

# North Arkansas College

## Jeanne Clery Act Compliance

### Annual Security Report 2018

#### Introduction

This information is furnished to you as part of the North Arkansas College commitment to safety and security on our campuses. This report provides information regarding our compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (generally referred to as the Clery Act). By October 1 of each year, a school that is Title IV student financial assistance program eligible is required to publish and distribute an annual security report to all current students and employees. In addition to the required annual security report, schools are also required to provide timely warning of the occurrences of certain crimes. The timely warning notification is provided in an appropriate manner that may help prevent similar crimes from occurring and to protect the personal safety of students and employees.

#### SECTION A – OVERVIEW

**What is the Clery Act?** The Jeanne Clery Act is a federal law that requires colleges and universities to disclose information about crime on and around their campuses. The “Clery Bill” was signed into law on November 8, 1990 as Title 2 of the "Student Right-To-Know and Campus Security Act." It took effect September 1, 1991 and the U.S. Department of Education (DoE) was charged with enforcing the law. The law requires institutions of higher education to comply with certain campus safety- and security-related requirements as a condition of participating in the Federal student financial aid programs authorized by Title IV of the Higher Education Act of 1965, as amended.

The law was amended in 1992 to add a requirement that schools afford the victims of campus sexual assault certain basic rights. Amendments in 1998 added new categories to the crime statistics, an obligation to report statistics for public property in and immediately adjacent to the campus, a geographic breakdown of statistics, and a daily public crime log for schools with a police or security department.

#### **Changes to Clery Act made by the Violence Against Women Reauthorization Act of 2013**

Changes to the Clery Act, made by the Violence Against Women Reauthorization Act of 2013 (VAWA), among other provisions, amended the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act). VAWA amended the Clery Act to require institutions to compile statistics for incidents of domestic violence, dating violence, sexual assault, and stalking and to include certain policies, procedures, and programs pertaining to these incidents in their annual security reports (ASRs). The change required institutions to include this new information in the ASR beginning with the ASR that must be provided to students, employees, and prospective students and employees by October 1, 2014.

#### **Domestic Violence**

- (1) A felony or misdemeanor crime of violence committed--
- (i) By a current or former spouse or intimate partner of the victim;
  - (ii) By a person with whom the victim shares a child in common;
  - (iii) By a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;

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

(v) By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

(2) For the purposes of complying with the requirements of this section, any incident meeting this definition is considered a crime.

### **Dating Violence**

Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

(1) The existence of such a relationship shall be determined by the victim with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

(2) For the purpose of this definition-

(i) Dating violence includes sexual or physical abuse or the threat of such abuse.

(ii) Dating violence *does not* include acts covered under the definition of domestic violence

### **Sexual Violence**

Physical sexual acts perpetrated against a person's will or when a person is incapable of giving consent (for example, due to the student's age or use of drugs or alcohol, or because an intellectual or other disability prevents the student from having the capacity to give consent). A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, sexual abuse, and sexual coercion. Sexual violence can be carried out by school employees, fellow students, students from other schools, or third parties. Sexual violence is a form of sexual harassment.

### **Stalking**

(1) Engaging in a course of conduct directed at a specific person that would cause a reasonable person to-

(i) Fear for his or her safety or the safety of others; or

(ii) Suffer substantial emotional distress.

2) For the purpose of this definition-- indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property.

(i) *Substantial emotional distress* means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

(ii) *Reasonable person* means a reasonable person in the victim's circumstances.

### **Clery Act Requirements – (5 General Responsibilities)**

Higher Educational institutions must publish an annual report disclosing their campus security policies and procedures, and three years' worth of crime statistics. Crime statistics are also submitted to the Department of Education (DoE), made available on the Northark Public website and published in a widely available document titled "Annual Security Report" (this document).

#### **1. Report the Types of Crimes**

Each Northark campus must distribute annual statistics concerning the types of crimes occurring on campus, in or on non-campus buildings or property, and on public property immediately surrounding the campus.

a. Reported occurrences for the following offenses:

- murder; manslaughter;

- sex offenses, forcible or non-forcible;
- robbery; burglary;
- aggravated assault;
- motor vehicle theft;
- arson;
- domestic and dating violence;
- stalking;
- arrests or persons referred for campus disciplinary action for liquor law violations, drug-related violations, and weapons possession.

b. Crimes described above, plus the crimes of larceny-theft, simple assault, intimidation, and destruction, damage, or vandalism of property, and of other crimes involving bodily injury to any person, in which the victim is intentionally selected because of the actual or perceived race, gender, religion, national origin, sexual orientation, gender identity, ethnicity, or disability of the victim that are reported to campus security authorities or local police agencies, which data shall be collected and reported according to category of prejudice.

c. Domestic violence, dating violence, and stalking incidents [as defined above] that were reported to Campus Police and/or local law enforcement agencies.

## **2. Disclose the Location of Crimes**

- On campus property.
- In or on non-campus buildings or property that are owned or controlled by Northark.
- \*Residence Halls or other College-owned residences. Northark does not have residence halls or dorms. However, the North Arkansas College Foundation owns and operates a rental property adjacent to the South campus where students may live.
- On public property within or immediately adjacent to the campus. Public property could be streets and sidewalks running inside the official campus boundaries and/or areas reasonably contiguous to the campus. Criminal activities, if any, at off-campus student organizations (those recognized by the campus) are required to be monitored and recorded through local police agencies. It is the practice of North Arkansas College to gather statistical data from local police departments on an annual basis. In cases of criminal activities at off-campus student organizations, the local agency will create a police report and case number for each incident, pursuant to their own procedures for recording criminal incident reports and using FBI Uniform Crime Reporting standards.

*\*Note: Institutions must also maintain a written, easily understood fire log that records, by the date reported, any fire that occurs in an on-campus student housing facility. Institutions are not required to record fires that occur anywhere else on campus in this log. Northark does not have or control any on-campus student housing facilities, therefore, there is no fire safety statistical information reported in the Annual Security Report.*

## **3. Provide Timely Warning and Emergency Notification Measures**

Emergency notification is triggered by an event that is currently occurring on or imminently threatening the College or one of its campuses. Initiated immediately upon confirmation that a dangerous situation or emergency exists or threatens. Emergency Notifications are made to students and employees for any significant emergency or dangerous situation occurring on the campus involving an immediate threat to their health or safety. The emergency notification has a wide focus on any significant emergency or dangerous situations, but may include Clery Act crimes.

## **4. Maintain a Daily Crime Log**

The institution's police department, is required to maintain a public log of all crimes reported to them, or those of which they are made aware. The log is required to have the most recent 60 days'

worth of information. Each entry in the log must contain the nature, date, time and general location of each crime and disposition of the complaint, if known. Information in the log older than 60 days must be made available within two business days. Crime logs must be kept for seven years.

The Daily Crime Log is maintained by the Campus Police Department. The log includes any crime or alleged crime that is reported to Campus Police. The log states the nature of the crime, date and time crime occurred; general location of crime, and disposition of the crime. The log is updated each day with any reported crimes or changes in dispositions. A printed copy of the past 60 days is available during normal business hours and logs older than 60 days are available within 2 business days.

#### Required Crime Log Elements:

**a. The Date the Crime Was Reported:** Enter a crime into the log by the date it was reported to the campus police. A reported crime must be logged regardless of how much time has passed since it occurred.

**b. The Date and Time the Crime Occurred:** Enter the date and the time that the crime occurred. If the exact date and time are not known, use a range or indicate that it is unknown.

**c. The Nature of the Crime:** Enter a description of the reported criminal incident. This can be a brief description such as “simple assault,” or a more detailed description such as “simple assault—non-student victim involved in domestic encounter with student offender.” Use an easy-to-understand text definition as opposed to using a code, “agency assist” or initials for the crime. You can use state crime classifications (i.e., non-UCR classifications) for the crime log.

**d. The General Location of the Crime:** Record any crime that occurs on your Clery geography: on campus, in or on non-campus buildings or property, on public property or within the patrol jurisdiction of your campus police or security department. Enter the general location of the crime using a description that will mean something to the campus community, such as “North Campus welding classroom” rather than “North Campus.” However, do not use a location that will lead to the identification of the victim. You may also use landmarks in describing a location.

**e. The Disposition of the Complaint, if Known:** Include the current status of each complaint in the log, if known; for example, “pending,” “judicial referral” or “criminal arrest.”

#### **5. Provide Notice of Availability of the Annual Security Report (ASR)**

To fulfill the obligations under the Clery Act, each Northark campus also sends out a “Notice of Availability” to all students and employees that the ASR is available, where to find it, and a general overview on what information the ASR contains.

#### **North Arkansas College Campus Locations and Geography**

Northark has more than one campus; each campus must comply independently with all of the Clery Act requirements. For Clery reporting purposes, the following definitions are used to properly report criminal activity, hate crimes, and any weapon/drug/alcohol offenses at North Arkansas College. Furthermore, these are also the titles used in the College and Campus statistical reference report used to indicate Clery crime types and locations:

*On-Campus:* Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution’s educational purposes, including residence halls; and any building or property that is within or reasonably contiguous that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes.

*Non-Campus Building or Property:* Any building or property owned or controlled by a student organization that is officially recognized by the institution; or any building or property owned or

controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

*Public 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. No matter where the campus is located, the Clery public property category consists solely of two limited areas:

- The first is public property within the campus. An example is a public road or public bike path that runs through the campus.
- The second area is public property that immediately borders and is accessible from the campus. In many cases this property consists of a public sidewalk that borders the campus, the public street along the sidewalk and the public sidewalk on the other side of the street (i.e., sidewalk, street, and sidewalk). Again, only the portions of the sidewalk, street and sidewalk that are adjacent to the campus are included in the public property.

#### **Reportable Campus and Non-Campus Locations:**

**Northark South Campus** – 1515 Pioneer Drive, Harrison, AR

Incidents on campus are handled by North Arkansas College Campus Police. Incidents on adjacent roads and sidewalks are in the jurisdiction of the Harrison Police Department.

**Northark North Campus** – 1320 N. Spring Rd., Harrison, AR

Incidents on campus are handled by North Arkansas College Campus Police. Incidents on adjacent roads and sidewalks are in the jurisdiction of the Harrison Police Department.

**Northark Center Campus** – 303 N. Main, Harrison, AR

Incidents on campus are handled by North Arkansas College Campus Police. Incidents on adjacent roads and sidewalks are in the jurisdiction of the Harrison Police Department.

**Non-Campus Carroll County Center** – 804 West Freeman, Berryville, AR

Incident at this location are handled by North Arkansas College Campus Police and/or Berryville Police Department. Incidents on adjacent roads and sidewalks are in the jurisdiction of the Berryville Police Department.

## **SECTION B – COLLEGE ADMINISTRATIVE RESPONSIBILITIES**

### **Clery reporting**

The Clery Act requires all colleges and universities that participate in federal financial aid programs to keep and disclose information about crime on and near their respective campuses. North Arkansas College published this information on the web portal and on the U.S. Department of Education website.

The College shall maintain a Daily Crime Log of any criminal activity on campus. This information shall be made available for public view by contacting Campus Security. The Annual report required by the U.S. Department of Education shall be completed every fall. Hard copies of this information shall also be distributed throughout the campuses by October 1st of each year.

Information shall be compiled on the following crimes: Homicide, Sexual Offenses, Robbery, Burglary, Motor Vehicle Theft, Arson, and Hate Crimes, as well as arrests or referrals on alcohol violations, drug violations, and weapon violations. As a result of the Violence Against Women Reauthorization Act of 2013, the college will now compile, retain, and report statistics on instances of sexual assault, domestic violence, dating violence, and stalking that are reported to campus security authorities or local police agencies.

## **Campus Police Department**

The Campus Police Department is the designated office to coordinate and oversee the Clery Act requirements and is the appointed Campus Safety Survey Administrator (CSSA). Responsibilities include coordinating everything from identifying institution CSAs to making sure all crime reports are accounted for, collecting and entering statistical information into the Department of Education website, and coordinating training that will help to ensure Northark carries out its responsibilities properly.

North Arkansas College has armed, uniformed, certified police officers on campus. To report criminal actions or an emergency, contact the appropriate Campus Police Department by phone, by email or in person or use any of the emergency telephones located throughout the campuses.

- For all major life threatening emergencies, please call 911.
- The Department of Campus Police reviews all violations of law reported to Campus Police Officers. The Department also works with local police in the reporting, investigation and prevention of violations of the law which may occur on College property.

North Arkansas College reports crimes to the campus community by using MyNortharkAlerts emergency alerts system, the Northark website, social media, and/or email which provide announcements and news stories regarding safety and security issues and concerns, including those related to Clery Act crimes.

## **Campus Security Authorities (CSA)**

Under the Clery Act, a crime is “reported” when it is brought to the attention of a campus security authority or local law enforcement personnel by a victim, witness, other third party or even the offender. A campus security authority, or CSA, is a Clery-specific term that encompasses four groups of individuals and organizations associated with an institution.

Because of the assigned College positions, the below may be considered a “campus security authority”.

- 1) A campus police, security, or public safety department of an institution.
- 2) Individuals who have the responsibility for campus security, but who do not constitute a campus police department or a campus security department (e.g., an individual who is responsible for monitoring the entrance into institutional property).
- 3) Any individual or organization specified in an institution’s policy as an individual or organization to which students and employees should report criminal offenses.
- 4) An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline and campus judicial proceedings. An official is defined as any person who has the authority and the duty to take action or respond to particular issues on behalf of the institution.

When a crime is reported to a non-police/security CSA, the report should be forwarded to the Campus Police Department so that it will be entered in the daily crime log in a timely manner and may be the basis for determining if there is a serious or continuing threat to the safety of the campus community which would require an alert (i.e., a timely warning).

## **Northark Designated Campus Security Authorities (CSAs)**

North Arkansas College has designated the following individuals as CSAs on the appropriate campus, or off campus center:

### **South Campus:**

- Campus Police
- BIT, Title IX Coordinator and Deputy Coordinators

- Director of Human Resources
- Dean of Students or designee
- Registrar or designee
- Director of the Learning Resources Center or designee
- Members of the Crisis Management Team

**North Campus:**

- Campus Police
- BIT, Title IX Coordinator and Deputy Coordinators
- Director of Human Resources or designee
- Dean of Outreach or designee
- Director Northark Technical Center or designee
- Members of the Crisis Management Team

**Center Campus:**

- Campus Police
- BIT, Title IX Coordinator and Deputy Coordinators
- Director of Human Resources or designee
- Vice President Finance & Admin or designee
- Members of the Crisis Management Team

**Carroll County Center:**

- Campus Police
- BIT, Title IX Coordinator and Deputy Coordinators
- Director of Human Resources or designee
- Vice President Finance & Admin or designee
- Members of the Crisis Management

**CSA Training**

Annual training is provided in a variety of ways ranging from sending materials in an email to face-to-face meetings that include PowerPoint presentations and training manuals. The training outline includes information on:

1) The role of a CSA - The Clery Act is a federal law that requires the institution to identify individuals and organizations that meet the definition of a campus security authority. CSAs have an important role in complying with the law. CSA crime reports are used by Northark:

- Fulfill its responsibility to annually disclose Clery crime statistics. • To issue timely warnings for Clery crimes that pose a serious or continuing threat to the campus community.

2) Providing reporting materials

3) Discuss the importance of documentation - Explain that if CSAs are unsure whether an incident is a Clery crime, or even if it's criminal in nature, they should report it.

- Stress the importance of providing as much information about a criminal incident as possible to aid law enforcement and to categorize the crime. Explain that CSA crime reports should include personally identifying information if available. This is important for law enforcement purposes and to avoid double counting crimes. The Clery statistical disclosures based on those reports, however, must be kept anonymous; no personally identifying information will be disclosed.

- If a victim doesn't want the report to go any further than the CSA, the CSA should explain that he or she is required to submit the report for statistical purposes, but it can be submitted without identifying the victim.

4) Emphasize the need for timely report submission - Explain that if a crime is reported to a CSA, but goes no further than that, the school wouldn't have fulfilled its obligation under the law, and the campus community might not have the information they need to stay safe on campus. Instruct CSAs on: 1) How to submit their crime reports in a timely manner, and 2) To whom reports should be submitted.

### **Law Enforcement Authority on Northark Campuses**

In an effort to increase safety on Northark college campuses, the College shall provide for the presence of Law Enforcement officers and/or uniformed and armed security personnel. Power of arrest by the local law enforcement has been granted under Arkansas Code 16-81-106. Security personnel who are in uniform have the power of arrest similar to that of private citizens under Arkansas Code 35-2-71. The Campus Police Department oversees the contracted security services for the College.

Campus Security and Law Enforcement personnel assigned to the College shall also have the authority to uphold North Arkansas College policies, procedures, and enforce the Student Code of Conduct. Allegations of misconduct by students, faculty, or staff will be reported to the Campus Police Department, and/or Behavior Intervention Team (BIT) and Title IX Coordinator for distribution to the appropriate campus authority.

### **Cooperative Law Enforcement**

North Arkansas College is pro-active in working with area emergency responders and law enforcement as a result has an excellent relationship with them. Most emergency incidents on campus are going to be identified by students, faculty, staff or visitors. If students, faculty, staff or visitors are involved in or witness a life-threatening emergency, it is essential for them to immediately call 9-1-1.

### **Campus Police Contact Numbers**

The Campus Police Department strives to ensure everyone at North Arkansas College can learn and work in a safe and secure environment. This Department oversees Law Enforcement and Security Patrols at all of the Northark Campus locations.

Campus Police Chief – 870-715-7553, Campus Police Officer – 870-414-3124

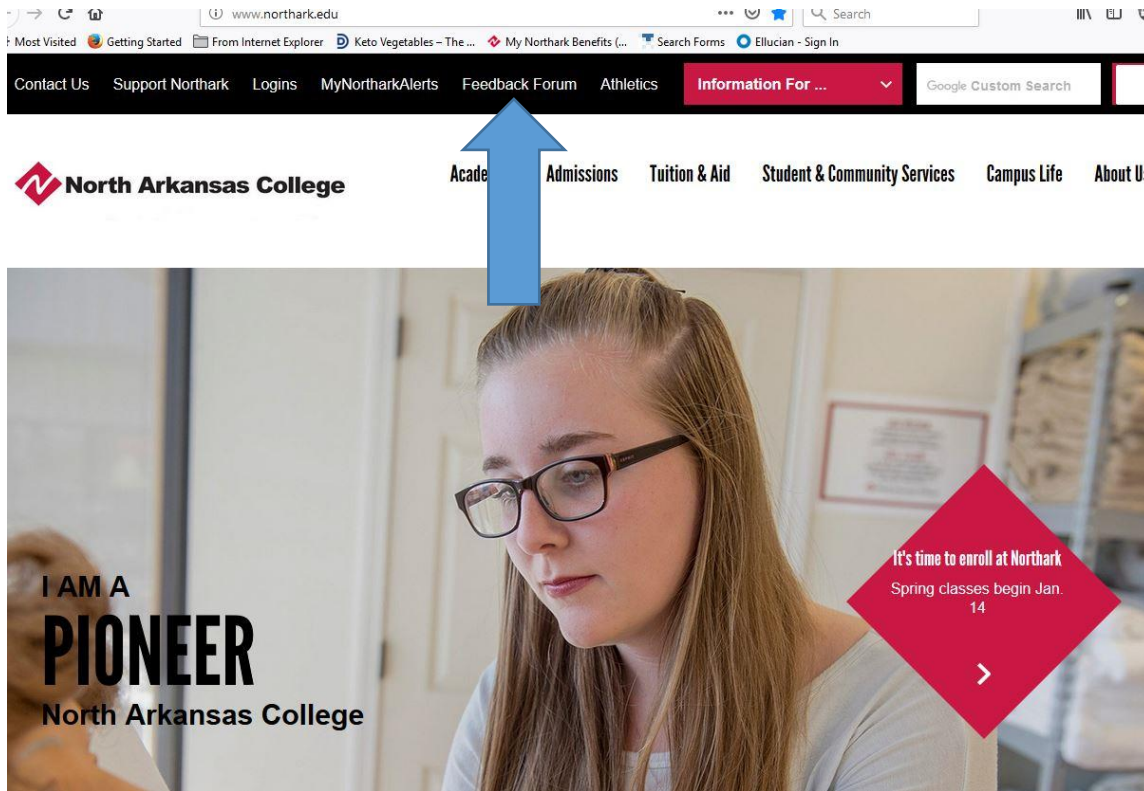
**To Report a Crime:** For any emergency situation, please call 911.

Crimes or other incidents, including traffic accidents, on any campus should be reported to the appropriate police personnel listed above. On campus crimes or incidents taking place after hours or on weekends can be reported to the non-emergency phone number listed above.

College Police Officers and Security services personnel also file incident reports for non-criminal incidents pertaining to actions of students or staff, such as injuries on campus or disputes between individuals. Alternatively, on-campus crimes or other incidents may be reported to any Campus Security Authority (CSA). These persons must report information on disclosed crimes to the Campus Police Department for incident reporting and tracking.

On-campus crimes or other incidents may also be reported anonymously by accessing the online report form at <https://www.cognitofrms.com/NorthArkansasCollege1/northarkfeedbackforum>. This incident report can also be accessed by going to the North Arkansas College Web page, and selecting "Feedback Forum" at the top of the Web page. Fill out the form with the information you wish to report and submit.





## SECTION C – TIMELY WARNING/EMERGENCY NOTIFICATION

The Clery Act requires every institution, without exception, to have and disclose emergency response and evacuation procedures in response to a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus. Clery Act also requires alerting the campus community of certain crimes in such a manner that is timely and will aid in the prevention of similar crimes.

In an effort to ensure the safety and protection of all students and employees, North Arkansas College shall implement devices to notify the campus community of impending danger or other emergency situations. The system is designed to notify individuals when a threat to their safety is present, as designated by the College President and/or the Presidents designated representative. These systems include, but are not limited to emergency text messages, phone calls, email messages, intercom communication, the Northark website, social media announcements, emergency radio communication, and the MyNortharkAlert system alert message. Once Campus Police personnel are notified of an emergency, the information is verified and a coordinated effort to notify the campus community is implemented.

### **Immediate Notification [Emergency Alert]**

North Arkansas College is required to issue a notification to the campus community when a significant emergency or dangerous situation involving an immediate threat on campus is confirmed. To provide emergency notification involving an immediate threat to health or safety of Northark students, faculty, staff, and visitors of any significant emergency or dangerous situation triggered by an event that is currently occurring on or imminently threatening the campus. These notifications are referred to as “immediate notifications.” If the Campus Police Department and/or campus administration receives information regarding an emergency or dangerous situation that

poses an immediate threat to the health or safety of some or all of the College community and confirms the information to be true, an immediate notification will be issued.

### **Timely Warning / Crime Alert**

The purpose of a Timely Warning/Crime Alert is to notify the campus community to certain crimes in a manner that is timely and will aid in the prevention of similar crimes or poses a continuing threat to our College community. Under the Clery Act and its implementing regulations, North Arkansas College, through designated personnel, is responsible for issuing a “timely warning” if a crime has been reported and College leadership determines there is a serious or continuing threat to the campus community.

The decision to issue a “timely warning” will be decided on a case-by-case basis in compliance with the Clery Act and after consideration of available facts from the Campus Police, local law enforcement, or other appropriate authorities. The issuance of a timely warning may depend on the nature of the crime, the continuing danger to the campus community, and possible risk of compromising law enforcement efforts. Clery reportable crimes: homicide, manslaughter, sex offenses, aggravated assaults, arson, robbery, burglary, motor vehicle theft, and hate crimes are assessed for whether a serious or ongoing threat is present. Other crimes may also warrant the need for a timely warning as deemed necessary for the safety of the campus community.

Northark will, without delay, take into account the safety of the community, determine the content of the notification, and initiate the emergency notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

### **TESTING AND EVALUATING**

The emergency response and evacuation regulations are intended to ensure that our institution has sufficiently prepared for an emergency situation on campus, that we are testing these procedures to identify and improve weaknesses and that we have considered how we would inform the campus community of emergency situations. An emergency response or evacuation drill will be conducted at least once a year for all buildings that are occupied by students and/or employees. Emergency response and evacuation procedures will be tested and evaluated during these drills. The purpose of these drills are to prepare building occupants for an organized evacuation or appropriate shelter in place response during an emergency situation.

These drills will also provide the College opportunities to test the operation of different alerting methods used for emergency notifications and timely warnings. During these drills, occupants will practice basic self-protection actions, familiarize themselves with the locations of exits, and the different announcement methods used for notification. Northark may also participate in exercises with federal, state, and/or local emergency response agencies in Arkansas.

## **SECTION D – PROGRAMS TO PREVENT DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING**

### **General Responsibilities for Personal Safety and Security**

Personal safety and security is everyone’s responsibility. Staying informed is the first the step to ensure that our campus facilities will be as safe and secure as possible for all to use and enjoy.

### **Information about Registered Sexual Offenders and Predators**

Under Northark Policy #1150.1 Sex Offender Registration, and in compliance with A.C.A. 12-12-906 and Campus Sex Crimes Prevention Act of 2000 (CSCPA), persons who will be on any of

North Arkansas campuses and who are convicted of certain sex offenses are required by law to register with the State of Arkansas and are required to register with the North Arkansas College Police Department. In order to increase safety and welfare of the campus, North Arkansas College Police Department maintains a folder of registered sex offenders and strives to provide timely and appropriate notification in accordance with CSCPA. In addition, lists of all registered sex offenders in the vicinity of Northark campuses are available through the "Sexual Offender Registry Lists" link <https://www.ark.org/offender-search/index.php>

The Family Educational Rights and Privacy Act of 1974 (FERPA) clarifies that nothing in the Act can prohibit an educational institution from disclosing information provided to the institution concerning registered sex offenders. This statement is provided in compliance with the CSCPA.

### **Campus Sexual Assault Programs to Prevent Sex Offenses**

Faculty, Staff, and Students are held to standards of conduct relating to sexual harassment and sexual violence as defined by the Office of Civil Rights (OCR), under the Education Amendments of 1972 (Title IX), which prohibits discrimination on the basis of sex in educational programs or activities and the right of students to receive an education free from sexual harassment and sexual violence, on campus and off campus. The College will make available and distribute to its students and employees, information on sexual assault awareness and prevention.

An individual engaging in sexual harassment shall be subject to disciplinary action up to and including termination or expulsion. Individuals who knowingly file fraudulent complaints under this policy are subject to disciplinary action. Individuals will not be subject to retaliation for filing legitimate complaints.

Sexual harassment, as defined by the OCR is: "...unwelcome conduct of a sexual nature, which can include unwelcome sexual advances, requests for sexual favors, or other verbal, nonverbal, or physical conduct of a sexual nature. Thus, sexual harassment prohibited by Title IX can include conduct such as touching of a sexual nature; making sexual comments, jokes or gestures; writing graffiti or displaying or distributing sexually explicit drawings, pictures, or written materials; calling students sexually charged names; spreading sexual rumors; rating students on sexual activity or performance; or circulating, showing, or creating e-mails or Web sites of a sexual nature."

Sexual violence as defined by the OCR: "...refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the victim's use of drugs or alcohol. An individual also may be unable to give consent due to an intellectual or other disability. A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, and sexual coercion. All such acts of sexual violence are forms of sexual harassment."

### **Bystander-Focused Prevention of Sexual Violence**

Bystanders are people who often witness or learn about a potentially harmful situation and fail to act. "It's not my place to intervene" or "I don't know how to intervene" are often the reasons people give for failing to help. Below are some resources available to help bystanders transform into helpers.

FIVE (5) Decision Making Steps (Source: Step Up! Be a Leader, Make a Difference at [www.stepupprogram.org](http://www.stepupprogram.org))

1. Notice the event.
2. Interpret the event as a problem — investigate!
3. Assume personal responsibility.

4. Know how to help.

5. Implement the help: Step UP!

Research on the causes of sexual violence and evaluation of prevention efforts indicates that bystanders (also referred to as witnesses, defenders, or up-standers) are a key piece of preventing sexual violence.

Common Components of Bystander Intervention are:

- **Awareness.** A key first step is to heighten awareness so individuals and groups are better able to identify instances of sexual violence.

- **Sense of Responsibility.** A sense of responsibility gives the bystander motivation to step in and take action. Bystanders are much more likely to help friends than strangers, and are more likely to help strangers if they see them as part of a group they identify with (like supporting the same sports team).

- **Perceptions of norms.** Perceptions of peer norms about helping (whether you think your friends are likely to help), and perceptions of authorities' (like teachers') attitudes are related to bystander attitudes. People often mistakenly think others are less supportive of doing something to address sexual violence than they actually are. Studies show links between perceptions of helping, trust, and commitment among community members; trust in campus authorities; and their willingness to take action as a bystander.

- **Weighing pros and cons.** People weigh the costs and benefits of getting involved in a risky situation. These include threats to their own safety, negative consequences for their relationships with others, and the potential to change the outcome of a risky situation or to help a victim.

- **Confidence.** People who feel more confident in their ability to help are more likely to take action. A consistent research finding is that prevention programs, particularly in-person educational and skill workshops, increase individuals' sense that they can take effective action.

- **Building Skills.** People need to know what to do and how to do it. Population survey data shows that many people are at a loss for specific ways to help. Survivors tell us that friends and family do not always do things that are useful or supportive, and these negative or unhelpful responses make coping with and recovering from abuse much harder. Some of the promise of bystander intervention training is that it can give motivated community members skills to intervene in ways that protect their own safety and are truly supportive to victims.

### **General Guidelines Concerning Safety and Access to Campus Facilities**

The College is open to authorized members of the campus community and to official visitors and/or individuals who have legitimate business needs during normal operational hours. All buildings are secured each night and during weekends and holidays. Entry after normal hours is only available to faculty, staff and authorized students, as determined by the appropriate academic or administrative offices. The College also uses video surveillance system to enhance security measures. Buildings are patrolled by Northark Campus Police and security personnel.

### **Maintaining Campus Facilities in a Manner Upholding Safety and Security**

Preventative maintenance is conducted in a routine and on-going basis to provide a safe environment. Maintenance issues that arise and demand corrective attention are prioritized, with those affecting safety and security given priority attention. Lighting conditions are checked and attended to on a routine basis. Landscaping and vegetation is placed and maintained in a manner that is designed to eliminate "hiding spots" and allow a clear field of view for pedestrians and motorists. Campuses also utilize ample outdoor lighting that is maintained on a constant basis.

- Facilities Management regularly monitors the condition of all facilities within the campuses and specifically focuses on issues related to safety.

- Problems are corrected in a timely manner when identified to the appropriate authorities for action.

- All requests for service involving security-related issues are treated as priority.

- Facilities management cooperates fully with the Department of Campus Police to ensure a safer campus community.
- Facilities management regularly monitor campus lighting and repairs are affected in a timely manner.
- College personnel conduct tours of the campuses to evaluate the current lighting situations, identify needs regarding lighting, and inspect current lighting to ensure proper working condition.

**In the event you have been sexually assaulted, follow these recommended procedures:**

1. As soon as possible after the assault has occurred, contact the Campus Police Department and/or local law enforcement authorities. Campus Police personnel will notify local police authorities upon the request of the victim. Victims, of course, may request anonymity to the extent practicable and permitted by law.
2. Because physical evidence is of utmost importance to help establish proof of criminal assault and/or identify a perpetrator:
  - Do not change your clothing.
  - Do not clean your body or clothing.
  - Do not disturb or alter the crime scene or area.
3. You will be advised to go to the rape treatment center at a local hospital for a medical examination and treatment of physical injuries. Emotional counseling is available at the Rape Crisis Center or you may choose to see a private counselor.
4. Upon request, all victims of sexual assault will be provided the opportunity to change their academic schedule.

## **SECTION E – INSTITUTIONAL POLICIES AND PROCEDURES**

### **Student Disciplinary Process**

General: The Northark community includes students who are engaged in both credit and noncredit classes at two principal and all satellite campuses and outreach locations. Each member of the Northark community is expected to uphold the policies and procedures of the College as well as the laws of our community. This procedure applies to the relationship between students and Northark. Students are subject to two sources of authority: civil and criminal authority, and Northark authority. Neither is exclusive.

This procedure will be followed when a student is charged with violating the Student Conduct Code set forth in the North Arkansas Student Code of Conduct Policy. These procedures should be interpreted broadly with a sense of fairness both for the student and the Northark community.

### **Employee Disciplinary Action**

The president of North Arkansas College is responsible at all times for the maintenance of the orderly functioning of the College and will take necessary actions to prevent any interference with such orderly operation of the College.

A basic synopsis of the disciplinary process is outlined below. These steps are only a basic highlight of the complete procedure. Please review Northark Disciplinary Procedure.

When a situation occurs which requires corrective measures, prompt action is essential. The supervisor in consultation with the Director of Human Resources will determine the type of action that will be taken according to the steps of progressive discipline, dependent upon the facts of the case.

- a) Verbal Counseling
- b) Written Reprimand

- c) Final warning (Performance Improvement Plan)
- c) Suspension without Pay / Investigative Suspension with Pay
- d) Termination of Employment

### **College Policy Regarding Orders of Protection, No Contact Orders, Restraining Orders, or Similar Lawful Orders Issued by a Criminal, Civil, or Tribal Court**

Northark will comply with all known orders of protection, no contact orders, restraining orders, or similar lawful orders issued by criminal, civil, or tribal courts. Students, faculty, and employees should notify and provide a copy of such an order to their supervisor, Human Resources, and the Campus Police Department.

### **College Policy Regarding Drugs and Alcohol**

Possession of alcohol by persons under the age of 21 years is prohibited under Arkansas law. Violations of underage drinking laws will be enforced by law enforcement agencies of the State of Arkansas. A College employee or student under the influence of alcohol is not to report to work or school.

In compliance with the Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act Amendments of 1989, North Arkansas College is committed to providing a safe and healthy environment for employees, students and visitors to our facilities. To achieve this, Northark provides a drug-free work environment, for both certain prescription drugs and illicit substances, where employees and students do not use during working hours and refrain from reporting to work under the influence of a controlled substance, alcohol, or any other substance that may impair their ability to perform in a safe and efficient environment.

Northark expects all members of its community to conduct themselves in accord with the local, state and federal laws and Northark rules governing drug and alcohol use. As set forth in local, State, and Federal laws, and the policies of Northark, the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees on campus-controlled property is strictly prohibited. Employees with questions regarding appropriate use of prescription medications while on duty, should contact their senior management representative or Human Resources.

**Serving Alcohol on Northark-Controlled Property:** Alcoholic beverages may not be served, consumed or possessed at any event which is considered a student activity.

**Prescription Drug Use:** Northark recognizes that individuals may be taking prescribed medications. However, to ensure the safety of all Northark employees, students, and visitors, drugs that impair the individual's ability to perform job duties or participate in class activities effectively may be subject to actions described in the Sanctions section of this policy. Possession of prescription drugs without a prescription, abuse of prescription drugs and the sale or distribution of prescription drugs is strictly prohibited.

**Clinical Sites and Affiliate Settings:** Faculty members and other employees of Northark who teach at hospitals, clinical sites, and/or work at affiliate locations, settings, or sites shall meet the requirements of those sites, which may include drug testing. Northark employees and students are required to abide by collaborative agencies associated policies and procedures when representing the College in an official capacity.

**Sanctions:** Students, student organizations and employees who violate this policy shall be subject to disciplinary action by Northark, up to and potentially including separation of employment or expulsion, in addition to any civil or criminal charges by governmental authority. Additionally, employees or students who violate this policy may be required, at their own expense, to participate

satisfactorily in alcohol or drug abuse education, counseling or rehabilitation programs at the discretion of the College.

### **North Arkansas College Drug and Alcohol Abuse Prevention**

Northark is an Alcohol and Drug Free Education Institution. Read on for more information, including Northark policies and procedures and Standard of Conduct, and helpful sources.

#### **I. Background**

The National Drug Control Strategy, issued in September 1989, proposed that the Congress pass legislation requiring schools, colleges and universities to implement and enforce firm drug prevention and education programs as a condition of eligibility to receive Federal financial assistance. On December 12, 1989, President Bush signed the Drug-Free Schools and Communities Act Amendment of 1989 (PL 101-226), which requires institutions of higher education to implement a program to prevent the unlawful possession, use, or distribution of illicit drugs and alcohol by their students and employees on school premises or as part of any school activity. This law, in addition to the Drug Free Workplace Act (PL 100-690, 5151-5160), which requires applicants for federally funded grants and contracts to certify that they will institute affirmative steps to prohibit the unlawful manufacture, distribution, possession, and use of controlled substances in the workplace, establishes the foundation on which North Arkansas College has established its drug and alcohol policy.

#### **II. Standard of Conduct**

Northark complies with both the Drug-Free Schools and Communities Act and the Drug Free Workplace Act. In compliance with these Acts, all students and employees are prohibited from the unlawful manufacturing, possession, use or distribution of illicit drugs and alcohol on any of the Northark campuses or at any Northark sponsored activity.

In support of a Drug-Free School and Work Environment, the College has instituted the following policies and procedures:

- Policy #1440.4: Drug-Free Workplace Policy
- Policy and Procedure: Student Code of Conduct

#### **III. Legal Sanctions**

Students and employees are reminded that local, state and federal laws provide for a variety of legal sanctions and penalties for the unlawful manufacturing, possession, or distribution of illicit drugs and alcohol. These sanctions include, but are not limited to, incarceration and monetary fines.

The Federal Controlled Substances Act specifies penalties for a first offense individual involved in the unlawful manufacturing, distribution, or possession with intent to distribute narcotics of not fewer than 10 years or more than life imprisonment and a fine up to 4 million dollars, or both. The penalty for simple possession, knowingly or intentionally possessing a controlled substance, is imprisonment of up to one year and a minimum fine of \$1,000, or both.

Penalties for unlawful distribution of a controlled substance to a person under twenty-one (21) years of age is imprisonment or a fine, or both, up to twice that established for distribution offenses.

The Arkansas Code relating to controlled substances 5-64-101 establishes law and penalties for the unlawful distribution, manufacturing, dispensing, sale, or possession of a controlled substance. Law and penalties relating to unlawful manufacturing, distribution, and possession of alcoholic beverages may be found in Arkansas Code 3-3-203.



#### **IV. College Sanctions**

Students and/or employees (full or part-time) who violate the standards set forth under the North Arkansas College Substance Abuse Policy will be subject to disciplinary actions. Sanctions include, but are not limited to, reprimand, probation, suspension, expulsion or termination and/or referral to the appropriate authorities for prosecution.

#### **V. Health Risks**

Health risks associated with drug and alcohol abuse encompass physical and psychological effects, including but not limited to: malnutrition, brain damage, paranoia, psychosis, hepatitis, convulsions, coma, depression, heart disease, death, pancreatitis, cirrhosis of the liver, damage to the central nervous system, elevated blood pressure, respiratory failure, low birth drug users contracting AIDS. It is recommended that anyone having specific questions relating to their health and drugs/ alcohol should consult their physician.

#### **VI. Counseling, Treatment Programs and Referral Sources**

Students who need counseling or treatment for drug or alcohol abuse should contact the BIT member in the Advising center for a referral or more information.

Full-time employees needing counseling or treatment for drug or alcohol abuse issues may take advantage of the Employee Assistance Program (EAP) and obtain a referral from their primary physician through the employee health care program.

#### **College Policy Regarding Weapons on Campus**

Northark Policy #1150.3 and 11.50.4: Upon full implementation of the law in accordance with Arkansas Act 562 and Act 859 of 2017 as defined in the following Concealed Carry on Campus Procedures, North Arkansas College permits concealed weapons on campus in compliance with the law. Possessing *unauthorized* firearms, ammunition, explosives, fireworks, and/or other dangerous weapons or instruments resembling them, or acting with negligence with authorized weapons within or upon the grounds, buildings, or other facilities of the College or at any College-sponsored or supervised function or event is prohibited.

Any person in violation of this policy shall be subject to College disciplinary action up to and including termination and exclusion from the campus, and is subject to referral to the appropriate law enforcement or judicial agency for potential criminal prosecution under Arkansas law.

North Arkansas College has a zero tolerance policy for school and workplace violence, threats of violence and intimidation on campus. This prohibition includes threatening language, both verbal and written, threatening gestures and/or actual physical aggression by any person on campus. North Arkansas College shall abide by all Arkansas State Laws with regard to weapons, concealed or openly carried. Questions or concerns about any individual instance of weapons on campus shall be referred to the Campus Police Department immediately. See Northark Policy on Concealed Carry on Campus for more information.

It is the responsibility of all students and employees to adhere to these policies and report any infraction to College Administration. Infractions may result in disciplinary action. Anyone bringing a weapon on to campus and causing alarm or behaving in a threatening way, regardless of their status, is subject to immediate removal from the property and/or arrest by Campus Police and local law enforcement officials.



## SECTION F – STATISTICAL CRIME INFORMATION

### Reported Criminal Offenses, by Campus

Criminal Offense	Year	Campus Building or Property	Non-Campus Building or Property	On Public Property	Total by Type
Murder / Non-Negligent Manslaughter	2017	0	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0
	2014	0	0	0	0
	2013	0	0	0	0
Negligent Manslaughter	2017	0	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0
	2014	0	0	0	0
	2013	0	0	0	0
Forcible Sex Offenses	2017	0	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0
	2014	0	0	0	0
	2013	0	0	0	0
Non-Forcible Sex Offenses	2017	0	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0
	2014	0	0	0	0
	2013	0	0	0	0
Robbery	2017	0	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0
	2014	0	0	0	0
	2013	0	0	0	0
Aggravated Assault	2017	0	0	0	0
	2016	1-South Campus	0	0	1
	2015	0	0	0	0
	2014	0	0	0	0
	2013	0	0	0	0
Burglary / Theft	2017	0	0	0	0
	2016	1 - South Campus 1-North Campus	0	1	3
	2015	0	0	0	0
	2014	2-South Campus	0	0	2

	2013	1-North Campus	0	0	1
Motor Vehicle Theft	2017	0	0	0	0
	2016	0	0	0	0
	2015	1-North Campus	0	0	1
	2014	1-South Campus	0	0	1
	2013	0	0	0	0
Arson	2017	0	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0
	2014	0	0	0	0
	2013	0	0	0	0
Domestic Violence	2017	0	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0
	2014	0	0	0	0
	2013	0	0	0	0
Dating Violence	2017	0	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0
	2014	0	0	0	0
	2013	0	0	0	0
Stalking	2017	0	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0
	2014	1-South Campus	0	0	1
	2013	0	0	0	0

**Hate Crimes, by Campus**, committed against a person or property which is motivated, in whole or in part, by one or more of the below offender's bias:

Hate Crime Bias	Year	Campus Building or Property	Non-Campus Building or Property	On Public Property	Total by Type
Race	2017	0	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0
	2014	0	0	0	0
	2013	0	0	0	0
Gender	2017	0	0	0	0
	2016	0	0	0	0

	2015	0	0	0	0
	2014	0	0	0	0
	2013	0	0	0	0
Religion	2017	0	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0
	2014	0	0	0	0
	2013	0	0	0	0
Sexual Orientation	2017	0	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0
	2014	0	0	0	0
	2013	0	0	0	0
Ethnicity	2017	0	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0
	2014	0	0	0	0
	2013	0	0	0	0
Disability	2017	0	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0
	2014	0	0	0	0
	2013	0	0	0	0
National Origin	2017	0	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0
	2014	0	0	0	0
	2013	0	0	0	0
Gender Identity	2017	0	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0
	2014	0	0	0	0
	2013	0	0	0	0

**Weapons, Drug/Narcotic and Alcohol Violations, by Campus:**

<b>Arrests</b>	<b>Year</b>	<b>Campus Building or Property</b>	<b>Non-Campus Building or Property</b>	<b>On Public Property</b>	<b>Total By Type</b>
Illegal Weapons Violations	2017	0	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0
	2014	0	0	0	0
	2013	0	0	0	0
Drug Law Violations	2017	0	0	0	0
	2016	0	0	0	0
	2015	1-South Campus	0	0	1
	2014	2-South Campus	0	0	2
	2013	0	0	0	0
Liquor Law Violations	2017	0	0	0	0
	2016	0	0	0	0
	2015	1-South Campus	0	0	1
	2014	0	0	0	0
	2013	0	0	0	0
<b>Judicial Referrals</b>	<b>Year</b>	<b>Campus Building or Property</b>	<b>Non-Campus Building or Property</b>	<b>On Public Property</b>	<b>Total By Type</b>
Illegal Weapons Violations	2017	0	0	0	0
	2016	0	0	0	0
	2015	2 - South Campus	0	0	2
	2014	0	0	0	0
	2013	0	0	0	0
Drug Law Violations	2017	0	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0
	2014	1- South Campus	0	0	1
	2013	0	0	0	0
Liquor Law Violations	2017	0	0	0	0
	2016	0	0	0	0
	2015	0	0	0	0
	2014	0	0	0	0
	2013	0	0	0	0