

2018

ANNUAL SECURITY REPORT



Emergency Number Quick Reference

Emergency - Call 911 or 8-911 from a UAHT campus phone.

For Ambulance, Fire, or Crime in Progress

Non-Emergency - Call UAHT Campus Security

870-722-8570 Hope Campus 870-963-5060 Texarkana Campus

To report a crime or other non-emergency communication

UAHT Campus Security Hope Campus Administrative Complex room 167 2500 S. Main Hope, AR 71801 870-722-8570	UAHT Campus Security Texarkana Campus Professions Building room 121 3501 U of A Way Texarkana, AR 71854 870-216-2907
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National and Statewide Hotlines

Child Abuse Hotline	800-482-5964
National Suicide Prevention Lifeline	800-273-TALK (8255)
Poison Control	800-222-1222

The Clery Act

Choosing a postsecondary institution is a major decision for students and their families. Along with academic, financial, and geographic considerations, the issue of campus safety is a vital concern.

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) is a federal mandate requiring all institutions of higher education (IHEs) that participate in the federal student financial aid program to disclose information about crime on their campuses and in the surrounding communities. The Clery Act affects virtually all public and private IHEs and is enforced by the U.S. Department of Education. Campuses that fail to comply with the act can be penalized with large fines and may be suspended from participating in the federal financial aid program.

The Clery Act, formerly known as the Crime Awareness and Campus Security Act, was signed in 1990 and is named after 19-year-old Jeanne Clery, who was raped and murdered in her Lehigh University residence hall in 1986. Clery’s parents lobbied Congress to enact the law when they discovered students at Lehigh hadn’t been notified about 38 violent crimes that had occurred on campus in the three years prior to Clery’s murder.

The Clery Act requires the University of Arkansas Hope - Texarkana to provide timely warnings of crimes that represent a threat to the safety of students or employees and to make their campus security policies available to the public. The act also requires UAHT to collect, report, and disseminate crime data to everyone on-campus and to the Department of Education annually.

Campus Security Department

UAHT desires to maintain a secure and accessible campus for students, employees, contractors, visitors and guests. The Campus Security Department is the safety agency serving UAHT. The security officers are contracted through Securitas International, Inc. and are trained and certified to carry a firearm under guidelines of the Arkansas State Police. Security Officers are empowered to enforce all applicable College policies.

Crime Reporting Policy

Prompt and accurate reporting of criminal offenses aids in providing a timely response and timely warning notices to the community when appropriate, and assists in compiling accurate crime statistics. Community members, students, faculty, staff, and guests are encouraged to report all crimes and public safety related incidents in an accurate and timely manner to local law enforcement and the Campus Security Department.

The preferred and primary point of crime reporting should be the UAHT Campus Security Department. If you are the victim of a crime and do not want to pursue action within the College discipline system or the criminal justice system, you may still want to consider making a confidential report. If you choose to file a confidential report through the Dean of Student Services, with your permission, the Dean can file a report on the details of the incident without revealing your identity. The purpose of a confidential report is to comply with your wish to keep the matter confidential, while taking steps to ensure the future safety of yourself and others. With such information, the College can keep an accurate record of the number of incidents involving students, employees and visitors; determine where there is a pattern of crime with regard to a particular location, method, or assailant; and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crime statistics for the institution. It is the policy of the College to encourage the reporting of crimes even if the victim does not wish to file a complaint. The UAHT Office of the Dean of Student Services is responsible for collecting, reporting, and disseminating the annual crime statistics from the local law enforcement agencies and Campus Security Authorities for inclusion in the Annual Security Report.

Timely Warnings

Timely warnings are made to the campus community about any occurrences that would pose a threat to the College community through the Office of the Dean of Student Services or the UAHT Safety Committee. These warnings are distributed in various ways depending on the nature of the information. Among the methods used are e-mail, text messages, warning flyers, campus meetings, and announcements.

Emergency Preparedness, Response, and Notification

Emergencies can occur any time without warning. Careful planning, with an emphasis on safety, can help members of the University of Arkansas Hope - Texarkana (UAHT) community handle crises and emergencies with appropriate responses that may save lives and property. Every member of the UAHT community shares responsibility for emergency preparedness. UAHT

uses the National Incident Management System (NIMS) model for emergency planning. NIMS is a systematic, proactive approach to guide departments and agencies at all levels of government, nongovernmental organizations, and the private sector to work together seamlessly and manage incidents involving all threats and hazards—regardless of cause, size, location, or complexity—in order to reduce loss of life, property and harm to the environment. UAHT is committed to supporting the welfare of its students, faculty, staff and visitors.

UAHT Alert

UAHT Alert is an emergency text message notification system used to notify students, faculty and staff in the case of emergencies. All students' cell phones are uploaded into UAHT Alert each semester. Faculty and staff can also register their cell phones to receive emergency text messages. This service is used to send critical safety information from UAHT in the event of an emergency or College closing and other important messages. Users will receive a test message each semester.

College Email

Emergency notifications are sent to college email addresses. All students, faculty (including adjunct) and staff are issued a college email address.

Web Site

All emergency notifications are posted to the UA Hope-Texarkana web site home page.

Public Address Warning System

A siren and voice public address system on the Hope campus provides an audible alarm which can be heard over the entire UAHT Hope campus.

Evacuation

Buildings on campus have a notification system for emergency evacuation. The fire alarm system serves as the notification system. Whenever the alarm system sounds, everyone must leave the building and move to a safe location. Faculty and staff have access to the Rave Mobile Panic Button which can be used to notify employees of emergency situations and evacuations.

Testing and Evaluation

UAHT will test the emergency response and evacuation procedures at least once per calendar year. UAHT will publicize these procedures in conjunction with this test and document the date and time of the event.

Campus Prevention Activities and Maintenance of Campus Facilities

Proper lighting and building security are major factors in reducing crime on campus. The UAHT Maintenance Department maintains the College buildings and grounds with a concern for safety and security. Inspections of campus facilities are conducted regularly, and repairs are made as quickly as possible. Individuals should report potential safety and security hazards, such as

broken locks and windows. All members of the campus community are encouraged to report safety and security hazards to Campus Security.

Alcohol and Drug Policy

UAHT regulations specify that the manufacture, use, possession, or sale of illegal drugs, controlled substances and alcohol beverages on or about campus or as part of any of its activities are in violation of College policy. Serious offenses which are subject to disciplinary or restricting action are: use, possession, sale, distribution, or manufacture of alcoholic beverages, marijuana, illegal drugs or controlled substances, except as prescribed by a registered medical doctor; arrest for violation of local, state, or federal drug law which adversely affects the student's suitability as a member of the College community; and violations of Arkansas or federal criminal statutes.

The disciplinary response by UAHT to violations of these policies may range from required enrollment in a drug and alcohol education course to expulsion from the College. Evidence of serious offenses such as manufacture, sale, or distribution will be referred to state and/or federal law enforcement authorities.

Alcohol-Free and Drug-Free Workplace Statement

UAHT adopts the policy of the State of Arkansas that the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance in the school/workplace is prohibited. Any student/employee violating this policy will be subject to discipline up to and including expulsion or termination. The specifics of this policy are as follows:

The term "controlled substance" means any drug listed in 21 U.S.C. Section 812 and other federal regulations. Generally these are drugs which have a high potential for abuse. Such drugs include, but are not limited to: Heroin, PCP, Marijuana, Cocaine and "Crack". They also include "legal drugs" which are not prescribed by a licensed physician.

A continual use of alcohol and illegal drugs could cause addiction, which will lead to severe physical and mental harm.

Each employee is required by law to inform the institution within five (5) days after he or she is convicted for violation of any federal or state criminal drug statute where such violation occurred on the agency's premises. A conviction means finding of guilt (including a plea of nolo contendere) or the imposition of a sentence by a judge or jury in any federal court, state court, or other court of competent jurisdiction.

- The College must notify the U.S. Government agency within ten (10) days after receiving notice from the employee or otherwise receives actual notice of such a conviction.
- If any employee is convicted of violating any criminal drug statute while in the workplace, he or she will be subject to discipline up to and including termination. Alternatively, the institution may require the employee to successfully finish a drug abuse program sponsored by an approved private or governmental institution.
- As a condition of employment the law requires all employees to abide by this policy.

Drug and Alcohol Abuse Education

UAHT provides annual alcohol abuse education programs. Referrals are available through Student Services to groups, offices, agencies, and hospitals in the Hope and Texarkana areas that offer drug treatment and rehabilitation services and programs. Information about programs is available from the Counselor. Additional resources can be located in the yellow pages of the telephone directory under the headings “Alcoholism Information and Treatment Centers” and “Mental Health Information and Treatment Centers Counselors.”

Possible Drug and Alcohol Sanctions for Students

Sanctions for Non-Academic Misconduct will be imposed by the Dean of Student Services or his/her designee. The following sanctions may be imposed for Non-Academic Misconduct:

- Educational Task - Completion of a task which educates the student about and allows the student to learn from the misconduct.
- Written Warning - Official record that a student has been warned about behavior.
- Restitution - Reimbursement by the student to cover the cost of repair or replacement of damaged or misappropriated property.
- Restriction of Activities or Privileges - Restriction of active status or participation in any and/or all organized university activities other than required academic endeavors for a designated period of time.
- Fees - Monetary requirements based on the resolution of a case.
- Conduct Probation - A period of self-reflection, during which a student is on official warning that subsequent violations of university rules, regulations or policies are likely to result in a more severe sanction including suspension or expulsion from the university.
- Conduct Suspension - Temporarily canceling a student's enrollment at UAHT. A student cannot graduate while suspended. Once assigned this sanction, students are immediately removed from their classes and banned from university property. A student cannot enter university property during his/her term of suspension without prior permission from the Dean of Student Services or designee. Any classes taken at another institution during this period of suspension cannot be transferred to UAHT.
- Expulsion - Permanently canceling a student's enrollment at UAHT. A dismissed student cannot re-enroll or graduate. Once assigned this sanction, students are immediately removed from their classes and banned from university property. A student cannot enter College property once dismissed without prior permission from the Dean of Student Services or designee.
- Revocation or Denial of Degree – UAHT reserves the right to revoke or refuse to confer a degree on the basis of a violation of the Standards of Student Conduct that occurred while the student was enrolled, given that the violation(s) would have resulted in expulsion.
- Additional Sanctions – In addition to those listed above, other sanctions may be implemented.

Possible Legal Sanctions for Inappropriate Drug and Alcohol Use

These are possible legal ramifications for violation of Alcohol/Drug laws. This is not an all-inclusive list, and the laws listed have been abbreviated. Note that the penalties listed are the minimum and maximums according to law and subsequent offenses (especially with the DWI and DUI laws) can include substantially harsher penalties. If you need more information on any of these, or other, laws, please contact the Office of the Dean of Student Services.

Manufacture or delivery of controlled substance

It is unlawful for any person to manufacture, deliver, or possess with intent to manufacture or deliver, a controlled substance. Penalties for the manufacture, delivery, transporting, administering, or distributing of a controlled substance may be subject to an enhanced sentence of an additional term of imprisonment of ten (10) years if the offense is committed on or within one thousand feet (1,000) of the University. In addition, real and personal property used in the manufacture, delivery, or importing of controlled substances may be forfeited to the government.

Manufacture or delivery of a counterfeit substance

It is unlawful for any person to create, deliver, or possess with intent to deliver, a counterfeit substance purported to be a controlled substance. Penalties for the creating and/or delivery of a counterfeit substance can range from one (3) to twenty (20) years in prison, and fines up to \$15,000 depending on the type of drug being counterfeited.

Possession of a controlled or counterfeit substance

It is unlawful for any person to possess a controlled substance or counterfeit substance. Penalties for possession of a controlled or counterfeit substance on the first offense can range from having your license suspended- Offenders under eighteen (18), one (1) year or until eighteenth (18th) birthday; Jail Time – No more than one year; Fine- No more than \$1,000. Second or subsequent offense can result in License Suspended – Offenders under eighteen (18), one (1) year or until eighteenth (18th) birth-day; Jail Time – No more than one (1) year; Fine – No more than \$1,000.

Minor in possession of alcohol (mandatory suspension of driving privilege)

Any person under twenty-one (21) years of age who has purchased or is in possession of intoxicating liquor, wine, or beer, in violation of the “Minor in possession of alcohol” statute, will be subject to a fine of no more than five hundred dollars (\$500), and a mandatory driver’s license suspension for up to a year depending on offense by the Office of Driver Control, whether or not the person was in or about a vehicle at the time of arrest.

Underage DUI law

The State of Arkansas has an "Underage DUI Law" (Act 863 of 1993) in which it is an offense for a person under the age of 21 with a blood alcohol content of .02 to .07 (approximately one (1) or two (2) beers or hard drinks of liquor) to operate a motorized vehicle. Penalties for a first offense can result in (1) suspension of driver's license for not less than 90 days or more than 120 days; (2) a fine of not less than \$100 nor more than \$500; (3) assignment to public service work; and/or (4) attendance at a state sponsored alcohol and driving education program.

Driving while intoxicated

A person who drives a motorized vehicle while influenced or affected by the ingestion of alcohol, a controlled substance, or any intoxicant, commits the offense of driving while intoxicated. Penalties for such offense may include: (1) License seized upon arrest (2) suspension of license for up to 120 days for the first offense (and additional days for subsequent offenses); (3) imprisonment for no less than 24 hours and no more than one year for the first offense (with additional imprisonment for subsequent offenses); (4) fines of no less than \$100 and no more than \$500 for the first offense (with stiffer fines for subsequent offenses); (5) payment of an additional \$250 in court costs, or as an alternative to payment, public service work as deemed appropriate by the courts; and (6) a requirement to complete an alcohol education program as prescribed and approved by the Arkansas Highway Safety Program, or an alcoholism treatment program as approved by the Office on Alcohol and Drug Abuse Prevention. A blood alcohol level of .04 may be considered with other competent evidence in determining guilt or innocence. A blood alcohol level of .08 or more shall give rise to a presumption of intoxication.

Public intoxication

A person commits the offense of "Public Intoxication" if (1) he appears in a public place manifestly under the influence of alcohol or a controlled substance to the degree that he is likely to endanger himself, other persons or property, or that he unreasonably annoys persons in his vicinity; or (2) he consumes an alcoholic beverage in a public place. Public intoxication is a Class C misdemeanor, and can result in (1) a fine of up to \$100, and/or (2) imprisonment in the county jail (or other authorized institution) for up to 30 days.

Contributing to delinquency of a minor

A person commits the offense of "contributing to the delinquency of a minor" if, being an adult, he knowingly purchases or provides alcoholic beverages for a minor. Such an offense is a Class A misdemeanor. The first offense can result in a fine of \$200- \$500. The second offense can result in (1) a fine of up to \$1,000 and/or (2) imprisonment in the county jail (or other authorized institution) for up to one full year.

Federal penalties and sanctions for illegal possession of a controlled substance

21 U.S.C. 844(c) - First conviction: up to one (1) year imprisonment and fined at least \$1,000 but not more than \$100,000, or both. After first prior drug convictions: at least 15 days in prison, not to exceed two (2) years and fined at least \$2,500 but not more than \$250,000, or both. After two or more prior drug convictions: at least 90 days in prison, not to exceed three (3) years and fined at least \$5,000 but not more than \$250,000, or both. Special sentencing provisions for possession of crack cocaine: mandatory at least five (5) years in prison, not to exceed 20 years and fined up to \$250,000, or both if: (a) first conviction and the amount of crack possessed exceeds 5 grams, (b) second crack conviction and the amount of crack possessed exceeds 3 grams, (c) third or subsequent crack conviction and the amount of crack possessed exceeds 1 gram.

21 U.S.C. 953(a) (2) and 881 (a)(7) - Forfeiture of personal and real property used to possess or to facilitate possession of a controlled substance if that offense is punishable by more than one (1) year imprisonment (See special sentencing provisions re: crack.)

21 U.S.C. 881(a) (4) Forfeiture of vehicles, boats, aircraft or any other conveyance used to transport or conceal a controlled substance.

21 U.S.C. 844(a) - Civil fine of up to \$10,000.

21 U.S.C. 853(a) - Denial of Federal benefits, such as student loans, grants, contracts, and professional and commercial licenses, up to one year for first offense, up to five years for second or subsequent offenses.

19 U.S.C. 922(g) - Ineligible to receive or purchase a firearm. Misc. - Revocation of certain Federal licenses and benefits, (e.g., pilot license, public housing, etc.) are vested within the authorities of individual Federal agencies.

It is illegal for a person under the age of 21 to possess alcohol. Penalties include a fine of up to \$500 and probation under the direction of the court.

HEA Drug Provision

The following provision was contained in subsection (r) of section 484 of the Higher Education Act of 1998 (see 20 U.S.C. 1091®).

(r) Suspension of eligibility for drug related offenses—

(1) IN GENERAL—A student who has been convicted of any offense under any Federal or State law involving the possession or sale of a controlled substance shall not be eligible to receive any grant, loan, or work assistance under this title during the period beginning on the date of such conviction and ending after the interval specified in the following table:

The possession of a controlled substance:

First Offense—1 year, Second Offense—2 years, Third Offense—Indefinite

The sale of a controlled substance: First Offense—2 years, Second Offense—Indefinite

Rehabilitation—A student whose eligibility has been suspended under paragraph (1) may resume eligibility before the end of the ineligibility period determined under such paragraph if—

(A) The student satisfactorily completes a drug rehabilitation program that —

- (i) complies with such criteria as the Secretary shall prescribe in regulations for the purposes of this paragraph; and
- (ii) included two unannounced drug tests; or

(B) the conviction is reversed, set aside, or otherwise rendered nugatory.

Bystander Intervention

Bystander intervention education is included in the *Sexual Assault Prevention for Community Colleges* program which new students are required to take in the College Life Skills course, and it is available to all UAHT students. This program, based on research and best practices, teaches our community about social justice and how to safely intervene in situations and/or to speak up in situations they see as potentially dangerous or limiting to another individual.

How to be an Active Bystander

Bystanders play a critical role in the prevention of sexual and relationship violence. They are individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up, or do something about it. We want to promote a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. We may not always know what to do even if we want to help. Below is a list of some ways to be an active bystander. If you or someone else is in immediate danger, dial 911. This could be when a person is yelling at or being physically abusive towards another, and it is not safe for you to interrupt.

- Watch out for your friends and fellow students/employees. If you see someone who looks like they could be in trouble or need help, ask if they are ok.
- Confront people who seclude, hit on, try to make out with, or have sex with people who are incapacitated.
- Speak up when someone discusses plans to take advantage of another person.
- Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.
- Refer people to on or off campus resources listed in this document for support.

(Bystander intervention strategies adapted from Stanford University)

UAHT Policy for Discrimination, Harassment, Retaliation and Sexual Misconduct Complaints

POLICY STATEMENT

The University of Arkansas Hope - Texarkana is committed to providing an environment that emphasizes the dignity and worth of every member of its community and that is free from harassment and discrimination based upon race, color, religion, national origin, service in the uniformed services (as defined in state and federal law), veteran status, sex, gender identity, sexual orientation, age, pregnancy, physical or mental disability or genetic information. Such an environment is necessary to a healthy learning, working and living atmosphere. Accordingly, all acts of discrimination, harassment, retaliation and sexual misconduct as defined by this Policy are prohibited.

JURISDICTION

Title IX protects the UAHT community from sexual discrimination, harassment and misconduct in a school's education programs and activities. Title IX protects the UAHT community in connection with all academic, educational, extracurricular, athletic and other College programs, whether those programs take place on UAHT property, in UAHT transportation, at a class or training program sponsored by UAHT at another location or elsewhere.

This Policy shall not be construed or applied to restrict academic freedom at UAHT, nor shall it be construed to restrict constitutionally protected expression.

Consistent with state and federal law, reasonable accommodation will be provided to persons with disabilities.

All Complaints or any concerns about conduct that may violate this Policy should be submitted to the Title IX Coordinator:

**Brian Berry, Executive Vice Chancellor for Student Services & Administration
University of Arkansas Hope - Texarkana
Student Center room 229
P.O. Box 140, Hope, AR 71802-0140
870-722-8227**

A complaint may also be submitted to the Title IX Deputy Coordinators:

**Kathryn Hopkins, Human Resource Officer
Administrative Complex office 125
P.O. Box 140, Hope, AR 71802-0140
870-722-8164**

**Christopher Smith, Dean of Students
Student Center office 229
P.O. Box 140, Hope, AR 71802-0140
870-722-8108**

FILING REPORT WITH LOCAL LAW ENFORCEMENT

In some instances, sexual misconduct may constitute both a violation of UAHT policy and criminal activity. The UAHT grievance process is not a substitute for instituting legal action. **UAHT encourages individuals to report alleged sexual misconduct promptly to campus officials AND to law enforcement authorities, where appropriate.** Individuals may file a report directly with local law enforcement agencies by dialing 911. Individuals may also contact any of the following for assistance in filing a report with local law enforcement:

Hope Police Department 312 S. Washington Ste. Hope, AR 71801 870-777-3434	Texarkana Police Department 100 N. Stateline Ave. Texarkana, AR 75504 903-798-3130
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PRESERVING EVIDENCE

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

STUDENT AND VISITOR RESPONSIBILITY TO REPORT

Students and visitors to UAHT are strongly encouraged to report allegations of discrimination, harassment, retaliation and sexual misconduct to the Title IX Coordinator and/or deputy coordinator. A report should be made as soon as possible after the incident in order to facilitate an effective response. The longer a report is delayed, the more difficult it will be for UAHT to investigate. Reports may be made by the person experiencing the misconduct or by a third party, such as a witness or someone who is told of the misconduct.

MANDATORY EMPLOYEE REPORTING

In order to enable UAHT to respond effectively and to proactively stop instances of discrimination, harassment, retaliation and sexual misconduct at UAHT, all employees must, within 24 hours of receiving information regarding a potential violation of this Policy, report information to the Title IX Coordinator and/or deputy coordinator. Only employees who are statutorily prohibited from reporting such information (e.g., licensed health-care professionals) are exempt from these reporting requirements. This Policy is not intended to restrict curriculum or prohibit or abridge the use of particular textbooks or curricular materials.

OFF-CAMPUS CONDUCT

Conduct that occurs off campus can be the subject of a Complaint or report and will be evaluated to determine whether it violates this Policy. Allegations of off-campus sexual misconduct are of particular concern and should be brought to the UAHT's attention.

CONFIDENTIALITY

Subject to the other provisions of this Policy and the requirements of law, every possible effort will be made to ensure that all information received as part of the UAHT's Complaint/Grievance Procedure is treated discreetly. All parties to the Complaint are required to maintain the confidentiality of all information received during this process. However, it is not possible to guarantee that all Complaints will remain confidential because of UAHT's obligation to investigate allegations of misconduct. All requests to maintain confidentiality shall be directed to the Title IX Coordinator who has the authority to make such determinations.

Except as compelled by law or in the interest of fairness, just resolution or health and safety considerations, disclosure of information contained in Complaints, their substance, procedures and the results of investigations will be limited to the immediate parties, witnesses and other appropriate officials. Limited disclosure may also be necessary to conduct a full and impartial investigation.

AVAILABILITY OF COUNSELING AND ADVOCACY

Counseling and other mental health services for victims of sexual assault are available in the community. A current list of these services is available on the UAHT website. Domestic Violence Prevention, Inc. sexual assault services may assist with making referrals for individual counseling and support groups and in identifying non-counseling campus and community resources that may be of additional help and serve as a victim advocate upon request.

EDUCATION AND AWARENESS PROGRAMS

UAHT's Title IX Coordinator, in conjunction with other campus offices, is responsible for planning and coordinating campus education and awareness programs about all forms of sexual assault, including rape, acquaintance rape, domestic violence, dating violence, and other sex offenses. Programs are presented regularly throughout the academic year in student orientation, academic classes, employee training and professional development, and in other settings that are likely to reach people throughout the campus community. Campus-wide education and awareness activities are also conducted during Sexual Assault Prevention and Awareness Month.

POLICY EXPECTATIONS WITH RESPECT TO CONSENSUAL RELATIONSHIPS

There are inherent risks in any romantic or sexual relationship between individuals in unequal positions (such as teacher and student, or supervisor and employee). These relationships may be less consensual than perceived by the individual whose position confers power. The relationship also may be viewed in different ways by each of the parties, particularly in retrospect. Furthermore, circumstances may change, and conduct that was previously welcome may become unwelcome. Even when both parties have consented at the outset to a romantic or sexual involvement, this past consent may not remove grounds for a later charge of a violation of Policy.

UAHT does not wish to interfere with private choices regarding personal relationships when those relationships do not interfere with the goals and policies of UAHT. However, for the personal protection of members of this community, relationships in which power differentials are inherent (faculty-student, staff-student, administrator-student or employee) are prohibited except in extraordinary circumstances.

Consensual romantic or sexual relationships in which one party maintains a direct supervisory or evaluative role over the other party are unethical. Therefore, persons with direct supervisory or evaluative responsibilities who are involved in such relationships must bring those relationships to the timely attention of their supervisors. This will likely result in the necessity to remove the employee from the supervisory or evaluative responsibilities, or will shift the student or employee out of being supervised or evaluated by someone with whom he or she has established a consensual relationship. Failure to self-report such relationships to a supervisor as required can result in disciplinary action for an employee, up to and including termination.

COMPLAINT/GRIEVANCE PROCEDURE

These procedures are intended to apply to all grievances involving discrimination, harassment, retaliation and sexual misconduct as described in this Policy, including but not limited to those brought by a student against an employee and/or fellow student, employee against fellow employee and/or student, and third party against employee and/or student.

All other grievances by students, employees or third parties shall be addressed through other grievance procedures as indicated below and detailed in the UAHT College Catalog:

- Grade Appeal Procedure
- Student Grievance/Complaint Procedure
- Financial Aid Satisfactory Appeal Progress Appeal Procedure
- Student Conduct Policy

UAHT benefits from formal and informal procedures that encourage prompt resolution of Complaints and concerns raised by members of the UAHT community.

INFORMAL COMPLAINT PROCESS

UAHT does not require a Complainant to utilize the Informal Complaint Process if doing so is impracticable or unsafe, or if the Complainant believes that the conduct cannot be effectively addressed through informal means. For example, the Informal Complaint Process should not be used to address allegations of sexual assault. However, in other circumstances where it is practical and safe to do so, every reasonable effort should be made to constructively resolve issues with students, faculty, staff and administrators before pursuing the Formal Complaint Process. Under the Informal Complaint Process, a Complainant may elect to resolve his/her Complaint by discussing it with the offending party. If the offending party is an employee and satisfactory resolution cannot be reached after discussion, the Complainant may also contact the individual's direct supervisor to resolve the Complaint. If these efforts are unsuccessful, the Formal Complaint Process may be initiated.

FORMAL COMPLAINT PROCESS

Upon receiving a report of alleged or possible violation of this Policy, the Title IX Coordinator and/or deputy will evaluate the information received and determine what further actions should be taken. The Title IX Coordinator will follow the procedures described in this Policy. The Title IX Coordinator and/or deputy will take steps, either directly with the complainant or through a reporting employee, to provide information about the UAHT's Complaint/Grievance Procedure, as well as available health and advocacy resources and options for criminal reporting.

INVESTIGATION

The Title IX Coordinator will be responsible for overseeing the prompt, fair, and impartial investigation and resolution of Complaints filed with UAHT. The Title IX Coordinator or his/her designee will investigate all Complaints of discrimination, harassment, retaliation and sexual misconduct and determine any accommodations or other remedial short-term actions necessary in light of the individual circumstances presented.

The Title IX Coordinator or his/her designee will apprise the Vice Chancellor for the appropriate division or department of the Complaint.

The Title IX Coordinator or his/her designee, who will have been properly trained, will:

- identify the correct policies allegedly violated;
- conduct an immediate initial investigation to determine if there is reasonable cause to charge the Respondent(s);
- meet with the Complainant to finalize the Complaint;
- prepare the notice of charges on the basis of initial investigation;
- develop a strategic investigation plan which may include a witness list, an evidence list, an intended timeframe, and an order of interviews for all witnesses, including the Respondent;
- conduct a thorough, reliable and impartial investigation during which witnesses may or may not be given notice prior to the interview;
- complete the investigation promptly, and without unreasonable deviation from the intended timeline;

- make a written finding on the case, based on a preponderance of the evidence, which indicates that it is more likely than not that a Policy violation has or has not occurred, and identifies appropriate remedies and/or sanctions, if any; and
- prepare a complete report on the investigation and findings.

As noted above, an investigation of the Complaint will be conducted by the Title IX Coordinator or his/her designee unless it is clear from the face of the Complaint or the Title IX Coordinator's initial meetings with the parties that no reasonable grounds exist for believing that the conduct at issue violates this Policy.

In the event that the Complaint was made by someone other than the alleged victim, the Title IX Coordinator will consider the following factors in determining whether it is reasonable to investigate the Complaint:

- the source and nature of the information,
- the seriousness of the alleged incident,
- the specificity of the information,
- the objectivity and credibility of the source of the information,
- whether the alleged victims can be identified, and
- whether those individuals wish to pursue the matter.

In the event that the Title IX Coordinator determines that an investigation of the Complaint should not be conducted, he/she will determine and document (in consultation, as necessary, with the alleged victim, the Respondent and any other UAHT administrators) the appropriate resolution of the Complaint and inform the parties of the same.

With all Complaints, if the Title IX Coordinator determines that an investigation should be conducted, the Title IX Coordinator will promptly investigate the matter. The existence of concurrent criminal investigations or proceedings shall not delay the investigation of any Complaint filed under this Policy.

If another individual is designated to investigate the matter, the Title IX Coordinator will share the investigator's name and contact information with the alleged victim and the Respondent and will forward the Complaint to the investigator. Within three (3) days of such appointment, the investigator, the alleged victim or the Respondent may identify to the Title IX Coordinator in writing any real or perceived conflicts of interest posed by assigning such investigator to the matter. The Title IX Coordinator will carefully consider such statements and will assign a different individual as investigator if it is determined that a material conflict of interest exists.

Upon receipt of the Complaint, the Title IX Coordinator will promptly begin the investigation, which shall include but is not limited to the following:

- conducting interviews with the Complainant, the alleged victim (if not the Complainant), the Respondent, and third-party witnesses (including expert witnesses, where applicable) and summarizing such interviews in written form;
- visiting, inspecting, and taking photographs at relevant sites; and
- where applicable, collecting and preserving relevant evidence (in cases of corresponding criminal reports, this step may be coordinated with law enforcement agencies).

Throughout the investigation, the Title IX Coordinator will remain neutral. The Title IX Coordinator should obtain, where applicable and where possible, the written consent of any third-party witnesses to the disclosure, as contemplated by this Policy, of any personally identifiable information contained in the Complaint, the Investigative Report, and for any other documents the disclosure of which is contemplated by this Policy in order to further the resolution of the Complaints.

Initial Meeting with Complainant and/or Alleged Victim. As soon as is practicable, the Title IX Coordinator will contact the Complainant and the alleged victim (if not the Complainant) to schedule an initial meeting to, as applicable:

- provide a copy of this Policy;
- provide a copy of the Discrimination, Harassment and Sexual Misconduct Complaint Form (a copy of which is attached as Exhibit A) on which the Complainant may, if he or she agrees to disclose the information, provide details regarding the allegation, including the name of the accused individual and the date, location and general nature of the alleged violation of Policy (the Complaint Form may be completed by Complainant or dictated to the Title IX Coordinator, who will confirm the accuracy of his or her documentation with the Complainant);
- explain avenues for resolution;
- explain the steps involved in an investigation under this Policy;
- discuss confidentiality standards and concerns;
- determine whether the Complainant or the alleged victim (if not the Complainant) wish to pursue a resolution through UAHT or no resolution of any kind;
- refer to law enforcement, counseling, medical, academic or other resources, as appropriate; and
- discuss, as appropriate, possible interim measures that can be provided during the pendency of the investigative and resolution processes.

Interim Measures. Unless circumstances dictate otherwise, the Title IX Coordinator will promptly issue a “No Contact” order to all parties upon notice of any sexual assault Complaint. In all cases, UAHT may implement any necessary interim measures, deemed appropriate and reasonably available, regardless of whether a Complaint has been filed (with either campus administrators or law enforcement agencies) or whether an investigation has commenced (by either campus administrators or law enforcement agencies). Interim measures may include, but are not limited to:

- issuing no-contact orders;
- providing an escort to ensure that an individual can move safely between classes, work, and/or activities;
- changing work arrangements or location;
- rescheduling class work, assignments, and examinations;
- arranging for the Complainant to take an incomplete in a class;
- reassigning class section;
- permitting a temporary withdrawal from UAHT;
- providing alternative course completion options;
- providing counseling services; and

- providing academic support services.

Following the initial meeting with the Complainant and the alleged victim (if not the Complainant), the Title IX Coordinator will, if applicable, promptly determine the interim measures to be provided to the alleged victim. Such determination will be promptly communicated to the alleged victim, and no later than the point at which it is communicated to the Respondent.

Initial Meeting with Respondent. If the Complainant or alleged victim (if not the Complainant) wishes to pursue resolution through UAHT or if UAHT otherwise deems that a further investigation is warranted, as soon as is reasonably practicable after the Title IX Coordinator's initial meeting with the Complainant (and, if applicable, the alleged victim), the Title IX Coordinator will schedule an initial meeting with the Respondent. During the initial meeting with the Respondent, the Investigator will, as applicable:

- provide sufficient written information, consistent with privacy laws and any request for confidentiality, to allow Respondent to address the allegation (e.g., the name of the Complainant/alleged victim, the date, location, nature of the alleged violation of Policy, etc.);
- provide a copy of this Policy;
- explain UAHT's procedures for resolution of the Complaint;
- explain the steps involved in an investigation under this Policy;
- discuss confidentiality standards and concerns;
- discuss non-retaliation requirements;
- inform of any interim measures already determined and being provided to the Complainant and/or the alleged victim that would directly affect the Respondent (e.g., changing his or her class schedule, etc.);
- refer to law enforcement, counseling, medical, academic or other resources, as appropriate; and
- discuss, as appropriate, possible interim measures that can be provided to the Respondent during the pendency of the investigative and resolution processes.

Investigative Report. The Title IX Coordinator shall complete a written investigative report ("Investigative Report") that shall include the following items:

- The name and sex of the alleged victim and, if different, the name and sex of the person reporting the allegation (It should also include any other relevant protected class characteristics if the Complaint involves a violation of this Policy based on a protected status other than gender);
- a statement of the allegation, a description of the incident(s), and the date(s) and time(s) (if known) of the alleged incident(s);
- the date that the Complaint or other report was made;
- the date the Complainant and alleged victim (if not the Complainant) were interviewed;
- the date the Respondent was interviewed;
- the names and sex of all persons alleged to have committed the alleged violation of this Policy (It should also include any other relevant protected status characteristics if the Complaint involves a violation of this Policy based on a protected status other than gender);
- the names and sex of all known witnesses to the alleged incident(s);

- the dates that any relevant documentary evidence (including cell phone and other records as appropriate) was obtained;
- any written statements of the Complainant (or victim, if different from the Complainant), the Respondent and any witnesses;
- summaries of all interviews conducted, photographs, and descriptions of relevant evidence, summaries of relevant electronic records, and a detailed report of the events in question;
- a written finding on the case, based on a preponderance of the evidence which indicates whether or not it is more likely than not that a Policy violation has occurred;
- the policy or policies violated and, in consultation, as necessary, with the Complainant, alleged victim (if different than the Complainant), Respondent, and other UAHT officials, any remedial and/or disciplinary action deemed appropriate under the circumstances;
- the response of UAHT personnel and, if applicable, University-level officials, including any interim measures and permanent steps taken with respect to the Complainant, alleged victim (if different than the Complainant) and the Respondent; and
- a narrative of all action taken to prevent recurrence of any harassing incident(s), including any written documentation.

If the Title IX Coordinator is unable to obtain the consent of third-party witnesses, he or she will redact the Investigative Report to the extent necessary to avoid inappropriate disclosure of such witness's personally identifiable information, while ensuring that such redaction does not prevent resolution of the Complaint.

If the Title IX Coordinator determines and documents, based on the investigation, that reasonable grounds exist to believe that the conduct at issue constitutes a violation of this Policy, the Title IX Coordinator will determine the appropriate remedy and/or sanction to be imposed and will include the appropriate remedy and/or sanction in the Investigative Report. Imposition of the appropriate remedy and/or sanction will be imposed only after all appeals have been exhausted.

In determining the appropriate remedy and/or sanction, UAHT will act to end the discrimination, harassment, retaliation or sexual misconduct, prevent its recurrence and remedy its effects on the victim and/or UAHT community. Sanctions will depend upon the nature and gravity of the misconduct, any record of prior discipline for a violation of this Policy, or both. Sanctions may include, without limitation, withholding a promotion or pay increase, reassigning employment, terminating employment, temporary suspension without pay, compensation adjustments, expulsion or suspension from UAHT, disciplinary probation, mandated counseling and/or educational sanctions as deemed appropriate.

The Title IX Coordinator shall complete and distribute the Investigative Report, concurrently, to the alleged victim and Respondent within thirty (30) calendar days following receipt of a Complaint. All parties to whom the Investigative Report is distributed pursuant to this Policy should maintain it in confidence. The Investigative Report may only be disclosed as contemplated by this Policy.

If the Title IX Coordinator finds no reasonable grounds to believe that the conduct at issue constitutes a violation of this Policy, then the Title IX Coordinator will determine and document the appropriate resolution of the Complaint in the Investigative Report and will promptly notify the parties of that determination.

APPEAL INVOLVING FACULTY/STAFF

All appeals where the Respondent is a UAHT faculty or staff member shall be made to the Chancellor or his/her designee. Both the alleged victim and the Respondent may appeal any or all of the Title IX Coordinator's decision in writing to the Chancellor or his/her designee within ten (10) days of receipt of the Investigative Report. The appealing party must also provide a copy of the appeal to the Title IX Coordinator within the same time period. The appeal should include a brief statement describing any or all parts of the Investigative Report that is being appealed and the reason for appeal. Acceptable means of notification include email, facsimile, hand delivered notification or postal delivery. The Title IX Coordinator will promptly inform the other party of the appeal.

Within thirty (30) days of receipt of the appeal, the Chancellor or his/her designee will make a final determination as to whether the Complaint should be closed, whether a violation of Policy has occurred, and/or whether any additional or different remedial action or sanctions are warranted. The Chancellor or his/her designee will concurrently notify the alleged victim and the Respondent of his/her decision.

All non-tenured faculty and staff members of UAHT are at-will employees who may be terminated at any time, with or without cause. With regard to such faculty and staff, nothing in this Policy shall create an expectation of continued employment with UAHT or be construed to prevent or delay UAHT from taking any disciplinary action deemed appropriate (including suspension and immediate termination of employment) for any violation of state law, federal law or UAHT policy. When the Respondent is a faculty member with tenure and the sanction imposed or upheld by the Chancellor or his/her designee is dismissal of the Respondent's employment, the matter shall proceed pursuant to Board Policy 405.1.

APPEAL INVOLVING A STUDENT

In those instances where the Respondent is a UAHT student, the alleged victim and/or the Respondent may appeal any or all of the Title IX Coordinator's decision to a Hearing Panel by providing a written appeal to the Chancellor or his/her designee with a copy also being provided to the Title IX Coordinator. The appeal must be submitted within ten (10) days of receipt of the Investigative Report and must include a brief statement describing any or all parts of the Investigative Report being appealed and the reason for appeal. Acceptable means of notification include email, facsimile, hand delivered notification or postal delivery.

Within three (3) days of receiving the appeal, the Chancellor or his/her designee will appoint the members of the Hearing Panel, to include at least three faculty and/or staff members. The Chancellor or his/her designee will select one member of the Hearing Panel to act as the Chair. The Title IX Coordinator will provide a copy of the Complaint and the Investigative Report to each member of the Hearing Panel and, if only a portion of the Title IX Coordinator's findings

and determinations are appealed, the Title IX Coordinator will specify which part(s) of the alleged misconduct will be the subject of the hearing.

Promptly after the appointment of the members of the Hearing Panel, the Title IX Coordinator will provide concurrent written notice to the alleged victim and the Respondent, setting forth the names of the individuals selected to serve on and chair the Hearing Panel. If only a portion of the findings and determination are appealed, the Title IX Coordinator will also specify in the notice which part(s) of the alleged misconduct will be the subject of the hearing.

The parties may challenge the participation of any member of the Hearing Panel by submitting a written objection to the Chancellor or his/her designee within three (3) days of receipt of the notice of the composition of the Hearing Panel. Any objection must state the specific reason(s) for the objection. The Chancellor or his/her designee will evaluate the objection and determine whether to alter the composition of the Hearing Panel. Failure to submit a timely and proper objection will constitute a waiver of any right of objection to the composition of the Hearing Panel. Any changes in the composition of the Hearing Panel will be provided in writing to both parties prior to the date of the hearing.

Submission of Written Materials. Within five (5) days of receipt of the notice of the initial composition of the Hearing Panel, the alleged victim and the Respondent may provide the Chair of the Hearing Panel with a list of witnesses, if any, that they propose that the Hearing Panel call and a brief description of each proposed witness's connection to and/or knowledge of the issues in dispute, any supporting documents or other evidence, and a written statement of position.

Notice of the Hearings. Not less than five (5) days but not more than ten (10) days after delivery of notice of the initial composition of the Hearing Panel to the parties, the Hearing Panel will provide a separate notice to the alleged victim, Respondent and any witnesses or other third parties whose testimony the Hearing Panel deems relevant, requesting such individuals to appear before the Hearing Panel. The notice should set forth the date, time, and location for the individual's requested presence. The Hearing Panel shall provide the names of the witnesses or other third parties that the Hearing Panel plans to call in its notices to the alleged victim and the Respondent. The hearing shall be conducted within twenty (20) days but no sooner than ten (10) days of the receipt of the appeal.

Failure to Appear. If any party fails to appear before the Hearing Panel if requested to do so, and such party was provided proper notice of the hearing as set forth above, then absent extenuating circumstances, the Hearing Panel will proceed to determine the resolution of the Complaint.

Support Persons. Both the alleged victim and the Respondent may be accompanied by one support person to assist them during the hearing process. This support person can be anyone, including an attorney, but the support person may not take part in the hearing. Unless the student has received a suspension of ten (10) or more days or expulsion, the support person may not address the Hearing Panel, present evidence, make objections or statements, ask questions of any party or witness or otherwise participate in the hearing, beyond privately communicating with the party that he/she is supporting. If the student has received a suspension of ten (10) or more

days or expulsion, the support person may fully participate during the disciplinary appeal proceeding.

The Chair must be notified five (5) business days in advance of the hearing if a party will be accompanied by a support person. The Chair may disallow the attendance of any support person if he/she is also a witness or if, in the discretion of the Chair, such person's presence would be disruptive or obstructive to the hearing or otherwise warrant removal. All support persons must agree to keep any and all information presented in the hearing confidential in order to attend. Absent accommodation for disability, the parties may not be accompanied by any other individual during the hearing process except as set forth in this Policy. UAHT officials may seek advice from the University's Office of General Counsel on questions of law and procedure at any time during the process.

Evidentiary Matters. The alleged victim and the Respondent will have an equal opportunity to present evidence during their hearing. Formal rules of evidence will not be observed during the hearings.

Prior Sexual Conduct. Evidence of the prior sexual conduct of the alleged victim and the Respondent with others will not be permitted at the hearings, with the following exceptions:

- evidence is permitted to show that the alleged victim has in the past been formally disciplined by UAHT for falsely filing Complaints alleging a violation of this Policy;
- evidence is permitted to show that the Respondent has in the past been either convicted in a criminal proceeding or formally disciplined by UAHT for conduct which would violate this Policy, if deemed relevant; and
- evidence regarding the past sexual activity of the Respondent (regardless of whether the Respondent was formally charged with a violation of the Policy with respect to such conduct) may be permitted to show that the Respondent has engaged in a pattern of behavior similar to the alleged violations of policy at issue before the Hearing Panel, provided that (1) the Respondent has not been found "not responsible" by UAHT in a proceeding related to such conduct and (2) the Chair has made written findings both that the evidence is reliable and trustworthy and that the conduct is sufficiently and substantially similar to the conduct at issue before the Hearing Panel to suggest a pattern of behavior.

Hearing Procedure. The Hearing Panel will conduct a hearing during which it will interview and question the Complainant, the alleged victim, the Respondent, and any witnesses or other third parties whose testimony the Hearing Panel deems relevant. The parties will not be allowed to personally question or cross-examine each other during the hearing, but will be allowed to question witnesses. The Chair will resolve all questions concerning procedure or the admission of evidence or testimony, including the relevancy and reliability of the evidence and testimony. All participants at the hearing are expected to provide truthful testimony. The Complainant and/or alleged victim have the option not to be in the same room with the alleged Respondent during the hearing. Any party may choose not to testify or appear before the Hearing Panel; however, his/her exercise of that option will not preclude the Hearing Panel from making a determination regarding the Complaint filed against the Respondent.

Decision of the Hearing Panel. Following the conclusion of the hearing, the Hearing Panel will confer and by majority vote determine whether the evidence (including the information provided in and by the Investigative Report, the parties' written statements, if any, the evidence presented at the hearings, and the testimony of the parties and witnesses) establishes that it is more likely than not that the Respondent committed a violation of this Policy. In other words, the standard of proof will be the preponderance of the evidence. If the Hearing Panel determines that more likely than not the Respondent committed a violation of this Policy, the Hearing Panel will recommend sanctions and give consideration to whether a given sanction will (a) bring an end to the violation in question, (b) reasonably prevent a recurrence of a similar violation, and (c) remedy the effects of the violation. The Hearing Panel will forward its recommendations regarding sanctions to the Chancellor or his designee, who will make the final determination regarding all sanctions.

Sanctions for a finding of responsibility will depend upon the nature and gravity of the misconduct, any record of prior discipline for a violation of this Policy, or both. Sanctions may include, without limitation, expulsion or suspension from UAHT, disciplinary probation, expulsion from campus housing, mandated counseling, and/or educational sanctions deemed appropriate by the Hearing Panel.

Ordinarily, sanctions will not be imposed until the resolution of any timely appeal under this Policy. However, if it is deemed necessary to protect the welfare of the victim or the UAHT community, the Hearing Panel may recommend and the Chancellor or his/her designee may determine that any sanctions be imposed immediately and continue in effect until such time as the appeal process is exhausted.

At such time that the appeal process is exhausted, the Title IX Coordinator will determine the final accommodations to be provided to the victim, if any, and the Title IX Coordinator will communicate such decision to the victim and the Respondent to the extent that it affects him/her.

The Title IX Coordinator will also take steps to prevent any harassment of or retaliation against the Complainant, the victim (if not the Complainant), or third parties, such as informing them about how to report subsequent problems, following up with them to ensure that there are no subsequent problems, providing training for the campus community, and providing counseling for the Respondent. The Title IX Coordinator will also take steps to prevent the harassment of or retaliation against the Respondent.

Furthermore, the Title IX Coordinator will take prompt corrective action if the Complainant or the victim (if not the Complainant) experiences retaliation or is subjected to further violation of this Policy or if the original sanctions imposed on the Respondent are ineffective to protect the safety and well-being of the Complainant, the victim (if not the Complainant), or other members of the UAHT community. The Title IX Coordinator will also take reasonable steps to eliminate any hostile environment that has been created, such as conducting trainings and disseminating informational materials. In taking the above-outlined steps, the Title IX Coordinator will make every reasonable effort to minimize the burden on the Complainant and/or alleged victim.

Final Outcome Letter. Within ten (10) calendar days following the conclusion of the hearings, the Hearing Panel will issue a written decision letter (the “Final Outcome Letter”) concurrently to the Respondent and the alleged victim. The Final Outcome Letter will set forth (1) the name of the Respondent, (2) the violation(s) of this Policy for which the Respondent was found responsible, if any, (3) the recommended sanctions imposed on the Respondent, if any, and it may set forth names of other individuals, such as a victim or witness, provided that such other individuals provide their written consent to such inclusion.

In order to comply with FERPA, the letter will not include information considered part of a party’s “education record” (as that term is defined by FERPA) that is not otherwise exempt from disclosure under the Act, or other information about sanctions that do not relate to the victim.

Confidentiality and Disclosure. In order to comply with FERPA and Title IX and to provide an orderly process for the presentation and consideration of relevant information without undue intimidation or pressure, the hearing process is not open to the general public. Accordingly, documents prepared in anticipation of the hearings (including the Complaint, the Investigative Report, the notices of hearing, and the pre-hearing submissions referenced above) and documents, testimony, or other information introduced at the hearings may not be disclosed outside of the hearing proceedings, except as may be required or authorized by law.

TIME PERIODS

UAHT will make every reasonable effort to ensure that the investigation and resolution of a Complaint occurs in as timely and efficient a manner as possible. UAHT’s investigation and resolution of a Complaint (including an appeal, if applicable) will generally be completed within 60 calendar days of the receipt of the Complaint, absent extenuating circumstances. Hearings, if at all, will take place after the conclusion of the investigation. If hearings have taken place, both the Complainant and the Respondent generally will receive a Final Outcome Letter within ten (10) calendar days of the conclusion of the hearing.

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

For purposes of calculating all time periods set forth in this Complaint and Grievance Policy, a business day is defined to mean normal operating hours, Monday through Friday, excluding recognized national and state holidays and UAHT closings.

Timelines may be modified in cases where information is not clear, judged to be incomplete, relevant parties are not available for interview, and/or other related circumstances as may arise. The Title IX Coordinator may also modify any deadlines contained in this Policy as necessary and for good cause.

ACKNOWLEDGEMENT OF RESPONSIBILITY

At any time prior to the issuance of the Investigative Report or the date of his/her designated hearing, the Respondent may elect to acknowledge his/her actions and take responsibility for the alleged policy violation. In such situation, the Title IX Coordinator will propose sanction(s). If

either party objects to the proposed sanction(s), they may appeal the sanction pursuant to this Policy.

NO RETALIATION

Retaliation against any person who files a Complaint, participates in an investigation, or opposes a discriminatory employment or educational practice or policy is prohibited. A person who believes retaliation has occurred should notify the Title IX Compliance Officer as soon as possible.

FALSE REPORTS

Willfully making a false report of sexual harassment is a violation of UAHT policy and is a serious offense. Any person who willfully makes or participates in making a false or frivolous report of discrimination, harassment, retaliation or sexual misconduct will be subject to disciplinary action. False reporting may also violate state criminal statutes and civil defamation laws.

OFFICE OF CIVIL RIGHTS COMPLAINT

Although Complainants are encouraged to resolve their grievances related to discrimination by utilizing this Complaint/Grievance Procedure, they have the right to file a complaint directly with the U.S. Department of Education, Office for Civil Rights (OCR). Information regarding applicable timelines and procedures is available from OCR. You may call 1-800-421-3481 to obtain further information about filing a complaint with OCR.

EFFECTIVE DATE

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

DOCUMENTATION

UAHT will retain documentation (including but not limited to the written Complaint, notifications, the Investigative Report, any written findings of fact, petitions for appeal, hearing transcripts or recordings (if any), and any written communication between the parties), for at least three (3) years. Documentation pertaining to terminations, expulsions or educational sanctions may be retained indefinitely.

DEFINITION OF TERMS

Complainant: Any party who makes a Complaint against a student, employee, staff member or campus visitor.

Consent: Consent is a clear, knowing and voluntary decision to engage in sexual activity.

Because consent is voluntary, it is given without coercion, force, threats, or intimidation. It is given with positive cooperation in the act or expression of intent to engage in the act pursuant to an exercise of free will.

Consent is active, not passive. Silence, in and of itself, cannot be interpreted as consent. Consent can be given by words or actions, as long as those words or actions consist of an affirmative,

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

Consent is revocable, meaning consent can be withdrawn at any time. Thus, consent must be ongoing throughout a sexual encounter. Once consent has been revoked, sexual activity must stop immediately.

Consent can be limited, meaning consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity. Further, previous relationships or prior consent cannot imply consent to future sexual acts.

Consent cannot be given when a person is incapacitated, such as when a person is physically or mentally unable to make informed, rational judgments, or lacks the ability to understand the “who, what, when, where and how” related to the sexual activity. States of incapacitation include, but are not limited to, unconsciousness and sleep. Where alcohol or drugs are involved, incapacitation is determined by how the alcohol or other drugs have impacted a person’s decision-making capacity, awareness of consequences, and/or ability to make fully informed judgments.

Use of alcohol or other drugs will never function as a defense to a violation of this Policy.

In sum:

- Silence does not equal consent.
- Lack of verbal resistance does not constitute consent.
- Lack of physical resistance does not constitute consent.
- There is no consent when there is force, coercion, intimidation, threats or duress.
- Consent may be withdrawn at any time, and sexual activity must cease when consent is withdrawn unless or until additional consent is given.
- Consent to one form of sexual activity does not indicate consent to another form of sexual activity.
- A prior sexual relationship does not indicate current or future consent.
- Minors cannot give consent.
- Physically or mentally incapacitated persons cannot give consent.
- Consent may be determined by whether the accused knew, or a reasonable person should have known, that the alleged victim was incapacitated.

Dating Violence: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the alleged victim. It includes any unwelcome physical violence such as hitting, pulling, shoving, kicking, biting or throwing things; and sexual assault, sexual exploitation and sexual harassment.

Discrimination (general definition): Conduct that is based upon an individual’s race, color, religion, national origin, service in the uniformed services (as defined in state and federal law), veteran status, sex, age, pregnancy, physical or mental disability or genetic information that excludes an individual from participation, denies the individual the benefits of, treats the individual differently or otherwise adversely affects a term or condition of an individual’s employment, education, living environment or participation in a College program or activity.

This includes failing to provide reasonable accommodation, consistent with state and federal law, to persons with disabilities.

Discriminatory Harassment: Detrimental action based on an individual’s race, color, religion, national origin, service in the uniformed services (as defined in state and federal law), veteran status, sex, age, pregnancy, physical or mental disability or genetic information. Harassing conduct may take various forms, including, name-calling, graphic or written statements (including the use of cell phones or the Internet), or other conduct that may be physically threatening, harmful, or humiliating. Harassment does not have to include intent to harm, be directed at a specific target or involve repeated incidents. Gender-based harassment includes sexual harassment.

Domestic Violence: Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury, or assault between family or household members; or any sexual conduct between family or household members, whether minors or adults, that constitutes a crime under the laws of this state. Family or household members means spouses, former spouses, parents and children, persons related by blood within the fourth degree of consanguinity, any children residing in the household, persons who presently or in the past have resided or cohabited together, persons who have or have had a child in common, and persons who are presently or in the past have been in a dating relationship together. See also, Arkansas Code Annotated § 9-15-103—”Domestic Abuse”).

Hostile Environment: A hostile environment exists when there is harassing conduct based on race, color, religion, national origin, service in the uniformed services (as defined in state and federal law), veteran status, sex, age, pregnancy, physical or mental disability or genetic information that is sufficiently serious (i.e., severe, pervasive, or persistent) and objectively offensive to deny or limit a person’s ability to participate in or benefit from UAHT’s programs, services, opportunities or activities; or when such conduct has the purpose or effect of unreasonably interfering with an individual’s employment. Harassment that creates a hostile environment (“hostile environment harassment”) violates this Policy.

Non-Consensual Sexual Contact: Non-consensual sexual contact is any intentional sexual touching, however slight, with any object by a male or female upon a male or a female that is without consent and/or by force. Sexual Contact includes intentional contact with the breasts, buttock, groin, or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; any intentional bodily contact in a sexual manner, though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth or other orifice.

Non-Consensual Sexual Intercourse: Non-consensual sexual intercourse is any sexual intercourse however slight, by a male or female upon a male or a female that is without consent and/or by force. Intercourse includes vaginal penetration by a penis, object, tongue or finger; anal penetration by a penis, object, tongue, or finger; and oral copulation (mouth to genital contact or genital to mouth contact), no matter how slight the penetration or contact.

Respondent: The person(s) against whom a Complaint has been made.

Retaliation: Action taken by an accused individual or by a third party against any person because that person has opposed any practices forbidden under this Policy or because that person has filed a Complaint, testified, assisted or participated in any manner in an investigation or proceeding under this Policy. This includes action taken against a bystander who intervened to stop or attempt to stop discrimination, harassment or sexual misconduct. Retaliation includes intimidating, threatening, coercing or in any way discriminating against an individual because of the individual's Complaint or participation. Action is generally deemed retaliatory if it would deter a reasonable person in the same circumstances from opposing practices prohibited by this Policy.

Sexual Assault: An actual or attempted sexual contact with another person without that person's consent. Sexual assault includes, but is not limited to involvement in any sexual contact when the victim is unable to consent; intentional and unwelcome touching of, or coercing, forcing, or attempting to coerce or force another to touch a person's intimate parts (defined as genital area, groin, inner thigh, buttocks, or breast); and sexual intercourse without consent, including acts commonly referred to as "rape."

Sexual Exploitation: Occurs when a person takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of other sexual misconduct offenses. Examples of behavior that could rise to the level of sexual exploitation include, but are not limited to:

- invading sexual privacy;
- prostituting another person;
- non-consensual video or audio-taping of sexual activity;
- going beyond the boundaries of consent (e.g., allowing others to watch consensual sex without that party's knowledge or consent);
- engaging in voyeurism;
- non-consensual distribution of photos, other images, or information of an individual's sexual activity, intimate body parts, or nakedness, with the intent to or having the effect of embarrassing an individual who is the subject of such images or information;
- knowingly transmitting an STI, such as HIV, to another without disclosing your STI status;
- exposing one's genitals in non-consensual circumstances or inducing another to expose his or her genitals; or
- possessing, distributing, viewing or forcing others to view illegal pornography.

Sexually-based stalking and/or bullying may also be forms of sexual exploitation.

Sexual Harassment: Sexual Harassment is unwelcome, gender-based spoken, written or symbolic action or physical conduct that is sufficiently severe, persistent or pervasive that it has the effect of unreasonably interfering with, limiting or denying someone the ability to participate in or benefit from the College's educational programs. The unwelcome behavior may be based on power differentials, the creation of a hostile environment or retaliation.

For the purpose of this Policy, sexual harassment includes stalking or repeatedly following, harassing, threatening, or intimidating another by telephone, mail, electronic communication,

social media, or any other action, device or method that purposely or knowingly causes substantial emotional distress or reasonable fear of bodily injury or death. Sexual harassment also includes *quid pro quo* sexual harassment which exists when there are unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature and submission to or rejection of such conduct results in adverse educational or employment action.

Not all workplace or educational conduct that may be described as “harassment” affects the terms, conditions or privileges of employment or education. For example, a mere utterance of an ethnic, gender-based or racial epithet which creates offensive feelings in an employee or student would not normally affect the terms and conditions of their employment or limits a student’s ability to participate in or benefit from the College’s educational programs or activities.

Sexual Misconduct: includes sexual assault, inducing incapacitation for sexual purposes, sexual exploitation and dating and domestic violence.

Status: A full-time employee of the College will be considered an “employee” for the purposes of this Policy, regardless of whether he/she is also enrolled as a student. Any student who is a part-time employee will be considered a “student” for the purposes of this Policy unless the incident under consideration occurred in connection with his/her employment.

Stalking: Stalking is repeated or obsessive unwanted attention directed toward an individual or group that is likely to cause alarm, fear, or substantial emotional distress. Stalking may take many forms, including following, lying in wait, monitoring, and pursuing contact. Stalking may occur in person or through a medium of communication, such as letters, e-mail, text messages, or telephone calls. In some circumstances, two instances of such behavior may be sufficient to constitute stalking.

Procedures for On-Campus Disciplinary Action

Any member of the College community may file an incident report for violence or misconduct. Charges shall be prepared in writing and directed to the Dean of Student Services. Detailed filing and hearing procedures and regulations are listed in the UAHT Student Handbook. The complainant and the accused have the right to be assisted by a College advisor and to have that advisor present during the hearing. Following the final decision of the hearing body, both the victim and the accused will be informed of the determination and recommended sanctions, if any.

Sex Offender Registration

Section 12-12-906(e) of the Arkansas Code and the federal Campus Sex Crimes Prevention Act requires sex offenders who plan to enroll in college to register with the law enforcement agency having jurisdiction over the campus. The statute states that, “[l]ocal law enforcement agencies having jurisdiction shall disclose, in accordance with guidelines promulgated by the [Arkansas] Sex Offenders Assessment Committee, relevant and necessary information regarding offenders to the public when the disclosure is relevant and necessary for public protection.” The Arkansas Sex Offender Registry is available on-line at <http://www.acic.org/Registration/index.htm>.

Annual Disclosure and Distribution

The UAHT Office of the Dean of Student Services is responsible for the collection, reporting, and disseminating of the annual crime statistics from the local law enforcement agencies and Campus Security Authorities for inclusion in the Annual Crime Report following the guidelines of the Code of Federal Regulations.

By October 1 of each year, notification of the new annual disclosure report is provided to current students and employees by electronic mail with one-click hyperlinks to the report on the College web page. A paper copy of the report is available at the UAHT Campus Security Department and the Office of the Dean of Student Services. The crime statistics are also submitted to the U.S. Department of Education every year as prescribed by the Department of Education.

Safety Tips on Campus

Personal Safety

The keys to personal safety are *awareness* and *assertiveness*.

Look assertive, confident, and aware of your surroundings.

Trust your intuition. If a particular situation makes you feel uncomfortable or unsafe, choose an alternative. Don't be afraid to ask for help.

Keep keys accessible and wear comfortable clothing for added safety and defense. Have keys ready before you get to the car so you don't have to search for them.

If you think you're being followed, find other people immediately. Turn around and confront someone you think is following you; the surprise of a hostile look will deter most assailants.

Know vulnerable targets of the assailant; eyes, nose, throat, stomach, kneecaps, and groin.

Backpacks, purses, book bags, etc., should never be left unattended.

Alert campus security about suspicious-looking people or activities.

Always let family/friends know where you're going and when you expect to arrive/return.

Steer clear of shrubbery, trees or structures that people could hide behind.

When walking alone, walk confidently and be aware of your surroundings.

Keep vehicles locked and don't leave valuables in plain sight.

If you have someone that is prohibited, by law, from coming in contact with you, give that information to campus security.

University of Arkansas Hope - Texarkana
 Hope Campus
 Crime Statistics

	On Campus			Public Property			Unfounded Cases
	2017	2016	2015	2017	2016	2015	2017
Aggravated Assault	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0
Burglary: Total	0	0	0	0	0	0	0
Forcible Burglary*	0	0	0	0	0	0	0
Non-Forcible Burglary*	0	0	0	0	0	0	0
Attempted Burglary*	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0
Sexual Offenses: Total	0	0	1	0	0	0	0
Rape*	0	0	0	0	0	0	0
Fondling*	0	0	1	0	0	0	0
Incest*	0	0	0	0	0	0	0
Statutory Rape*	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0
ARRESTS							
Liquor Law Violations	0	0	0	0	0	0	0
Drug Violations	0	0	0	0	0	0	0
Weapons Violations	0	0	0	0	0	0	0
NON-ARREST CAMPUS REFERRALS							
Alcohol	0	0	0	0	0	0	0
Drug Violations	0	0	0	0	0	0	0
Weapons Violations	0	0	0	0	0	0	0

There were no hate crimes reported in 2015, 2016, or 2017.

*Items with an * are also included in the total row for that category of crime.*

University of Arkansas Hope - Texarkana
 Texarkana Campus
 Crime Statistics

	On Campus			Public Property			Unfounded Cases
	2017	2016	2015	2017	2016	2015	2017
Aggravated Assault	0	0	0	1	0	0	0
Arson	0	0	0	0	0	0	0
Burglary: Total	0	0	0	1	0	0	0
Forcible Burglary*	0	0	0	1	0	0	0
Non-Forcible Burglary*	0	0	0	0	0	0	0
Attempted Burglary*	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	1	0	0	0
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0
Robbery	0	0	0	1	0	0	0
Sexual Offenses: Total	0	0	0	0	0	0	0
Rape*	0	0	0	0	0	0	0
Fondling*	0	0	0	0	0	0	0
Incest*	0	0	0	0	0	0	0
Statutory Rape*	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0
Domestic Violence	0	0	0	2	0	0	0
Dating Violence	0	0	0	0	0	0	0
ARRESTS							
Liquor Law Violations	0	0	0	0	0	0	0
Drug Violations	0	0	0	0	0	0	0
Weapons Violations	0	0	0	2	0	0	0
NON-ARREST CAMPUS REFERRALS							
Alcohol	0	0	0	0	0	0	0
Drug Violations	0	0	0	0	0	0	0
Weapons Violations	1	0	0	0	0	0	0

There were no hate crimes reported in 2015, 2016, or 2017.

*Items with an * are also included in the total row for that category of crime.*

Appendix

Definitions of Criminal Offenses

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

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

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

Dating Violence is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the alleged victim. It includes any unwelcome physical violence such as hitting, pulling, shoving, kicking, biting or throwing things; and sexual assault, sexual exploitation and sexual harassment.

Domestic Violence is physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury, or assault between family or household members; or any sexual conduct between family or household members, whether minors or adults, that constitutes a crime under the laws of this state. Family or household members means spouses, former spouses, parents and children, persons related by blood within the fourth degree of consanguinity, any children residing in the household, persons who presently or in the past have resided or cohabited together, persons who have or have had a child in common, and persons who are presently or in the past have been in a dating relationship together. (See also, Arkansas Code Annotated § 9-15-103—"Domestic Abuse").

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

Hate crimes are committed against a person or property which is motivated, in whole or in part, by the offender's bias. Bias is a preformed negative opinion or attitude toward a group of persons based on their race, gender, gender identity, religion, disability, sexual orientation, ethnicity, national origin, or disability.

Liquor law violations are defined as the violation of laws or ordinance prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining

unlawful drinking places; bootlegging; operating a still; furnishing liquor to minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; all attempts to commit any of the aforementioned. (Drunkenness and driving under the influence are not included in this definition.)

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

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

Negligent manslaughter is the killing of another person through gross negligence.

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

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

- **Rape** is the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This definition includes any gender of victim or perpetrator.
- **Fondling** is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- **Incest** is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory rape** is sexual intercourse with a person who is under the statutory age of consent.

Stalking is repeated or obsessive unwanted attention directed toward an individual or group that is likely to cause alarm, fear, or substantial emotional distress. Stalking may take many forms, including following, lying in wait, monitoring, and pursuing contact. Stalking may occur in person or through a medium of communication, such as letters, e-mail, text messages, or telephone calls. In some circumstances, two instances of such behavior may be sufficient to constitute stalking.

Weapons violations are defined as the violation of laws or ordinances 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; all attempts to commit any of the aforementioned.

Definitions of Geography

As specified in the Clery Act, the following property descriptions are used to identify the location of crimes on and around UAHT's campuses.

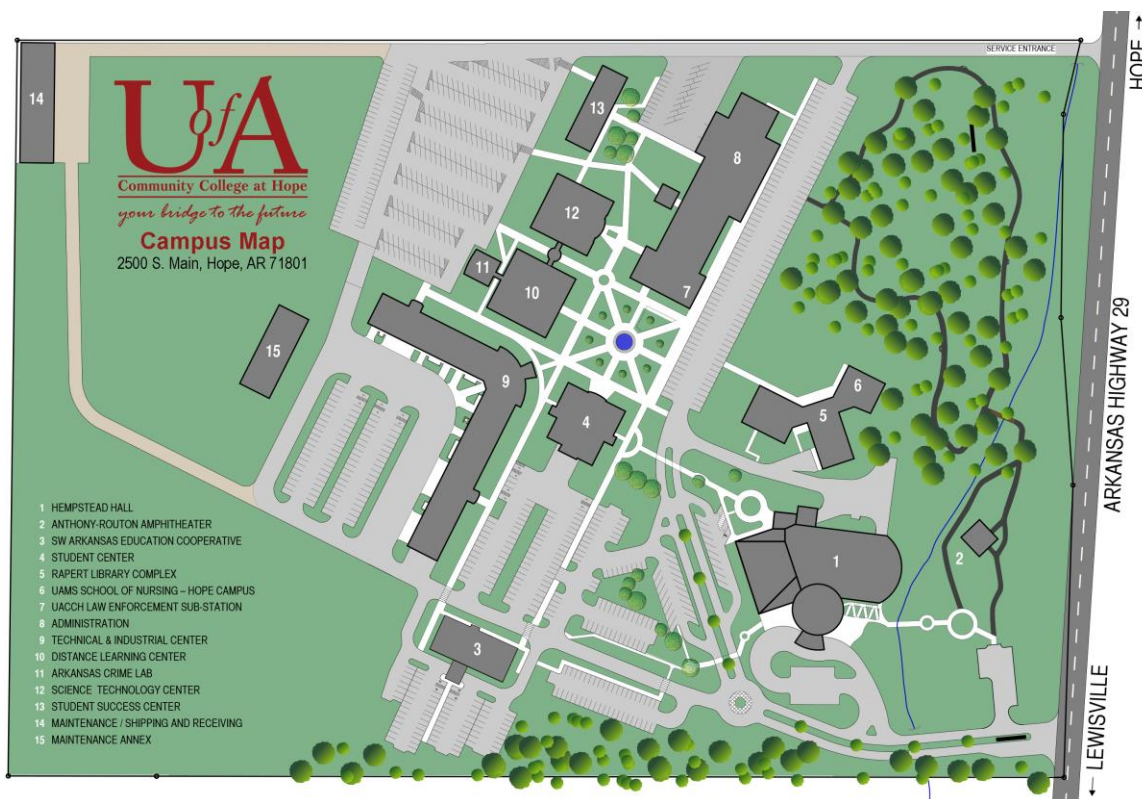
On-Campus Buildings or Property

1. 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
2. Any building or property that is within or reasonably contiguous to the area identified in the above paragraph, 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 retail vendor).

Public Buildings or Property

All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus or immediately adjacent to and accessible from the campus.

The UAHT crime statistics do not include crimes that occur in privately owned homes or businesses within or adjacent to the campus boundaries.





- 1 CAMPUS CENTER
- 2 PROFESSIONS BUILDING

