



UNIVERSITY OF THE
OZARKS

2023 Annual Security & Fire Safety Report

September 2023

Prepared by the Department of Public Safety

This information is provided in compliance with federal law, the Clery Act and the Violence Against Women Act (VAWA).

Introduction

Department of Public Safety

The Department of Public Safety works to support the mission of the University of the Ozarks by working in partnership with the university's community members and the Clarksville Police Department to ensure the University of the Ozarks campus is a safe and pleasant place to learn, live, work, and transact business. Treating all individuals and groups with respect, our goal is to protect and serve, secure, and protect university property and facilities and to respect and protect the privacy of those we serve.

This document is not intended to be a list of policies and procedures but rather a guide to assist each community member and guest in thinking safely and taking ownership of their well-being. We are all responsible for the safety of our community!

The Clery Act

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, and 2000. In 1998 it was renamed *the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act*, commonly referred to as the *Clery Act*.

The act requires that institutions give timely warnings of crimes that represent a threat to the safety of students and/or employees, and to make public their campus security policies. It further requires that crime statistics be made available to employees, students, and their families. It provides them with the university safety information and knowledge of crimes that have occurred on or around campus.

The Higher Education Opportunity Act of 2008 requires that any institution that maintains on-campus student housing must collect fire statistics, maintain a ***"fire log"*** and publish an ***Annual Fire Safety Report***.

- The **Fire Log** records the date, time, nature, and general location of all fires in on-campus housing facilities.
- The **Fire Safety Report** includes information about fire suppression equipment and future fire suppression planning for each on-campus housing facility. It also includes information about fire drills, evacuation plans, educational programs, the number of fires, their cause, any injuries, or property damage that were a direct result.

Part One

The Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics

University of the Ozarks is committed to complete and timely compliance with The Jeanne Clery Disclosure of Campus Security Policy & Campus Crime Statistics Act. The Director of Public Safety is responsible for the preparation of the report each year in cooperation with local law enforcement agencies, the Office of Student Affairs, Campus Health Services, and the Title IX Coordinator. Each department provides updated information on their educational efforts and programs to comply with the Act.

An e-mail notification is sent each year to all faculty, staff, current students, and Board of Trustees informing them the report is available via the Ozarks website (www.ozarks.edu). Prospective students and prospective employees can find a link to the report on our admissions webpage and human resource employment webpage respectively. Hardcopies are available for perspective employees, students, and other interested parties. All Crime statistical data is reported to the Department of Education annually, by October 1st.

Public Safety Officers Authority and Responsibility

The University of the Ozarks Public Safety Office, located in the lower level of the Seay Student Center is staffed with trained security staff that patrol the campus 24 hours a day, and are available to assist faculty, staff, students, and visitors. Safety officers have the authority to allow or restrict access to activities in all university facilities and properties, issue parking violations, and enforce all university safety policies.

The Clarksville Police Department has full authority on campus to make traffic stops, conduct arrests, criminal investigations and intervention as defined by federal, state, and municipal laws and regulations. Criminal activity is handled by the Clarksville Police Department. Our Public Safety Officers do not have any arrest authority, but will assist in helping students and staff report incidents to local law enforcement

The University of the Ozarks Public Safety certified as a private security agency through the Arkansas State Police on July 23, 2019. Under this certification the University has begun to deploy armed Commissioned Security Officers (CSO) are also certified through the Arkansas State Police. The staff consists of a combination of armed CSOs and noncommissioned unarmed public safety personnel. Our CSOs are hand-selected from prior and retired law enforcement officers. They must meet and exceed the Arkansas State Police requirements and pass university background and psychological evaluation.

Relationship of Public Safety with State and Local Law Enforcement

The Department of Public Safety has an excellent working relationship with state, county, and city law enforcement officials and agencies. The Clarksville Police Department has entrusted University of the Ozarks Public Safety with their police radios so the university can have direct and immediate communication with police, fire, and

medical in emergency situations. There is no written memorandum of understanding between University of the Ozarks and these agencies, however the university communicates regularly with these agencies and assists on investigations and exchanges information as deemed necessary. The Director of Public Safety is responsible for coordinating joint efforts between the university and local law enforcement officials.

Security of and Access to Campus Facilities

University of the Ozarks is a private institution maintained and supported for use by faculty, staff, and students. Guests and individuals conducting business are welcome on university properties and in university-owned facilities, as long as they behave courteously and abide by all university policies.

Doors

All exterior campus doors are controlled by a magnetic locking system. All exterior academic buildings are unlocked and locked electronically by the Department of Public Safety. Building operating hours are determined by senior university leadership. After facilities are locked, Public Safety officers monitor the campus through the access control system, video surveillance, and they patrol the campus 24/7.

University of the Ozarks residence halls are locked 24 hours a day but are accessed through a magnetic locking system. Students are granted access by proximity card readers. Access to each residence hall is limited to residents who live in that building, Student Affairs, and Public Safety. That access is controlled by the Department of Public Safety. The Office of Student Affairs issues individual room keys.

All residence hall guests, vendors and non-university persons must check in with the Department of Public Safety to gain access to any residential building. Individuals who gain improper access to residence hall areas or who behave inappropriately after being admitted will be removed from campus. Students who violate university access protocols will be referred to the Office of Student Affairs.

Lighting

Exterior lights illuminate the campus mall, all parking areas, and residence hall exteriors from before sunset until sunrise. Building interiors (including residence hall common areas) are equipped with emergency lights, which are backed up with battery packs to enhance safety during power failure. Moreover, the lighting in the plaza mall has been replaced with solar lighting fixtures, which, in the case of a power failure—safety and visibility will not be an issue. The lighting is checked regularly by Public Safety officer who in from maintenance for priority repair.

Emergency Phones

The campus is equipped with emergency phones placed strategically throughout campus. These phones have a red 9-1-1 button to summon emergency services and a keypad which may be used to call the Department of Public Safety or the Office of

Student Affairs. These phones are checked once each semester to ensure proper operations. Emergency phone locations are as follows:

- ❑ Two blue light pole phones – one on the north and one on the south end of the campus mall.
- ❑ Four exterior wall mounted blue light phones – one behind Trustee Hall, one behind Mabey Hall, one between Apartment #5 and #6 of North Street Apartment, and one on the laundry room at College Avenue apartments.
- ❑ Emergency phones – one next to the main entries of King Hall, Smith Hall and MacLean Hall and one at the tennis complex.

Security Cameras

Security cameras monitor parking lots and facility entrances. The purpose of these cameras is to discourage crime and document entry and inappropriate behavior in non-private areas.

Emergency Notifications

Everbridge is the University of the Ozarks mass notification system and the official means of communication in emergency situations such as inclement weather, intruder(s) on campus, initiating campus lockdown or relevant community information. Alerts can be issued by email, text, voice call, Facebook, Twitter, the university website, and push notifications off a single platform.

The University also provides a free mobile application through Everbridge which increases the Department of Public Safety's ability to respond quickly to an incident. The application features a 3-in-1 Panic Button which allows authorized users to send a panic message to public safety with their current location and automatically capturing surrounding audio and video. The Check-In feature allows a user to update their location almost anywhere in the world with a touch of a button. The application also has a Safe Corridor feature requiring the user to enter a code within a set amount of time or an alert is activated notifying public safety along with the user's location.

Emergency, safety, and weather documents can be accessed through the app. Users are automatically notified of severe thunderstorm and tornado warnings and the application allows users to customize the type of alerts that will be sent to the user.

Everbridge mass notification is tested at least once a semester. As part of the registration initiative, all students are automatically enrolled. The Department of Public Safety and the Office of Student Affairs proactively promotes the use of Everbridge to all members of the campus community. The service is free for students, faculty, and staff. Those who do not have text messaging can contact the Department of Public Safety at (479) 979-2020 for alternate notification methods.

Maintenance

Facility access, lighting, security cameras and emergency phones are monitored by the Department of Public Safety. Maintenance needs are reported to the Physical Plant, where they are prioritized. Maintenance works with Public Safety to ensure vegetation

adheres to crime prevention through an environmental design. The IT Department maintains the security network in cooperation with the Department of Public Safety.

Safety Walks

In response to concerns expressed by students about campus safety, in April of 2022 the University began a new initiative, 'Safety Walks', where members of the Student Government Association (SGA), the Office of Student Affairs, the Office of Public Safety, and Physical Plant will take walks (after sundown) on different parts of campus to identify areas, such as landscaping and lighting, that require improvement, and to debrief students of new safety measures available to them, test the campus' emergency call boxes, and answer any questions or concerns students may have. After every walk, the administration will report on its findings to SGA and the Board of Trustees.

Active Shooter Prevention Training

Every semester the Public Safety provides the Civilian Response to Active Shooter Events (CRASE) course, designed and built on the [Avoid, Deny, Defend \(ADD\)](#) strategy developed by ALERRT in 2004, provides strategies, guidance, and a proven plan for surviving an active shooter event. Topics include the history and prevalence of active shooter events, civilian response options, medical issues, and considerations for conducting drills.

Reporting Crimes and Incidents

In the event of an **emergency**, community members and guests are advised to call the local police (Clarksville Police Department), and/or fire or emergency medical service by dialing 9-1-1. These professionally trained law enforcement officers and medical emergency personnel are the first responders to all emergencies on campus. A call to Public Safety should also be placed for a university officer to respond. For **non-emergency** matters please contact the **Department of Public Safety at 479-979-2020**. If close to one of the **blue-light or emergency phones located on campus**, simply **push the emergency button** and 9-1-1 will be called.

All incidents of criminal occurrence, property loss, assault, threat, injury, or potential crime should be reported. At a minimum, these occurrences should be reported to Public Safety, and it is strongly recommended a report be made. All members of the community are strongly encouraged to report any suspicious activity observed on campus. Safety and security for our campus community is everyone's business.

Crime Prevention

Reduce Your Chances of Being a Crime Victim

- ❑ Always be aware of your surroundings. Be aware of potential risks. If something does not feel right, assume it is not right. Trust your instincts!
 - Take notice of activities around you, especially individuals approaching.

- Do not allow yourself to be distracted by talking on your cell phone or listening to music or reading.
- ☐ Travel in pairs or a group.
- ☐ Look individuals in the eye.
- ☐ Park in well-lit areas and check the inside of your vehicle before entering.
- ☐ Lock your vehicle and keep articles of value out of sight.
- ☐ Have your building or vehicle key/ID card ready as you approach.
- ☐ Make use of Public Safety escort services.
- ☐ Know where emergency phones are located.
- ☐ Use locks at all times.
- ☐ If your ID card or keys are lost or stolen, contact Public Safety immediately.
- ☐ Be aware of date rape drugs.
- ☐ Allow only individuals you know and trust to enter your residence hall room.
- ☐ Be cautious about how much personal information you place on social networks.
- ☐ Do not prop open residence hall entrance doors.
- ☐ Do not allow unauthorized visitors to enter residence halls.
- ☐ If you see an unescorted guest in a hall, notify your RA, Area Coordinator or Public Safety.

Plan to Be Safe

Know your limitations and make important decisions ahead of time.

Decide for yourself what you will and won't do based on your personal set of values. Don't allow others to make decisions for you.

Some issues to consider at a party/social event or on a date are:

- ☐ Are you going to drink?
- ☐ If you decide to drink, will you drink beer only, hard liquor or both?
- ☐ What is your individual tolerance for alcohol?
- ☐ When does your decision making become impaired?
- ☐ What are your limits for physical contact?
- ☐ Are you willing to engage in casual sex?
- ☐ How will you protect yourself from date-rape drugs?
- ☐ What if someone starts smoking pot, are you OK with that?
- ☐ What if someone starts using drugs such as meth, cocaine or heroin?
- ☐ What if an argument starts, becomes physical and/or a weapon is introduced into the fight?
- ☐ If you are staying the night, what are the sleeping arrangements?

When you go out!

- ☐ Go to parties, clubs, or raves with a trusted friend.
- ☐ Watch out for each other.
- ☐ Always pour your own drink.
- ☐ Do not accept an opened drink from anyone (even water).
- ☐ Do not set your drink down or leave it unattended.

- ☐ When you go to the bathroom, take your drink with you, or leave it with a friend whom you trust.
- ☐ If you choose to drink, drink responsibly.
- ☐ ALWAYS know where you are!
- ☐ Know how you will get home.
- ☐ Keep, IDs, money and credit cards with you or lock in a secure location.
 - Women – a small purse is easy to hold onto and keep with you.
 - Men – carry your billfold in a front or inside pocket not back hip pocket.
- ☐ Keep your cell phone fully charged and within reach.

Know what you will do if things don't go as planned!

- ☐ Be aware of your surroundings & changing conditions or attitudes.
- ☐ When and how will you leave?
- ☐ What will you do in the event of a violent situation?
- ☐ How and who will you call?

Reducing the Risk of Crime – University of the Ozarks Role

- ☐ Residence halls are always locked.
- ☐ Resident assistants receive training in crisis management and crime prevention.
- ☐ Residents receive crime prevention information throughout the academic year at floor meetings and training sessions as well as through electronic messages, and written materials.
- ☐ Public Safety Officers patrol academic buildings, public areas of residential facilities and parking areas throughout the day and evening.
- ☐ Security cameras monitor parking lots and facility entrances.
- ☐ A series of emergency phones are located throughout campus.
- ☐ Safe rides are available by calling Public Safety at (479) 979-2020.
- ☐ New employees are provided with emergency and crime prevention information.
- ☐ All employees receive an electronic copy of the Clery report each year.
- ☐ All employees are instructed on procedures for reporting crimes and given written instruction on reacting to emergencies at the beginning of the fall term in August of each year.

Alcohol and Controlled Substance Policy

University Policy

It is a violation of University policy for any member of its community to violate alcohol or drug laws: federal, state, or local. The enforcement of this policy is the responsibility of the entire University community. It is particularly important that students who are of legal drinking age be actively involved in enforcing all aspects of this policy. Illegal Narcotics pose a serious health risk to our community. Selling or supplying alcohol to a minor is punishable by law and **will not** be tolerated. Student Standards of Conduct and Sanctions for violations of Drug and Alcohol Policies can be found in the Student Handbook. Employee Standards of Conduct and Sanctions for violations of Drug and Alcohol Policies can be found in the Employee Handbook.

The unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited on the campus or as part of any of its activities. Students or organizations accused of violating this policy and students of legal drinking age who furnish alcohol to minors or fail to conform to established laws and University regulations will be subject to administrative discipline and possible suspension or permanent dismissal from the University. All suspected violations **shall be reported to Public Safety** or the **Office of Student Affairs** for investigation. Employees accused of violating this policy will be subject to administrative discipline and possible termination from the University. All suspected violations **shall be reported to Public Safety** or the **Office of Human Resources**.

Drug Free Workplace Policy

The Drug-Free Schools and Communities Act of 1989 requires certification each year by institutions of higher education that their campuses will encourage and enforce whatever policies are needed to accomplish a drug-free campus. University of the Ozarks supports this nationwide effort and has adopted a policy in support of and compliance with this Act. The Drug Free Workplace policy, in its entirety, is published in all student and employee handbooks. The University conducts a biannual review of our drug and alcohol policies.

State Sex Offender Registry

In accordance with the “Campus Sex Crime Prevention Act” of 2000, which amends the Jacob Wetterling Crimes Against Children and Sexually Violent Offenders Registration Act, the Jeanne Clery Act and the Family Educational Rights and Privacy Act of 1974, the University of the Ozarks Department of Public Safety provides access to information provided by Arkansas law enforcement concerning registered sex offenders. In the state of Arkansas, convicted sex offenders must register with the Arkansas Crime Information Center. In addition, they must provide notice of and to each institution of higher education in that state at which they are employed or enrolled as a student.

To access the Arkansas Sex Offender Registry to www.acic.org under the “Online Services” tab.

Title IX Policy

University of the Ozarks is committed to complying with all requirements of federal and state civil rights acts, including Title VI and VII of the Civil Rights Act and Title IX of the Educational Amendments Act of 1972 in creating a working and learning environment free from all forms of discrimination, including harassment. Every member of the University community should be aware that unlawful discrimination and harassment, either intentional or unintentional of any student, faculty member, employee, or third party by another student, faculty member, employee, or third party is strictly prohibited by law and University policy. As such, any discrimination on the basis of sex or gender will not be tolerated in any of the University’s work, educational or activities environments. Such discrimination includes but is not limited to sexual harassment; sexual assault; sex or gender-based bullying; hazing; stalking; relationship violence

(including domestic violence and dating violence); and failure to provide equal opportunity in admissions, activities, employment or athletics.

Members of the University of the Ozarks' Community, guests, and visitors have the right to be in an environment free from all forms of gender/sex discrimination including sexual misconduct. Failure to comply with Title IX can result in the termination of all or part of the University's federal funding. This includes grants, subsidies, and other program funds from the federal government. In addition to the loss of federal funds, the University may be sued by those seeking redress for violations of Title IX.

Therefore, it is essential that institutions receiving federal financial assistance operate in a nondiscriminatory manner. To ensure the university's compliance with the law, adherence to Title IX regulations is everyone's responsibility.

Title IX Coordinator

University of the Ozarks' Title IX Coordinator is Gloria M. Arcia, Ed.D., Executive Vice President and Chief Financial Officer. Her office is located in the Mabee Administration building. She may be reached via email at garcia@ozarks.edu or by telephone at 479-979-1310 or on her cell at 954-534-6755. The Title IX Coordinator is responsible for monitoring and overseeing the implementation of Title IX compliance at University of the Ozarks, including coordinating training, education, communications, and initiating the grievance procedures for faculty, staff, students, and other members of the University community, as well as visitors to the campus.

Consent

Consent is informed. It is an unambiguous, affirmative, and conscious decision by each person, to engage in mutually agreed upon sexual activity, under circumstances permitting mutually understandable words or actions, actively communicated both knowingly and voluntarily, that clearly convey permission. A person can only give consent where he or she is under no coercion, force, threat, or intimidation. Silence does not mean consent.

Prohibited Acts/Misconduct

Bullying

University of the Ozarks prohibits bullying, defined as a repeated and/or severe, aggressive behavior likely to intimidate or intentionally hurt, control, or diminish another person, physically or mentally.

Dating Violence

Intentional use of physical, sexual, verbal, or emotional abuse by a person to harm, threaten, intimidate, or control another person who is or has been in a social relationship of a romantic or intimate nature.

Discrimination

University of the Ozarks prohibits discrimination in employment or student admissions on the basis of race, color, religion, sex, national origin, age, disability, genetic information, sexual orientation, gender identity, or status as a protected veteran.

Domestic Violence

University of the Ozarks prohibits domestic violence; the use of force in domestic situations that causes bodily injury, threatens to cause bodily harm, or causes any kind of physical contact the other person may regard as offensive or provocative.

Non-Consensual Sexual Conduct

University of the Ozarks maintains a zero-tolerance policy for non-consensual sexual conduct, regardless of the sexual orientation or gender identity of the individuals engaging in sexual activity. Zero-tolerance means the University will remedy all unwelcome or non-consensual conduct of a sexual nature and will impose appropriate and often significant sanctions on community members who violate this policy.

Retaliation

University of the Ozarks prohibits retaliation against an individual who raises concerns under, or complains of violations of, this policy.

Sex Discrimination

Specifically, University of the Ozarks does not discriminate on the basis of sex against any person, including access to its campuses and facilities and in participation in its education services, programs, operations and employment. Sexual harassment, which includes sexual violence, is a form of sex discrimination prohibited by Title IX and institutional policies.

Sexual Harassment

University of the Ozarks prohibits sexual harassment. Sexual harassment means any harassment based on someone's sex or gender. It includes harassment that is not sexual in nature (for example, offensive remarks about an individual's sex or gender), as well as any unwelcome sexual advances or requests for sexual favors or any other conduct of a sexual nature, when any of the following is true:

- ❑ Submission to the advance, request or conduct is made either explicitly or implicitly a term or condition of employment, or which has the purpose or effect of interfering with the individual's education;
- ❑ Submission to or rejection of the advance, request or conduct is used as a basis for employment or educational decisions; or
- ❑ Such advances, requests or conduct have the purpose or effect of substantially or unreasonably interfering with an employee's work or educational performance by creating an intimidating, hostile or offensive environment.

Sexual Misconduct

University of the Ozarks prohibits sexual misconduct. Sexual misconduct is a broadly defined term includes all forms of gender-based harassment, discrimination, and/or unwelcome behavior of a sexual nature.

Stalking

University of the Ozarks prohibits stalking and takes seriously its obligation to protect the campus community. Stalking occurs when one individual engages in conduct directed at a specific person on the basis of actual or perceived membership in a protected class that is unwelcome and would cause a reasonable person to feel fear.

Stalking occurs when one individual's repetitive pursuit of another, followed by, harassment and/or interference with the peace and/or safety of another.

Responsible Employees (Faculty and Staff)

Students, faculty, and staff should report their concerns to a responsible employee at the University. A responsible employee is a university employee who has the authority to take action to redress an alleged violation of this policy; who has been given the duty of reporting such allegations to the University Title IX Coordinator, or whom an individual could reasonably believe has this authority or duty. Responsible Employees include, but are not limited to:

- ☐ Administrators;
- ☐ Academic advisors;
- ☐ Faculty members, including professors, adjuncts, lecturers, instructors, and teaching assistants;
- ☐ Student services personnel;
- ☐ Graduate research assistants;
- ☐ Student organizations and community advisors;
- ☐ All supervisory personnel; and
- ☐ Human Resources personnel.

Mandatory Reporting Obligations

All members of the university community (students, faculty, staff and visitors to any University premises or University-affiliated activity) are responsible for reporting immediately any Prohibited Acts / Misconduct they experience, witness, or which are communicated to them. Responsible Employees are not confidential reporting resources.

Any member of the University community who becomes aware of possible sexual harassment perpetrated by a university employee must promptly contact the Title IX Coordinator to discuss the matter. Failure to report sexual harassment could result in disciplinary action up to and including termination of employment.

Disclosures to licensed clinical and/or mental health professions (physicians, psychologists, nurses, counselors, and those performing services under their supervision) acting in their professional role are not subject to mandatory reporting requirements.

Supervisors, Managers and Administrators

University of the Ozarks faculty members, supervisors, student services staff, and anyone else employed by the University who have supervisory, administrative, and instructional or advising responsibilities must notify the Title IX Coordinator immediately about matters of possible Prohibited Acts / Misconduct. Failure to report such conduct could result in immediate termination.

Abuse or Suspected Abuse of Minors

All employees are required to report abuse or suspected abuse of minors consistent with the law of the state. This generally includes reporting immediately to law enforcement and to the state's child welfare agency.

General Reporting Obligations

All students, employees, and third parties are strongly encouraged to promptly report any incidents of Prohibited Acts / Misconduct or sexual harassment, engaged in by either students or University employees, to the University's Title IX Coordinator or other Responsible Employee. Furthermore, all employees and students have a responsibility to:

- Refrain from retaliation directed against any person for making a good faith report of Prohibited Acts / Misconduct or for participating in any proceeding under the policy; and
- Provide truthful information in connection with any report, investigation, or resolution of Prohibited Acts / Misconduct under the policy or these procedures.

Filing Complaints

All students, employees, and third parties are strongly encouraged to promptly report any violations of this policy to the University Title IX Coordinator. All students, employees, and third parties may also report incidents of Prohibited Acts / Misconduct to law enforcement, including on-campus and local police (if applicable). The Title IX Coordinator will assist with contacting these authorities if the individual wishes. Individuals may also decline to notify law enforcement of incidents of Prohibited Acts / Misconduct. An individual who experiences any form of sexual, domestic, or dating violence is encouraged to seek immediate medical care. Also, preserving DNA evidence can be key to identifying the perpetrator in a sexual violence case. Victims can undergo a sexual assault forensic exam (SAFE) to preserve physical evidence. If possible, this should be done immediately, or as soon as practicable. With the examinee's consent, the physical evidence collected during this medical exam can be used in a criminal investigation. To undergo an exam, go directly to the nearest emergency department that provides such services. An individual who experiences any form of Sexual Misconduct should also preserve other evidence relevant to the complained of activity, such as items of clothing, photographs, phone records, text messages, computer records, and other documents.

Complainant

An individual who is alleged to be the victim of conduct that could constitute Sexual Misconduct. Complainants and Respondents are referred to collectively as "parties" throughout this Policy.

Respondent

An individual who is alleged to be the perpetrator of conduct that could constitute Sexual Misconduct. Complainants and Respondents are referred to collectively as "parties" throughout this Policy.

Responsible Employees

If an employee is a Responsible Employee and receives information about violations of this policy, reporting is required. Responsible Employees have a duty to promptly report all known details of incidents of sex discrimination, sexual harassment, Prohibited Acts / Misconduct, stalking and any other suspected violation of this policy to the University Title IX Coordinator. Responsible Employees are not confidential reporting resources.

Confidential Reporting Resources

Disclosures to pastoral counselors or licensed clinical and/or mental health professionals acting in their professional roles in the provision of services are not subject to the foregoing mandatory reporting requirements. These employees include pastors, physicians, psychologists, nurses, counselors, and those performing services under their supervision. These employees are encouraged to provide students or employees with information and guidance regarding university reporting options and available resources but will not report or otherwise refer instances of sexual harassment/misconduct to University administrators without the student or employee's express permission.

Anonymous Reporting

Individuals wishing to remain anonymous can file a complaint in any manner, including by telephone or written communication, with the University Title IX Coordinator. However, electing to remain anonymous may greatly limit the University's ability to investigate an alleged incident, collect evidence, and/or take effective action against individuals or organizations accused of violating this policy.

Actual Knowledge

Notice of Sexual Misconduct allegations to the Title IX Coordinator or any Official with Authority.

Education Program or Activity

Locations, events, or circumstances over which University of the Ozarks exercises substantial control over both the Respondent and the context in which the Sexual Misconduct occurs. This includes conduct that occurs on University of the Ozarks property, during any University of the Ozarks activity, or in any building owned or controlled by a student organization that is officially recognized by University of the Ozarks.

Official with Authority

An individual who has the authority to institute corrective measures and is required to report Prohibited Acts / Misconduct to the Title IX Coordinator to initiate University of the Ozarks response to the Prohibited Acts / Misconduct allegations. Officials with Authority are limited to the following positions at University of the Ozarks: Title IX Coordinator and Director of Human Resources.

General Reporting Obligations

All students, employees, and third parties are strongly encouraged to promptly report any incidents of Prohibited Acts / Misconduct or sexual harassment, engaged in by

either students or University employees, to the University's Title IX Coordinator or other Responsible Employee. Furthermore, all employees and students have a responsibility to:

- ☐ Refrain from retaliation directed against any person for making a good faith report of Prohibited Acts / Misconduct or for participating in any proceeding under the policy; and
- ☐ Provide truthful information in connection with any report, investigation, or resolution of Prohibited Acts / Misconduct under the policy or these procedures.

Initial Response to Reported Prohibited Acts / Misconduct

Upon receipt of a report of Prohibited Acts / Misconduct, the Title IX Coordinator will contact the Complainant, regardless of whether the Complainant was the individual who initiated the report. During the initial contact with the Complainant, the Title IX Coordinator will:

- ☐ Provide the Complainant with notice of their rights and options;
- ☐ Explain the process for filing a Formal Complaint;
- ☐ Explain the Grievance Process;
- ☐ Discuss the availability of Supportive Measures regardless of whether a Formal Complaint is filed;
- ☐ Consider the Complainant's wishes with respect to Supportive Measures.

Formal Complaint

University of the Ozarks will investigate all allegations of Prohibited Acts/Misconduct in a Formal Complaint.

Filing a Formal Complaint

A Formal Complaint must:

- ☐ Contain an allegation of Prohibited Acts / Misconduct against a Respondent;
- ☐ Request that University of the Ozarks investigate the allegation; and
- ☐ Be signed by the Complainant or Title IX Coordinator.

In limited circumstances, if a Complainant does not sign a Formal Complaint, the Title IX Coordinator may sign a Formal Complaint. In determining whether to sign a Formal Complaint, the Title IX Coordinator will consider factors that include but are not limited to:

- ☐ Whether there have been other reports of Prohibited Acts / Misconduct or other relevant misconduct concerning the same Respondent whether or not the incidents occurred while the Respondent was a University of the Ozarks student or employee;
- ☐ Whether the Respondent threatened further Prohibited Acts / Misconduct or other misconduct against the Complainant or others;
- ☐ Whether the alleged Prohibited Acts / Misconduct was committed by multiple perpetrators;
- ☐ The nature and scope of the alleged Prohibited Acts / Misconduct including whether the Prohibited Acts / Misconduct was perpetrated with a weapon;
- ☐ The ages and roles of the Complainant and the Respondent;

- Whether University of the Ozarks can pursue the investigation without the participation of the Complainant (e.g., whether there are other available means to obtain relevant evidence of the alleged Prohibited Acts / Misconduct such as security cameras or physical evidence);

Whether the report reveals a pattern of perpetration (e.g., perpetration involving illicit use of drugs or alcohol) at a given location or by a particular group.

Dismissal of a Formal Complaint

Required Dismissal

The Title IX Coordinator will dismiss a Formal Complaint for purposes of Prohibited Acts/Misconduct if:

- The conduct alleged in the Formal Complaint would not constitute Prohibited Acts / Misconduct as defined in this Policy even if proved;
- The conduct alleged did not occur in University of the Ozarks' Education Program or Activity; or
- The Conduct alleged in the Formal Complaint did not occur against a person in the United States.

Dismissal of a Formal Complaint does not preclude action under other provisions of the University of the Ozarks policies and procedures. If a Formal Complaint is dismissed under this section and the Respondent is a student, the matter will be sent to the Vice President for Student Affairs and Dean of Students for review. The Vice President of Student Success and Dean of Students will decide whether the matter will be pursued under University of the Ozarks' Student Handbook and Code of Conduct.

If a Formal Complaint is dismissed under this section and the Respondent is an employee, the matter will be sent to the Director of Human Resources for review. The Director of Human Resources will decide whether the matter will be pursued under University of the Ozarks Employee Handbook.

Permissive Dismissal

The Title IX Coordinator may dismiss a Formal Complaint or any allegations within the Formal Complaint, if at any time during the investigation or hearing:

- A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations within the Formal Complaint,
- The Respondent is no longer enrolled or employed by University of the Ozarks, or
- Specific circumstances prevent University of the Ozarks from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations within the Formal Complaint.

Appeal of Dismissal

Either party may appeal the dismissal of a Formal Complaint or any allegations therein.

Consolidation of Formal Complaints

The Title IX Coordinator may consolidate Formal Complaints as to allegations of Prohibited Acts / Misconduct against more than one Respondent or by more than one

Complainant against one or more Respondents where the allegations arise out of the same facts or circumstances.

Grievance Process

The grievance process within this Policy is designed to treat Complainants and Respondents equitably. Remedies are provided to a Complainant where a determination of responsibility for Prohibited Acts / Misconduct has been made against the Respondent and Disciplinary Sanctions are not imposed against a Respondent prior to the completion of the grievance process.

General Grievance Process Information:

Burden of Proof and Burden of Gathering Evidence

All investigations and proceedings, including hearings, relating to Prohibited Acts / Misconduct will be conducted using a “preponderance of the evidence” (more likely than not) standard. The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on University of the Ozarks, not the parties.

Presumption of Not Responsible

The Respondent is presumed to be not responsible for the alleged conduct until a determination regarding responsibility is made at the end of the grievance process.

Time Frames for Grievance Process

While the University cannot promise a definitive timeframe for investigating a complaint, University of the Ozarks strives to complete the grievance process within one hundred and twenty (120) business days. Temporary delays and/or extensions of the time frames within this Policy may occur for good cause. Written notice will be provided to the parties of the delay and/or extension of the time frames with explanation of the reasons for such action. Examples of good cause for delay/extensions include but are not limited to considerations such as the absence of a party, a party’s advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

Medical Records

University of the Ozarks will not access, consider, disclose, or otherwise use party’s records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional’s or paraprofessional’s capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless University of the Ozarks obtains that party’s voluntary, written permission to do so for the grievance process within the Policy.

Privileged Information

University of the Ozarks will not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding the privilege has waived the privilege.

Notice of Meetings, Interviews, and Hearings

Parties and witnesses will be provided notice of any meeting, interview, and/or hearing with sufficient time, approximately three (3) business days, to prepare to participate. This notice will include the date, time, location, participants and purposes of the meeting, interview and/or hearing.

Notice of Allegations

Upon receipt of a Formal Complaint, the investigator will provide Notice of Allegations to the parties who are known. The Notice of Allegations will include:

- ☐ Notice of the party's rights and options;
- ☐ Notice of University of the Ozarks' grievance process;
- ☐ Notice of University of the Ozarks' informal resolution process and options;
- ☐ Notice of the allegations of Prohibited Acts / Misconduct, including:
- ☐ The identities of the parties involved in the incident, if known,
- ☐ The conduct allegedly constituting Prohibited Acts / Misconduct, and
- ☐ The date and location of the incident, if known.
- ☐ Notice that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process.
- ☐ Notice that the parties may have an advisor of their choice, and that the advisor may inspect and review evidence.
- ☐ Notice of the University of the Ozarks' policy that prohibits knowingly making false statements or knowingly submitting false information.

The Notice of Allegations will be updated, and written notice provided to the parties if at any time during the investigation University of the Ozarks decides to investigate allegations about the Complainant or Respondent that are not included in the initial Notice of Allegations.

Investigation of a Formal Complaint

University of the Ozarks will conduct an investigation following a Formal Complaint and Notice of Allegations. During all meetings and interviews, the parties may be accompanied by an advisor of their choice. During the investigation stage of the grievance process, the advisor's role is limited to assisting, advising, and / or supporting a Complainant or Respondent. An advisor is not permitted to speak for or on behalf of a Complainant or Respondent or appear in lieu of a Complainant or Respondent during the investigation phase of the grievance process.

Opportunity to Provide Information and Present Witnesses

Each party will be provided an equal opportunity to provide information to the investigator and present witnesses for the investigator to interview.

Opportunity to Inspect and Review Evidence

Each party will be provided an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, including evidence upon which University of the Ozarks does not intend to rely upon in reaching a determination regarding responsibility. This review includes evidence that is obtained by a party, witness, or other source. Each party and

their advisor (if any) will be provided an electronic copy of the evidence for inspection and review. The parties will have ten (10) business days to review submit a written response to the investigator. The investigator will consider the written responses prior to completing an investigative report. All evidence provided during the inspection and review phase will be available at any hearing for the parties to use during the hearing, including for purposes of cross examination.

Investigative Report

Following the opportunity to inspect and review evidence directly related to the allegations raised in the Formal Complaint, the investigator will create an investigative report that fairly summarizes relevant evidence obtained during the investigation.

Review of the Investigative Report

At least ten (10) business days prior to a hearing, the investigator will provide each party and the party's advisor (if any) an electronic copy of the investigative report for their review and written response.

Live Hearing

After the investigation, University of the Ozarks will provide for a live hearing for all Formal Complaints of Prohibited Acts / Misconduct that have not been dismissed or resolved by informal resolution (see "Informal Resolution Process" below). At the request of either party, or at the discretion of the Title IX Coordinator, University of the Ozarks will provide for the live hearing to occur with the parties located in separate rooms with technology enabling the decision-maker and parties to simultaneously see and hear the other party or witness answering questions.

Information at the Hearing

The following information/evidence will be available in electronic form at the hearing:

- ❑ Evidence from the investigation, including the evidence directly related to the allegations that was reviewed by the parties, regardless of whether it was incorporated into the report.
- ❑ The investigation report and any attachments/appendices.

Decision-Maker

The decision-maker will be appointed by University of the Ozarks and will not be the Title IX Coordinator or investigator. The decision-maker will be trained, impartial, and without a conflict of interest. The decision-maker will be a University of the Ozarks employee or external individual designated by University of the Ozarks.

Challenge to the decision maker

Either party may challenge the appointment of a decision-maker, based on conflict of interest or bias, in writing to the Title IX Coordinator, no less than five (5) business days prior to the scheduled hearing.

Advisor's Role at the Hearing

Each party must have an advisor present at the hearing. The advisor's role is limited to supporting, advising, and assisting the party during the hearing and conducting

questioning (cross-examination) of participants. Advisors are required to follow rules of decorum enforced by the decision-maker. Failure to follow the rules of decorum by an advisor may result in removal of an advisor from the hearing. If a party does not have an advisor present at the live hearing, University of the Ozarks will appoint the party with an advisor without fee or charge.

Hearing Process Facilitator

University of the Ozarks may designate a hearing process facilitator to coordinate the hearing, including, but not limited to, coordination and scheduling of the hearing; the logistics of physical or virtual rooms for parties and/or witnesses, including separation of the parties; ensuring all technology is working appropriately; ensuring the parties have access to electronic documents during the hearing; distributing materials; etc. The facilitator may also be the Title IX Coordinator. The facilitator may invite the parties and their advisors, separately, to a meeting prior to the hearing to review the hearing process for the purpose of ensuring a smooth hearing. This meeting is separate from the pre-hearing conference discussed below.

Pre-Hearing Matters

To streamline the hearing process, the decision-maker may request the submission of questions prior to the hearing through electronic submission and/or a pre-hearing conference.

Pre-Hearing Submission of Questions

The decision-maker may request the parties submit questions, in writing, prior to the hearing. This submission does not preclude the advisor from asking additional questions live during the hearing. The decision-maker may allow for the pre-hearing submission of questions regardless of whether a pre-hearing conference occurs.

Pre-Hearing Conference

The decision-maker may hold a pre-hearing conference to further streamline the live hearing, especially in complex cases involving multiple Complainants, Respondents and/or a significant number of witnesses. During the pre-hearing conference, parties and their Advisors will meet with the decision-maker separately to review written questions previously submitted and/or to submit, in writing, any questions they wish to ask during the live hearing so that the decision-maker can be prepared to respond to the relevancy of said questions during the live hearing. The decision-maker may discuss any preliminary relevancy determinations regarding submitted questions and/or discuss alternative ways in which to ask questions; however, the decision-maker will make any final relevancy determinations in real-time, orally, during the live hearing. This conference does not preclude the advisor from asking additional questions live during the hearing.

At the pre-hearing conference, the decision-maker may also hear arguments regarding the relevance of the evidence identified in the investigation report as relevant or not relevant, and/or directly related to the allegations.

Hearing Documents

The decision-maker or hearing facilitator will provide parties with a copy of all materials provided to the decision-maker about the matter.

Accommodation Requests

Participants in need of disability related accommodations and/or interpretation services during the hearing must contact the Title IX Coordinator with said requests five (5) days prior to the hearing.

Participants in the Hearing

Participants at the hearing include the decision-maker, the investigator(s) who conducted the investigations, the parties, advisors to the parties, witnesses and anyone providing authorized accommodations. In addition, University of the Ozarks may have a hearing facilitator present. Any witnesses scheduled to participate in the hearing must have been first interviewed by the investigator(s) or have provided a written statement or answered questions from the investigator in writing.

The decision-maker will provide the names of all persons participating in the hearing to the parties at least seven (7) days prior to the live hearing.

Hearing Process and Phases

The live hearing will include the following phases:

1. **Notice of Hearing:** After the investigative report has been completed and at least ten (10) business days prior to the date set for the hearing, the parties and their Advisors (if any) will be provided with a Notice of the Hearing. The Notice will include the date, time, location, name of the decision-maker, names of all participants in the hearing, and the location (virtual or in person) of the hearing.
2. **Opening Statements:** Each party will have the opportunity to present an opening statement to the decision-maker.
3. **Questioning of Hearing Participants:** The investigator will be the first witness to provide information. The investigator will submit their investigation report and describe the evidence and information gathered in their investigation. The parties and witnesses will then be called in an order determined by the decision-maker. Questioning of parties and witnesses will occur in the following manner:

- **By the Decision-maker:** The decision-maker will ask initial questions of the participants at the hearing.
- **By the Advisors:** After the decision-maker asks questions of a participant, each party's advisor will be permitted to ask relevant questions and follow-up questions orally, directly, and in real time of the participant. The parties are never permitted to ask questions of participants directly. The questioning of participants by advisors will be conducted in the following manner:
 - An advisor asks a question.
 - Before participant answers the questions, the decision-maker determines whether the question is relevant.
 - If the question is determined relevant by the decision-maker, the participant answers the question. If the question is determined not to

be relevant by the decision-maker, the decision-maker must explain the decision to exclude a question as not relevant.

4. **Closing Statements:** Each party will have the opportunity to present a closing statement to the decision-maker.

Evidence and Questions Excluded

- **Sexual Predisposition or Prior Sexual Behavior of the Complainant:** Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove Consent.
- **Privileged Information:** No person will be required to disclose information protected under a legally recognized privilege. The decision-maker must not allow into evidence or rely upon any questions or evidence that may require or seek disclosure of such information, unless the person holding the privilege has waived the privilege. This includes information protected by the attorney-client privilege.
- **Medical Records:** Evidence or records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, are not permitted to be used during a hearing unless the party provides voluntary, written permission to do so for the grievance process within this Policy.
- **Party or Witness Does Not Submit to Cross-examination:** If a party or witness does not submit to cross-examination by an advisor at the live hearing, the decision-maker will not rely on any statement of that party or witness in reaching a determination regarding responsibility. The decision-maker, however, will not draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.

Determination Regarding Responsibility

After the live hearing, the decision-maker will issue a written determination regarding responsibility using the preponderance of the evidence standard. The decision-maker will provide the Complainant and the Respondent with the written determination simultaneously. The determination regarding responsibility becomes final either on the date that University of the Ozarks provides the parties with the written determination of the result of the appeal, if an appeal is filed, or, if an appeal is not filed, the date on which an appeal would no longer be considered timely.

The written notice will include:

- Identification of the allegations potentially constituting Prohibited Acts / Misconduct;

- ❑ A description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- ❑ Findings of fact supporting the determination;
- ❑ Conclusions regarding the application of this Policy to the facts;
- ❑ A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions that University of the Ozarks imposes on the Respondent, and whether remedies designed to restore or preserve equal access to University of the Ozarks' education program or activity will be provided by University of the Ozarks to the Complainant; and
- ❑ The procedures and permissible bases for the Complainant and Respondent to appeal.

Appeals

Either party may appeal the determination regarding responsibility, or the dismissal of a Formal Complaint, or any allegations therein, within three (3) business days of receipt of the determination regarding responsibility or dismissal. The appeals must be made in writing and delivered to the Title IX Coordinator.

Appeal Procedures

If an appeal is submitted, University of the Ozarks will:

1. Notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties.
2. Ensure that the decision-maker for the appeal is not the same person as the decision-maker that reached the determination regarding responsibility or dismissal, the investigator, or the Title IX Coordinator.
3. Provide the non-appealing party with five (5) business days from receipt of the notification of appeal to submit a written statement in support of the outcome of the determination or dismissal.
4. Issue a written decision describing the result of the appeal and the rationale for the result, which can be one of the following:
 - ❑ Affirm the decision-maker's determination regarding the Respondent's responsibility and affirm the disciplinary sanctions and remedies, if applicable;
 - ❑ Affirm the decision-maker's determination regarding the Respondent's responsibility and amend the disciplinary sanctions and remedies, if applicable;
 - ❑ Remand the process back to the hearing stage for the decision-maker to remedy any procedural irregularity or consider any new evidence;
 - ❑ Reverse the decision-maker's determination of the Respondent's responsibility and amend the disciplinary sanctions and remedies, if applicable; or
 - ❑ Affirm or amend the sanctions and/or remedies outlined in the determination issued under this Policy.
5. Provide the written decision simultaneously to both parties.

Appeal Timeframe

The appellate decision-maker will release the written decision within twenty (20) business days of receiving the appeal.

Informal Resolution Process

At any time after a Formal Complaint has been signed and before a determination regarding responsibility has been reached, the parties may voluntarily agree to participate in an informal resolution facilitated by University of the Ozarks, that does not involve a full investigation and adjudication. Types of informal resolution include, but are not limited to, mediation, facilitated dialogue, conflict coaching, and resolution by agreement of the parties.

Informal Resolution Notice

Prior to entering the informal resolution process, University of the Ozarks will provide the parties a written notice disclosing:

- ☐ The allegations;
- ☐ The requirements of the informal resolution process, including the right of any party to withdraw from the informal resolution process and resume the grievance process, and the circumstances which preclude parties from resuming a Formal Complaint arising from the same allegations;
- ☐ Consequences resulting from the informal resolution process, including that the records will be maintained by the University but will not be used by investigators or decision-makers if the formal grievance process resumes.

Informal Resolution Agreement

Prior to entering the informal resolution process, the parties must voluntarily agree, in writing, to the use of the informal resolution process.

Informal Resolution Availability

The informal resolution process is not permitted to resolve allegations that an employee committed Prohibited Acts / Misconduct against a student.

Informal Resolution Timeframe

Informal resolutions of a Formal Complaint will be concluded within 45 days of notice to University of the Ozarks that both parties wish to proceed with the informal resolution process. Such notice that the parties wish to proceed with an informal resolution process will “pause” the counting of the timeframe to conclude the Grievance Process of this Policy, should the informal resolution process fail, and the parties continue with the Grievance Process.

Informal Resolution Documentation

Any final resolution pursuant to the Informal Resolution process will be documented and kept by the University. However, all statements made during the informal resolution process will not be used for or against either party (and the decision-maker and/or appellate decision-maker may not consider any such statement made during informal

resolution) should the parties resume the grievance process. Failure to comply with an informal resolution agreement may result in disciplinary action.

Recordkeeping

University of the Ozarks will maintain all the documentation related to reports of Sexual Misconduct, Formal Complaints, the grievance process, and informal resolution process in accordance with state and federal records laws and requirements. The documentation of all records is private and confidential to the extent possible under law.

Additional Conduct Violations Related to This Policy

Alleged violations for retaliation, providing false information, interference with the grievance process, and/or disobeying a no contact order will be sent to the Vice President of Student Affairs and Dean of Students and/or the Director of Human Resources for investigation and adjudication under the University of the Ozarks Student Handbook or Employee Handbook.

Good-Faith Complaints

However, if after investigating any complaint of harassment or unlawful discrimination, the University determines the complaint is not bona fide and was not made in good faith or that false information has been provided regarding the complaint, disciplinary action may be taken against the individual who filed the complaint or who gave false information.

Student Financial Aid

Please contact the Office of Administrative Services (OAS)—Financial Aid to find out how a complaint can affect your financial aid at oas@ozarks.edu or visit the OAS Office located in Mabee Administration Building.

Privacy and Confidentiality

All University of the Ozarks' resources listed in this policy are committed to preserving student, faculty and employee privacy and confidentiality. Although, under certain circumstances, information may need to be shared with other University individuals and authorities, to provide for the individual's safety, effective completion of the investigation, and/or to provide for the safety of the campus community, and to the extent allowed by law.

Modification and Review of the Policy

University of the Ozarks reserves the right to modify this Policy to take into account applicable legal requirements. University of the Ozarks will regularly review this Policy to determine whether modifications should be made.

Title IX Coordinator

University of the Ozarks has a designated Title IX Coordinator to oversee its response to all reports of sexual misconduct, conduct training, and coordinate compliance with the

mandates of Title IX. Any questions about University of the Ozarks Title IX policies and any reports of sexual misconduct should be directed to the Title IX Coordinator.

Gloria M. Arcia, Ed.D.

Executive Vice President and Chief Financial Officer, University of the Ozarks

- ❑ Office Location: Mabee Administration Building
- ❑ Telephone number: (479) 979-1310 or cell (954)-534-6755
- ❑ Email address: garcia@ozarks.edu

University and Community Resources

If an individual has experienced an act of sexual misconduct, the first priority is to get to a safe place and obtain necessary medical attention. University support services are available regardless of whether the victim chooses to report the incident to law enforcement. Individuals are strongly encouraged to report the incidents of sexual misconduct to one of the following University resources:

- ❑ Public Safety Office: 479-979-2020, available 24 hours per day/7 days per week
- ❑ Title IX Coordinator: 479-979-1310 or by cell 954-534-6755
- ❑ Human Resources: (faculty/staff), 479-979-1208

It is important to seek prompt medical treatment after an incident of sexual assault or violence in order to receive preventative treatment for sexually transmitted diseases and to preserve evidence.

Resources:

- ❑ Johnson Regional Medical Center
1100 E Poplar St
Clarksville, AR 72830
479-754-5454
- ❑ Ozarks Rape Crisis Center
307 W Main St
Clarksville, AR 72830
479-754-6869
- ❑ Kathe Hoehling MSLPC
University of the Ozarks Counseling Center
Jones Learning Center
counseling@ozarks.edu
- ❑ Chaplain Jeremy Wilhelmi
Munger-Wilson Memorial Chapel
jwilhelmi@ozarks.edu
804-767-0812
479-979-1307
- ❑ Free Legal Aid
1-888-540-2941

“Laura’s Card,” ensures domestic violence survivors receive a card informing them of their victim’s rights and providing them with resources.

Arkansas law (Act 873 and Arkansas Victim Rights Law/Act 1262) provides certain protections to victims.

Under the law:

- Victims may be present at all court proceedings and/or may have a representative appear on their behalf.
- A victim may submit an impact statement to the court.
- An employer cannot fire or discipline an employee who participates in criminal proceedings at the prosecutor's request.
- A victim may request a secure waiting area during court proceedings.
- Upon conviction of the defendant, the victim is entitled to know where he/she is confined, information about their release, furlough, or if they escape, and has the opportunity to testify or submit a written statement to the parole board.
- A victim is entitled to know about any appeals filed.
- A victim may designate a person to serve as moral support during court proceedings and may appear with them in court.

These protections are in addition to those protections found elsewhere in state and federal law.

If you feel you are in danger of being victimized again, you should contact your local prosecutor's victim coordinator to begin the process of filing for an order of protection.

The Arkansas Crime Victims Reparations Program, administered by the Department of Public Safety on behalf of the Crime Victims Reparations Board, provides financial compensation to victims who have suffered personal injury or death as the result of a violent crime.

For details and to obtain an application, visit LaurasCard.ar.gov. Submit the application and contact for questions:

Arkansas Department of Public Safety
AR Crime Victims Reparations Board
1 State Police Plaza Drive
Little Rock, AR 72209
(501) 682-1020 or Fax (501) 682-5313

When possible, affix local domestic violence provider contact card here.
Otherwise, find information on nearby available resources by visiting LaurasCard.ar.gov.

Law enforcement officials, please affix business card here. Law enforcement resources for Laura's Card can be accessed at CJI.edu.

LAURA'S CARD

Resources

Women and Children First
(800) 332-4443

Arkansas Coalition Against Sexual Assault
(800) 656-4673

Child Abuse Hotline
(800) 482-5964

National Coalition Against Domestic Violence
(800) 799-SAFE (7233)

National Human Trafficking Resource Center
(888) 373-7888

For a list of local shelters and links to support organizations, visit:
LaurasCard.ar.gov



TIM GRIFFIN
ATTORNEY GENERAL OF ARKANSAS

LaurasCard.ar.gov

The Attorney General's Office consulted with the following on the development of this Laura's Card:

Arkansas Association of Chiefs of Police; Arkansas Coalition Against Domestic Violence; Arkansas Coalition Against Sexual Assault; Arkansas Commission on Child Abuse, Rape, and Domestic Violence; Arkansas Crime Information Center; Arkansas Office of Prosecutor Coordinator; Arkansas Sheriff's Association; Arkansas State Police; Criminal Justice Institute; University of Arkansas System; Rep. Charlotte Douglas, sponsor of the bill that created Laura's Card; and Women and Children First



Laura's Card

PROTECTING ARKANSAS VICTIMS

Protection Orders: They are legal documents issued by the court.

An order of protection:

- ☐ keeps the abuser away from you at your home, job, church, school, your child's school or daycare, or any other address where you want protection
- ☐ makes your abuser move out of the house if you are living together
- ☐ decides who will have temporary custody of your children and sets up a temporary visitation schedule
- ☐ orders your abuser to pay temporary support to you or your children

- stops the abuser from contacting you, although the court may allow specific instances for contact
- orders the abuser to stop harming or harassing you
- helps you get your personal possessions

Filing

- You can go to a circuit clerk in the county in which you reside, where the person who is abusing you lives, or where the abuse happened, to obtain the forms, which are the Petition for Order of Protection and Affidavit. Many domestic violence shelters and some prosecutor's offices also have victim advocates who can assist you with filing your petition and affidavit.

In Johnson County, you can call the Prosecutors office at 479-705-0579, or their office is located at:

111 N Fulton
Clarksville, AR
72830

- Once you have completed the petition and affidavit, you are ready to file. If you are staying at a shelter, you can go to the county courthouse where the shelter is.

Fees

- There is no charge to file an Order of Protection. The clerk will look at the form to make sure you have filled everything out. You do not have to put your physical address on the petition, but the court will need a mailing address.

No Contact Order: Are issued by the University

Student Affairs issues no contact orders. A violator of a no contact order is subject to University of the Ozarks sanctions.

Public Safety will contact student affairs or local law enforcement to report any violation of a protection order or a no contact order.

Educational Programs and Campaigns

The University of the Ozarks Sexual Violence Prevention Committee, University Athletics, and Ozark Rape Crisis Center have collaborated to design an educational sexual violence prevention campaign. This campaign includes programming throughout the year including primary prevention programming, including risk reduction and bystander education, as well as awareness programming. University of the Ozarks has

instituted a primary prevention and awareness program for all new students and new employees. This program, presented during new student and new employee orientations includes the following information: a statement of philosophy and zero tolerance of sexual violence at University of the Ozarks, definitions of dating violence, domestic violence, sexual assault, and stalking, as well as a discussion on the definitions of consent at Ozarks. There is also discussion of risk reduction and engaging as active bystanders. We require additional training every other year for professional staff and professors. We also offer sexual assault prevention training yearly for all students. We also work closely with the Ozarks Rape Crisis Center to provide additional outreach and educational programming.

Sanction Information

The purpose of disciplinary sanctions is to redirect students' behaviors toward patterns more acceptable to the University community, if such redirection is feasible; and/or to protect the University community from possible harm or injury. This information is outlined to assure that students are aware of the potential consequences of their misconduct. Sanctions will be determined on a case-to-case basis, utilizing three main criteria:

1. The nature of the offense;
2. The precedent, if any, established at the University for similar offenses; and
3. The previous disciplinary history of the student, if any, and the student's attitude and behavior throughout the disciplinary process.

Students, who fail to comply with University directives and/or sanctions, may have holds placed on the release of their grades, records and/or transcripts.

The University has the authority and responsibility to exclude those who find their personal values incompatible with the University's mission and function as an educational institution, or who are unable to respect the University's values.

Formal Sanctions

The University may impose any of the following sanctions on a student or group of students: Warning, Educational/Developmental, Restitution, Fines, Notice to Parents, Probation, Suspension, Dismissal.

DEPARTURE FROM CAMPUS FOLLOWING SUSPENSION OR DISMISSAL

Any student, who has been suspended or dismissed from the University for conduct or other reasons, must leave the premises immediately after being notified of such action.

POSTPONEMENT OF ACTIVITY, PARTICIPATION AND CONFERRING OF HONORS AND DEGREES

The University reserves the right to delay or postpone the involvement of a student in any University-related activity, or delay or postpone the conferring of any honor or degree while any student conduct investigations or procedures, including appellate procedures, are pending.

REINSTATEMENT FROM SUSPENSION

When a student has concluded a suspension period, they must submit a letter to the Dean of Students requesting reinstatement and provide documentation that they have taken action to positively address the issues which led to the suspension. The student may return to the University only after the Dean of Students formally communicated to the student in writing that the student may return.

Other Possible Sanctions

Other possible sanctions which may be assessed against students include, but are not limited to:

1. University facilities restrictions;
2. Restriction from extracurricular campus events and programs;
3. Notification sent to the student's Academic Advisor, Academic Dean or Program Director, and when applicable, the Athletic Department and/or Coaches;
4. Restriction from representing the University in any public performance, athletic event, committee, organization, or from holding any student government office or office in any recognized student organization, or participating in any organized University function;
5. Ineligibility to receive financial assistance from any funds provided by the University, including grants, scholarships, waivers, etc.;
6. Ineligibility to hold an on-campus job (i.e. work study, institutional or third party);

The institution will disclose to the alleged victim (or next of kin) of a crime of violence the report on the results of a disciplinary proceeding.

Risk Reduction and Safety Tips

While the university recognizes only rapists are responsible for rape, the following are some strategies to increase one's general safety and reduce the risk of sexual assault or harassment.

- ❑ **Be aware** of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation. Avoid putting music headphones in both ears so that you can be more aware of your surroundings.
- ❑ **Trust your instincts.** If you feel unsafe or uncomfortable in any situation, go with your intuition and get out of the situation. If you see something suspicious, contact Public Safety at (479) 979-2020 or call 9-1-1 immediately.
- ❑ **Communicate your sexual intentions and limits** to your partner. You have the right to say “NO” to any unwanted sexual contact. It’s also important to give clear consent to activities you would like to engage in.
- ❑ **Avoid going to isolated areas** alone or with someone you don’t know and trust.
- ❑ **Make sure your cell phone is with you** and charged. Have a plan for someone you can call if you need help.
- ❑ **When you go to a social gathering, go with a group of friends.** Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around may help you find a way out of a bad situation.
- ❑ **Know your resources.** Notice where emergency phones are located on campus and program the Public Safety On-Call number into your cell phone (479) 979-2020.
- ❑ **Know your limit.** If you choose to consume alcohol, do so in moderation. Consider eating a meal before going out, having a glass of water between each drink, stick to one type of alcoholic beverage; don’t let anyone else make the decision of how much you will drink.
- ❑ **Don’t leave your drink unattended** while talking, dancing, using the restroom, or making a phone call. If you’ve left your drink alone, get a new one.
- ❑ **Don’t accept drinks from people you don’t know or trust.** If you choose to accept a drink, go with the person to watch it being poured, and carry it yourself. At parties, don’t accept drinks from punch bowls or other large, common open containers.
- ❑ **Watch out for your friends.** If a friend seems too intoxicated/ inebriated for the amount of alcohol they have consumed, and is acting out of character, get him or her to a safe place immediately.
- ❑ **If you suspect you or a friend has been drugged, contact law enforcement immediately (local authorities can be reached by calling 9-1-1 in most areas of the U.S.).** Be explicit with doctors so they can administer the correct tests (tests will include a urine test and possibly others).

How to Be an Active Bystander

Bystanders play a critical role in the prevention of sexual and relationship violence. They are individuals who observe violence or witness conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up, or do something about it. We want to promote a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm.

Bystanders should notice the emergency, interpret it as such, assume personal responsibility for acting, choose a strategy, and implement that strategy. A strategy could be as simple as saying something to the potential violator to stop the action, calling someone to help such as public safety, the police or other appropriate authority such as counselors, professors, or – if safe to do so – personally intervene before the situation escalates.

Below is a list of some ways to be an active bystander.

- ☐ If you or someone else is in immediate danger, dial 9-1-1.
- ☐ Watch out for your friends and fellow students/employees. If you see someone who looks like they could be in trouble or need help, ask if they are ok.
- ☐ Intervene if you observe someone attempting to seclude, hit on, try to make out with, or have sex with someone who is incapacitated or does not appear to consent to the behavior.
- ☐ Speak up when someone discusses plans to take advantage of another person. If someone says something offensive, derogatory, or abusive, let them know the negative impact on you and the community. Challenge your peers to be respectful.
- ☐ 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 medical or counseling support.

Missing Student Policy

A report of a missing student may come from a variety of sources, including roommates, teaching faculty, family members, or parents and guardians. If a student is suspected to be missing, an initial report should be filed with Public Safety, Office of Student Affairs, or a member of the Residential Life Staff. Upon receipt of a report of a missing student, University officials, including the Dean of Students, Residential Life, and Public Safety, will begin an investigation in an effort to determine the location of the student. This investigation will include contacting known associates, friends, student activity groups, parents or other family members, roommates, and faculty. These early investigative efforts should seek to determine; a description of the student and last known apparel, the last known location, date/time seen and by whom, mental condition, physical condition (under the influence of drugs or alcohol), possible destination, and any unusual circumstances that precipitated the disappearance. **It should be noted that there is no time limitation with regards to the duration a person has been missing and the actual reporting of someone missing to authorities. Circumstances vary and may prompt immediate reporting (e.g., mental, or physical condition, life sustaining medications, any other unusual circumstances).**

In compliance with the Higher Education Opportunity Act of 2008, students are asked to register a confidential contact person at the time of registration. This confidential contact option allows all residential students to identify a significant other, close friend, roommate, or other person who may have more information about their day-to-day whereabouts and activities than their standard emergency contact. Attempts will be

made to contact the identified confidential contact if efforts to locate the student are unsuccessful. The accuracy of this information is the responsibility of each student. Emergency and confidential contact information can be updated at any time by filling out a form in the Office of Student Affairs and this information is shared on a need to know basis.

For every student less than 18 years of age who is not emancipated, parents or legal guardians will be automatically notified if their child is missing. Regardless of whether the student has registered a contact person to be notified, if it is determined the missing person has been missing more than 24 hours, their emergency contact person and law enforcement will be notified immediately.

Daily Crime Log

The Department of Public Safety, located in the lower level of the Seay Student Center, maintains a daily crime log. This log lists, by date reported, all crimes that are reported to Public Safety (within the required geographic locations), the approximate date and time of occurrence, general location, and disposition.

The only exceptions are:

- ☐ A disclosure prohibited by law; or
- ☐ A disclosure jeopardizing the confidentiality of the victim

Disclosure of such information will be delayed if there is clear and convincing evidence the release of the information would:

- ☐ Jeopardize an ongoing investigation;
- ☐ Jeopardize the safety of an individual;
- ☐ Cause a suspect to flee or evade detection; or
- ☐ Result in destruction of evidence.

The log is updated each business day and available for viewing 24/7 in the Public Safety Office. Logs older than 60 days can be obtained by request from the Public Safety Office within two business days.

Emergency Response and Drills

Responding to emergencies, both small and great is a part of everyday affairs and University of the Ozarks strives to make that a vital part of our culture and thought processes. All members of the university community members are encouraged to think ahead and be mentally prepared before situations arise. Just as we encourage our students to plan what they will do before they go out; we encourage faculty and staff to have a plan. What to do and who to call are questions they need to be prepared to answer for themselves and others.

Assessment

Risk assessment is an ongoing part of university culture. Community members are encouraged to consider potential risks when planning all projects and activities.

Response

The Campus Safety Policy and Crisis Response manual contain response protocol for many types of emergencies. A copy of the complete manual is available in the Public Safety Office.

Testing & Inspections

All on-campus fire and emergency notification systems are tested at least once each semester. These systems include fire alarms, Ozarks Alert (Everbridge), and the emergency blue phones.

Fire extinguishers, fire sprinkler valves and AEDs are inspected by Public Safety monthly and all fire safety equipment is inspected and recharged on a semi-annual or as needed by licensed/certified companies.

In addition, the city of Clarksville tests the public storm warning system at noon each Wednesday.

Drills

Fire drills are performed each semester in all campus buildings at which time inclement weather procedures will be discussed.

Emergency Notifications and Timely Warnings

All students and employees are instructed to immediately report any criminal activity that occurs on campus or near campus to the Department of Public Safety. After reviewing the facts concerning the reported crime, the Director of Public Safety and the Dean of Students will determine whether or not the reported crime creates immediate danger, is a Clery Crime, and/or if it presents a serious ongoing threat to students and employees.

Emergency Notification

Upon confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring in the campus geographical area, an “Emergency Notification Alert” will be issued without delay.

- ☐ The Public Safety Officer on duty shall make the determination, confirm the immediate threat, and consult with the Director of Public Safety and the Dean of Students if time allows to determine the content of the message but the public will initiate the notification.
- ☐ Emergency notifications will be issued by use of the Everbridge mass notification system. In addition to electronic notification, imminent danger warnings may be issued over the Chapel carillon system, which may be used as a loudspeaker.
- ☐ Emergency notification messages will be updated to provide adequate follow-up information including continuing steps taken to respond to the emergency.

- ☐ An “all clear” will be sent through all notification means when the emergency no longer poses a threat.

Important Terminology

Everyone should be familiar with important terms that may be used in an emergency.

SHELTER IN PLACE – Means to take immediate shelter where you are.

- ☐ Secure the area as much as possible
- ☐ Stay away from windows and doors
- ☐ Do Not leave the area until given the ‘all clear’ by university authorities or Law Enforcement

EVACUATE - Means to leave the building immediately.

- ☐ Take personal belongings with you
- ☐ Close doors as you go
- ☐ Go directly and quickly to the area assigned for gathering during fire drills
- ☐ If necessary to evacuate campus – further instruction will be given by Ozarks Alert and by Public Safety personnel.

TAKE COVER- Means to proceed immediately to a storm safe area as posted in each facility.

Timely Warning

In the event of certain serious criminal acts that represent a serious and continuing threat to students and employees (as defined in the Clery Act), a timely warning may be posted to campus email, the Ozarks web page, campus information systems, TV monitors and bulletin boards throughout campus. The purpose of these alerts is to inform the campus community of continuing threats concerning safety, enabling them to make informed decisions and protect themselves.

Timely warnings will be updated as information becomes available and campus community members will be informed when there is no longer a threat.

Off-Campus Student Organizations

The Baptist Collegiate Ministries is the only University of the Ozarks recognized organization that maintains a meeting facility off campus. As a university recognized organization it is required to abide by all applicable University policies and guidelines, including the reporting of crime. Off campus student organizations and facilities are monitored and patrolled by local law enforcement.

Campus Reporting Geography

On-Campus

- ☐ Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution’s educational purposes, including residence halls and

- Any building or property that is within or reasonably contiguous to #1 above, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

Non-campus building or property

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

Public Property

These include streets, sidewalks & parking facilities within or adjacent to and accessible from the campus.

NOTE: The above descriptions and the following definitions are for use when interpreting crime statistics.

Crime Statistics

Definitions of the crimes reported are in accordance with the Federal Bureau of Investigation's Uniform Crime Reporting Program. The definitions listed below are for Clery reporting, following the Clery definition you will find the Arkansas's criminal code.

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.

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.

Burglary: The unlawful entry of a structure to commit a felony or a theft.

Dating Violence: Threats or actual sexual or physical abuse in a dating relationship.

Destruction/Damage/Vandalism of Property: To destroy willfully or maliciously, damage, deface, or otherwise injure real or personal property without the consent of the owner or person having custody or control of it.

Domestic Violence: Crime of violence committed by a spouse, former spouse, cohabiting partner, or someone with whom you share a child.

Drug Law Violations: The violation of state and/or local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. Relevant substances include; opium or cocaine and their derivatives; marijuana; synthetic narcotics; and dangerous non-narcotic drugs.

Fondling: Touching of the private body parts of another person (including the genitalia, anus, groin, breast, inner thigh, or buttocks) for the purpose of sexual gratification.

Hate Crimes: Any crime motivated by perpetrator bias against the victim based on race, religion, gender, gender identity, sexual orientation, ethnicity, national origin, and disability (whether actual or perceived).

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

Intimidation: The use of words or conduct that places the victim in reasonable fear of bodily harm (does not include use of a weapon, which is a different crime under Clery).

Larceny/Theft: The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Controlling the property of another with the intent to deprive the other person of such property.

Liquor Law Violation: The violation of laws or ordinances prohibiting the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to an underage person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; and all attempts to commit any of the aforementioned. (Driving under the influence is not included).

Motor Vehicle Theft: The theft or attempted theft of a motor vehicle.

Manslaughter by Negligence: The killing of another person through gross negligence.

Murder/Non-negligent Manslaughter: The willful (non-negligent) killing of one human being by another.

Rape: Sexual assault usually involving sexual intercourse or other forms of sexual penetration perpetrated against a person without that person's consent.

Robbery: The taking or the attempted taking of 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.

Sexual Assault: rape (oral, anal, or vaginal), fondling, incest, or statutory rape.

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, sever laceration, or loss of consciousness.

Stalking: ongoing conduct that could cause a reasonable person to fear for the safety of themselves or others, or suffer emotional distress (e.g., following, monitoring, threatening, communicating to or about the victim, or interfering with a victim's property).

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

Weapons Law Violations: The violation of state and/or local laws dealing with weapon offenses, regulatory in nature, such as: manufacture, sale or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; and all attempts to commit any of the aforementioned.

Violence Against Women Act (VAWA): Amendments to the Clery Act expanding the rights afforded to campus survivors of sexual assault, domestic violence, dating violence, and stalking.

Arkansas Criminal Code

Consent

Under Arkansas law, consent to sexual activity cannot be given by a person who is:

- ☐ unconscious or otherwise physically unable to object or resist
- ☐ incapacitated by substances consumed involuntarily
- ☐ • incapable of understanding the nature and consequences of the act, or unaware of the sexual act, due to a mental disease or defect
- ☐ underage (generally, the age of consent is 16 years old)

Consent given by a minor is not a defense to prosecution under Arkansas law.

(4)

(A) "Mentally defective" means that a person suffers from a mental disease or defect that renders the person:

- (i) Incapable of understanding the nature and consequences of a sexual act; or
- (ii) Unaware a sexual act is occurring.

(B) A determination that a person is mentally defective shall not be based solely on the person's intelligence quotient;

(5) "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:

(A) Administered to the person without the person's consent; or

(B) That renders the person unaware a sexual act is occurring;

(6) "Minor" means a person who is less than eighteen (18) years of age;

(7) "Physically helpless" means that a person is:

(A) Unconscious;

(B) Physically unable to communicate a lack of consent; or

(C) Rendered unaware a sexual act is occurring;

.... [Content omitted for clarity]

5-14-102. In general.

.... [Content omitted for clarity]

(e) 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.

Sexual Assault

Under Arkansas law, sexual assault includes the following acts if the other person is forced or threatened, or cannot consent:

- sexual intercourse or anal sex (including even slight penetration by a body part or object) or oral sex
- any act for sexual gratification that involves touching someone's intimate parts (whether directly or through the clothing)

Sexual assault also includes sex with a person under 18 years old if the perpetrator is in a position of authority or other mandated reporter of suspected child maltreatment.

Other Sexual Offenses

Other sexual offenses include:

- Coercing or causing another person to engage in sexual contact or sexually explicit conduct, or to produce or distribute a recording of that person in a state of nudity or engaged in sexually explicit conduct, by threatening property damage, reputational harm, or to produce or distribute a sexual recording of that person (sexual extortion)
- Exposing another person to the human immunodeficiency virus by engaging in sexual penetration without first disclosing their HIV positive test results to the other person
- Publicly engaging in sexual acts (public sexual indecency)
- Exposing one's sex organs in public view for sexual gratification (indecent exposure)

It's felony sexual extortion to coerce another person to engage in sexual activity by threatening to:

- damage their property or reputation
- produce or distribute a sexually explicit or nude recording of them

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Arkansas Sexual Assault Statutes

5-14-101. Definitions:

(1) "Deviate sexual activity" means any act of sexual gratification involving:

- (A) The penetration, however slight, of the anus or mouth of a person by the penis of another person; or
- (B) The penetration, however slight, of the labia majora or anus of a person by any body member or foreign instrument manipulated by another person;

(2) "Forcible compulsion" means physical force or a threat, express or implied, of death or physical injury to or kidnapping of any person;

.... [Content omitted for clarity]

(6) "Minor" means a person who is less than eighteen (18) years of age;

(7) "Physically helpless" means that a person is:

- (A) Unconscious;
- (B) Physically unable to communicate a lack of consent; or
- (C) Rendered unaware a sexual act is occurring;

.... [Content omitted for clarity]

(10) "Recording" includes without limitation an image or video;

(11) "Sexual contact" means any act of sexual gratification involving the touching, directly or through clothing, of the sex organs, buttocks, or anus of a person or the breast of a female.

(A) Any act of sexual gratification involving the touching, directly or through clothing, of the sex organs, buttocks, or anus of a person or the breast of a female; or

(B) Urinating, defecating, or ejaculating on another person for the purpose of sexual gratification;

(12) "Sexual intercourse" means penetration, however slight, of the labia majora by a penis.

(13) "Sexually explicit conduct" means the same as defined in § 5-27-302 [sexual intercourse, bestiality, masturbation, sadomasochistic abuse for the purpose of sexual stimulation, or lewd exhibition of a person's genitals or pubic area, or the breast of a female]; and

(14) "State of nudity" means the same as defined in § 5-26-302.

5-14-103. Rape

(a) A person commits rape if he or she engages in sexual intercourse or deviate sexual activity with another person:

(1) By forcible compulsion;

(2) Who is incapable of consent because he or she is:

(A) Physically helpless;

(B) Mentally defective; or

(C) Mentally incapacitated;

(3)

(A) Who is less than fourteen (14) years of age.

(B) It is an affirmative defense to a prosecution under subdivision (a)(3)(A) of this section that the actor was not more than three (3) years older than the victim; or

(4)

(A) 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.

(C) It is an affirmative defense to a prosecution under subdivision (a)(4)(A) of this section that the actor was not more than three (3) years older than the victim

(b) It is no defense to a prosecution under subdivision (a)(3) or subdivision (a)(4) of this section that the victim consented to the conduct.

(c)

(1) Rape is a Class Y felony

(2) Any person who pleads guilty or nolo contendere to or is found guilty of rape involving a victim who is less than fourteen (14) years of age shall be sentenced to a minimum term of imprisonment of twenty-five (25) years.

(d)

(1) A court may issue a permanent no contact order when:

(A) A court may issue a permanent no contact order when:

(B) All of the defendant's appeals have been exhausted and the defendant remains convicted.

.... [Content omitted for clarity]

Domestic Violence

Under Arkansas law, domestic and dating violence is defined as abusive behavior between two people who:

- have married, dated, or lived together
- have a child in common
- are related by blood
- are parent and child

Domestic violence can also include abusive behavior between parents and children, other blood relatives and in-laws.

Abusive behavior includes:

- actual, attempted, or threatened physical violence
- sexual offenses
- domestic battering and assault
- unlawful distribution of sexual images

Those who commit domestic violence may be charged with varying degrees of battery or assault depending on the nature of the offense.

§ 5-71-229. Stalking

(a)

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

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

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

(i) Stalking in the second degree;

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

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

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

(2)

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

penalties contained in Rule 9.5 of the Arkansas Rules of Criminal Procedure.

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

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

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

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

(c)

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

(2)

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

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

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

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

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

(d) It is an affirmative defense to prosecution under this section if the actor is a law enforcement officer, licensed private investigator, attorney, process server, licensed bail

bondsman, or a store detective acting within the reasonable scope of his or her duty while conducting surveillance on an official work assignment.

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

(f) As used in this section:

(1)

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

(B)

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

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

(2)

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

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

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

Annual Campus Security Report 2023

CRIME LOCATION	Total On Campus			Campus Residential Facilities			Non- campus			Public Property			Total Reported		
CRIMES REPORTED	20 20	20 21	20 22	20 20	20 21	20 22	20 20	20 21	20 22	20 20	20 21	20 22	20 20	20 21	20 22
<i>Murder/Non-Negligent Manslaughter</i>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Manslaughter by Negligence</i>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Rape</i>	0	2*	0	0	2*	0	0	0	0	0	0	0	0	2	0
<i>Fondling</i>	0	1	0	0	1	0	0	0	0	0	0	1	0	1	1
<i>Incest</i>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Statutory Rape</i>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Robbery</i>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Aggravated Assault</i>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Burglary</i>	1	0	1	0	0	0	0	0	0	0	0	0	1	0	1
<i>Motor Vehicle Theft</i>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Arson</i>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
ARRESTS															
<i>Liquor Law Violation</i>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Drug Law Violation</i>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Illegal Weapons</i>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
*VIOLENCE AGAINST WOMEN ACT (VAWA OFFENSES)															
<i>Domestic Violence</i>	1	0	0	1	0	0	0	0	0	0	0	0	1	0	0
<i>Dating Violence</i>	0	1	0	0	1	0	0	0	0	0	0	0	0	1	0
<i>Stalking</i>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
DISCIPLINARY REFERRALS															
<i>Alcohol Violation</i>	24	3	2	24	3	1	0	0	0	0	0	0	24	3	2
<i>Drug Violation</i>	13	1	8	13	1	8	0	0	0	0	0	0	13	1	8
<i>Weapons Violation</i>	1	0	0	1	0	0	0	0	0	0	0	0	1	0	0

- During our 2022 review, we discovered two incidents reported in 2021, which occurred in 2020, and they were added to the 2020 data table. Incidents should be included in the year they were reported, so we moved these two incidents into the 2021 data table for this report.

**Hate Crimes
On Campus
2020, 2021, 2022**

CRIME LOCATION	Race			Religion			Sexual Orientati on			Gender			Gender Identity			Disability			Ethnicity / National Origin		
CRIMES REPORTED	2 0 2 0	2 0 2 1	2 0 2 2	2 0 2 0	2 0 2 1	2 0 2 2	2 0 2 0	2 0 2 1	2 0 2 2	2 0 2 0	2 0 2 1	2 0 2 2	2 0 2 0	2 0 2 1	2 0 2 2	2 0 2 0	2 0 2 1	2 0 2 2	2 0 2 0	2 0 2 1	2 0 2 2
<i>Murder/Non- Negligent Manslaughter</i>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Manslaughter by Negligence</i>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Rape</i>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Fondling</i>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Incest</i>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Statutory Rape</i>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Robbery</i>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Aggravated Assault</i>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Burglary</i>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Motor Vehicle Theft</i>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Arson</i>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Simple Assault</i>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Domestic Violence</i>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Dating Violence</i>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Stalking</i>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Larceny-Theft</i>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Intimidation</i>	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Destruction/Dama ge /Vandalism of Property</i>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Hate Crimes
Campus Residential Facility
2020, 2021, 2022

CRIME LOCATION	Race			Religion			Sexual Orientati on			Gender			Gender Identity			Disability			Ethnicity / National Origin		
CRIMES REPORTED	2 0 2 0	2 0 2 1	2 0 2 2	2 0 2 0	2 0 2 1	2 0 2 2	2 0 2 0	2 0 2 1	2 0 2 2	2 0 2 0	2 0 2 1	2 0 2 2	2 0 2 1	2 0 2 2	2 0 2 1	2 0 2 0	2 0 2 1	2 0 2 2	2 0 2 0	2 0 2 1	2 0 2 2
<i>Murder/Non-Negligent Manslaughter</i>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Manslaughter by Negligence</i>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Rape</i>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Fondling</i>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Incest</i>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Statutory Rape</i>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Robbery</i>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Aggravated Assault</i>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Burglary</i>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Motor Vehicle Theft</i>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Arson</i>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Simple Assault</i>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Domestic Violence</i>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Dating Violence</i>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Stalking</i>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Larceny-Theft</i>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Intimidation</i>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Destruction/Damage /Vandalism of Property</i>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

**Hate Crimes
Non-Campus
2020, 2021, 2022**

CRIME LOCATION	Race			Religion			Sexual Orientati on			Gender			Gender Identity			Disability			Ethnicity / National Origin		
CRIMES REPORTED	2 0 2 0	2 0 2 1	2 0 2 2	2 0 2 0	2 0 2 1	2 0 2 2	2 0 2 0	2 0 2 1	2 0 2 2	2 0 2 0	2 0 2 1	2 0 2 2	2 0 2 0	2 0 2 1	2 0 2 2	2 0 2 0	2 0 2 1	2 0 2 2	2 0 2 0	2 0 2 1	2 0 2 2
<i>Murder/Non- Negligent Manslaughter</i>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Manslaughter by Negligence</i>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Rape</i>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Fondling</i>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Incest</i>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Statutory Rape</i>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Robbery</i>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Aggravated Assault</i>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Burglary</i>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Motor Vehicle Theft</i>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Arson</i>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Simple Assault</i>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Domestic Violence</i>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Dating Violence</i>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Stalking</i>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Larceny-Theft</i>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Intimidation</i>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Destruction/Dama ge /Vandalism of Property</i>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

**Hate Crimes
Public Property
2020, 2021, 2022**

CRIME LOCATION	Race			Religion			Sexual Orientati on			Gender			Gender Identity			Disability			Ethnicity/ National Origin		
CRIMES REPORTED	2 0 2 0	2 0 2 1	2 0 2 2	2 0 2 0	2 0 2 1	2 0 2 2	2 0 2 0	2 0 2 1	2 0 2 2	2 0 2 0	2 0 2 1	2 0 2 2	2 0 2 0	2 0 2 1	2 0 2 2	2 0 2 0	2 0 2 1	2 0 2 2	2 0 2 0	2 0 2 1	2 0 2 2
<i>Murder/Non- Negligent Manslaughter</i>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Manslaughter by Negligence</i>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Rape</i>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Fondling</i>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Incest</i>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Statutory Rape</i>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Robbery</i>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Aggravated Assault</i>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Burglary</i>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Motor Vehicle Theft</i>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Arson</i>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Simple Assault</i>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Domestic Violence</i>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Dating Violence</i>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Stalking</i>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Larceny-Theft</i>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Intimidation</i>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<i>Destruction/Dama ge /Vandalism of Property</i>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Part Two

The Jeanne Clery Disclosure of Campus Annual Fire Safety Report

Fire safety regulations are for the safety and welfare of the entire University community and should not be taken lightly. This “Fire Safety Report” contains information about policies and procedures regarding fires, what to do if there is a fire drill, or a fire, evacuation information, residence hall information and fire prevention information.

A **fire**, for the purposes of HEA regulations, is defined as any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner.

If There is a Fire

- 1st** Evacuate the building!
- 2nd** Call 9-1-1 for the fire department
- 3rd** Call Public Safety *if not already present* **(479) 979-2020**

Reporting a Small Fire After the Fact

When a small fire occurs (one you may put out with a fire extinguisher) contact:

Public Safety Office (24 hours a day / 7 days a week)
(479) 979-2020

Office of Student Affairs (24 hours a day / 7 days a week)
(479) 979-4977

Fire Drills

Fire evacuation routes are posted on each floor of all residence halls. Fire evacuation drills are held each semester to familiarize residents with evacuation routes and procedures and locations of all fire equipment. Participation in all fire drills is required for those present in the building when the alarm is sounded.

All residents will meet at designated locations where they will be given further instruction on emergencies requiring evacuation. Information regarding lock-down procedures and safe areas in the event of a storm are also distributed and discussed.

Fire Protection and Safe Practices

Each resident's room is equipped with a smoke detector. Tampering with smoke detectors is prohibited. Fire extinguishers are located on each floor and fire alarms are located by the hall offices. These are to be used only in case of an actual fire. False fire alarms and the use of fire extinguishers for purposes other than an actual fire is a violation of the University code of student conduct. Students involved in false fire alarms, improper use of fire extinguishers, or tampering with fire safety equipment will be subject to disciplinary procedures and fined for repairing or replacement of fire equipment.

The University will not tolerate students starting fires of any sort in or near university housing. Strong disciplinary action will be taken against those not following FIRE PRECAUTIONS listed below:

- ☐ Tampering with fire safety equipment or a fire alarm is prohibited.
- ☐ A resident may not possess anything constituting a fire hazard, such as candles, incense, open-flame devices, etc.
- ☐ Due to possible injuries and fire hazard, portable cooking appliances such as hot plates, popcorn poppers, toasters, etc. are not permitted.
- ☐ Firearms, fireworks, explosives, and dangerous chemicals are prohibited everywhere on campus.
- ☐ Smoking in Residence Halls and on ALL University properties is forbidden.

Evacuation Procedures

In the event of a fire, all building occupants will evacuate through the nearest exit, closing doors and activating the fire alarm system as they leave. Once occupants are safely outside the building, Building Coordinators shall contact 9-1-1 and the Department of Public Safety. Students and/or staff will be informed where to relocate by Public Safety Staff if circumstances warrant at the time of the alarm. Individuals shall NOT leave the designated meeting area until dismissed by a Public Safety Officer.

In the event fire alarms sound, University policy states all occupants must evacuate from the building, closing doors as they leave. Best practices recommend that if you are inside a closed room test the door to see if it is hot, before opening the door to exit. If the door is hot, exit by an alternate exit route or summon help. Stay low while exiting if smoke is present.

No training is provided to students or employees in firefighting or suppression activity beyond the use of a fire extinguisher for a fire no larger than a fist. The community member's only duty is to exit safely and quickly, shutting doors along the exit path as they go to contain the spread of flames and smoke, and to activate the alarm as they exit. At no time should the closing of doors or the activation of the alarm delay exiting from the building.

Fire Safety Education and Training

Fire safety procedures and protection are addressed in RA training prior to students returning for the fall. During floor meetings throughout the year, all residents are instructed on the proper use of approved appliances, what to do if there is a fire and who to call if there is an electrical problem. Use of fire extinguishers is discouraged for fires larger than a human fist.

Campus Safety & Security Survey – Fire Summary

	2020			2021			2022		
Facility	Fires	Injuries	Deaths	Fires	Injuries	Deaths	Fires	Injuries	Deaths
<i>King Hall</i>	0	0	0	0	0	0	0	0	0
<i>Smith Hall</i>	0	0	0	0	0	0	0	0	0
<i>MacLean Hall</i>	0	0	0	0	0	0	0	0	0
<i>Cary/Wortz</i>	0	0	0	0	0	0	0	0	0
<i>Bagwell/Jones</i>	0	0	0	0	0	0	0	0	0
<i>Mabee</i>	0	0	0	0	0	0	0	0	0
<i>Trustee</i>	0	0	0	0	0	0	0	0	0
<i>North Street Apts.</i>	0	0	0	0	0	0	0	0	0
<i>Jackson Street Apts.</i>	0	0	0	0	0	0	0	0	0
<i>College Avenue Apts.</i>	0	0	0	0	0	0	0	0	0
<i>709 Jackson Street</i>	0	0	0	0	0	0	0	0	0
<i>711 Jackson Street</i>	0	0	0	0	0	0	0	0	0
<i>307 Johnson Street</i>	0	0	0	0	0	0	0	0	0
<i>408 Buchanan Street</i>	0	0	0	0	0	0	0	0	0
<i>500 Buchanan Street</i>	0	0	0	0	0	0	0	0	0
<i>506 Buchanan Street</i>	0	0	0	0	0	0	0	0	0
<i>304 N. College Ave</i>	0	0	0	0	0	0	0	0	0
<i>616 Hill Street</i>	0	0	0	0	0	0	0	0	0
<i>702 Cherry Street</i>	0	0	0	0	0	0	0	0	0
<i>403 Johnson Street (no longer in use for students)</i>	0	0	0	0	0	0	0	0	0
<i>211 Johnson Street (no longer in use for students)</i>	0	0	0	0	0	0	0	0	0
<i>815 Hillcrest Street (no longer in use for students)</i>	0	0	0	0	0	0	0	0	0

Current Fire Safety Systems

Fire Safety Information – On campus Student Housing

Facility	Fire Alarm Monitoring done on site	Sprinkler System	Smoke Detection	Fire Extinguisher Devices	Evacuation Plans & Placards	Number of Evacuation (fire) drills each year
<i>King Hall</i>	Yes	No	Yes	Yes	Yes	2
<i>Smith Hall</i>	Yes	No	Yes	Yes	Yes	2
<i>MacLean Hall</i>	Yes	Yes	Yes	Yes	Yes	2
<i>Cary/Wortz Hall</i>	Yes	Full	Yes	Yes	Yes	2
<i>Bagwell/Jones</i>	Yes	Full	Yes	Yes	Yes	2
<i>Mabee Hall</i>	Yes	Full	Yes	Yes	Yes	2
<i>Trustee</i>	Yes	Full	Yes	Yes	Yes	2
<i>North Street Apts.</i>	No	No	Stand-alone battery powered only	Yes	Yes	No organized drill, apartments all open to exterior- no common space
<i>Jackson Street Apts.</i>	No	No	Stand-alone battery powered only	Yes	Yes	No organized drill, apartments all open to exterior- no common space
<i>709 Jackson St.</i>	No	No	Stand-alone battery powered only	Yes	Yes	No organized drill, apartments all open to exterior- no common space
<i>711 Jackson St.</i>	No	No	Stand-alone battery powered only	Yes	Yes	No organized drill, apartments all open to exterior- no common space
<i>702 Cherry St</i>	No	No	Stand-alone battery powered only	Yes	Yes	No organized drill, apartments all open to exterior- no common space

<i>307 Johnson St</i>	No	No	Stand-alone battery powered only	Yes	Yes	No organized drill, apartments all open to exterior-no common space
<i>College Avenue Apts.</i>	No	No	Stand-alone battery powered only	Yes	Yes	No organized drill, apartments all open to exterior-no common space
<i>408 Buchanan Street</i>	No	No	Stand-alone battery powered only	Yes	Yes	No organized drill, apartments all open to exterior-no common space
<i>500 Buchanan Street</i>	No	No	Stand-alone battery powered only	Yes	Yes	No organized drill, apartments all open to exterior-no common space
<i>506 Buchanan Street</i>	No	No	Stand-alone battery powered only	Yes	Yes	No organized drill, apartments all open to exterior-no common space
<i>304 North College Avenue</i>	No	No	Stand-alone battery powered only	Yes	Yes	No organized drill, apartments all open to exterior-no common space
<i>616 Hill Street</i>	No	No	Stand-alone battery powered only	Yes	Yes	No organized drill, apartments all open to exterior-no common space

For the year of 2022 there were 19 student housing facilities in use.

King Residence Hall was built in 1971 and renovated in 1999. It is three floors and contains 32,390 square feet. It is protected by a smoke/heat sensor fire alarm system. Sensors are located in each sleeping area and in all halls and common areas. Emergency pull stations are located near the stairs on each floor and beside each exterior exit. The system control panel is located in the main floor RA office.

Smith Residence Hall was built in 1964 and renovated in 2000. It is three floors and contains 15,574 square foot of space. It is protected by a smoke/heat sensor fire alarm system. Sensors are located in each sleeping area and in all halls and common areas. Emergency pull stations are located on each floor near the stairs and beside each exterior exit. The system control panel is located in the main floor RA office.

MacLean Residence Hall was built in 1927 and renovated in 1968, 1976, 1988, 2001 and 2019. It is four floors and contains 47,053 square feet. It is protected by a smoke/heat sensor fire alarm system and a sprinkler system, which was added in 2019. Sensors are located in each sleeping area and in all halls and common areas. Emergency pull stations are located on each floor near the stairs and beside each exterior exit. The system control panel is located in the main floor RA office.

Cary/Wortz Hall was built in 1999. It is two floors and contains 5,592 square feet. It is protected by a smoke/heat sensor fire alarm system. Sensors are located in each sleeping area and in all halls and common areas. Emergency pull stations are located on each floor near the stairs and beside each exterior exit. The system control panel is located on the first floor in the south equipment closet inside the laundry room.

Bagwell/Jones was built in 2000. It is two floors and contains 5,592 square feet. It is protected by a smoke/heat sensor fire alarm system. Sensors are located in each sleeping area and in all halls and common areas. Emergency pull stations are located on each floor near the stairs and beside each exterior exit. The system control panel is located on the first floor in the east equipment closet inside the laundry room.

Mabee Residence Hall was built in 2001. It is two floors and contains 6,392 square feet. It is protected by a smoke/heat sensor fire alarm system. Sensors are located in each sleeping area and in all halls and common areas. Emergency pull stations are located on each floor near the stairs and beside each exterior exit. The system control panel is located on the first floor in the west equipment closet inside the laundry room.

Trustee Hall was built in 2011. It has two floors and contains 6,600 square feet. It is protected by a smoke/heat sensor, fire alarm system and sprinkler system. Sensors are

located in each sleeping area and in all halls and common areas. Emergency pull stations are located on each floor near the stairs and beside each exterior exit. The system control panel is located on the first floor in the south equipment closet inside the laundry room.

North Street Apartments were built in 1972. They consist of two structures. Each has five single floor units. Individual apartments have residential type battery powered smoke detectors.

College Avenue Apartments were built in the 1960s. They were acquired and renovated by the University in 2016. They consist of 2 single-story structures with 4 units in each structure. Each unit has 2 bedrooms.

Jackson Street Apartments were built in 1998. They were acquired and renovated by the University in 2016. These apartments have 5 single-story structures with 2 units in each structure.

304 North College Avenue is a single-story house with 3551 square feet and is protected by smoke detectors.

709 Jackson Street is a single-story house built in 1990. It was acquired and renovated by the University in 2017. It is protected by smoke detectors.

711 Jackson Street is a single-story house built in 1988. It was acquired and renovated by the University in 2017. It is protected by smoke detectors.

408 Buchanan Street is a single-story house built in 1930. It is approximately 1900 square feet and is protected by smoke detectors.

506 Buchanan Street is a single-story house built in 1950. It is 1,400 square feet and is protected by smoke detectors.

500 Buchanan Street is a two-floor house built in 1968. It is 3,300 square feet and is protected by smoke detectors.

616 Hill Street is a single-story house built in the 1960s. It is 1,337 square feet and is protected by smoke detectors.

702 Cherry Street is a single-story house built in 1991. It is 1,032 square feet and is protected by smoke detectors.

307 Johnson Street is a single-story house built in 1983 and is 950 square feet. It was acquired and renovated by the University in 2018. It is protected by smoke detectors.

NOTE: Public Safety monitors Campus alarm systems.

Future Plans

The University is in the process of systematically remodeling student residence halls, which includes the addition of sprinkler systems and updated fire panels that allow for third party monitoring and testing.

Clery- University of the Ozarks Geographical Area

400 - 1000 blocks of College Ave

700 block of Hill Street

700 & 800 blocks of Johnson

400 – 600 blocks of Buchanan

600 block of Louise

500 block of University

700 & 800 blocks of Hillcrest

400 block of North Street

Jackson and Johnson Streets – north of College Ave.

Spadra Creek Nature Trail begins at College Ave. at the south end of campus.

Additional Property:

The University owns 108 acres with frontage along the 1200 through 1600 blocks of Market Street.

100 N. Johnson Pressed Ink *Design, Print, and Engraving (University owned and operated store)*

305 N College Street was purchased in 2022, and the house was torn down.

905 Harmony Street was purchased, and the house is scheduled to be torn down.

A hard copy of this report is available in the Public Safety Office.