance Process, and any party participating in Informal Resolution can stop the process at any time and begin or resume the Formal Grievance Process.

Prior to implementing Informal Resolution, ATU will provide the parties with written notice of the reported misconduct and any sanctions or measures that may result from participating in such a process, including information regarding any records that will be maintained or shared by Arkansas Tech University.

Arkansas Tech University will obtain voluntary, written confirmation that all parties wish to resolve the matter through Informal Resolution before proceeding and will not pressure the parties to participate in Informal Resolution.

### **Formal Complaint Resolution**

ATU is committed to providing a workplace and educational environment, as well as other benefits, programs, and activities that are free from discrimination and harassment based on a protected characteristic, and retaliation for engaging in a protected activity. To ensure compliance with federal and state civil rights laws and regulations, and to affirm its commitment to promoting the goals of fairness and equity in all aspects of the educational program or activity, ATU has developed policies and procedures that provide a prompt, fair, and impartial process for those involved in an allegation of discrimination or harassment on the basis of protected class status, and for allegations of retaliation. ATU values and upholds the equal dignity of all members of its community and strives to balance the rights of the parties in the grievance process during what is often a difficult time for all involved.

When an alleged violation of the anti-discrimination policy is reported, depending on the type of allegation, it will be investigated using ATU's "Process A" or "Process B". ATU will act on any formal notice/complaint of violation of the Equal Opportunity, Harassment (Sexual Misconduct), and Nondiscrimination Policy and Procedures that is received by the Title IX Coordinator, the AA/EEO Officer, or any other Official with Authority by applying procedures, known as Process A or Process B.

Process A applies only to qualifying allegations of Title IX sexual harassment (including sexual assault, dating violence, domestic violence, and stalking, as defined in this Policy) involving students, staff, administrator, or faculty members. If other policies are invoked, such as policies on protected characteristic harassment or discrimination, please see Appendix C in the Equal Opportunity, Harassment (Sexual Misconduct), and Nondiscrimination Policy and Procedures for a description of the procedures applicable to the resolution of such offenses, known as Process B. Process B can also apply to sexual harassment (including sexual assault, dating violence, domestic violence, and stalking, as defined in this Policy) when jurisdiction does not fall within Process A, as determined by the Title IX Coordinator. These procedures may be used to address collateral misconduct by the Respondent arising from the investigation of or occurring in conjunction with reported misconduct (e.g., vandalism, physical abuse of another), when alleged violations are being addressed at the same time. All other allegations of misconduct unrelated to incidents covered by the Equal Opportunity, Harassment (Sexual Misconduct), and Nondiscrimination Policy and Procedures will be addressed through procedures described in the student, staff, and faculty handbooks. The Title IX Coordinator and/or the AA/EEO Officer conducts an initial assessment of the report or complaint to determine the type of proceeding to be used based on the circumstances surrounding the alleged incident and the information provided (i.e. location of the alleged incident, enrollment status of the parties, behavior described, etc.) in the initial set of allegations.

When the Respondent is a member of the ATU community, a grievance process may be available regardless of the status of the Complainant, who may or may not be a member of the ATU community. This community includes, but is not limited to, students, student organizations,

faculty, administrators, staff, and third parties such as guests, visitors, volunteers, invitees, and campers. The procedures may be applied to incidents, to patterns, and/or to the campus climate, all of which may be addressed and investigated in accordance the Equal Opportunity, Harassment (Sexual Misconduct), and Nondiscrimination Policy and Procedures.

Under Process A, the following procedures apply:

Notice or complaints of discrimination, harassment, and/or retaliation may be made using any of the following options:

1. File a report or Formal Complaint with, or give verbal notice to, the Title IX Coordinator or any of the ATU administrators listed directly below. Such a report or Formal Complaint may be made at any time (including during non-business hours) by using the telephone number or email address, or by mail, to the office listed for the Title IX Coordinator or any other official listed below.

Complaints or notice of alleged violations of the Equal Opportunity, Harassment (Sexual Misconduct), and Nondiscrimination Policy and Procedures, or inquiries about or concerns regarding this Policy, may be made to the following employees, which triggers the obligation for ATU to respond:

Amy Pennington  
AVP/Dean of Students and Title IX Coordinator Student Affairs  
[Focus-Gender discrimination, including sexual misconduct]  
Doc Bryan Student Service Center, Suite 233  
Russellville, AR 72801  
479-968-0407  
apennington@atu.edu

Melissa Riffle  
Director of Human Resources and AA/EEO Officer/Deputy Title IX Coordinator Human Resources  
[Focus-All types of protected class discrimination]  
715 North El Paso  
Russellville, AR 72801  
479-968-0396  
mriffle@atu.edu

Mitzi Reano  
Project/Program Specialist and Deputy Title IX Coordinator/Investigator Human Resources  
[Focus-All types of protected class discrimination]  
Technology and Academic Support Building, Room 154  
Ozark, AR 72949  
479-667-2117 ext. 6532  
mreano@atu.edu

Stacy Galbo

Assistant Dean for Student Conduct/Deputy Title IX Coordinator for Educational Outreach and Training/Investigator

Title IX Office

[Focus-Gender discrimination, including sexual misconduct]

Doc Bryan Student Services Center, Suite 233

Russellville, AR 72801

479-964-0583 ext. 4714

sgalbo2@atu.edu

Ashlee Leavell

Assistant Dean for Student Wellness and Deputy Title IX Coordinator [Focus-Discrimination based upon pregnancy]

Disability and Testing Services

Doc Bryan Student Services Center, Suite 141

Russellville, AR 72801

479-968-0302

sleavell8@atu.edu

In addition to the Title IX Team members listed above, the following Officials with Authority listed below may also accept notice or complaints on behalf of ATU:

Kristy Davis

Associate Dean for Student Wellness and ADA/504 Coordinator

[Focus-Discrimination and/or harassment based upon disability]

Health and Wellness Center

Doc Bryan Student Services Center, Suite 119

Russellville, AR 72801

479-968-0329

kdavis51@atu.edu

Will Cooper

Associate Dean for Student Conduct Student Conduct

Doc Bryan Student Services Center, Suite 233

Russellville, AR 72801

479-968-0334

wcooper@atu.edu

William Titsworth

Assistant Dean for Student Conduct/Lead Investigator Student Conduct and Title IX Office

Doc Bryan Student Services Center, Suite 233

Russellville, AR 72801

479-498-6083

wtitsworth@atu.edu

Josh McMillian  
Associate Dean for Public Safety/Chief of Public Safety Public Safety  
716 North El Paso Avenue  
Russellville, AR 72801  
479-968-0222  
jmcmillian1@atu.edu

2. Report online, using the reporting form posted at [https://cm.maxient.com/reportingform.php?ArkansasTechUniv&layout\\_id=2](https://cm.maxient.com/reportingform.php?ArkansasTechUniv&layout_id=2). Anonymous reports are accepted but can give rise to a need to investigate to determine if the parties can be identified. If not, no further formal action is taken, though measures intended to protect the community may be enacted. ATU tries to provide supportive measures to all Complainants, which may be impossible with an anonymous report that does not identify the Complainant.

Because reporting carries no obligation to initiate a formal response, and because ATU respects Complainant requests to dismiss complaints unless there is a compelling threat to health and/or safety, the Complainant is largely in control and should not fear a loss of confidentiality by making a report that allows the Recipient to discuss and/or provide supportive measures.

As used in the Equal Opportunity, Harassment (Sexual Misconduct), and Nondiscrimination Policy and Procedures, the term “Formal Complaint” means a document or electronic submission (such as by electronic mail or through an online portal provided by ATU for this purpose) that contains the Complainant’s physical or digital signature, or otherwise indicates that the Complainant is the person filing the complaint, and requests that ATU investigate the allegations. If notice is submitted in a form that does not meet this standard, the Title IX Coordinator will contact the Complainant to ensure that it is filed correctly.

Multiple individuals work together to coordinate ATU’s efforts related to intake, investigation, resolution, and implementation of supportive measures to stop, remedy, and prevent discrimination, harassment, and retaliation prohibited under the Equal Opportunity, Harassment (Sexual Misconduct), and Nondiscrimination Policy and Procedures:

- Amy Pennington serves as the Title IX Coordinator and oversees gender-based discrimination compliance.
- Kristy Davis serves as the ADA/504 Coordinator and oversees disability compliance for students.
- Melissa Riffle serves as the Affirmative Action/Equal Employment Opportunity Officer (AA/EEO) and oversees protected class discrimination, disability compliance for employees, and ATU’s Affirmative Action and Equal Employment Opportunity plan.

All allegations are acted upon promptly by ATU once it has received notice or a Formal Complaint. Complaints can take 60-90 business days to resolve, typically. There are always exceptions and extenuating circumstances that can cause a resolution to take longer, but ATU will avoid undue delays within its control. Any time the general timeframes for resolution outlined in ATU procedures will be delayed, ATU will provide written notice to the parties of the delay, the cause

of the delay, and an estimate of the anticipated additional time that will be needed as a result of the delay.

Upon receipt of a Formal Complaint or notice of an alleged policy violation by the Title IX Coordinator, the Title IX Coordinator initiates a prompt initial assessment to determine the next steps ATU needs to take. The Title IX Coordinator will contact the Complainant to offer supportive measures and determine whether the Complainant wishes to file a Formal Complaint.

The Title IX Coordinator will initiate at least one of three responses:

1. Offer supportive measures because the Complainant does not want to file a Formal Complaint
2. An informal resolution (upon submission of a Formal Complaint)
3. A Formal Grievance Process including an investigation and a hearing (upon submission of a Formal Complaint)

ATU uses the Formal Grievance Process to determine whether or not the Equal Opportunity, Harassment (Sexual Misconduct), and Nondiscrimination Policy and Procedures has been violated. If so, ATU will promptly implement effective remedies designed to ensure that ATU is not deliberately indifferent to harassment or discrimination, their potential recurrence, or their effects.

Following receipt of a Formal Complaint or notice of an alleged violation, the Title IX Coordinator engages in an initial assessment, typically within one (1) to five (5) business days. The steps in an initial assessment can include:

- If notice is given, the Title IX Coordinator seeks to determine if the person impacted wishes to make a Formal Complaint, and will assist them to do so, if desired.
  - If they do not wish to do so, the Title IX Coordinator determines whether to initiate a complaint themselves because a violence risk assessment indicates a compelling threat to health and/or safety.
- If a Formal Complaint is received, the Title IX Coordinator assesses its sufficiency and works with the Complainant to make sure it is correctly completed.
- The Title IX Coordinator attempts to meet with the Complainant to discuss and offer supportive measures, ensure the Complainant is aware of the right to have an Advisor, and to review the ATU First Conversation Checklist.
- The Title IX Coordinator works with the Complainant to determine whether the Complainant prefers a supportive and remedial response, an informal resolution option, or a formal investigation and grievance process.
  - If a supportive and remedial response is preferred, the Title IX Coordinator works with the Complainant to identify their needs, determines appropriate supports, and implements accordingly. No Formal Grievance Process is initiated, though the Complainant can elect to initiate one later, if desired.

- If an informal resolution option is preferred, the Title IX Coordinator assesses whether the complaint is suitable for informal resolution, which informal mechanism may serve the situation best or is available, and may seek to determine if the Respondent is also willing to engage in informal resolution.
- If a Formal Grievance Process is preferred by the Complainant, the Title IX Coordinator determines if the alleged misconduct falls within the scope of Title IX:
  - If it does, the Title IX Coordinator will initiate the formal investigation and grievance process, directing the investigation to address, based on the nature of the complaint:
    - an incident, and/or
    - a pattern of alleged misconduct, and/or
    - a culture/climate issue.
  - If the alleged misconduct does not fall within the scope of the Title IX regulations, the Title IX Coordinator determines that the regulations do not apply and will “dismiss” that aspect of the complaint, if any. The Title IX Coordinator will then assess which policies may apply, if any, and may refer the matter for resolution under Process B or applicable University policy. Please note that dismissing a complaint under Title IX regulations is solely a procedural requirement under Title IX, and does not limit ATU’s authority to address a complaint with another appropriate process and remedy.
  - If the Complainant prefers an informal resolution option or a Formal Grievance Process and the Title IX Coordinator initially determines that the alleged misconduct falls within the scope of Title IX regulations, the Title IX Coordinator will attempt to meet with the Respondent to provide them with a copy of the Formal Complaint, discuss and offer supportive measures, ensure the Respondent is aware of the right to have an Advisor, and to review the ATU First Conversation Checklist. After the Title IX Coordinator provides the Respondent with a copy of the Formal Complaint, the Respondent has five (5) business days to respond, in writing, to the Formal Complaint submitted by the Complainant. This information is used as part of the Title IX Coordinator’s initial assessment of the alleged misconduct.

Once the decision to commence a formal investigation is made, the Title IX Coordinator appoints an Investigator(s) to conduct the investigation (typically using a team of two Investigators), usually within two (2) business days of determining that an investigation should proceed. This information is provided to the parties in the NOIA. Investigations are completed expeditiously, normally within sixty (60) business days, though some investigations may take weeks or even months, depending on the nature, extent, and complexity of the allegations, availability of witnesses, law enforcement involvement, etc.

All investigations are thorough, reliable, impartial, prompt, and fair. Investigations involve interviews with all available relevant parties and witnesses; obtaining available, relevant

evidence; and identifying sources of expert information, as necessary. Recordings of interviews are not provided to the parties, but the parties will have the ability to review their interview summary once the investigator(s) has completed the summary document. All other interview summaries will be available for review when the draft investigation report is released.

At the discretion of the Title IX Coordinator, investigations can be combined when complaints implicate a pattern, collusion, and/or other shared or similar actions.

All parties have a full and fair opportunity, through the investigation process, to suggest witnesses and questions, to provide evidence and expert witnesses, and to fully review and respond to all evidence on the record.

The Investigator(s) typically take(s) the following steps, if not already completed (not necessarily in this order):

- Determine the identity and contact information of the Complainant
- Assist the Title IX Coordinator, if needed, with identifying all policies implicated by the alleged misconduct and notify the Complainant and Respondent of all of the specific policies implicated
- Assist the Title IX Coordinator, if needed, with conducting an initial assessment to determine if the allegations indicate a potential policy violation
- Commence a thorough, reliable, and impartial investigation by identifying issues and developing a strategic investigation plan, including a witness list, evidence list, intended investigation timeframe, and order of interviews for all parties and the witnesses
- Provide each interviewed party and witness an opportunity to review and verify the Investigator's summary notes of the relevant evidence/testimony from their respective interviews and meetings
- Make good faith efforts to notify the parties of any meeting or interview involving the other party, in advance when possible
- When participation of a party is expected, provide that party with written notice of the date, time, and location of the meeting, as well as the expected participants and purpose
- Interview all available, relevant witnesses and conduct follow-up interviews as necessary
- Allow each party the opportunity to suggest witnesses and questions they wish the Investigator(s) to ask of the other party and/or witnesses, and document in the report which questions were asked, with a rationale for any changes or omissions
- Complete the investigation promptly without unreasonable deviation from the intended timeline
- Provide regular status updates to the parties throughout the investigation

- Prior to the conclusion of the investigation, provide the parties and their respective Advisors (if so desired by the parties) with a list of witnesses whose information may be used to render a finding within the draft investigation report
- Write a comprehensive investigation report fully summarizing the investigation, all witness interviews, and addressing all relevant evidence. Appendices including relevant physical or documentary evidence will be included
- Gather, assess, and synthesize evidence, but make no conclusions, and render no recommendations as part of their report
- Prior to the conclusion of the investigation, provide the parties and their respective Advisors (if so desired by the parties) a secured electronic or hard copy of the draft investigation report as well as an opportunity to inspect and review all of the evidence obtained as part of the investigation that is directly related to the reported misconduct, including evidence upon which ATU does not intend to rely in reaching a determination, for a ten (10) business day review and comment period so that each party may meaningfully respond to the evidence. The parties may elect to waive the full ten (10) business days.
- May elect to respond in writing in the investigation report to the parties' submitted responses and/or to share the responses between the parties for additional responses
- Incorporate relevant elements of the parties' written responses into the final investigation report, include any additional relevant evidence, make any necessary revisions, and finalize the report. The Investigator(s) should document all rationales for any changes made after the review and comment period
- Share the report with the Title IX Coordinator for their review and feedback
- Incorporate any relevant feedback and share the final report with all parties and their Advisors through secure electronic transmission or hard copy at least ten (10) business days prior to a hearing

ATU will make a good faith effort to complete investigations as promptly as circumstances permit and will communicate regularly with the parties to update them on the progress and timing of the investigation.

Provided that the complaint is not resolved through Informal Resolution, once the final investigation report is shared with the parties, the Title IX Coordinator will refer the matter for a hearing. The hearing cannot be less than ten (10) business days from the conclusion of the investigation when the final investigation report is transmitted to the parties and the Decision-Makers—unless all parties and the Decision-Makers agree to an expedited timeline. The Title IX Coordinator will select appropriate Decision-Makers from the Pool.

The Formal Grievance Process relies on a pool of administrators (“the Pool”) to carry out the process. Members of the Pool are announced in an annual distribution of the Equal Opportunity, Harassment (Sexual Misconduct), and Nondiscrimination Policy and Procedures to all students, employees, prospective students, and prospective employees. The list of Pool members and a

description of the Pool can be found at <https://www.atu.edu/titleix/pool.php>. Members of the Pool are trained annually, and can serve in the following roles, at the direction of the Title IX Coordinator:

- To act as an Advisor to the Parties
- To serve as a hearing facilitator (process administrator, no decision-making role)
- To serve as a Decision-Maker on a hearing panel regarding the complaint

The Title IX Coordinator will offer to assign a trained Advisor to any party if the party so chooses from the Pool. If the parties choose an Advisor from the Pool available from ATU, the Advisor will be trained by ATU and be familiar with ATU's resolution process.

ATU will designate a three (3) member panel from the Pool, at the discretion of the Title IX Coordinator. One of the three (3) members will be appointed as Chair by the Title IX Coordinator. The Decision-Maker(s) will not have had any previous involvement with the complaint. The Title IX Coordinator may elect to have an alternate from the Pool sit in throughout the hearing process in the event that a substitute is needed for any reason.

Those who have served as Investigators will be witnesses in the hearing and therefore may not serve as Decision-Makers. Those who are serving as Advisors for any party may not serve as Decision-Makers in that matter.

The Title IX Coordinator may not serve as a Decision-Maker or Chair in the matter but may serve as an administrative facilitator of the hearing if their previous role(s) in the matter do not create a conflict of interest. Otherwise, a designee may fulfill the facilitator role. The hearing will convene at a time and venue determined by the Chair or designee.

At the hearing, the Chair explains the procedures and introduces the participants. The Chair then conducts the hearing according to the hearing script. At the hearing, recording, witness logistics, party logistics, curation of documents, separation of the parties, and other administrative elements of the hearing process are managed by a non-voting hearing facilitator appointed by the Title IX Coordinator, if needed. The hearing facilitator may attend to: logistics of rooms for various parties/witnesses as they wait; flow of parties/witnesses in and out of the hearing space; ensuring recording and/or virtual conferencing technology is working as intended; copying and distributing materials to participants, as appropriate, etc.

The Investigator(s) will then present a summary of the final investigation report, including items that are contested and those that are not, and will be subject to questioning by the Decision-Makers and the parties (through their Advisors). The Investigator(s) will be present during the entire hearing process, but not during deliberations. Neither the parties nor the Decision-Makers should ask the Investigator(s) their opinions on credibility, recommended findings, or determinations, and Advisors and parties will refrain from discussion of or questions about these assessments. If such information is introduced, the Chair will direct that it be disregarded.

Once the Investigator(s) presents the report and responds to questions, the parties and witnesses may provide relevant information in turn, beginning with the Complainant, and then in the order determined by the Chair. The parties/ witnesses will submit to questioning by the Decision-Makers and then by the parties through their Advisors. All questions are subject to a relevance determination by the Chair. The Advisor, who will remain seated during questioning, will pose

the proposed question orally, electronically, or in writing (orally is the default, but other means of submission may be permitted by the Chair upon request if agreed to by the parties and the Chair), the proceeding will pause to allow the Chair to consider the question, and the Chair will determine whether the question will be permitted, disallowed, or rephrased. The Chair may invite explanations or persuasive statements regarding relevance with the Advisors if the Chair so chooses. The Chair may decide to call a recess to review relevancy and other arguments. During a recess, the Chair may choose to confer with the Title IX Coordinator. The Chair will then state their decision on the question for the record and advise the party/witness to whom the question was directed, accordingly. The Chair will explain any decision to exclude a question as not relevant, or to reframe it for relevance. The Chair will limit or disallow questions on the basis that they are irrelevant, unduly repetitious (and thus irrelevant), or abusive. The Chair has final say on all questions and determinations of relevance. The Chair may consult with the Title IX Coordinator and/or legal counsel on any questions of admissibility. The Chair may ask Advisors to frame why a question is or is not relevant from their perspective but will not entertain argument from the Advisors on relevance once the Chair has ruled on a question. If the parties raise an issue of bias or conflict of interest of an Investigator or Decision-Maker at the hearing, the Chair may elect to address those issues, consult with legal counsel, and/or refer them to the Title IX Coordinator, and/or preserve them for appeal. If bias is not in issue at the hearing, the Chair should not permit irrelevant questions that probe for bias.

The Decision-Makers will deliberate in closed session to determine whether the Respondent is for the policy violation(s) in question. A simple majority vote is required to determine the finding. The preponderance of the evidence standard of proof is used. The hearing facilitator may be invited to attend the deliberation by the Chair, but is there only to facilitate procedurally, not to address the substance of the allegations. When there is a finding of responsibility on one or more of the allegations, the Decision-Makers may then consider the previously submitted party impact and/or mitigation statement(s) in determining appropriate sanction(s). The Decision-Makers will also review any pertinent conduct history provided by the Title IX Coordinator and will determine the appropriate sanction(s). Each of the parties may request to review any impact and/or mitigation statement (s) upon receipt of the Notice of Outcome letter. The Chair will then prepare a written statement detailing all findings and final determinations, the rationale(s) explaining the decision(s), the evidence used in support of the determination(s), the evidence not relied upon in the determination(s), any credibility assessments, and any sanction(s) and will deliver the statement to the Title IX Coordinator. This statement must be submitted to the Title IX Coordinator within two (2) business days of the end of deliberations, unless the Title IX Coordinator grants an extension. If an extension is granted, the Title IX Coordinator will notify the parties.

Using the deliberation statement, the Chair will work with the Title IX Coordinator to prepare a Notice of Outcome letter. The Title IX Coordinator will then share the letter, which includes the final determination, rationale, and any applicable sanction(s) with the parties and their Advisors within three (3) business days of finalizing the Decision- Makers' deliberation statement. The Notice of Outcome will be shared with the parties simultaneously. Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official ATU records, or emailed to the

parties' ATU-issued email or otherwise approved account. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered. The Notice of Outcome will articulate the specific alleged policy violation(s), including the relevant policy section(s), and will contain a description of the procedural steps taken by the ATU from the receipt of the misconduct report to the determination, including any and all notifications to the parties, interviews with parties and witnesses, site visits, methods used to obtain evidence, and hearings held. The Notice of Outcome will specify the finding on each alleged policy violation; the findings of fact that support the determination; conclusions regarding the application of the relevant policy to the facts at issue; a statement of, and rationale for, the result of each allegation to the extent ATU is permitted to share such information under state or federal law; any sanction(s) issued which ATU is permitted to share according to state or federal law; and whether remedies will be provided to the Complainant to ensure access to ATU's educational or employment program or activity. The Notice of Outcome will also include information on when the results are considered to be final by ATU, will note any changes to the outcome and/or sanctions(s) that occur prior to finalization, and the relevant procedures and bases for appeal.

Any party may submit a written request for appeal ("Request for Appeal") to the Title IX Coordinator within five (5) business days of the delivery of the Notice of Outcome letter. The Request for Appeal will be forwarded to the appropriate Appeal Decision-Maker(s) for consideration to determine if the request meets the grounds for appeal (a Review for Standing). This review is not a review of the merits of the appeal, but solely a determination as to whether the request meets the grounds and is timely filed. Appeals are limited to the following grounds:

1. A procedural irregularity that affected the outcome of the matter
2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter
3. The Title IX Coordinator, Investigator(s), or Decision-Makers had a conflict of interest or bias for or against Complainants or Respondents generally or the specific Complainant or Respondent that affected the outcome of the matter

If any of the grounds in the Request for Appeal do not meet the grounds, that request will be denied by the Appeal Decision-Maker(s), and the parties and their Advisors will be notified in writing of the denial and the rationale. If any of the grounds in the Request for Appeal meet the grounds, then the Appeal Decision-Maker(s) will notify all parties and their Advisors, the Title IX Coordinator, and, when appropriate, the Investigator(s) and/or the original Decision-Makers. All other parties and their Advisors, the Title IX Coordinator, and, when appropriate, the Investigator(s) and/or the original Decision-Makers will be mailed, emailed, and/or provided a hard copy of the Request for Appeal with the approved grounds and then be given three (3) business days to submit a response to the portion of the appeal that was approved and involves them. All responses, if any, will be forwarded by the Appeal Decision-Maker(s) to all parties for review and comment.

All decisions apply the preponderance of the evidence standard.

Under Process B, the following procedures apply:

Formal Complaints of discrimination, harassment, and/or retaliation may be made using any of the following options:

A. File a written Formal Complaint with the Title IX Coordinator and/or the AA/EEO Officer<sup>22</sup>

B. Report online, using the reporting form posted at [https://cm.maxient.com/reportingform.php?ArkansasTechUniv&layout\\_id=2](https://cm.maxient.com/reportingform.php?ArkansasTechUniv&layout_id=2).

Anonymous reports are accepted but can give rise to a need to investigate to determine if the parties can be identified. If not, no further formal action is taken, though measures intended to protect the community may be enacted. ATU tries to provide supportive measures to all Complainants, which may be impossible with an anonymous report that does not identify the Complainant.

Because reporting carries no obligation to initiate a formal response, and because ATU respects Complainant requests to dismiss complaints unless there is a compelling threat to health and/or safety, the Complainant is largely in control and should not fear a loss of confidentiality by making a report that allows ATU to discuss and/or provide supportive measures. As used in the Equal Opportunity, Harassment (Sexual Misconduct), and Nondiscrimination Policy and Procedures, the term “Formal Complaint” means a document or electronic submission (such as by electronic mail or through an online portal provided by ATU for this purpose) that contains the Complainant’s physical or digital signature, or otherwise indicates that the Complainant is the person filing the complaint, and requests that ATU investigate the allegations. If notice is submitted in a form that does not meet this standard, the Title IX Coordinator and/or the AA/EEO Officer will contact the Complainant to ensure that it is filed correctly.

Following receipt of a Formal Complaint or notice of an alleged violation, the Title IX Coordinator and/or the AA/EEO Officer engages in an initial assessment, which is typically one to five (1-5) business days in duration.

The Formal Complaint Resolution Process can be pursued at any time during the process for any behavior for which the Respondent has not accepted responsibility that would constitute conduct covered by the Equal Opportunity, Harassment (Sexual Misconduct), and Nondiscrimination Policy if proven. The Formal Complaint Resolution Process starts with a thorough, reliable, and impartial investigation and concludes with a hearing.

The Title IX Coordinator or the AA/EEO Officer will provide notice of the allegations and investigation to the Respondent upon commencement of the Formal Complaint Resolution Process. This notice is also copied to the Complainant. Notification will be made in writing, include a meaningful summary of the allegations, policies allegedly violated, if known at the time, and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official ATU records, or emailed to the parties’ ATU-issued or designated email account. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered. Alternatively, the policies allegedly violated can be provided at a later date, in writing, as the investigation progresses, and details become clearer.

Once the decision is made to commence an investigation, the Title IX Coordinator appoints Investigator(s) to conduct the investigation (typically using a team of two Investigators), usually

within two (2) business days of determining that an investigation should proceed. The Title IX Coordinator or the AA/EEO Officer will vet the assigned Investigator(s) to ensure impartiality by ensuring there are no conflicts of interest or disqualifying bias. The parties may, at any time during the resolution process, raise a concern regarding bias or conflict of interest, and the Title IX Coordinator will determine whether the concern is reasonable and supportable. If so, another Investigator(s) will be assigned and the impact of the bias or conflict, if any, will be remedied. If the bias or conflict relates to the Title IX Coordinator or the AA/EEO Officer, concerns should be raised with Dr. Keegan Nichols, Vice President for Student Affairs or Ms. Laury Fiorello, Vice President for Administration and Finance respectively.

ATU aims to complete all investigations within a sixty (60) business-day time period, which can be extended as necessary for appropriate cause by the Title IX Coordinator or the AA/EEO Officer, with notice to the parties as appropriate. Investigations can take weeks or even months, depending on the nature, extent, and complexity of the allegations, availability of witnesses, police involvement, etc. ATU will make a good faith effort to complete the investigation as promptly as circumstances permit and will communicate regularly with the parties to update them on the progress and timing of the investigation. ATU may undertake a short delay in its investigation (several days to weeks, to allow evidence collection) when criminal charges based on the same behaviors that invoke ATU's resolution process are being investigated by law enforcement. ATU will promptly resume its investigation and resolution process once notified by law enforcement that the initial evidence collection process is complete. ATU action(s) are not typically altered or precluded on the grounds that civil or criminal charges involving the underlying incident(s) have been filed or that criminal charges have been dismissed or reduced.

Investigations involve interviews with all relevant parties and witnesses, obtaining available, relevant evidence, and identifying sources of expert information, as necessary.

All parties have a full and fair opportunity, through the investigation process, to suggest witnesses and questions, to provide evidence, and to fully review and respond to all evidence on the record.

The Formal Complaint Resolution Process relies on a pool of officials ("Pool") to carry out the process. Members of the Pool are announced in an annual distribution of this Policy to all students, employees, prospective students, and prospective employees.

The list of members and a description of the Pool can be found at <https://www.atu.edu/titleix/pool.php>. Members of the Pool are trained annually in all aspects of the resolution process and can serve in any of the following roles, at the direction of the Title IX Coordinator and the AA/EEO Officer:

- To act as an Advisor to the parties
- To serve as a hearing facilitator (process administrator, no decision-making role)
- To serve as a Decision-Maker regarding the complaint

The Title IX Coordinator and the AA/EEO Officer, in consultation with the President, appoints the Pool, which acts with independence and impartiality. Pool members receive annual training organized by the Title IX Coordinator and the AA/EEO Officer, including a review of ATU policies

and procedures as well as applicable federal and state laws and regulations so that they are able to appropriately address allegations, provide accurate information to members of the community, protect safety, and promote accountability.

Both the Complainant and the Respondent will be individually interviewed as a part of the investigation as will any witnesses or persons who have information related to the Complaint. Documents relevant to the Complaint will also be examined. The Investigator(s) typically take the following steps, if not already completed (not necessarily in this order):

- Determine the identity and contact information of the Complainant
- Assist, if needed, in identifying all policies implicated by the alleged misconduct
- Assist the Title IX Coordinator or the AA/EEO Officer, if needed, with conducting an initial assessment to determine if there is reasonable cause to believe the Respondent has violated policy
- If there is insufficient evidence to support reasonable cause, the process is closed with no further action
- Commence a thorough, reliable, and impartial investigation by developing a strategic investigation plan, including a witness list, evidence list, intended investigation timeframe, and order of interviews for all parties and witnesses
- Provide each interviewed party and witness an opportunity to review and verify the Investigator's summary notes of the relevant evidence/testimony from their respective interviews and meetings
- Make good faith efforts to notify the parties of any meeting or interview involving the other party, in advance when possible
- Interview all relevant individuals and conduct follow-up interviews as necessary
- Allow each party the opportunity to suggest witnesses and questions they wish the Investigator(s) to ask of the other party and witnesses
- Complete the investigation promptly and without unreasonable deviation from the intended timeline
- Provide regular status updates to the parties throughout the investigation
- Prior to the conclusion of the investigation, summarize for the parties the list of witnesses whose information will be used to render a finding within the draft investigation report
- Write a comprehensive investigation report fully summarizing the investigation and all evidence
- Provide parties with a copy of the draft investigation report when it is completed
- Provide each party with a full and fair opportunity to respond to the report in writing within ten (10) business days and incorporate that response into the report

- Investigator(s) may choose to respond in writing in the report to the responses of the parties, and/or to share the responses between the parties for their responses, while also ensuring that they do not create a never-ending feedback loop
- Gather, assess, and synthesize evidence but make no conclusion and render no recommendations as part of their report
- Share the draft report with the Title IX Coordinator or the AA/EEO Officer for review and feedback
- Provide the final report to the Title IX Coordinator or the AA/EEO Officer

Investigations are completed expeditiously, normally within sixty (60) business days, though some investigations take weeks or even months, depending on the nature, extent, and complexity of the allegations, availability of witnesses, police involvement, etc. ATU will make a good faith effort to complete investigations as promptly as circumstances permit and will communicate regularly with the parties to update them on the progress and timing of the investigation.

Provided that the complaint is not resolved through Informal Resolution, once the final investigation report is shared with the parties, the Title IX Coordinator or the AA/EEO Officer will refer the matter for a hearing. The hearing cannot be less than ten (10) business days from the conclusion of the investigation, when the final investigation report is transmitted to the parties and the Decision-Makers, unless all parties and the Decision-Makers agree to an expedited timeline. The Title IX Coordinator or the AA/EEO Officer will select appropriate Decision-Makers from the Pool.

ATU will designate a three (3) member panel from the Pool, at the discretion of the Title IX Coordinator or AA/ EEO Officer. One of the three (3) members will be appointed as Chair by the Title IX Coordinator or the AA/EEO Officer. The Decision-Maker(s) will not have had any previous involvement with the complaint. The Title IX Coordinator or AA/EEO Officer may elect to have an alternate from the Pool sit in throughout the resolution process in the event that a substitute is needed for any reason. Those who have served as Investigators will be witnesses in the hearing and therefore may not serve as Decision-Makers. Those who are serving as Advisors for any party may not serve as Decision-Makers in that matter. The Title IX Coordinator or AA/EEO Officer may not serve as a Decision-Maker or Chair in the matter but may serve as an administrative facilitator of the hearing if their previous role(s) in the matter do not create a conflict of interest. Otherwise, a designee may fulfill this facilitator role. The hearing will convene at a time and venue determined by the Chair or designee.

No less than ten (10) business days prior to the hearing, the Title IX Coordinator, AA/EEO Officer, or the Chair will send notice of the hearing to the parties. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

At the hearing, the Decision-Makers have the authority to hear and make determinations on all allegations of discrimination, harassment, and/or retaliation and may also hear and make determinations on any additional alleged policy violations that occurred in concert with the discrimination, harassment, and/ or retaliation, even though those collateral allegations may not

specifically fall within the Equal Opportunity, Harassment (Sexual Misconduct), and Nondiscrimination Policy and Procedures. Participants at the hearing will include the Chair, any additional panelists, the hearing facilitator, if needed, the Investigator(s) who conducted the investigation, the parties (or three (3) organizational representatives when an organization is the Respondent), Advisors to the parties, any called witnesses, and anyone providing authorized accommodations, interpretation, and/or assistive services. The Chair will answer all questions of procedure. Anyone appearing at the hearing to provide information will respond to questions on their own behalf. The Chair will allow witnesses who have relevant information to appear at a portion of the hearing in order to respond to specific questions from the Decision-Makers and the parties, and will then be excused.

The Chair explains the procedures and introduces the participants. The Chair then conducts the hearing according to the hearing script. At the hearing, recording, witness logistics, party logistics, curation of documents, separation of the parties, and other administrative elements of the hearing process are managed by a non-voting hearing facilitator appointed by the Title IX Coordinator or the AA/EEO Officer. The hearing facilitator may attend to: logistics of rooms for various parties/witnesses as they wait; flow of parties/witnesses in and out of the hearing space; ensuring recording and/or virtual conferencing technology is working as intended; copying and distributing materials to participants, as appropriate, etc. The Investigator(s) will then present a summary of the final investigation report, including items that are contested and those that are not, and will be subject to questioning by the Decision-Makers and the parties (through their Advisors). The Investigator(s) will be present during the entire hearing process, but not during deliberations. Neither the parties nor the Decision-Makers should ask the Investigator(s) their opinions on credibility, recommended findings, or determinations, and Advisors and parties will refrain from discussion of or questions about these assessments. If such information is introduced, the Chair will direct that it be disregarded.

Once the Investigator(s) presents the report and responds to questions, the parties and witnesses may provide relevant information in turn, beginning with the Complainant, and then in the order determined by the Chair. The parties/witnesses will submit to questioning by the Decision-Makers and then by the parties through their Advisors. All questions are subject to a relevance determination by the Chair. The Advisor, who will remain seated during questioning, will pose the proposed question orally, electronically, or in writing (orally is the default, but other means of submission may be permitted by the Chair upon request if agreed to by the parties and the Chair), the proceeding will pause to allow the Chair to consider the question, and the Chair will determine whether the question will be permitted, disallowed, or rephrased. The Chair may invite explanation or persuasive statements regarding relevance with the Advisors if the Chair so chooses. The Chair may decide to call a recess to review relevancy and other arguments. During a recess, the Chair may choose to confer with the Title IX Coordinator. The Chair will then state their decision on the question for the record and advise the party/witness to whom the question was directed, accordingly. The Chair will explain any decision to exclude a question as not relevant, or to reframe it for relevance. The Chair will limit or disallow questions on the basis that they are irrelevant, unduly repetitious (and thus irrelevant), or abusive. The Chair has final say on all questions and determinations of relevance. The Chair may consult with the Title IX Coordinator, the AA/EEO Officer, and/or legal counsel on any questions of admissibility. The Chair

may ask advisors to frame why a question is or is not relevant from their perspective but will not entertain argument from the advisors on relevance once the Chair has ruled on a question. If the parties raise an issue of bias or conflict of interest of an Investigator or Decision-Maker at the hearing, the Chair may elect to address those issues, consult with legal counsel, and/or refer them to the Title IX Coordinator, and/or preserve them for appeal. If bias is not in issue at the hearing, the Chair should not permit irrelevant questions that probe for bias.

The Decision-Makers will deliberate in closed session to determine whether the Respondent is responsible or not responsible for the policy violation(s) in question. A simple majority vote is required to determine the finding. The preponderance of the evidence standard of proof is used. The hearing facilitator may be invited to attend the deliberation by the Chair, but is there only to facilitate procedurally, not to address the substance of the allegations. When there is a finding of responsibility on one or more of the allegations, the Decision-Makers may then consider the previously submitted party impact and/or mitigation statements in determining appropriate sanction(s). The Chair may permit the parties an opportunity to review any impact and/or mitigation statements submitted by the other party(ies). The Decision-Makers will review the statements and any conduct history provided by the Title IX Coordinator and/or the AA/EEO Officer and will determine the appropriate sanction(s). The Chair will then prepare a written deliberation statement and deliver it to the Title IX Coordinator or AA/ EEO Officer. The statement must be submitted to the Title IX Coordinator or AA/EEO Officer within two (2) business days of the end of deliberations, unless the Title IX Coordinator or AA/EEO Officer grants an extension. If an extension is granted, the Title IX Coordinator or AA/EEO Officer will notify the parties.

Using the deliberation statement, the Chair will work with the Title IX Coordinator or the AA/EEO Officer to prepare a Notice of Outcome. The Title IX Coordinator or AA/EEO Officer will then share the letter, including the final determination, rationale, and any applicable sanction(s) with the parties and their Advisors within three (3) business days of receiving the Decision-Makers' deliberation statement as permitted to share under state or federal law. The Notice of Outcome will then be shared with the parties simultaneously. Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official ATU records, or emailed to the parties' ATU-issued email or otherwise approved account. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered. The Notice of Outcome will detail when the determination is considered final. Unless based on an acceptance of violation by the Respondent, the determination may be appealed by either party.

Any party may submit a written request for appeal ("Request for Appeal") to the Title IX Coordinator or the AA/EEO Officer within five (5) business days of the delivery of the written finding of the Decision-Maker(s). The Request for Appeal will be forwarded to the appropriate Appeal Decision-Maker(s) for consideration to determine if the request meets the grounds for appeal (a Review for Standing). This review is not a review of the merits of the appeal, but solely a determination as to whether the request meets the grounds and is timely filed. Appeals are limited to the following grounds:

1. A procedural irregularity that affected the outcome of the matter

2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter

3. The Title IX Coordinator or AA/EEO Officer, Investigator(s), or Decision-Makers had a conflict of interest or bias for or against Complainants or Respondents generally or the specific Complainant or Respondent that affected the outcome of the matter

If any of the grounds in the Request for Appeal do not meet the grounds in this Policy, that request will be denied by the Appeal Decision-Maker(s) and the parties and their Advisors will be notified in writing of the denial and the rationale. If any of the grounds in the Request for Appeal meet the grounds in this Policy, then the Appeal Decision-Maker(s) will notify all parties and their Advisors, the Title IX Coordinator or AA/EEO Officer, and, when appropriate, the Investigator(s) and/or the original Decision-Makers. All other parties and their Advisors, the Title IX Coordinator or the AA/EEO Officer, and, when appropriate, the Investigator(s) and/or the original Decision-Makers will be mailed, emailed, and/or provided a hard copy of the Request for Appeal with the approved grounds and then be given three (3) business days to submit a response to the portion of the appeal that was approved and involves them. All responses, if any, will be forwarded by the Appeal Decision-Maker(s) to all parties for review and comment.

All decisions apply the preponderance of the evidence standard.

#### **Rights of the Parties in an Institutional Proceeding:**

During the course of the process described in the previous section, both the complainant and the respondent are entitled to:

1. A prompt, fair, and impartial process from the initial investigation to the final result.
  - A prompt, fair, and impartial process is one that is:
    - Completed within reasonably prompt timeframes designated by the University's policy, including a process that allows for the extension of timeframes for good cause, with written notice to the complainant and the respondent of the delay and the reason for the delay.
    - Conducted in a manner that:
      - Is consistent with the University's policies and transparent to the complainant and the respondent.
      - Includes timely notice of meetings at which the complainant and the respondent, or both, may be present; and
      - Provides timely access to the complainant and the respondent and appropriate officials to any information that will be used during the informal and formal disciplinary meetings and hearings.
    - Conducted by officials who do not have a conflict of interest or bias for or against the accuser or the accused.

2. Proceedings conducted by officials who, at a minimum, receive annual training on the issues related to dating violence, domestic violence, sexual assault, and stalking and on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.
  - Such training addresses topics such as relevant evidence and how it should be used during a proceeding, proper techniques for questioning witnesses, basic procedural rules for conducting a proceeding, and avoiding actual and perceived conflicts of interest. Training for all personnel conducting investigations and administering student conduct policies is conducted annually.
3. The same opportunities to have others present during any institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice. The institution may not limit the choice of advisor, but may establish limits regarding the extent to which that advisor may participate in the proceeding, as long as those limits apply equally to both parties.
4. Have the outcome determined using the preponderance of the evidence standard.
5. Simultaneous, written notification of the results of the proceeding, any procedures for either party to appeal the result, any change to the result, and when the result becomes final. For this purpose, “result” means “any initial, interim and final decision by an official or entity authorized to resolve disciplinary matters” and must include the rationale for reaching the result and any sanctions imposed.

**Possible Sanctions or Protective Measures that the University May Impose for Dating Violence, Domestic Violence, Sexual Assault, or Stalking Offenses:**

Following a final determination in the University’s disciplinary proceeding that dating violence, domestic violence, sexual assault, or stalking has been committed, the institution may impose a sanction.

The following are the sanctions that may be imposed upon students or organizations singly or in combination:

- **Warning:** A formal statement that the conduct was unacceptable and a warning that further violation of any Arkansas Tech University policy, procedure, or directive will result in more severe sanctions/responsive actions.
- **Probation:** A written reprimand for violation of institutional policy, providing for more severe disciplinary sanctions in the event that the student or organization is found in violation of any institutional policy, procedure, or directive within a specified period of time. Terms of the probation will be articulated.
- **Loss of Privileges:** Suspension or denial of rights and privileges for a designated period of time, and may include denial of specified social privileges, exclusion from co-curricular activities, exclusion from designated areas of campus, no-contact directives, and/or other measures deemed appropriate.
- **Monetary Fines:** A penalty imposed involving the collection of fees from the student.

- Restitution. Compensation for loss, injury, damage to or misappropriation of Arkansas Tech University property. This may take the form of appropriate service and/or monetary or material replacement.
- Educational Sanctions: Educational sanctions may be assigned that promote learning and understanding. These sanctions may be developed as necessary by a conduct body including, but not limited to:
  - Sponsorship of an education program;
  - Attendance at educational programs;
  - Requirement of members to complete educational training programs;
  - Attendance in conflict management training;
  - Educational service hours;
  - Attendance in ethics workshop/training;
  - Reflective exercises.
- Discretionary Sanctions: Work assignments, service to Arkansas Tech University, or other related sanctions.
- Holds: Withholding of grades, the right to register for classes, official transcript, and/or degree.
- Housing Suspension: Separation of the student from Arkansas Tech University housing for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified.
- Housing Expulsion: Permanent separation of the student from Arkansas Tech University housing.
- University Suspension: Termination of student status for a definite period of time and revocation of rights to be on campus for any reason or to attend Arkansas Tech University-sponsored events. Conditions for readmission may be specified. Students who return from suspension are automatically placed on probation for a definite period of time.
- University Expulsion: Permanent termination of student status and revocation of rights to be on campus for any reason or to attend Arkansas Tech University-sponsored events.
- Withholding Diploma: Arkansas Tech University may withhold a student's diploma for a specified period of time and/or deny a student participation in commencement activities if the student has an allegation pending or as a sanction if the student is found responsible for an alleged violation.
- Revocation of Admission or Degree: Arkansas Tech University reserves the right to revoke admission or a degree previously awarded from Arkansas Tech University for fraud, misrepresentation, and/or other violation of Arkansas Tech University policies, procedures, or directives in obtaining admission or the degree, or for other serious violations committed by a student prior to graduation.

- Organizational Sanctions: Censure, Disciplinary Probation, Deferred Suspension, Disciplinary Suspension, Indefinite Dismissal, Restrictions, Educational Sanctions, Restitution, and Monetary Fines.
- Other Actions: In addition to or in place of the above sanctions, Arkansas Tech University may assign any other sanctions as deemed appropriate.

### **Publicly Available Recordkeeping:**

The University will complete any publicly available recordkeeping, including Clery Act reporting and disclosures, without the inclusion of personally identifiable information about victims of dating violence, domestic violence, sexual assault, and stalking who make reports of such to the University to the extent permitted by law.

### **Victims to Receive Written Notification of Rights:**

When a student or employee reports to the University that he or she has been a victim of dating violence, domestic violence, sexual assault, or stalking, whether the offense occurred on or off campus, the University will provide the student or employee a written explanation of his or her rights and options as described in the paragraphs above.

### **Sex Offender Registration Program:**

In accordance to the Campus Sex Crimes Prevention Act of 2000, which amends the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, Adam Walsh Child Protection and Safety Act of 2006, the Jeanne Clery Act and the Family Educational Rights and Privacy Act of 1974, the Department of Public Safety 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. Information regarding sex offenders in Arkansas is available at the following link <https://www.ark.org/offender-search/index.php>.

In addition to the above, a list of current sex offenders pertinent to Arkansas Tech University is developed and maintained by the Department of Public Safety. In accordance with Arkansas law, relevant and necessary information will be disclosed when the information is necessary for public protection. Inquiries regarding registered sex offenders may be directed to University Marketing and Communications at (479) 968-0402. For information on how to register if you are a convicted sex offender, contact the Department of Public Safety at (479) 968-0222

## **Timely Warnings and Emergency Response**

### **Timely Warnings**

In the event a crime or an incident is reported that constitutes a serious or continuing threat to the University, a campus wide “timely warning” notice will be issued. Timely warnings will be distributed to students and employees in a manner that is timely, that withholds the names of victims as confidential, and that provides information to assist with potentially

preventing similar occurrences. Updates to the community about any particular case resulting in a timely warning may be distributed by email, social media, and/or posted on the University website.

Information contained in each timely warning will include:

1. Information about the crime that prompted the alert (date/time/location and nature of the crime)
2. Information promoting safety (crime prevention and safety tips)
3. Information that will assist individuals in protecting themselves (what action to take or not take).

Timely warnings may be issued for the following crimes when it is determined that the incident represents a serious or continuing threat:

- Murder and non-negligent manslaughter
- Aggravated Assault (cases involving assaults among known parties, such as two roommates fighting which results in an aggravated injury, will be evaluated on a case-by-case basis to determine if the individual is believed to be an ongoing threat to the larger Arkansas Tech University community)
- Robbery involving force or violence (cases including pick pocketing and purse snatching will typically not result in the issuance of a timely warning notice, but will be assessed on a case-by-case basis)
- Sexual Assault (considered on a case-by-case basis depending on the facts of the case, when and where the incident occurred, when it was reported, and the amount information known by the Chief of Public Safety, or designee). In cases involving sexual assault, they are often reported long after the incident occurred, thus there is no ability to distribute a “timely warning” notice to the community. All cases of sexual assault, including stranger and non-stranger/acquaintance cases, will be assessed for potential issuance of a timely warning notice.
- Major incidents of arson
- Domestic violence, dating violence, stalking (considered on a case-by-case basis depending on the facts of the case, when and where the incident occurred, when it was reported, and the amount information known by the Chief of Public Safety, or designee and the threat to the larger community)

*NOTE: FERPA does not preclude an institution’s compliance with the timely warning provision of the campus security regulations. FERPA recognizes that information can, in case of an emergency, be released without consent when needed to protect the health and safety of others. In addition, if institutions utilize information from the records of a campus law*

*enforcement unit to issue a timely warning, FERPA is not implicated as those records are not protected by FERPA. [34 CFR.99.31(b) (6) and 99.36] Timely Warnings*

## **Emergency Response**

The University has an emergency management plan designed to ensure there is a timely and effective response in the event of a significant emergency or dangerous situation occurring on campus involving an immediate threat to the health or safety of members of the campus community. Such situations include, but are not limited to tornadoes, bomb threats, chemical spills, disease outbreaks, fires, active shooters, etc. The University has communicated with local police requesting their cooperation in informing the University about situations reported to them that may warrant an emergency response.

Students, employees, and visitors are encouraged to notify the Department of Public Safety by dialing 911 for any emergency or potentially dangerous situation.

The Chief of the Department of Public Safety, or designee, in collaboration with other appropriate personnel, will determine who should be notified, and will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

Depending on the segments of the campus the notification will target, the content of the notification may differ. When appropriate, the content of the notification will be determined in consultation with local authorities. Also as appropriate, the notification will give guidance as to whether its recipients should shelter in place or evacuate their location.

The Chief of Public Safety will direct the issuance of emergency notifications, which will be accomplished using one or more of methods discussed later in this section, depending on the nature of the threat and the segment of the campus community being threatened.

At the direction of the Chief of Public Safety, or their designee, the University's Office of Emergency Management will notify local law enforcement of the emergency if they are not already aware of it and local media outlets in order that the larger community outside the campus will be aware of the emergency.

In the event of a reported emergency, the Department of Public Safety will use the following process to confirm there is a significant emergency or dangerous situation:

1. The Department of Public Safety and other appropriate agencies respond to a reported emergency, evaluate the situation, and confirm there is an immediate threat or dangerous situation threatening campus.
2. The Department of Public Safety and other appropriate response agencies assess whether the threat is area-specific or campus-wide and determines which segments of the campus should be notified.
3. The Department of Public Safety notifies Chief of Public Safety, or designee, and University Emergency Manager, or designee.

4. Chief of Public Safety, or designee, and University Emergency Manager, or designee draft or select pre-scripted message.
5. ATU Alert is activated to notify the University community.
6. The Department of Public coordinates with key University personnel to provide updated information and posts updates or communicates “All Clear” as appropriate.

A public version of the University’s Emergency Operation Plan can be found on the Office of Emergency Management website at [www.atu.edu/emergency/index.php](http://www.atu.edu/emergency/index.php). The Arkansas Tech University Emergency Operation Plan directs University personnel on how to respond and manage campus emergencies. Detailed information on how members of the ATU community can respond to an emergency can be found at [www.atu.edu/emergency/index.php](http://www.atu.edu/emergency/index.php).

**Methods for Issuing Timely Warnings and Emergency Notifications**

The method(s) listed below may be utilized when the University issues a timely warning or emergency notification to the campus community.

Method	Sign-Up Instructions
ATU Alert	Arkansas Tech University Emergency notification system powered by RAVE Mobile Safety. The system provides emergency notifications to the campus in an efficient and timely manner during a campus security event. ATU Alert allows messages to be sent by email, text messaging, phone, Twitter, Facebook, desktop notifications, ALERTUS boxes, and ATU website. ATU Alert contains pre-scripted messages for emergency situations. The pre-scripted messages can also be edited for a customizable message.
Email	The University’s email system may be used as a mode of communication. The email system allows a more thorough explanation of the situation to be delivered to email addresses at ATU. Instructions or protective steps may also be given through email. ATU sends an email to every domain name with @atu.edu. All students, faculty, and staff receive an email.
Website	The University has several opportunities to utilize the web to disseminate information in an emergency. The University website has an emergency information link <a href="http://www.atu.edu/emergency">www.atu.edu/emergency</a> and is a release point for emergency instructions. The emergency information page <a href="http://www.atu.edu/emergency">www.atu.edu/emergency</a> is where information on response to emergency situations may be found. All University officials, faculty, staff, students, and visitors are directed to this site in an emergency and are encouraged to review the material in preparation for potential events. When an emergency notification is sent the website will display the emergency message and direct all users to the appropriate set of instructions based on the type of emergency.
ALERTUS Notification	ALERTUS is a year-round, 24 hour-a-day service delivered to various academic and administrative locations on campus. Programming to some television monitors and computer desktops connected to ALERTUS can be interrupted to display an emergency

	message. When an emergency message is displayed on a computer the user must acknowledge receipt of the message. This notification is installed on the instructor computers located in all computer labs.
ALERTUS Alert Beacons	Beacons are placed in large gathering spaces such as the cafeteria and sports arenas. The alert beacons can be activated to notify the University community in an emergency. These beacons emit an audible siren, flash random patterns of light, and display the emergency message in the beacon window. The user must acknowledge the message to silence the audible siren and verify receipt of the message.
Local News Media	The local news media may be utilized to disseminate emergency information to members of the larger community. Information is sent to local news media via press releases. The community can also access emergency information via the ATU homepage <a href="http://www.atu.edu">www.atu.edu</a> and/or social media.
Campus Emergency Call-In Number	A University call-in number has been established to play a short pre-recorded announcement. The number is (479) 880-4301. The call-in number directs the caller to the <a href="http://www.atu.edu/emergency">www.atu.edu/emergency</a> page and the Department of Public Safety in an emergency situation. Both areas provide information to callers about the nature and needed response in an emergency incident.

**Timely Warning and Emergency Notification Follow-up Information**

Follow-up information and updates will be sent after the initial campus wide emergency notification. Follow-up information will be distributed using some or all of the identified communication systems. Follow-up information can be sent by the following individuals or offices: University Marketing and Communication, University Emergency Manager, Chief of Public Safety, Vice President for Student Affairs, and AVP/Dean of Students, or their respective designees. These offices or individuals will determine the content and notification method for follow-up information to be disseminated and will be decided on a case by case basis.

**Testing and Documentation**

The ATU Alert system is tested annually. The campus community is notified of an impending test the week of, but the specific test time and date is withheld. Both tests offer students, faculty, and staff the opportunity to verify enrollment in ATU Alert by receipt of a text, email, and phone call. University officials also verify the ALERTUS boxes, desktop notifications, and website are activated by the ATU Alert system.

The University also participates in table top exercises coordinated by the Office of Emergency Management each year. These exercises are based on a wide range of emergency situations and critical incidents that may affect some or all of the University community. University officials use these exercises to determine the best course of actions and responses for the various incidents. The University is active in the Pope County Office of Emergency Management drills and exercises that are held every year and may affect the University community.

The Office of Emergency Management maintains a record of these tests and training exercises, including a description of them, the dates and times they were held and an indication of whether they were announced or unannounced. In connection with at least one such test, the University will distribute to its students and employees information to remind them of the University’s emergency response and evacuation procedures.

Emergency System Tested	Dates Test Conducted
ATU Alert System	April 12, 2021 and August 26, 2021

**Missing Student Policy**

In accordance with § 485(j) of the Higher Education Act, 20 U.S.C. § 1092(j), the University has developed an investigation and notification policy regarding students who reside in on-campus housing and have been reported as missing. If members of the University community believe that a student has been missing for 24 hours, it is critical that they report that information immediately to the Department of Public Safety by calling (479) 968-0222 or 911 if an emergency exists.

In the event a student under 18 years of age and not emancipated is missing, ATU will notify a custodial parent or guardian within 24 hours of the determination that the student is missing, in addition to notifying any additional contact person designated by the student. For all missing students, ATU will notify the local law enforcement agency within 24 hours of the determination that the student is missing, unless the local law enforcement agency was the entity that made the determination that the student is missing.

Any report to a University official indicating that a student who resides in on-campus housing is missing shall be referred immediately to the Department of Public Safety, AVP/Dean of Students, and Residence Life, if applicable, and an investigation shall be conducted. If the investigation determines that the student is missing, the following persons shall be notified within twenty-four (24) hours of the determination:

1. An individual(s) designated by the student. The information shall be considered confidential and is only to be accessed by university officials and law enforcement for official purposes and that it may not be disclosed outside of a missing person investigation. The individual designated for a missing person report may be, but does not have to be, the student’s emergency contact person.
2. The student’s custodial parent(s) or legal guardian(s), if a student is under 18 and not an emancipated minor, and any other designated contact person.
3. Local law enforcement authorities with jurisdiction in the area that the student went missing (if the report was not received by them initially), regardless of whether the student has identified a contact person, is above the age of 18, or is an emancipated minor. The Department of Public Safety will work with other law enforcement agencies, if necessary, once a student is determined to be missing. University officials may elect to notify additional persons determined to be

appropriate, consistent with the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g.

Students are encouraged to share pertinent information with family and friends when leaving campus or taking trips. Sharing this information will enable University staff, as well as family and friends, to contact you if the need arises. Students are encouraged to register and periodically update their emergency contact information, including the individual(s) to notify if the student goes missing, with Residence Life and through their OneTech portal found at <https://onetech.atu.edu/>. During the fall semester of each academic year, Residence Life will notify all students residing in on-campus housing of this policy.

## **Crime Statistics**

### **Clery Act Definitions of Reportable Crimes**

Arkansas Tech University reports the crimes required by the Clery Act that occurred on or within an institution's Clery Geography that were reported to a Campus Security Authority.

### **Crime Definitions**

The following definitions are to be used for reporting the crimes listed in the Clery Act, in accordance with the Federal Bureau of Investigation's Uniform Crime Reporting (UCR) Program. The definitions for murder, rape, robbery, aggravated assault, burglary, motor vehicle theft, weapons: carrying, possessing, etc., law violations, drug abuse violations, and liquor law violations are from the "Summary Reporting System (SRS) User Manual" from the FBI's UCR Program. The definitions of fondling, incest, and statutory rape are excerpted from the "National Incident-Based Reporting System (NIBRS) User Manual" from the FBI's UCR Program. The definitions of larceny-theft (except motor vehicle theft), simple assault, intimidation, and destruction/damage/vandalism of property are from the "Hate Crime Data Collection Guidelines and Training Manual" from the FBI's UCR Program.

### **Crime Definitions from the Summary Reporting System (SRS) User Manual from the FBI's UCR Program**

#### **Arson**

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

#### **Criminal Homicide**—Manslaughter by Negligence

The killing of another person through gross negligence.

#### **Criminal Homicide**—Murder and Non-negligent Manslaughter

The willful (non-negligent) killing of one human being by another.

#### **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.

#### **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 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 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 unlawful entry with intent to commit a larceny or felony, breaking and entering with intent to commit a larceny, housebreaking, safecracking, and all attempts to commit any of the aforementioned.

#### Motor Vehicle Theft

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

#### Weapons: Carrying, Possessing, Etc.

The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons.

#### Drug Abuse Violations

The violation of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance. Arrests for violations of State and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs.

#### Liquor Law Violations

The violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness.

### **Crime Definitions from the National Incident-Based Reporting System (NIBRS) User Manual from the FBI's UCR Program**

#### Sex Offenses

Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

1. Fondling—The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
2. Incest—Sexual intercourse between persons who are related to each other within the

degrees wherein marriage is prohibited by law.

3. Statutory Rape—Sexual intercourse with a person who is under the statutory age of consent.

#### Domestic Violence

Includes felony or misdemeanor crimes 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 co-habiting with or has co-habited with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

#### Dating Violence

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

#### Stalking

Defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others; or suffer substantial emotional distress.

#### **Hate Crime Definitions**

Arkansas Tech University Department of Public Safety is also required to report statistics for hate (bias) related crimes by the type of bias as defined below for murder/non-negligent manslaughter, rape, fondling, incest, statutory rape, robbery, aggravated assault, burglar, motor vehicle theft, and arson, as well as the other crimes defined below (larceny-theft, simple assault, intimidation, and destruction/damage/vandalism of property).

#### **Crime Definitions from the Hate Crime Data Collection Guidelines and Training Manual from the FBI's UCR Program**

##### Larceny-Theft (Except Motor Vehicle Theft)

The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Attempted larcenies are included. Embezzlement, confidence games, forgery, worthless checks, etc., are excluded.

##### Simple Assault

An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

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

### Hate Crime

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

- Race bias: A preformed negative attitude toward a group of persons who possess common physical characteristics (e.g., color of skin, eyes, and/or hair; facial features, etc.) genetically transmitted by descent and heredity which distinguish them as a distinct division of humankind (e.g., Asians, blacks, whites).
- Gender identity bias: A preformed negative opinion or attitude toward a group of persons based on their actual or perceived gender identity (e.g., bias against transgender or gender non-conforming individuals).
- Religion bias: A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being (e.g., Catholic, Jewish, Protestant, atheist).
- Sexual orientation bias: A preformed negative opinion or attitude toward a group of persons based on their actual or perceived sexual orientation (e.g., gay, lesbian, heterosexual).
- Ethnicity bias: A preformed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a common language, common culture (often including a shared religion) and/or ideology that stresses common ancestry.
- National origin bias: A preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth.
- Disability bias: A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.

Arkansas Tech University – Ozark Campus – Campus Security Report												
	2021				2020				2019			
	On-Campus	Non-Campus	Public Property	Total	On-Campus	Non-Campus	Public Property	Total	On-Campus	Non-Campus	Public Property	Total
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0	0	0	0
Fondling	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
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0
Illegal Weapons Violations – Arrests	0	0	0	0	0	0	0	0	0	0	0	0
Illegal Weapons Violations – Violations Referred for Disciplinary Action	0	0	0	0	0	0	0	0	0	0	0	0
Drug Law – Arrests	0	0	0	0	0	0	0	0	0	0	0	0
Drug Law – Violations Referred for Disciplinary Action	0	0	0	0	0	0	0	0	0	0	0	0
Liquor Law – Arrests	0	0	0	0	0	0	0	0	0	0	0	0
Liquor Law – Violations Referred for Disciplinary Action	0	0	0	0	0	0	0	0	0	0	0	0

**Hate crimes:**

2021: No hate crimes reported.

2020: No hate crimes reported.

2019: No hate crimes reported.

Arkansas Tech University – Ozark Campus – Campus Security Report												
Violence Against Women Act (VAWA) Statistics	2021				2020				2019			
	On-Campus	Non-Campus	Public Property	Total	On-Campus	Non-Campus	Public Property	Total	On-Campus	Non-Campus	Public Property	Total
Domestic Violence	0	0	0	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0	0	0	0

Arkansas Tech University – Main Campus – Campus Security Report			
Unfounded Crimes	2021	2020	2019
Total Unfounded Crimes	0	0	0

**Unfounded:**

2021: 0 unfounded.

2020: 0 unfounded crimes.

2019: 0 unfounded.

**\*Data from law enforcement agencies:**

- The data above reflects statistics provided from law enforcement agencies related to crimes that occurred on the University’s Clery Geography.

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